

ACT 17

H.B. NO. 2054

A Bill for an Act Relating to Employment Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 378, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§378- Sexual harassment or sexual assault; nondisclosure agreements; prohibited. (a) No employer shall require an employee to enter into, as a condition of employment, a nondisclosure agreement that prevents the employee from disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee.

(b) No employer shall retaliate against an employee for disclosing or discussing sexual harassment or sexual assault.

(c) This section shall not apply to:

- (1) Human resources employees who are expected to maintain the confidentiality of an investigation as part of their official duties;
- (2) Employees who are requested to maintain the confidentiality of an ongoing human resources investigation; and
- (3) Proceedings pursuant to section 624-25.5.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved September 15, 2020.)

Note

1. Edited pursuant to HRS §23G-16.5.