

JAN 23 2020

S.B. NO. 3092

A BILL FOR AN ACT

RELATING TO SEXUAL HARASSMENT.

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

1 SECTION 1. The legislature finds that workplace harassment
2 is prohibited under state and federal employment law, with
3 protection against discrimination based on various factors, such
4 as race, gender, age, marital status, national origin, religion,
5 or disability. These protections prohibit harassment when it is
6 so severe or pervasive that it creates a hostile work
7 environment. According to the United States Equal Employment
8 Opportunity Commission, "although the law doesn't prohibit
9 simple teasing, offhand comments, or isolated incidents that are
10 not very serious, harassment is illegal when it is so frequent
11 or severe that it creates a hostile or offensive work
12 environment or when it results in an adverse employment decision
13 (such as the victim being fired or demoted)." Individuals who
14 are harassed in the workplace based on these protected classes
15 may be able to take legal action at the state level.

16 The legislature also finds that the State can learn from
17 other jurisdictions, including Maryland, which enacted the



1 Disclosing Sexual Harassment in the Workplace Act of 2018 on May
2 15, 2018. Like Maryland, the legislature further finds that
3 employment-related sexual harassment claims made by certain
4 employees should be disclosed for the purpose of providing
5 transparency and prohibiting certain employers from taking
6 adverse action against these employees. Accordingly, the
7 purpose of the Act is to require:

8 (1) Employers with fifty or more employees to submit
9 regular electronic reports to the Hawaii civil rights
10 commission; and

11 (2) The Hawaii civil rights commission to publish and make
12 accessible to the public on the commission's website
13 quantitative information about legal settlements
14 resulting from these reports.

15 SECTION 2. Chapter 368, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§368- Sexual harassment claims; legal settlements;
19 employers. (a) By July 1, 2022, and every five years
20 thereafter, all employers in the State that employ fifty or more



1 employees shall file an electronic report with the commission
2 that contains the following:

3 (1) The number of legal settlements made by the employer
4 after an allegation of sexual harassment;

5 (2) The number of legal settlements made by the employer
6 after an allegation of sexual harassment that included
7 a provision requiring both parties to keep the terms
8 of the legal settlement confidential;

9 (3) The number of times that the employer has made a legal
10 settlement to resolve an allegation of sexual
11 harassment against any particular employee during the
12 past ten years; and

13 (4) If the employer has made a legal settlement to resolve
14 an allegation of sexual harassment against a
15 particular employee during the past ten years, whether
16 the employer subsequently took any disciplinary or
17 other personnel action against the employee against
18 whom the allegation was made.

19 (b) The commission shall publish and make accessible to
20 the public on the commission's website quantitative information



1 about legal settlements resulting from the electronic reports
2 required under subsection (a)."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

Kal Roush



S.B. NO. 3092

Report Title:

Sexual Harassment; Legal Settlements; Employers; Reporting Requirements

Description:

Requires employers that employ 50 or more employees to file regular electronic reports with the Hawaii Civil Rights Commission (HCRC) on legal settlements regarding sexual harassment. Requires HCRC to publish and make accessible to the public on the commission's website quantitative information about such legal settlements.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

