

STAND. COM. REP. NO.

3154

Honolulu, Hawaii

FEB 28 2020

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

Honorable Ronald D. Kouchi
President of the Senate
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. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit an employer from:

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

Your Committee received testimony in support of this measure from Hawai'i Civil Rights Commission, Department of Human Services, American Association of University Women, SAG-AFTRA, Women's Caucus of the Democratic Party of Hawai'i, Hawaii Women's Coalition, The Queen's Health Systems, Iron Workers Stabilization Fund, and five individuals.



Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders to engage in a pattern of sexual harassment. Your Committee further finds that many victims of sexual assault and harassment do not report it because of fear of retaliation. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2313, S.D. 2.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2313 SD1	Committee Referral: LCA, JDC	Date: 2/21/2020
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes