

Honolulu, Hawaii

, 2020

**FEB 03**

RE: H.B. No. 2054  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2054 entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit employers from:

- (1) Requiring employees to enter into, as a condition of employment, a nondisclosure agreement preventing the employee from disclosing or discussing sexual harassment or sexual assault in the workplace, at work-related events, between employees, or between an employer and an employee; and
- (2) Retaliating against employees for disclosing or discussing sexual harassment or sexual assault,

except under certain conditions where confidentiality of human resource investigations is involved.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Civil Rights Commission, Hawaii State Commission on the Status of Women, American Association of University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Breastfeeding Hawaii, Pride at



Work - Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and two individuals.

Your Committee finds that maintaining and fostering a safe work environment that is respectful and free from workplace harassment, intimidation, and assault is important to ensuring the safety and dignity of all employees. Prohibiting employers from using nondisclosure agreements to suppress disclosure of sexual harassment or sexual assault occurring in the work environment and prohibiting employers from retaliating against employees for disclosure provide enhanced protections and support a safe and positive work environment for all individuals.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2054, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2054, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,

  
AARON LING JOHANSON, Chair



