



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

June 24, 2020

Rm. 325, 3:05 p.m.

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2313, S.D. 2, H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.B. No. 2313, S.D. 2, H.D. 1.

S.B. No. 2313, S.D. 2, H.D. 1 amends HRS chapter 378, part I, to add a new section prohibiting employers from requiring nondisclosure agreements that prevent disclosure of sexual assault or sexual harassment as a condition of employment. The bill prohibits employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. The HCRC supports both prohibitions, which in combination will preclude nondisclosure agreements that can enable serial harassers to continue unlawful sexual harassment. The placement of the new section in HRS chapter 378, part I, provides for both enforcement and remedies.

The HCRC supports S.B. No. 2313, S.D. 2, H.D. 1.



To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Rowena Buffett Timms, Executive Vice President & Chief Administrative Officer, The Queen's Health Systems
Colette Masunaga, Manager, Government Relations & External Affairs, The Queen's Health Systems

Date: June 23, 2020

Hrg: House Committee on Judiciary Hearing; Wednesday, June 24, 2020 at 3:05 p.m. in Room 325

Re: **Supports the intent with Comments on SB2313 SD2 HD1, Relating to Employment Practices**

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals and more than 1,500 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to offer comments on SB2313 SD2 HD1, Relating to Employment Practices. The proposed bill would prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault, as well as prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

While Queen's appreciates and supports the intent of this measure, we have concerns that the bill, as written, is too broad and would impede on our peer review process. The peer review process - as mandated by The Centers for Medicare and Medicaid Services, Conditions of Participation, and The Joint Commission - requires that hospitals take on the responsibility for quality assessment and performance improvement.

The Queen's Medical Staff Bylaws requires individuals (employed and non-employed), participating in credentialing, peer review, and quality management activities, preserve confidentiality and invoke the peer review privileges afforded under HRS §624-25.5.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

In order to preserve the medical staff peer review process, Queen's respectfully requests the following amendment under section 1, (c) be added.

(c) This section shall not apply to:

(1) Human resources employees expected to maintain the confidentiality of an investigation as part of their official duties; and

(2) Employees requested to maintain the confidentiality of an ongoing human resources investigation.

(3) Proceedings under section 624-25.5"

Thank you for the opportunity to testify on this measure.

SB-2313-HD-1

Submitted on: 6/22/2020 3:22:13 PM

Testimony for JUD on 6/24/2020 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:



of Hawaii

To: Hawaii State House of Representative Committee on Judiciary

Hearing Date/Time: Wednesday June 24, 3:05PM

Place: Hawaii State Capitol, Room 325

Re: Testimony in STRONG SUPPORT of S.B. 2313 SD2 HD1

Dear Chair Lee, Vice Chair ^{San} Buenaventura, and Members of the Committee,

Members of AAUW of Hawaii are grateful for this opportunity to testify in strong support of S.B. 2313 SD2 HD1, which would prohibit nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's conditions of employment, and prohibit employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Workplace sexual harassment is more common than we think: 53% of women and 42% of men experienced workplace sexual harassment while working in Hawaii according to a recent survey by Safe Spaces & Workplaces. Workplace sexual harassment take a toll on victim's physical and mental health, and it also limits the livelihood for 38% of those harassed said the harassment contributed to their decision to leave their job and 37% said the harassment disrupted their career advancement.¹ Many in Hawaii don't report because they don't want to make waves; many don't report because they fear retaliation.

Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault silences victims and allow serial harassers to escape accountability and continue with harassment and assault.

Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement.² Hawaii should join Arizona, California, Illinois,

¹ <https://www.aauw.org/research/limiting-our-livelihoods/>

² <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/07/20-States-By-2020-report.pdf>

Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, and Washington by passing this bill and protect the workers from workplace sexual harassment and assault.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 3800 members and supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Please pass this important measure and mahalo.

A handwritten signature in blue ink, appearing to read 'Y. Overly', with a stylized, cursive script.

Younghee Overly
Public Policy Chair, AAUW of Hawaii
publicpolicy-hi@aauw.net

SB-2313-HD-1

Submitted on: 6/23/2020 7:42:20 PM

Testimony for JUD on 6/24/2020 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments:

Aloha Chair and members,

As in previous testimony, our Coalition is in strong support of this measure. In the era of #metoo and #timesup, the practice of buying a victims silence with respect to serial rapists and serial sex harassers must come to a swift end. This measure would stop the despicable practice of enabling perpetrators of this type of gender-based violence in the workplace.

