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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.** (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           ~~[e]~~ arrest and court record~~[+]~~, or domestic abuse  
8           victim status; provided that the domestic abuse victim  
9           provides notice to the victim's employer of such  
10           domestic abuse victim status:  
11           (A) For any employer to refuse to hire or employ or  
12           to bar or discharge from employment, or otherwise  
13           to discriminate against any individual in  
14           compensation or in the terms, conditions, or  
15           privileges of employment;  
16           (B) For any employment agency to fail or refuse to  
17           refer for employment, or to classify or otherwise  
18           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[7] 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] the employee breastfeeds or  
3 expresses 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 (b) As used in this section:

16 "Domestic abuse victim" or "victim" means an individual who  
17 is the victim of "domestic abuse", as that term is defined in  
18 section 586-1."

19 SECTION 2. Chapter 378, Hawaii Revised Statutes, is  
20 amended as follows:

21 1. By amending the title of part VI to read:

22 "[+]PART VI.[+] VICTIMS [~~LEAVE~~] PROTECTIONS"



1           2. By designating section 378-71, as a new subpart and  
2 inserting a title before section 378-71 to read:

3                           " . GENERAL PROVISIONS "

4           3. By designating sections 378-72 to 378-74 as a new  
5 subpart and inserting a title before section 378-72 to read:

6                           " . VICTIMS LEAVE "

7           4. Adding a new subpart to read as follows:

8                           " . REASONABLE ACCOMMODATIONS IN THE WORKPLACE "

9           §378-A Reasonable accommodations. An employer shall make  
10 reasonable accommodations in the workplace for an employee,  
11 including but not limited to:

12           (1) Changing the contact information, such as telephone  
13 numbers, fax numbers, or electronic-mail addresses, of  
14 the employee;

15           (2) Screening the telephone calls of the employee;

16           (3) Restructuring the job functions of the employee;

17           (5) Changing the work location of the employee;

18           (6) Installing locks and other security devices; and

19           (7) Allowing the employee to work flexible hours,

20 provided that an employer shall not be required to make the  
21 reasonable accommodations if they cause undue hardship on the  
22 work operations of the employer.



1        **§378-B Verification.** Prior to making the reasonable  
2 accommodations under section 378-A, an employer may request that  
3 the employee provide:

4        (1) A signed written statement from:

5            (A) An employee, agent, or volunteer of a victim  
6            services organization;

7            (B) The employee's attorney or advocate;

8            (C) A minor child's attorney or advocate;

9            (D) A medical or other professional; or

10          (E) A member of the clergy,

11 from whom the employee or the employee's minor child has sought  
12 assistance related to the domestic abuse;

13        or

14        (2) A police or court record related to the domestic  
15        abuse.

16        **§378-C Employee; status.** As used in this subpart, an  
17 employee shall have such domestic abuse victim status as  
18 described in section 378-2(a)(1)."

19        SECTION 3. In codifying the new sections added by section  
20 2 of this Act, the revisor of statutes shall substitute  
21 appropriate section numbers for the letters used in designating  
22 the new sections in this Act.



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.



**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. Requires an employer to make reasonable accommodations for an employee who is a victim of domestic abuse; provided that it does not cause undue hardship to the operations of the employer. Effective July 1, 2050. (SB229 HD1)

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