

STAND. COM. REP. NO. 3389

Honolulu, Hawaii

**MAR 24 2022**

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred H.B. No. 2495, H.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 employers from entering into or requiring employees 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 the employer and an employee.

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

Your Committee finds that nondisclosure agreements have functioned as a shield for repeat offenders of discrimination based on sex, including sexual harassment and sexual assault, by allowing the pattern of misconduct to continue unnoticed and other individuals to suffer similar abuse by the same offender. Your Committee further finds that existing law only prohibits employers from requiring their employees to enter into a nondisclosure agreement as a condition of employment, and therefore, does not



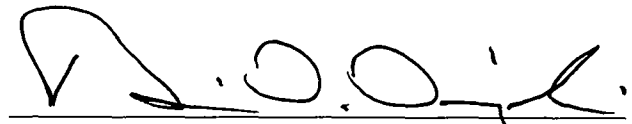
cover circumstances after hire, including when a settlement agreement that releases the employer from an employee's claim of employment discrimination, including sexual harassment, includes a confidentiality or nondisclosure clause. This measure will prohibit employers from entering into nondisclosure agreements pertaining to sexual harassment or sexual assault under any circumstance.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) 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 Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2495, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2495, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor, Culture and  
the Arts,



BRIAN T. TANIGUCHI, Chair



