

JAN 22 2010

S.B. NO. 234

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,



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.

17 INTRODUCED BY:

Ross H. Bab

Erzanne Chun Alakant

Michelle N. Sidani

Jim



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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

