

JAN 21 2026

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# A BILL FOR AN ACT

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RELATING TO HEALTHY WORKPLACES.

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

1       SECTION 1. The legislature finds that the social and  
2       economic well-being of the State is dependent upon healthy and  
3       productive employees. The legislature further finds that  
4       workplace bullying, mobbing, and harassment can seriously harm  
5       targeted employees, causing or contributing to feelings of shame  
6       and humiliation, severe anxiety, depression, suicidal  
7       tendencies, and symptoms consistent with post-traumatic stress  
8       disorder. The legislature also finds that abusive work  
9       environments can have serious consequences for employers,  
10      including reduced employee productivity and morale, higher  
11      turnover and absenteeism rates, and increased medical and  
12      workers' compensation claims.

13      The legislature finds, however, that unless an employee who  
14      has been subjected to abusive treatment at work can establish  
15      that the abusive behavior was motivated by race, color, sex,  
16      sexual orientation, national origin, age, or another category  
17      protected under employment discrimination laws, the targeted



1 employee is unlikely to be legally protected against the abusive  
2 treatment. The legislature finds that legal protections from  
3 abusive work environments should not be limited to behavior  
4 grounded in protected class status. Furthermore, existing  
5 workers' compensation laws and common-law tort actions are  
6 inadequate to discourage abusive behavior or to provide adequate  
7 relief to employees who have been harmed by abusive work  
8 environments.

9 Accordingly, the purpose of this Act is to provide workers  
10 with broader protections against workplace abuse.

11 SECTION 2. Chapter 378, Hawaii Revised Statutes, is  
12 amended by adding a new part to be appropriately designated and  
13 to read as follows:

14 **"PART . HEALTHY WORKPLACE ACT**

15 **§378-A Definitions.** As used in this part:

16 "Abusive conduct" means any unwelcome, degrading, or  
17 dehumanizing conduct that is sufficiently severe or pervasive to  
18 create a work environment that a reasonable person would  
19 consider intimidating, hostile, or abusive. "Abusive conduct"  
20 may be perpetrated by one or more persons. "Abusive conduct"



1 does not include petty slights, annoyances, or isolated  
2 incidents, unless the isolated incident is sufficiently severe.

3 "Employee" means a person who renders services to an  
4 employer, contractor, or any other entity and receives  
5 compensation for those services. "Employee" includes full- and  
6 part-time paid employees, temporary employees, contracted  
7 employees, and independent contractors.

8 "Employer" has the same meaning as in section 378-1.

9 "Representative employee" means an employee in a  
10 leadership, management, or legal position whose responsibilities  
11 include advising on, overseeing, or enforcing organizational  
12 policies.

13 **§378-B Work environment; abusive conduct; employer**  
14 **responsibilities; retaliation; prohibited.** (a) No employer or  
15 employee shall subject an employee to abusive conduct. Factors  
16 to be considered in determining whether conduct qualifies as  
17 abusive include but are not limited to the:

18 (1) Nature, frequency, and duration of the conduct;

19 (2) Context in which the conduct occurs; and

20 (3) Totality of the circumstances.



1 (b) Employers and representative employees shall take all  
2 reasonable preventative and responsive measures to ensure a  
3 healthy work environment that is free of abusive conduct,  
4 including:

5 (1) Acknowledging and responding to any complaints of  
6 abusive conduct within a reasonable time frame as  
7 appropriate to the level of urgency;

8 (2) Establishing and implementing a transparent and timely  
9 complaint process that includes a prompt, thorough,  
10 and unbiased fact-finding investigation and the  
11 issuance of a timely and accurate report of findings;

12 (3) Establishing and implementing within a reasonable time  
13 frame a transparent disciplinary process commensurate  
14 with the severity of the abusive conduct, including  
15 taking some or all of the following disciplinary  
16 action against any employee who is found to have  
17 engaged in abusive conduct:

18 (A) Coaching;

19 (B) Counseling;

20 (C) Issuing a warning;

21 (D) Removing supervisory duties;



(E) Terminating the employee; or

(F) Taking other disciplinary action;

(4) Maintaining accurate records of all complaints, findings, and disciplinary actions;

(5) Before December 31, 2026, adopting, distributing, posting, and otherwise providing to all employees a written healthy workplace policy that:

(A) Provides protections for employees against all forms of abusive conduct;

(B) Includes an anti-retaliation policy and instructions for reporting abusive conduct or retaliation; and

(C) Is consistent with this section and all other applicable laws;

provided that the written policy shall be redistributed to employees on a regular basis; and

(6) Training all employees on the healthy workplace policy.

(c) No employer or representative employee shall:

(1) Engage in, or offer or require an employee to engage in, mediation or arbitration for an abusive conduct



1 complaint before the employee has retained legal  
2 counsel;

3 (2) Enter into, or offer or require an employee to enter  
4 into, a non-disclosure or non-disparagement agreement  
5 related to an abusive conduct complaint; or

6 (3) Take any adverse employment action against an employee  
7 who alleges a violation of this section or exercises a  
8 right under this section. For purposes of this  
9 paragraph, "adverse employment action" includes:

- 10 (A) Forced resignation;  
11 (B) Termination;  
12 (C) Demotion;  
13 (D) Unfavorable reassignment;  
14 (E) Failure to promote;  
15 (F) Disciplinary action;  
16 (G) Reduction in compensation;  
17 (H) Constructive discharge; or  
18 (I) Other similar actions.

