
A BILL FOR AN ACT

RELATING TO WORKPLACE VIOLENCE.

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

1 SECTION 1. The legislature finds that state agencies in
2 Hawaii have varying policies for handling workplace violence
3 incidents. Furthermore, other states have already codified
4 policies to both prevent and properly address incidents of
5 workplace violence.

6 The purpose of this Act is to codify a uniform statewide
7 policy to protect state employees from an abusive work
8 environment and provide remedies when they are victims of
9 workplace violence.

10 SECTION 2. Chapter 378, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§378- Workplace violence protection. (a) The
14 department of labor and industrial relations shall:

15 (1) Provide procedures for state employees to report
16 incidents of workplace violence to the department;



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1 (2) Set out how information obtained about an incident or
2 complaint of workplace violence, including identifying
3 information about any individuals involved, will not be
4 disclosed unless the disclosure is necessary for the
5 purposes of investigating or taking corrective action with
6 respect to the incident or complaint; and

7 (3) Set out how a state employee who has allegedly
8 experienced workplace violence and the alleged perpetrator
9 will be informed of the results of the investigation and of
10 any corrective action that has been taken or that will be
11 taken as a result of the investigation.

12 (b) To protect a state employee from workplace violence,
13 the department of labor and industrial relations shall ensure
14 that:

15 (1) A prompt response to reports of workplace violence is
16 made and, upon notice of a serious incident, take immediate
17 action to ensure the safety of state employees;

18 (2) After the safety and well-being of state employees has
19 been guaranteed, victims of workplace violence are provided
20 with appropriate support and services; and



1 (3) An investigation is conducted into incidents and
2 complaints of workplace violence that is appropriate in the
3 circumstances.

4 (c) The department of labor and industrial relations may
5 in writing order an investigation to be conducted by an
6 impartial person possessing such knowledge, experience, or
7 qualifications as are specified by the department, and obtain a
8 written report by that person.

9 (d) The department of labor and industrial relations shall
10 ensure a state employee is not discharged, threatened, or
11 otherwise discriminated against regarding the employee's
12 compensation, terms conditions, location, or privileges of
13 employment because the state employee has reported or filed an
14 incident of workplace violence."

15 SECTION 3. Section 378-71, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"PART VI. VICTIMS PROTECTIONS**

18

19 [+]A.[+] General Provisions

20

21 [+]§378-71[+] **Definitions.** As used in this part:



1 "Child" means an individual who is a biological, adopted,
2 or foster son or daughter; a stepchild; or a legal ward of an
3 employee.

4 "Course of conduct" means acts over any period of time of
5 repeatedly maintaining a visual or physical proximity to a
6 person or conveying verbal or written threats, including threats
7 conveyed through electronic communications or threats implied by
8 conduct.

9 "Domestic abuse" means conduct defined in section 586-1.

10 "Domestic or sexual violence" means domestic abuse, sexual
11 assault, or stalking.

12 "Electronic communications" includes communications via
13 telephone, mobile phone, computer, e-mail, video recorder, fax
14 machine, telex, or pager.

15 "Employee" means a person who performs services for hire
16 for not fewer than six consecutive months for the employer from
17 whom benefits are sought under this chapter.

18 "Health care provider" means a physician as defined under
19 section 386-1.

20 "Sexual assault" means any conduct proscribed by chapter
21 707, part V.



1 "Stalking" means engaging in a course of conduct directed
2 at a specifically targeted person that would cause a reasonable
3 person to suffer substantial emotional distress or to fear
4 bodily injury, sexual assault, or death to the person or to the
5 person's spouse, parent, child, or any other person who
6 regularly resides in the person's household, and where the
7 conduct does cause the targeted person to have such distress or
8 fear.

9 "Victim services organization" includes:

- 10 (1) A nonprofit, nongovernmental organization that
11 provides assistance to victims of domestic or sexual
12 violence or to advocates for such victims, including a
13 rape crisis center;
- 14 (2) An organization operating a shelter or providing
15 professional counseling services; or
- 16 (3) An organization providing assistance through the legal
17 process.

18 "Violence" means any act by a person that causes or
19 threatens to cause an injury to another person.

20 "Workplace" means any site, premises, location, or place
21 where an employer conducts business operations or activities,



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1 regardless of the employer's ownership or tenancy status, and
2 regardless of the employer's right to exclusive use or non-
3 exclusive use, operation, or control of the site, premises,
4 location, or place."

5 SECTION 4. Statutory material to be stricken is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: _____



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Report Title:

Public Safety; Workplace Violence

Description:

Establishes department of labor and industrial relations responsibilities for incidents of workplace violence as well as investigation procedures for incidents of workplace violence.

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