Mahalo,

Ann S. Freed

Co-Chair Emeritus, Hawaii Women's Coalition



Hawaii Women's Coalition

To: Hawaii State House of Representative Committee on Judiciary

Hearing Date/Time: Wednesday June 24, 3:05PM

Place: Hawaii State Capitol, Room 325

Re: Testimony in STRONG SUPPORT of S.B. 2313 SD2 HD1

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the Committee,

The Hawaii Women's Coalition writes in support of S.B. 2313 SD2 HD1, to prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault and to prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

A recent survey by Safe Spaces & Workplaces of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Only 18% reported the incident to Human Resources. Many stay silent because they don't want to make waves; others see sexual harassment as a strictly legal issue likely to result in costly litigation. 15% changed their job or quit.

A recent study "Limiting Our Livelihoods" by American Association of University Women (AAUW) showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.

Although federal law appears comprehensive and robust, employees who are harassed at work are often unable to access justice. The barriers include:

- Narrow standards about the kinds of employers covered by existing laws. For example, employers with fewer than 15 employees are exempt;
- The exclusion from coverage of various categories of workers, including contractors and unpaid interns;
- A limited time frame for bringing charges;
- Onerous standards of proof: Courts have narrowly interpreted the definition of sexual harassment so many egregious complaints have not met the required standard;
- Reduced liability: The Supreme Court has narrowed the circumstances in which employers and coworkers can be liable for harassment;
- Non-disclosure agreements and mandatory arbitration: These can prevent employees from speaking out and/or pursuing legal remedies;
- Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.



Hawaii Women's Coalition

Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement. Hawaii should join Arizona, California, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, and Washington by passing this bill.

Thank you for your support for this important measure to promote fairness and equity in the workplace.

Sincerely,

Hawaii Women's Coalition

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

American Association of University Women - Hawaii

Tuesday, June 23, 2020

Support for Workplace Sexual Harassment - NDA (SB2313, SD2, HD1)

The American Association of University Women-Hawaii is part of a national non-profit organization and individuals on all Hawaiian Islands committed to improving equity for all, particularly in education, workplace and economic equity, and leadership. We strongly support S.B. No. 2313, S.D. 1, H.D. 1 (H.B. 2054) relating to Workplace Sexual Harassment, which:

1. Prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault.
2. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

A recent survey by Safe Spaces & Workplaces¹ of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Only 18% reported the incident to Human Resources. Many stay silent because they do not want to make waves; others see sexual harassment as a strictly legal issue likely to result in costly litigation. 15% changed their job or quit. An additional recent study "Limiting Our Livelihoods" by American Association of University Women (AAUW)² showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.

Although federal law appears comprehensive and robust, employees who are harassed at work are often unable to access justice. The barriers include:³

- Narrow standards about the kinds of employers covered by existing laws. For example, employers with fewer than 15 employees are exempt.
- The exclusion from coverage of various categories of workers, including contractors and unpaid interns.
- A limited time frame for bringing charges.
- Onerous standards of proof: Courts have narrowly interpreted the definition of sexual harassment so many egregious complaints have not met the required standard.
- Reduced liability: The Supreme Court has narrowed the circumstances in which employers and coworkers can be liable for harassment.
- Non-disclosure agreements and mandatory arbitration: These can prevent employees from speaking out and/or pursuing legal remedies.

¹ <https://www.safespacesandworkplaces.com/hawaii-workplace-survey>

² <https://www.aauw.org/research/limiting-our-livelihoods/>

³ <https://www.aauw.org/files/2019/11/Limiting-our-Livelihoods-2-pager.pdf>

Non-disclosure agreements and retaliating against employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.

Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement.⁴ Hawaii should join Arizona, California, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, Washington by passing this bill.

In expanding the protection for Hawaii's labor force with regard to workplace sexual harassment, we are creating a healthier environment for our workers to thrive and help enhance Hawaii's economy. We urge the committee to pass S.B. 2313/H.B. 2054. Thank you for this opportunity to testify.

⁴ <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/07/20-States-By-2020-report.pdf>



June 23, 2020

Representative Chris Lee, Chair
House Committee on Judiciary

Re: S.B. 2313, S.D. 2, H.D. 1 RELATING TO EMPLOYMENT PRACTICES.

Hearing: Wednesday, June 23, 2020, 3:05 p.m., Room 325

Dear Chair Lee and Members of the Committee on Judiciary:

Hawaii Women Lawyers (“HWL”) **supports** S.B.2313, S.D. 2, H.D. 1, which prohibits written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's condition of employment; and prohibits employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all. HWL has over 300 active members, who are all members of the Hawaii State Bar Association.

In 2018, HWL conducted a survey of its members as to the incidences and experiences of sexual harassment in the legal community.¹ 76 attorneys responded to the survey. Nearly 60% (42 attorneys) reported being sexually harassed at some time during their legal career, with approximately 13% (10 attorneys) reporting having been sexually harassed in the workplace within the prior two years.