19 **§378-C Penalty.** Any employer who violates subsection  
20 378-B(b)(5) or (6) shall be fined not more than \$100 for each  
21 violation.



1       **§378-D Private cause of action.** (a) Any person claiming  
2 to have been harmed by an alleged violation of this part may  
3 bring a civil action against the responsible employer or  
4 employee for injunctive relief, damages, or both; within three  
5 years after the occurrence of the last act constituting the  
6 alleged violation of this part.

7       (b) An action commenced pursuant to subsection (a) may be  
8 brought in the circuit court for the circuit where the violation  
9 allegedly occurred, where the complainant resides, or where the  
10 person against whom the civil complaint is filed resides or has  
11 a principal place of business.

12       (c) A complainant bringing a civil action pursuant to  
13 subsection (a) may proceed using a pseudonym for the true name  
14 of the complainant and may exclude or redact from all pleadings  
15 and documents filed in the action any other identifying  
16 characteristics of the complainant. In cases where a  
17 complainant proceeds using a pseudonym:

18       (1) The party excluding or redacting identifying  
19 characteristics as provided in this subsection shall  
20 file with the court and serve upon all other parties a  
21 confidential information form that includes the



1 complainant's name and the excluded or redacted  
2 characteristics. The court shall keep the  
3 complainant's name and excluded or redacted  
4 characteristics confidential;

5 (2) All other parties and the parties' agents and  
6 attorneys shall use the pseudonym in all pleadings,  
7 discovery documents, and other documents filed or  
8 served in the action, and at any hearings, trial, or  
9 other court proceedings that are open to the public;

10 (3) Any party filing a pleading, discovery document, or  
11 other document in the action shall exclude or redact  
12 any identifying characteristics of the complainant  
13 from the pleading, discovery document, or other  
14 document, except for the confidential information form  
15 filed pursuant to this subdivision; and

16 (4) All court decisions, orders, petitions, discovery  
17 documents, and other documents shall be worded to  
18 protect the name and other identifying characteristics  
19 of the complainant from the public record. The  
20 responsibility for excluding or redacting the name or  
21 identifying characteristics of the complainant from





1 all documents filed with the court rests solely with  
2 the parties and the parties' attorneys. Nothing in  
3 this subsection shall require the court to review  
4 pleadings or other papers for compliance with this  
5 provision.

6 **§378-E Remedies ordered by court.** (a) Except as provided  
7 in section 378-C, a court, in rendering a judgment in an action  
8 brought pursuant to this part, may order, as the court considers  
9 appropriate:

- 10 (1) Compensatory damages, including economic or  
11 noneconomic damages;  
12 (2) Punitive damages; provided that the violation is  
13 extreme or egregious;  
14 (3) Injunctive relief to enjoin the defendant from  
15 continuing any violation of this part;  
16 (4) Restorative measures;  
17 (5) Any other relief the court considers appropriate; or  
18 (6) Any combination of these remedies;  
19 provided that the total amount of damages awarded to the  
20 complainant shall be the greater of the aggregate of all damages  
21 deemed appropriate by the court pursuant to this subsection or



1 \$5,000 for each violation of subsection 378-B(a), (b), or (c),  
2 but no more than \$15,000.

3 (b) In addition to any relief provided for in  
4 subsection (a), the court shall award the prevailing party the  
5 costs of litigation, including reasonable attorney's fees;  
6 provided that the prevailing party is not the employer.

7 **§378-F Collective bargaining and confidentiality rights,**  
8 **takes precedence.** (a) This part shall not be construed to  
9 diminish or impair the rights of a person under any collective  
10 bargaining agreement, or to permit disclosures that would  
11 diminish or impair the rights of any person to the continued  
12 protection of confidentiality of communications where statute or  
13 common law provides this protection.

14 (b) If a collective bargaining agreement provides an  
15 employee rights and remedies superior to the rights and remedies  
16 provided in this part, then the contractual rights shall  
17 supersede and take precedence over the rights, remedies, and  
18 procedures provided in this part. If a collective bargaining  
19 agreement provides rights and remedies inferior to those  
20 provided in this part, then the provisions of this part shall



1 supersede and take precedence over the rights, remedies, and  
2 procedures provided in the collective bargaining agreement.

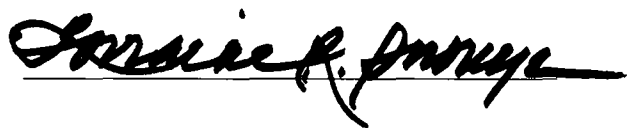
3       **§378-G Rules.** The department of labor and industrial  
4 relations shall adopt rules in accordance with chapter 91 as  
5 necessary to implement this part."

6       SECTION 3. In codifying the new sections added by  
7 section 2 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

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

13       SECTION 5. This Act shall take effect upon its approval.  
14

INTRODUCED BY:





# S.B. NO. 2017

**Report Title:**

DLIR; Employment Practices; Healthy Workplace Act; Abusive Conduct; Prohibition; Penalty; Private Cause of Action; Remedies; Rules

**Description:**

Prohibits any employer or employee from subjecting an employee to abusive conduct. Requires employers and certain employees to take all reasonable preventative and responsive measures to ensure a safe work environment free of abusive conduct. Prohibits employers and certain employees from taking retaliatory actions against employees who engage in certain protected acts. Establishes a penalty, private cause of action, and remedies. Requires the Department of Labor and Industrial Relations to adopt rules.

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

