
A BILL FOR AN ACT

RELATING TO EMPLOYMENT RELATIONS.

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

1 SECTION 1. Section 378-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Domestic abuse victim" means an individual who is the
5 victim of "domestic abuse" as defined in section 378-71."

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

8 **"§378-2 Discriminatory practices made unlawful; offenses**
9 **defined.** (a) It shall be an unlawful discriminatory practice:
10 (1) Because of race, sex, sexual orientation, age,
11 religion, color, ancestry, disability, marital status,
12 domestic abuse victim status, or arrest and court
13 record:
14 (A) For any employer to refuse to hire or employ or
15 to bar or discharge from employment, or otherwise
16 to discriminate against any individual in



- 1 compensation or in the terms, conditions, or
2 privileges of employment;
- 3 (B) For any employment agency to fail or refuse to
4 refer for employment, or to classify or otherwise
5 to discriminate against, any individual;
- 6 (C) For any employer or employment agency to print,
7 circulate, or cause to be printed or circulated
8 any statement, advertisement, or publication or
9 to use any form of application for employment or
10 to make any inquiry in connection with
11 prospective employment, which expresses, directly
12 or indirectly, any limitation, specification, or
13 discrimination;
- 14 (D) For any labor organization to exclude or expel
15 from its membership any individual or to
16 discriminate in any way against any of its
17 members, employer, or employees; or
- 18 (E) For any employer or labor organization to refuse
19 to enter into an apprenticeship agreement as
20 defined in section 372-2; provided that no
21 apprentice shall be younger than sixteen years of
22 age;



- 1 (2) For any employer, labor organization, or employment,
2 agency to discharge, expel, or otherwise discriminate
3 against any individual because the individual has
4 opposed any practice forbidden by this part or has
5 filed a complaint, testified, or assisted in any
6 proceeding respecting the discriminatory practices
7 prohibited under this part;
- 8 (3) For any person whether an employer, employee, or not,
9 to aid, abet, incite, compel, or coerce the doing of
10 any of the discriminatory practices forbidden by this
11 part, or to attempt to do so;
- 12 (4) For any employer to violate the provisions of section
13 121-43 relating to nonforfeiture for absence by
14 members of the national guard;
- 15 (5) For any employer to refuse to hire or employ or to bar
16 or discharge from employment, any individual because
17 of assignment of income for the purpose of satisfying
18 the individual's child support obligations as provided
19 for under section 571-52;
- 20 (6) For any employer, labor organization, or employment
21 agency to exclude or otherwise deny equal jobs or
22 benefits to a qualified individual because of the



1 known disability of an individual with whom the
2 qualified individual is known to have a relationship
3 or association;

4 (7) For any employer or labor organization to refuse to
5 hire or employ or to bar or discharge from employment,
6 or withhold pay, demote, or penalize a lactating
7 employee because an employee breastfeeds or expresses
8 milk at the workplace. For purposes of this
9 paragraph, the term "breastfeeds" means the feeding of
10 a child directly from the breast; or

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

20 (b) Subsection (a)(1) shall apply to domestic abuse
21 victims; provided that the victim provides notice to the
22 victim's employer of such status. Where an employer is required



1 to provide reasonable accommodations to a domestic abuse victim,
2 those accommodations shall be implemented; provided that they do
3 not cause the employer undue hardship."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2050, and
7 shall be repealed on June 30, 2012.



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 domestic abuse victim status; provided that the domestic abuse victim notifies the employer of such status. Effective July 1, 2010, and is repealed on June 30, 2012.
(SB2341 HD1)

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