

JAN 21 2011

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.** (a) It shall be an unlawful discriminatory practice:

5 (1) Because of race, sex, sexual orientation, age,
6 religion, color, ancestry, disability, marital status,
7 domestic abuse victim status, or arrest and court
8 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;

17 (C) For any employer or employment agency to print,
18 circulate, or cause to be printed or circulated



1 any statement, advertisement, or publication or
2 to use any form of application for employment or
3 to make any inquiry in connection with
4 prospective employment, which expresses, directly
5 or indirectly, any limitation, specification, or
6 discrimination;

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

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

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



- 1 (3) For any person whether an employer, employee, or not,
2 to aid, abet, incite, compel, or coerce the doing of
3 any of the discriminatory practices forbidden by this
4 part, or to attempt to do so;
- 5 (4) For any employer to violate the provisions of section
6 121-43 relating to nonforfeiture for absence by
7 members of the national guard;
- 8 (5) For any employer to refuse to hire or employ or to bar
9 or discharge from employment, any individual because
10 of assignment of income for the purpose of satisfying
11 the individual's child support obligations as provided
12 for under section 571-52;
- 13 (6) For any employer, labor organization, or employment
14 agency to exclude or otherwise deny equal jobs or
15 benefits to a qualified individual because of the
16 known disability of an individual with whom the
17 qualified individual is known to have a relationship
18 or association;
- 19 (7) For any employer or labor organization to refuse to
20 hire or employ or to bar or discharge from employment,
21 or withhold pay, demote, or penalize a lactating
22 employee because an employee breastfeeds or expresses



1 milk at the workplace. For purposes of this
2 paragraph, the term "breastfeeds" means the feeding of
3 a child directly from the breast; or
4 (8) For any employer to refuse to hire or employ or to bar
5 or discharge from employment, or otherwise to
6 discriminate against any individual in compensation or
7 in the terms, conditions, or privileges of employment
8 of any individual because of the individual's credit
9 history or credit report, unless the information in
10 the individual's credit history or credit report
11 directly relates to a bona fide occupational
12 qualification under section 378-3(2).

13 (b) Subsection (a)(1) shall apply to domestic abuse
14 victims; provided that the victim provides notice to the
15 victim's employer of such status.

16 (c) As used in this section:
17 "Domestic abuse victim" means an individual who is the
18 victim of "domestic abuse" as that term is defined in section
19 378-71."

20 SECTION 2. New statutory material is underscored.

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

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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 domestic abuse victim status; provided that the domestic abuse victim notifies the employer of such status.

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