

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2313  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 2313 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault; and
- (2) Prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault occurring in connection with the workplace.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, American Association of University Women of Hawaii, Screen Actors Guild-American Federation of Television and Radio Artists, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and five individuals.

Your Committee finds that workplace sexual harassment takes a toll on the victim's physical and mental health. Your Committee



also finds that workplace harassment causes workers to leave their job and disrupts career advancement. Workplace harassment and subsequent retaliation have a direct effect on an individual's ability to work and to be economically self-sufficient. Consequently, many victims do not report harassment for fear of retaliation.

Non-disclosure agreements and retaliation against employees for disclosing and discussing sexual harassment or sexual assault silences victims and allows serial harassers to escape accountability and workers are placed in vulnerable and precarious positions.

Your Committee has heard the concerns of the Hawai'i Civil Rights Commission regarding designated placement of the measure in chapter 378, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Placing the proposed new section in Part I of chapter 378 Hawaii Revised Statutes, to ensure that enforcement and remedies are available; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2313, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor, Culture and  
the Arts,



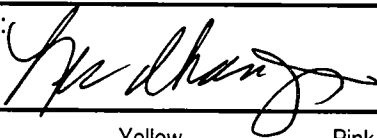
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BRIAN T. TANIGUCHI, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Labor, Culture and the Arts**  
**LCA**

Bill / Resolution No.:* <b>SB 2313</b>	Committee Referral: <b>LCA, JDC</b>	Date: <b>1/30/2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes