

STAND. COM. REP. NO. 5

Honolulu, Hawaii

Feb 2, 2011

RE: H.B. No. 546

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 546 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

begs leave to report as follows:

The purpose of this bill is to provide protection for the civil rights of all the people of Hawaii equally by including discrimination based upon gender identity or expression as a form of sex discrimination by amending sections 378-1, 368-1, and 378-2 of the Hawaii Revised Statutes.

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, Pride At Work Hawaii, the American Civil Liberties Union of Hawaii, Americans for Democratic Action/Hawaii, Screen Actors Guild Hawaii Branch, Planned Parenthood of Hawaii, Honolulu Pride, DA MOMS, ILWU Local 142, the Japanese American Citizens League Honolulu Chapter, GLBT Caucus of the Democratic Party, Phoenix Project, a member of the State of Hawaii Board of Education, and numerous individuals testified in support of this bill. Equality Hawaii and the Hawaii State AFL-CIO supported the intent of the bill. The Hawaii Civil Rights Commission and one individual offered comments.

Your committee finds that all members of the community should have equal access to employment opportunities without regard to their gender expression or identity. Similarly, everyone should feel safe and secure in the workplace, without fear of harm or humiliation.

HB546 HSCR LAB HMS 2011-1685



The 2009 National Transgender Discrimination Survey illustrated the excessive rate at which transgender individuals experience unemployment, harassment, and poverty in comparison to the general population.

Discrimination based on gender identity or expression is a form of discrimination that is not expressly protected under the law. Your committee finds this bill is necessary as it will provide recourse for those who experience such discrimination, and ultimately discourage such conduct from occurring, especially in the workplace.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 546 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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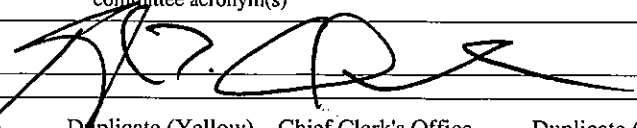
KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

**HSCR 5**

**Record of Votes of the Committee on Labor & Public Employment**

| Bill/Resolution No.:<br><b>HB 546</b>  | Committee Referral:<br><b>LAB, JUD</b> | Date:<br><b>1-28-11</b> |          |         |
|--|--|-------------------------|----------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.  |  |                         |          |         |
| The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |  |                         |          |         |
| LAB Members  | Ayes                                   | Ayes (WR)               | Nays     | Excused |
| 1. RHOADS, Karl (C)  | /                                      |                         |          |         |
| 2. YAMASHITA, Kyle T. (VC)   | /                                      |                         |          |         |
| 3. AQUINO, Henry J.C.  | /                                      |                         |          |         |
| 4. CULLEN, Ty  | /                                      |                         |          |         |
| 5. ICHIYAMA, Linda   | /                                      |                         |          |         |
| 6. LEE, Marilyn B.   | /                                      |                         |          |         |
| 7. LUKE, Sylvia  | /                                      |                         |          |         |
| 8. SAIKI, Scott K.   | /                                      |                         |          |         |
| 9. SOUKI, Joseph M.  |  | /                       |          |         |
| 10. TAKUMI, Roy M.   | /                                      |                         |          |         |
| 11. FONTAINE, George R.  |  | /                       |          |         |
| 12. JOHANSON, Aaron Ling   |  | /                       |          |         |
| <b>TOTAL (12)</b>  | <b>9</b>                               | <b>3</b>                | <b>-</b> |         |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><small>committee acronym(s)</small>   |  |                         |          |         |
| Vice Chair's or designee's signature:    |  |                         |          |         |
| Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO   |  |                         |          |         |