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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 378, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§378-           Sexual harassment or sexual assault;  
5 nondisclosure agreements; prohibited. (a) No employer shall  
6 require an employee to enter into, as a condition of employment,  
7 a nondisclosure agreement that prevents the employee from  
8 disclosing or discussing sexual harassment or sexual assault  
9 occurring in the workplace, at work-related events, between  
10 employees, or between an employer and an employee.

11           (b) No employer shall retaliate against an employee for  
12 disclosing or discussing sexual harassment or sexual assault.

13           (c) This section shall not apply to:

14           (1) Human resources employees who are expected to maintain  
15 the confidentiality of an investigation as part of  
16 their official duties;



- 1        (2) Employees who are requested to maintain the
- 2                confidentiality of an ongoing human resources
- 3                investigation; and
- 4        (3) Proceedings pursuant to section 624-25.5."
- 5        SECTION 2. New statutory material is underscored.
- 6        SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Employment Practices; Sexual Harassment or Assault;  
Nondisclosure Agreements; Prohibited

**Description:**

Prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. Takes effect upon its approval. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