It is common for victims of sexual assault and harassment not to report abuse for fear of retaliation. Nondisclosure agreements that prevent the disclosure of sexual harassment as a condition of employment have the impact and effect of further silencing victims. They can also allow repeat offenders to continue to engage in serial harassment.

For these reasons, we support S.B. 2313, S.D.2, H.D.1 and respectfully ask the Committee pass this bill. Thank you for the opportunity to submit testimony on this measure.

¹ HWL’s survey was conducted between January 12, 2018 and February 4, 2018. The survey was done on a strictly voluntary and anonymous basis, and with the understanding that any stories provided by survey respondents may be shared publicly to raise awareness of the occurrence of sexual harassment in the legal community. The survey was conducted for informational purposes only, and HWL has not conducted an independent investigation as to and cannot guaranty the accuracy of the results of the survey or the specific instances of harassment shared by survey respondents. HWL recognizes that terminology may carry different connotations for different parties and did not define “sexual harassment” in the survey. HWL also recognizes that men are victims of sexual harassment as well as women, but as the mission of HWL is to improve the lives and careers of women in all aspects of the legal profession, the main focus of the article is on the experiences of female victims.



June 23, 2020

House of Representatives
The Thirtieth Legislature
Regular Session

Committee on Judiciary
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Testimony in Support of SB2313, SD2, HD1 Relating to Employment Practices

By Liz Ho
Administrator

SB2313, SD2, HD1 prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or assault. The bill further prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or assault.

According to the Hawaii Women's Coalition, a survey by Safe Spaces & Workplaces of Hawaii adults revealed that 52% of women and 42% of men experienced sexual harassment which led them to seek employment elsewhere. Some fifteen (15) States passed laws since 2017 on sexual harassment and prohibit employees from signing non-disclosure agreements as a condition of employment.

The UPW **supports** SB2313, SD2, HD1.

SB-2313-HD-1

Submitted on: 6/22/2020 7:56:32 PM

Testimony for JUD on 6/24/2020 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Amberger	Individual	Support	No

Comments:

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Committee on Judiciary

June 22, 2020

Support for SB2313, SD2, HD1 (Relating to Employment Practices – Workplace Sexual Harassment Nondisclosure Agreements)

As we have seen in the many high-profile sexual harassment and sexual assault cases of people like Harvey Weinstein, Herman Cain, and Roger Ailes, abusers use nondisclosure agreements to shield their bad acts from public scrutiny, which enables those abusers to continue to harass and assault with impunity. I write today to strongly support SB2313, SD2, HD1 to protect Hawaii’s workers.

- A recent survey by Safe Spaces & Workplaces^[1] of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Only 18% reported the incident to Human Resources. Many stay silent because they don’t want to make waves; others see sexual harassment as a strictly legal issue likely to result in costly litigation. 15% changed their job or quit.
- A recent study “Limiting Our Livelihoods” by American Association of University Women (AAUW)^[2] showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.
- Although federal law appears comprehensive and robust, employees who are harassed at work are often unable to access justice. The barriers include:^[3]
 - Narrow standards about the kinds of employers covered by existing laws. For example, employers with fewer than 15 employees are exempt.

- The exclusion from coverage of various categories of workers, including contractors and unpaid interns.
- A limited time frame for bringing charges.
- Onerous standards of proof: Courts have narrowly interpreted the definition of sexual harassment so many egregious complaints have not met the required standard.
- Reduced liability: The Supreme Court has narrowed the circumstances in which employers and coworkers can be liable for harassment.
- Non-disclosure agreements and mandatory arbitration: These can prevent employees from speaking out and/or pursuing legal remedies.
- Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.
- Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement.^[4] Hawaii should join Arizona, California, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, Washington by passing this bill.

I strongly urge you to support this measure. Thank you for this opportunity to testify.

[1] <https://www.safespacesandworkplaces.com/hawaii-workplace-survey>

[2] <https://www.aauw.org/research/limiting-our-livelihoods/>

[3] <https://www.aauw.org/files/2019/11/Limiting-our-Livelihoods-2-pager.pdf>

[4] <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/07/20-States-By-2020-report.pdf>

SB-2313-HD-1

Submitted on: 6/23/2020 6:03:28 AM

Testimony for JUD on 6/24/2020 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Chris Lee, Vice Chair Joy A. San Buenaventura and the Committee on Judiciary,

I am writing in support of SB 2313 SD2 HD1.

The Workplace Sexual Harassment – NDA Bill will prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault. Also this bill will prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. These protections are especially important for women who need work to support their families.

