

STAND. COM. REP. NO.

639

Honolulu, Hawaii

March 3, 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 Judiciary, 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 clarify existing law with regard to sex discrimination by expressly providing that employment discrimination based upon gender identity or gender expression constitutes a form of sex discrimination.

The Hawaii Civil Rights Commission (HCRC), American Civil Liberties Union of Hawaii, Democratic Party of Hawaii, Americans for Democratic Action-Hawaii, Honolulu Pride, Pride at Work Hawaii, University of Hawaii Professional Assembly, Human Rights Campaign, Hawaii Government Employees Association, Japanese American Citizens League, Equality Hawaii, ILWU Local 142, PFLAG Kauai, Da Moms, Hawaii State AFL-CIO, a member of the Board of Education, and numerous concerned individuals testified in support of this measure. Numerous concerned individuals opposed this bill.

Your Committee finds that individuals can be faced with discrimination in employment and employment opportunities due to non-traditional identifications or expressions of gender. Your Committee also finds that this measure is consistent with the HCRC's position that discrimination based on gender identity or gender expression is a form of sex discrimination under existing law. Accordingly, by clarifying state law prohibiting employment

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discrimination to explicitly include gender identity or gender expression, the measure will better inform employers and employees of their respective obligations and protections.

As affirmed by the record of votes of the members of your Committee on Judiciary 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 Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



