

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 9, 2026

To: The Honorable Brandon J.C. Elefante, Chair,
The Honorable Rachele Lamosao, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Monday, February 9, 2026

Time: 3:01 p.m.

Place: Conference Room 225, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: Re: S.B. 2968 RELATING TO EMPLOYMENT

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR appreciates the intent** of this measure to provide greater safety and health for certain hospitality employees, a segment of the state's workforce that has been found to be particularly vulnerable to harassment. However, the Department has concerns about the measure's specific reference to an occupational group. Historically, the Hawai'i Occupational Safety and Health Division (HIOSH) and Federal OSHA promulgate safety standards based on hazard and industry as opposed to occupation.

Moreover, HIOSH law and administrative rules already require employers to maintain an effective safety and health program to identify, evaluate, and control workplace hazards. These rules also define responsibilities for managers and supervisors and impose penalties for violations. Additionally, HIOSH law prohibits retaliation against employees who report workplace hazards.

II. CURRENT LAW

§396-4 "Powers and duties of the department." requires the department to administer occupational safety and health standards by adopting Federal OSHA standards through rulemaking. HIOSH enforces these standards to prevent work-related injuries and illnesses. HIOSH may also enforce industry consensus standards by adopting them by reference—such as American National Standards Institute (ANSI) standards—or by prosecuting under the General Duty Clause, using industry or national consensus standards as evidence.

§12-60-2(b)(1)(A) Hawaii Administrative Rules (HAR) requires an employer to have

and “maintain an effective safety and health program to identify, evaluate, and control workplace hazards.”

§ 12-60-2(b)(4): Requires employers to provide safety and health training so employees understand hazards and protective practices. Supervisors and managers must be trained in program elements and their responsibilities.

§ 396-8(e) prohibits retaliation against an employee for exercising their rights under Hawaii Occupational Safety and Health Law (Chapter 396, HRS).

§ 396-10(o) provides for penalties as follows:

- Serious violations: \$1,221 to \$16,550 per violation
- Willful or Repeated: \$11,823 to \$165,514 per violation

III. COMMENTS ON THE SENATE BILL

DLIR has concerns that this measure is duplicative of existing enforcement authority under HIOSH. The Department also questions rules targeting specific occupations, as OSHA and HIOSH regulations are hazard- and industry-driven rather than occupation-specific.

The General Duty Clause (HAR §12-60-2(a)(3)) requires employers to provide safe workplaces and practices by eliminating or reducing hazards. Preferred methods include design changes, process substitution, or other engineering and administrative controls. When these methods are insufficient, personal protective equipment must be provided and used. Currently, there are no OSHA or industry consensus standards mandating panic buttons.

In summary, HIOSH law and rules already require employers to implement comprehensive safety and health programs, assign clear responsibilities to supervisors and managers, and imposes penalties for violations. HIOSH conducts both programmed inspections and inspections triggered by complaints or incidents, and it may pursue enforcement actions when appropriate. Finally, because no OSHA or industry standard currently exists, it would be ill-fitting for DLIR to adopt rules in the manner prescribed by this measure.

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February 10, 2026

Position: **SUPPORT** of **SB2968**, Relating to Employment

To: Senator Brandon J.C. Elefante, Chair
Senator Rachele Lamosao, Vice Chair
Members of the Senate Committee on Labor and Technology

From: Llasmin Chaîne, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in SUPPORT of SB2968, Relating to Employment

Hearing: Wednesday, February 11, 2026, 3:01 p.m.
Conference Room 225, State Capitol

The Hawaii State Commission on the Status of Women is dedicated to advancing the safety, equity, and well-being of women across the state, and is in **strong support** of this measure. **SB2968** is of critical importance to our mission, as it **addresses the safety of hospitality workers**, many of whom are women, and requires that hotelkeepers provide panic buttons and annual training on their use. **Ensuring a safe working environment for these vulnerable workers** is necessary as they are more likely to experience workplace harms, such as sexual harassment and assault.

This measure aligns with the Commission's longstanding advocacy for policies that reduce gender-based violence and improve workplace protections. The hospitality sector is a major employer of women in Hawaii, and these workers **often face unique risks due to the nature of their jobs**. This measure represents a **proactive approach** to addressing the safety risks faced by hospitality workers, **while fostering a culture of safety and respect in the workplace**. Research and best practices from other jurisdictions indicate that panic buttons can be an empowering and effective tool in preventing and responding to emergencies and incidents of violence.

To maximize the bill's effectiveness, we respectfully **recommend that implementation guidance be developed in consultation** with hospitality workers, the respective sexual assault response team, and the local sexual violence survivor service provider. This will help ensure that training materials are accessible, culturally responsive, trauma-informed, tailored to the real-world conditions faced by workers, and will ensure that survivors are connected to the system of care that is in place to help them. We also encourage ongoing evaluation of the program's impact to identify areas for improvement and to ensure that the intended safety benefits are realized. I respectfully urge this Committee to **pass SB2968**. Thank you for this opportunity to submit testimony.



February 10, 2026

Senator Brandon Elefante, Chair
Senator Rachele Lamasao, Vice Chair
Senate Committee on Labor and Technology
Hawaii State Legislature

Comments on SB2968

Dear Chair Elefante, Vice Chair Lamasao and Members of the Senate Committee on Labor and Technology,

Thank you for the opportunity to provide our comments on SB2968.

Panic buttons and training are already the standard for many hotel properties across the state. Our members use them for housekeeping, security, and for employees who may work in more isolated duties.

We would bring to your attention that the same types of positions (housekeeping, security) also exist in short-term vacation rental accommodations. Therefore, if the bill advances, the Hawaii State Legislature may want to consider adding this type of requirement for the owners and property managers for short-term rentals as well, so those owners are responsible for the health and safety of their contractors and employees.

On behalf of the Kohala Coast Resort Association, our 5,500 employees, and the nearly 20,000 Hawaii Island residents they support, thank you for the opportunity to testify on this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho".

Stephanie Donoho, Administrative Director
Kohala Coast Resort Association

Craig Anderson, VP Operations, Mauna Kea Resort –President
Charlie Parker, General Manager, Four Seasons Hualalai – Vice President
Mark Goldrup, General Manager, Waikoloa Beach Marriott – Secretary
Pete Alles, Regional VP and GM, Mauna Lani, Auberge Resorts Collection – Treasurer
Pat Fitzgerald, CEO, Hualalai Investors – Board of Directors
Daniel Scott, Managing Director Rosewood Kona Village – Board of Directors
Samantha Jones, DOSM, Fairmont Orchid – Board of Directors
Scott Head, VP Resort Operations, Waikoloa Land Company – Board of Directors
Jim Russell, Director of Rooms, Hilton Waikoloa Village – Board of Directors
Rob Gunthner, Area VP Resort Operations, Hilton Grand Vacations – Board of Directors