



Testimony to the  
Senate Committee on Labor, Culture, and the Arts  
March 14, 2019, 3:00 p.m.  
State Capitol - Conference Room 224

RE: HB 1192, HD2 Relating to Equal Pay

Aloha Chair Taniguchi, Vice Chair Ihara, and members of the committee:

On behalf of the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”), we are writing in opposition to HB 1192, HD2 relating to equal pay. This bill conforms statutory prohibitions against wage discrimination with other prohibitions on employment discrimination, clarifies allowable justifications for compensation differentials and remedies for pay disparity, requires employers to disclose wage ranges to employees and prospective employees, and exempts wage disclosure and discussion from the prohibitions on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace.

While we strongly support equal pay for equal work, we believe that this bill does not fulfill its intended purpose. Expanding the Equal Pay Act by adding every protected class creates ambiguity over whether, for example, an older employee with more experience level may be paid more than a younger employer with less experience. In addition, clarity is needed regarding what “substantially similar” means in this context. By shifting the responsibility to the employer to explain why there is a pay differential, there could be unintended exposure to liability for employers that is overly broad and very difficult to limit. We oppose this measure.

Human resource management professionals are responsible for the alignment of employees and employers to achieve organizational goals. HR professionals seek to balance the interests of employers and employees with the understanding that the success of each is mutually dependent. SHRM Hawaii represents more than 800 human resource professionals in the State of Hawaii. We look forward to contributing positively to the development of sound public policy and continuing to serve as a resource to the legislature on matters related to labor and employment laws.

Mahalo for the opportunity to testify.

