

1 "Harassment" means unwelcome conduct based on protected
2 characteristics including sex, race, national origin, or sexual
3 orientation, that creates a hostile, intimidating, or offensive
4 working environment.

5 "Hospitality employer" means a person or entity licensed in
6 the State to operate a hotel or similar lodging.

7 "Hospitality worker" means a person employed by a
8 hospitality employer to:

- 9 (1) Clean guest rooms or restrooms;
- 10 (2) Deliver meals to private rooms; or
- 11 (3) Perform maintenance or front desk operations.

12 "Panic button" means a portable emergency communication
13 device that allows a hospitality worker to immediately summon
14 on-site assistance if the worker reasonably believes they are in
15 danger.

16 "Retaliation" means any adverse employment action taken
17 against an employee for reporting harassment, utilizing a panic
18 button, or participating in an investigation or proceeding under
19 this chapter.

20 § -2 **Employer responsibilities.** Each hospitality
21 employer shall:



- 1 (1) Adopt a written policy prohibiting the harassment of
2 hospitality workers. The policy shall:
 - 3 (A) Include procedures for a hospitality worker to
4 report incidents of harassment or retaliation;
 - 5 (B) Require a prompt and thorough investigation of
6 any reported incidents; and
 - 7 (C) Ensure confidentiality, to the extent permitted
8 by law, for persons involved in complaints or
9 investigations;
- 10 (2) Provide mandatory annual training for all hospitality
11 workers, including managers and supervisors, on:
 - 12 (A) Recognizing, preventing, and addressing
13 harassment in the workplace;
 - 14 (B) Sexual assault victim rights, local sexual
15 violence survivor services, statewide providers
16 and their corresponding sexual assault hotline
17 phone numbers available twenty-four hours a day,
18 seven days a week; and
 - 19 (C) The proper use and limitations of the panic
20 button provided under paragraph (3);



- 1 (3) Supply a panic button to each hospitality worker who
2 works in guest rooms, restrooms, or other isolated
3 conditions. The panic button shall be portable and
4 shall:
- 5 (A) Immediately summon assistance from a security
6 guard, another worker, or a supervising employer;
7 and
- 8 (B) Be designed to function effectively in the
9 worker's physical environment;
- 10 (4) Provide hospitality workers with a list of resources,
11 including contact information for:
- 12 (A) The department of labor and industrial relations;
13 (B) The equal employment opportunity commission;
14 (C) Local advocacy groups specializing in harassment
15 prevention and victim support; and
- 16 (D) Statewide sexual assault survivor service
17 providers and their corresponding sexual assault
18 hotline phone numbers available twenty-four hours
19 a day, seven days a week; and
- 20 (5) Display, in a conspicuous and accessible location, a
21 notice summarizing the rights and protections provided



1 under this chapter and providing information about how
2 to report a violation in any language that the
3 employers deem necessary.

4 § -3 **Prohibition on retaliation.** (a) No hospitality
5 employer shall retaliate against a hospitality worker who:

- 6 (1) Reports, in good faith, any incident of harassment or
7 retaliation;
- 8 (2) Uses a panic button or other safety device as provided
9 under this chapter;
- 10 (3) Participates in an investigation, hearing, or other
11 proceeding related to harassment or retaliation; or
- 12 (4) Refuses to perform work in an area where the
13 hospitality worker reasonably believes there is a risk
14 to the worker's safety due to harassment or other
15 threats.

16 (b) Retaliation prohibited under this chapter includes:

- 17 (1) Terminating or suspending the hospitality worker's
18 employment;
- 19 (2) Providing a negative performance evaluation;
- 20 (3) Transferring the hospitality worker to a less
21 desirable position or work location; or



1 (4) Taking any other adverse employment action that would
2 discourage a reasonable person from engaging in
3 activities that are protected under this chapter.

4 (c) A hospitality worker who is subjected to retaliation
5 in violation of this chapter may:

6 (1) File a complaint with the department of labor and
7 industrial relations; and

8 (2) Seek any remedies available under section -5,
9 including reinstatement, back pay, and compensatory
10 damages.

11 (d) The department of labor and industrial relations
12 shall:

13 (1) Establish procedures for receiving and investigating
14 complaints of retaliation or other violations of this
15 chapter;

16 (2) Develop and distribute guidance for hospitality
17 employers including best practices for complying with
18 this chapter;

19 (3) Conduct random and targeted audits of hospitality
20 employers to ensure compliance; and



1 (4) Publish on the department's website an annual report
 2 on the department's enforcement activities under this
 3 chapter, including the number and types of complaints
 4 received, resolutions achieved, and penalties imposed.

5 § -4 **Complaints.** (a) A complaint alleging retaliation
 6 or a violation of this chapter may be filed by:

- 7 (1) An affected hospitality worker or the worker's
- 8 authorized representative; or
- 9 (2) A third party having knowledge of a violation.

10 (b) Any person aggrieved by a decision of the department
 11 of labor and industrial relations pursuant to this chapter may
 12 seek judicial review pursuant to chapter 91.

13 § -5 **Penalties.** If a hospitality employer violates this
 14 chapter, the department of labor and industrial relations may:

- 15 (1) Impose civil fines of not less than \$500 and not more
- 16 than \$5,000 per violation, with repeat offenses
- 17 subject to fines of up to \$10,000 per violation;
- 18 (2) Require the reinstatement of a hospitality worker,
- 19 payment of back wages, or order other equitable
- 20 remedies; or



1 (3) Revoke or suspend the hospitality employer's business
2 license if the employer commits egregious or repeated
3 violations."

4 SECTION 3. The department of labor and industrial
5 relations shall adopt rules pursuant to chapter 91, Hawaii
6 Revised Statutes, to effectuate the purposes of this Act,
7 including rules determining penalties and establishing
8 procedures for handling complaints under chapter .

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. This Act shall take effect on July 1, 2050;
13 provided that all hospitality employers shall be in compliance
14 with this Act no later than January 1, 2026.



Report Title:

DLIR; Hospitality Employers; Hospitality Workers; Harassment;
Panic Buttons; Training

Description:

Requires employers in the hospitality industry to implement anti-harassment measures, provide training, and equip certain workers with panic buttons. Prohibits retaliation against a hospitality worker who files a complaint, uses the provided panic button, or participates in an investigation or proceeding related to a harassment complaint. Requires the Department of Labor and Industrial Relations to adopt rules, including rules determining penalties and establishing procedures for handling complaints. Requires all hospitality employers to comply no later than 1/1/2026. Effective 7/1/2050. (SD1)

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

