

STAND. COM. REP. NO. **253**-22

Honolulu, Hawaii

FEB 15, 2022

RE: H.B. No. 2495
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Labor & Tourism, to which was referred H.B. No. 2495 entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit an employer from entering into or requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, AAUW of Hawaii, Hawaii State Democratic Women's Caucus, Hawai'i Women Lawyers, and two individuals.

Your Committee finds that the silencing effect of confidentiality clauses or nondisclosure agreements shield serial offenders of sex discrimination, including sexual assault and sexual harassment, by allowing the pattern of misconduct to continue unabated and increasing the chance of impacting other women with similar abuse by the same offender. Your Committee further finds that the existing statute limits the prohibition to nondisclosure agreements that are a condition of employment. Removing that limitation broadens the applicability of the

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prohibition to encompass nondisclosure agreements entered into during employment or following employment.

Your Committee has amended this measure by changing the effective date to December 25, 2040, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor & Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2495, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2495, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Tourism,


RICHARD H.K. ONISHI, Chair



