



HAWAI‘I CIVIL RIGHTS COMMISSION

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ACT 288 SIGNED INTO LAW ON JULY 12, 2022

Governor Ige signed Act 288 (H.B. 2495, H.D.1, S.D.1) , effective July 12, 2022, prohibiting an employer from entering into or requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between the employer and an employee.

The measure makes it unlawful for an employer in Hawaii to enter into or require an employee to sign an agreement that includes a non-disclosure provision. It is a violation of HRS §378-2.2 to restrict a worker’s right to talk openly about sexual harassment. The new law is meant to prevent systemic workplace harassment and prevent repeat offenders. In the past, an employer could settle a case, and require confidentiality so that the worker could not share the details of the alleged sexual harassment with co-workers or others. Act 288 prohibits an employer from silencing victims of sexual harassment in the employment context.