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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT RELATIONS.

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

1           SECTION 1. Section 378-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§378-2 Discriminatory practices made unlawful; offenses**  
4 **defined.** It shall be an unlawful discriminatory practice:

5           (1) Because of race, sex, sexual orientation, age,  
6 religion, color, ancestry, disability, marital status,  
7 victimization due to domestic violence, or arrest and  
8 court record:

9           (A) For any employer to refuse to hire or employ or  
10 to bar or discharge from employment, or otherwise  
11 to discriminate against any individual in  
12 compensation or in the terms, conditions, or  
13 privileges of employment;

14           (B) For any employment agency to fail or refuse to  
15 refer for employment, or to classify or otherwise  
16 to discriminate against, any individual;



1 (C) For any employer or employment agency to print,  
2 circulate, or cause to be printed or circulated  
3 any statement, advertisement, or publication or  
4 to use any form of application for employment or  
5 to make any inquiry in connection with  
6 prospective employment, which expresses, directly  
7 or indirectly, any limitation, specification, or  
8 discrimination;

9 (D) For any labor organization to exclude or expel  
10 from its membership any individual or to  
11 discriminate in any way against any of its  
12 members, employer, or employees; or

13 (E) For any employer or labor organization to refuse  
14 to enter into an apprenticeship agreement as  
15 defined in section 372-2; provided that no  
16 apprentice shall be younger than sixteen years of  
17 age;

18 (2) For any employer, labor organization, or employment  
19 agency to discharge, expel, or otherwise discriminate  
20 against any individual because the individual has  
21 opposed any practice forbidden by this part or has  
22 filed a complaint, testified, or assisted in any



1 proceeding respecting the discriminatory practices  
2 prohibited under this part;

3 (3) For any person whether an employer, employee, or not,  
4 to aid, abet, incite, compel, or coerce the doing of  
5 any of the discriminatory practices forbidden by this  
6 part, or to attempt to do so;

7 (4) For any employer to violate the provisions of section  
8 121-43 relating to nonforfeiture for absence by  
9 members of the national guard;

10 (5) For any employer to refuse to hire or employ or to bar  
11 or discharge from employment, any individual because  
12 of assignment of income for the purpose of satisfying  
13 the individual's child support obligations as provided  
14 for under section 571-52;

15 (6) For any employer, labor organization, or employment  
16 agency to exclude or otherwise deny equal jobs or  
17 benefits to a qualified individual because of the  
18 known disability of an individual with whom the  
19 qualified individual is known to have a relationship  
20 or association;

21 (7) For any employer or labor organization to refuse to  
22 hire or employ or to bar or discharge from employment,



# H.B. NO. 1939

1 or withhold pay, demote, or penalize a lactating  
 2 employee because an employee breastfeeds or expresses  
 3 milk at the workplace. For purposes of this  
 4 paragraph, the term "breastfeeds" means the feeding of  
 5 a child directly from the breast; or

6 (8) For any employer to refuse to hire or employ or to bar  
 7 or discharge from employment, or otherwise to  
 8 discriminate against any individual in compensation or  
 9 in the terms, conditions, or privileges of employment  
 10 of any individual because of the individual's credit  
 11 history or credit report, unless the information in  
 12 the individual's credit history or credit report  
 13 directly relates to a bona fide occupational  
 14 qualification under section 378-3(2)."

15 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

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**Report Title:**

Employment Practices; Domestic Violence

**Description:**

Prohibits employers from discriminating against an employee or applicant for employment based upon the employee's or the applicant's status as a victim of domestic violence.

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