

STAND. COM. REP. NO. 1221-20

Honolulu, Hawaii

, 2020

JUN 25

RE: S.B. No. 2313  
S.D. 2  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2313, S.D. 2, H.D. 1, 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.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; Hawaii Women's Coalition; Hawaii Women Lawyers; United Public Workers, AFSCME, Local 646, AFL-CIO; and seven individuals. Your Committee received testimony in opposition to this measure

SB2313 HD2 HSCR JUD HMS 2020-2127



from one individual. Your Committee received comments on this measure from The Queen's Health Systems.

Your Committee finds that maintaining and fostering a safe work environment that is respectful and free from workplace harassment, intimidation, and assault are 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 retaliating against employees for disclosure provides enhanced protections and supports a safe and positive work environment for all individuals.

Your Committee has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 2313, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



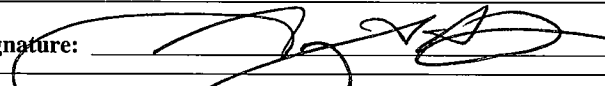
CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The THIRTIETH Legislature

HSCR 1221-20

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: <b>SB2313, SD2, HD1</b>	Committee Referral: <b>LAB, JUD, FIN</b>	Date: <b>JUNE 24, 2020</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom				/
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.	/			
9. SAY, Calvin K.Y.	/			
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.	/			
12. THIELEN, Cynthia				/
TOTAL (12)	10			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				