Although federal law appears comprehensive and robust, employees who are harassed at work are often unable to access justice. The barriers include:

- **Narrow standards about the kinds of employers covered by existing laws. For example, employers with fewer than 15 employees are exempt.**
- **The exclusion from coverage of various categories of workers, including contractors and unpaid interns.**
- **A limited time frame for bringing charges.**
- **Onerous standards of proof: Courts have narrowly interpreted the definition of sexual harassment so many egregious complaints have not met the required standard.**
- **Reduced liability: The Supreme Court has narrowed the circumstances in which employers and coworkers can be liable for harassment.**
- **Non-disclosure agreements and mandatory arbitration: These can prevent employees from speaking out and/or pursuing legal remedies.**

Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.

Please pass this bill to foster a fairer and more equitable workplace, especially for women.

Mahalo,

Caroline Kunitake

SB-2313-HD-1

Submitted on: 6/23/2020 7:00:39 AM

Testimony for JUD on 6/24/2020 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Walker	Individual	Support	No

Comments:

Non-disclosure agreements about sexual harrassment and retaliation have no place in the work force. They have historically been used to protect predators. Victims should be able to tell the truth in public without being subjected to the possiblility of expensive, stressful litigation repercussions. Please vote to pass NDA SB2313.

Hearing Date: June 24, 2020, 3:05 PM, Rm. 325

To: House Committee on Judiciary
Chair, Representative Chris Lee
Vice Chair, Joy A. San Buenaventura

From: Jean Evans, MPH (Individual, jevans9999@yahoo.com, 808-728-1152,
99-1669 Hoapono Pl., Aiea, HI 96701)

Re: **TESTIMONY IN SUPPORT OF SB 2313, SD2 RELATING TO
EMPLOYMENT
PRACTICES.**

I am strong support of SB 2313, SD2, HD1 Relating to Employment Practices

I am in favor of this ban on nondisclosure agreements (NDA). NDAs have been used to cover up sexual harassment and assault in the workplace for many years. Often these agreements are used to protect a serial workplace sexual harasser or assaulter such as those we have seen in the national news. One can only hazard a guess as to how many of these predators have been protected by their employer here in Hawaii.

I also support making it unlawful to retaliate against employees for disclosing or discussing sexual harassment or sexual assault. This will remove the fear an employee has that their employer will retaliate against them for disclosing or even just discussing sexual assault or harassment acts as a powerful deterrent and silencer.

This bill will ensure that Hawaii joins 13 other states in the nation to limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement. I urge you to pass this important bill.

Mahalo for allowing me to submit my testimony today.

Jean Evans

House Committee on Judiciary

Hearing Date: Wednesday, June 24, 2020

Time & Room: 3:05 pm, Rm. 325

Re: Testimony in support of SB 2313, SD2, HD1 Relating to Employment Practices

Dear Representative Chris Lee, Chair, Representative Joy A. San Buenaventura, Vice Chair and members of the committee:

- A recent survey by Safe Spaces & Workplaces of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Many do not report the incident because they fear retaliation.
- A recent study “Limiting Our Livelihoods” by American Association of University Women (AAUW) showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.

This bill prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

- Retaliation against employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.

This bill prohibits an employer from requiring an employee to enter into a Workplace Sexual Harassment Nondisclosure Agreement (NDA)

- Non-disclosure agreements can prevent employees from speaking out and/or pursuing legal remedies.

I urge you to add these protections to Chapter 378, Hawaii Revised Statutes. Please pass this bill and protect workers in Hawaii from sexual harassment.

Thank you for the opportunity to testify.

Janet Morse
AAUW Hawaii member
Kailua, Oahu

SB-2313-HD-1

Submitted on: 6/23/2020 3:09:55 PM

Testimony for JUD on 6/24/2020 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne Kauhi	Individual	Oppose	No

Comments:

Jeanne Y. Ohta

June 24, 2020

LATE

To: Representative Chris Lee, Chair
Representative Joy San Buenaventura, Vice Chair, and
Members of the Committee on Judiciary

From: Jeanne Ohta

RE: SB 2313 SD2 HD1 Relating to Employment Practices
Wednesday, June 24, 2020, 3:05 p.m.

Position: Support

I write in support of SB 2313 SD2 HD1 Relating to Employment Practices which prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault and prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

The proliferation of non-disclosure agreements (NDA) has enabled abusers to continue their abuse, to be serial abusers, and silence their victims from reporting the abuse. Workplace harassment and retaliation have a direct effect on an individual's ability to work and to be economically self-sufficient; and disrupts career advancement.

NDA's have only served to discourage reporting of sexual harassment and sexual assault; and prevent employees from speaking out and pursuing legal remedies. This bill will help create safer work environments for all employees.

Please pass this important measure. Thank you for this opportunity to provide testimony.

LATE

SB-2313-HD-1

Submitted on: 6/24/2020 6:30:44 AM

Testimony for JUD on 6/24/2020 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments: