



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 22, 2011, 2:00 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Support of H.B. 546, Relating to Civil Rights

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 546, which seeks to prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Civil rights laws are valuable not only because they provide remedies when discrimination occurs, but also because they discourage such discrimination from occurring at all. Discrimination based on gender identity and expression is less likely to occur where civil rights laws, by their own language, put the entire community on notice that such discrimination is unlawful. It is important that legislatures clarify that the scope of sex discrimination laws includes discrimination based on gender identity and expression.

Unfortunately, the rise in the visibility of the gay, lesbian, bisexual and transgendered community has been accompanied by a rise in discrimination based on gender identity and expression. That rise in discrimination makes it imperative that we make it clear now that the law protects against discrimination based on actual or perceived sexual orientation and that such discrimination is illegal and unacceptable.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



DEMOCRATIC PARTY OF HAWAII

February 22, 2011

To: Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Ohta, Co-Chair

RE: HB 546 Relating to Civil Rights
Hearing: Tuesday, February 22, 2011, 2:00 p.m., Room 302

Position: Strong Support

The Hawai'i State Democratic Women's Caucus writes in support of HB 546 Relating to Civil Rights which seeks to prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus strongly supports this measure.

Current civil rights laws make it unlawful to discriminate because of race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record. However, it is important that it is clear that the scope of sex discrimination laws includes discrimination based on gender identity and expression. This legislation will provide that clarity.

Employees must feel safe and secure wherever they work and seek employment. Other states have passed similar legislation. Hawai'i should also act to make discrimination based on gender identity and expression illegal and unacceptable.

Thank you for this opportunity to provide testimony.



AMERICANS FOR DEMOCRATIC ACTION

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February 19, 2011

TO: Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads
Members of the House Committee on the Judiciary

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

SUBJECT: SUPPORT FOR HB 546, RELATING TO CIVIL RIGHTS

Americans for Democratic Action/Hawaii (ADA/H) is in strong support of extending protection from discrimination to all people, regardless of gender identity and expression. The more we can rid our society of the cancer of discrimination based on personal characteristics, the better. Our organization supports equal rights for all people, and urges passage of HB 546.

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February 18, 2011

Hearing – Tuesday, February 22, 2011 - 2:00 p.m.

House Judiciary Committee

State Capitol

415 South Beretania Street

Honolulu, HI 96813

RE: House Bill 546: Civil Rights – Workplace Gender, Gender Identity or Expression -
STRONG SUPPORT

Aloha Chair Keith-Agaran and fellow committee members,

My name is Rob Hatch, I am Chair of Honolulu Pride and I want to thank you for the chance to testify in Strong Support of House Bill 546.

Honolulu Pride for the last 21 years has brought Hawaii's Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Inter-sex and our Allies together to celebrate Pride here in Honolulu. We have had several names over the years, most recently we were the Honolulu LGBT Pride but in an effort to be as inclusive as possible we removed the LGBT since it was not totally inclusive and we felt it excluded members of our community. Much like the current employment law is not inclusive of all of our citizens.

Honolulu Pride asks that you support the passage of House Bill 546.

We live in a very gender specific society but how one chooses to express their gender is so fluid from one culture to the next and one generation to the next. Living in the most diverse state in the nation our laws should protect all people. Right now that is not the case, especially when it comes to protecting a citizens right to get a job or ensuring they do not lose their lively hood over their gender, gender identity and/or gender expression.

Something we want everyone to know HB 546 is not just an LGBTQI issue but also an issue that directly affects us all. As the law stands right now if your boss does not like the way you choose to express your gender in the workplace your boss can fire you. Do not get me wrong that an employer should be able to set a standard of dress that represents their company. The problem arises is when they set one standard or dress code for men and another women.

What we here at Honolulu Pride see that HB 546 will do is ensure that no one will be fired based on how they express their gender or which gender they identify with regardless what is on their birth certificate.

Now do not get me wrong HB 546 does help our community, we do not deny that at all. This bill especially helps our transgender and inter-sex community. What we would like to focus on for the remainder of our testimony, just in the general sense, is our transgender community. Because for each person that transitions their experiences are as different as grains of sand on our beaches.

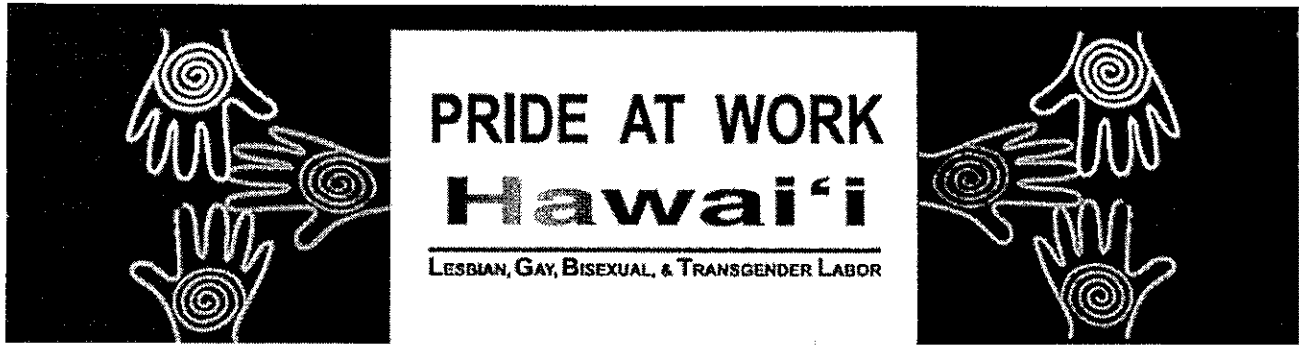
The most basic or generic definition for transgender is that it refers to a person that self identifies with a gender other than the gender designated at birth. Transitions vary from person to person and what they what want to do and feels right to them and in some cases what they can afford to do. Since transition can include but not limited to wardrobe changes, hormone therapy and cosmetic surgery Please keep in mind that for each person the transition period can be a anything from a matter of months, to a couple of years and in some cases decades.

The transition process is a very personal but also very visual depending on the person as well as life changing, as I hope you all can imagine. That is why this bill is so important. We need to ensure that while a person is going through the transition they know that their job will still be there when they complete the process.

So we here at Honolulu Pride ask you to stand with us in our pursuit of justice and equality for all and pass HB 546 out of committee and support its passage on the floor of the House.

Mahalo for your time and consideration,

Rob Hatch
Legislative Representative



February 18, 2011

House Committee on Judiciary
Chair, Rep. Gil Keith-Agaran
Vice Chair, Rep. Karl Rhoads

Testimony in strong support of HB 546

Pride At Work Hawai'i, as an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports HB 546. As drafted, the bill would explicitly prohibit discrimination on the basis of gender identity and expression with regard to employment.

This bill is important because discrimination against people due to their gender identity or expression occurs in a number of forms. Some people have been fired; or others remain unemployed or underemployed as a result of discrimination, hostility and misunderstanding about gender expression. This bill seeks to reduce the incidents of discrimination in Hawai'i and increase the productivity and safety of employees, consumers and residents.

As our economy struggles, the discrimination faced by transgender people is becoming even more acute. Often forced into already unstable jobs and careers, and often facing compounding bias because of race or age, the economic well-being of transgender people is being challenged today like never before. The 2011 National Transgender Discrimination Survey (NTDS), which included responses from over 6,450 participants, paints a more complete picture on the pervasive discrimination that transgender people face than any prior research to date. Among the key findings:

- Respondents were nearly four times more likely to live in extreme poverty, with household income of less than \$10,000.
- Respondents were twice as likely to be unemployed compared to the population as a whole. Half of those surveyed reported experiencing harassment or other mistreatment in the workplace, and one in four were fired because of their gender identity or expression.
- While discrimination was pervasive for the entire sample, it was particularly pronounced for people of color.
- An astonishing 41% of respondents reported attempting suicide, compared to only 1.6% of the general population.

- Despite the hardships they often face, transgender and gender non-conforming persons persevere. Over 78% reported feeling more comfortable at work and their performance improving after transitioning, despite the same levels of harassment in the workplace.

It is our understanding that the Hawai'i Civil Rights Commission (HCRC) has already clarified that state law prohibiting sex discrimination currently protects individuals from discrimination based on gender identity and expression; however, this bill would make those protections explicit and uniform, and would put Hawai'i in line with other states - including California, Illinois, Maine, Minnesota, New Jersey, New Mexico, Rhode Island and Washington - which include protections to individuals based on their gender identity or expression.

We strongly encourage you to support this bill, and thank you for the opportunity to submit this testimony.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 22, 2011
Conference Rm. 325
2:00 p.m.

To: The Honorable Gilbert Keith-Agaran, Chair
and Members of the House Committee on Judiciary

From: Coral Wong Pietsch, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 546

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC supports H.B. No. 546, which amends H.R.S. §§ 378-1 and 378-2 to clarify that discrimination on the basis of gender identity or expression is a form of prohibited sex discrimination, and also amends H.R.S. § 368-1, to specifically state that sex discrimination, *including* discrimination based on gender identity or expression, is against the public policy of Hawai‘i. In H.B. No. 546 Section 1, the purpose of the bill is clearly stated to be clarification of existing law, critical language that ensures that passage of the bill will not adversely affect cases which arose prior to enactment.

This legislation 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. (See, *HCRC Final Decision and Order Granting Declaratory Relief*, D.R. No. 02-0015, June 29, 2002; *vacated on other grounds, RGIS Inventory v. Hawai'i Civil Rights Commission*, 104 Hawai'i 158 (2004).) The Hawai'i Supreme Court has not directly addressed this issue, but has indicated that it takes a broad view of discrimination based on sex in the equal protection context. *Baehr v. Lewin*, 74 Hawai'i 530 (1993). A growing number of state and federal courts have held that discrimination on the basis of gender identity is prohibited sex or gender stereotyping. (See, *Price Waterhouse v. Hopkins*, 490 U.S. 229 (1989) (denying a highly-qualified woman a promotion because she would not act and dress more femininely, and wear makeup is sex stereotyping, a form of prohibited sex discrimination); *Smith v. City of Salem, Ohio*, 378 F.2d 566 (6th Cir. 2004) (employment discrimination against a transgender person is sex stereotyping).)

No person in Hawai'i should be denied employment opportunity because they do not conform with traditional sex and gender stereotypes. The proposed amendments to H.R.S. chapter 378 extend the protections against this kind of discrimination in employment, mirroring similar statutory language in H.R.S. chapters 515 (housing) and 489 (public accommodations).

The HCRC supports H.B. No. 546 and urges your favorable consideration.



House Committee on Judiciary
Tuesday, February 22, 2011
2:00 p.m.

HB 546, Relating to Civil Rights.

Dear Chairperson Keith-Agaran and Committee Members:

On behalf of the University of Hawaii Professional Assembly (UHPA), our union supports HB 546 and urges passage of this proposed legislation. This legislation will clarify existing law and remove any ambiguity that may exist regarding discrimination based on gender identity or expression. UHPA believes that all persons should be treated with dignity and respect with this legislation necessary to effectuate these protections.

UHPA urges passage of this legislation.

Respectfully submitted,

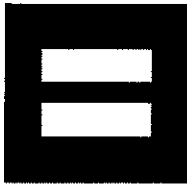
A handwritten signature in black ink, appearing to read "Kristeen Hanselman".

Kristeen Hanselman
Associate Executive Director

**UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY**

1017 Palm Drive • Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 • Facsimile: (808) 593-2160
Web Page: <http://www.uhpa.org>





HUMAN
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CAMPAIGN®

1640 Rhode Island Avenue, NW
Washington, D.C. 20036
web: www.hrc.org
phone: 202/628-4160
fax: 202/347-5323

Testimony in Support of HB 546, a bill relating to Civil Rights

Name: Tony Wagner, Western Regional Field Director, Human Rights Campaign
Committee and Comments Directed to: Chairman Keith-Agaran; House Committee on the Judiciary
Date/Time of Hearing: Tuesday, February 22, 2011 at 2:00pm
Measure Number: HB 546
Copies Submitted: One via Web Form

Please accept this memo as testimony to why all discrimination against the lesbian, gay, bisexual and transgender community, in all areas covered by the law, should be prohibited - including employment discrimination based on gender identity being addressed in HB 546.

Definitions

- **Gender identity** is distinct from sexual orientation and refers to a person's innate, deeply felt psychological sense of gender, which may or may not correspond to the person's body or designated sex at birth (the sex originally listed on a person's birth certificate).
- **Transgender** or "trans" is an umbrella term that refers to people who experience and/or express their gender differently from conventional or cultural expectations—either in terms of expressing a gender that does not match the sex listed on their original birth certificate or by physically altering their sex.

Background

- Beginning with an ordinance passed in Minneapolis in 1975, **12 states¹**, the District of Columbia, and **more than 135 cities and counties** have enacted laws prohibiting discrimination based on gender identity. More than 500 private businesses across the United States, including 42% of Fortune 500 companies and 69% of Fortune 100 companies, have voluntarily adopted policies that prohibit discrimination based on gender identity.
- Additionally, **21 states**, the District of Columbia, and **more than 300 cities and counties** have enacted laws prohibiting discrimination based on sexual orientation. Hundreds of private businesses across the United States, including 89% of Fortune 500 companies and 97% of Fortune 100 companies, have voluntarily adopted policies that prohibit discrimination based on sexual orientation.

¹ Note that a thirteenth state, Hawaii, prohibits discrimination based on gender identity in public accommodations and housing, but not in employment. The other 12 states referred to all prohibit discrimination based on gender identity in employment, as well as other areas.

Why prohibit discrimination based on sexual orientation and gender identity?

- The motivation behind these types of protections is simple, but powerful: **the goal is to protect people from arbitrary discrimination** in employment, housing, public accommodations and other areas. A person's sexual orientation or gender identity has nothing to do with their job performance, or their qualifications as a good renter.
- Polling shows that Americans agree people should be judged on their merits -- on their qualifications to do a job or pay for an apartment -- not on who they are or how people perceive them. Like provisions addressing discrimination based on, for example, national origin, gender, or age, prohibitions against discrimination based on sexual orientation and gender identity help ensure that people will, indeed, be judged on their merits.
- In jurisdictions without protections against employment discrimination and other discrimination based on sexual orientation or gender identity, lesbian, gay, bisexual and transgender people simply have no legal protection against even the most outrageous forms of discrimination, unless they live in a city or county with applicable anti-discrimination protections. (It's worth noting that prohibiting discrimination based on sexual orientation also provides protections for straight people who may experience discrimination based on their sexual orientation, though that occurs far less frequently.)
- Anti-discrimination laws do not create "special rights" for LGBT Americans. The right to work or rent a home is not a "special" right, and that is why we already have civil rights laws protecting against many forms of discrimination including race, religion, gender, disability and national origin. An inclusive law simply puts LGBT Americans on the same footing as everyone else.
- An anti-discrimination law will not create a flood of litigation or harm small businesses. Experience with other state and local laws which protect LGBT workers has shown that there simply has not been a notable increase in litigation.
- It's important to note that **laws against discrimination do not prevent employers from firing incompetent employees and do not prevent landlords from turning down unqualified renters.** These laws simply make sure that all employees get a fair chance at working hard to get ahead without discrimination or bias and that no one is singled out for arbitrary discrimination when it comes to renting an apartment.
- One reason why it is particularly urgent to prohibit discrimination based on gender identity is the reality that **transgender people experience unusually high rates of discrimination: Forty-seven percent have experienced an adverse job outcome, such as being fired, not hired or denied a promotion².** Transgender people report having difficulty making ends meet because, although they possess valuable skills and experience, they often cannot find work because they face discrimination from employers.

² *National Center for Transgender Equality and the National Gay and Lesbian Task Force "National Transgender Discrimination Survey"*

http://transequality.org/Resources/NCTE_prelim_survey_econ.pdf, November 2009.

Responses to Some Arguments against Prohibiting Discrimination Based on Sexual Orientation or Gender Identity

- **If private employers are already enacting policies to prohibit discrimination, why not leave it to them?** It is a positive step that private employers are enacting these policies, but we can't count on private businesses to guarantee equal rights. For one thing, not every employee works for an employer with these policies. In addition, government-enacted laws can provide specific protections that voluntary employer policies cannot provide. Finally, employers are free to change their voluntary policies at any time.
- **Why prohibit discrimination based on sexual orientation and gender identity when the estimated population of lesbian, gay, bisexual and transgender people is relatively small?** Even though lesbian, gay, bisexual and transgender people are a distinct minority, they deserve equal rights and protection against discrimination. The fact that a group is in the minority, no matter how small, is not a reason to deny them equal rights.
- **Won't businesses be required to construct, at great cost, additional restroom facilities for their transgender employees and customers?** Gender identity inclusive anti-discrimination laws in no way mandate the construction of new facilities to accommodate transgender workers or customers. While it is critical to ensure transgender people are not denied access to necessary facilities—such as restrooms, showers and dressing facilities—it is also important to balance the privacy interests of others as well as the employer's need to maintain a functional, profitable workplace. Twelve states have laws barring discrimination based on gender identity, and more than 30% of Fortune 500 companies have transgender-inclusive EEO policies. These businesses have continued to function successfully, without the costly creation of new facilities or significant disruption of their businesses.
- **Even though restrooms have stalls to provide occupants with a large degree of privacy, won't permitting a person to use a restroom consistent with his or her gender identity, such as a transgender man who has recently begun his transition from female to male, invade the privacy of and create discomfort for his male co-workers using urinals?** Every civil rights law creates some discomfort in a workplace. Title VII and the ADA discomfited those who did not wish to work with women, the disabled, racial minorities or people of other faiths. Nothing in the non-discrimination act requires an employer or business owner to tolerate anyone, regardless of sexual orientation or gender identity, who behaves in an inappropriate, disruptive or unprofessional manner in the workplace or in a public place, including in a restroom or other facility. Frequently, transgender people, especially those undergoing gender transition, will try to use unisex, single-occupancy restrooms if they exist. While nothing in the bill requires creation of such restrooms, they are already available in many places.
- **Couldn't an individual disingenuously claim to be transgender and render an employer or business owner unable to prevent him or her from using the restroom consistent with his or her purported gender identity for prurient purposes?** Nothing in the non-discrimination act requires an employer or business owner to tolerate anyone, regardless of sexual orientation or gender identity, who behaves in an inappropriate, disruptive or unprofessional manner in the workplace or in a public place including in a restroom or other facility. A person undergoing a bona fide gender transition does not do so as a lark, a prank or in order to invade others' privacy.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

**The Twenty-Sixth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Judiciary**

**Testimony by
Hawaii Government Employees Association
February 22, 2011**


H.B. 546 – RELATING TO CIVIL RIGHTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 546 which prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The Hawaii Government Employees Association is the State's largest labor union, representing more than 29,000 public employees. We are steadfast in our support for anti-discrimination in employment. Our members work hard providing public services throughout the State. It is their knowledge and skill in providing these services that support the quality of life of our citizens.

We urge passage of this bill. Thank you for the opportunity to testify in support of H.B. 546.

Sincerely,


Nora A. Nomura
Deputy Executive Director





JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

P.O. BOX 1291, HONOLULU, HAWAII 96807

PHONE: 523-8464 EMAIL: honolulu@jacl.org

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House Committee on Judiciary

Tuesday, February 22, 2011

Hawai'i State Capitol – Room 325

Testimony in **SUPPORT of HB 546**, Relating to Civil Rights

Dear Chair Keith-Agaran, Vice-Chair Rhoads, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter supports House Bill 546 which protects all people from discrimination in employment on the basis of gender identity or expression.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to provide equal rights to all citizens. These efforts include ensuring that all workers are protected from discrimination based on gender identity or gender expression.

No person should be denied a job because an employer does not agree with how a person's gender is expressed through their appearance or behavior.

It was not so long ago that Japanese Americans were stereotyped and discriminated against. This anti-Japanese American sentiment unfortunately impacted others of Asian ancestry as they were unjustifiably judged based on appearance.

We affirm JACL's mission to "secure and maintain the civil rights of Japanese Americans and all others who are victimized by injustice and bigotry."

JACL thanks you for allowing us to testify in support of HB 546.

Respectfully,

Liann Ebesugawa
1st Vice President

*past president

EQUALITY HAWAII

Tuesday, Feb. 22, 2011 • 2 p.m.

Testifying in Support of HB546
On Behalf of Equality Hawaii

On behalf of Equality Hawaii, the state's largest advocacy organization serving the lesbian, gay, bisexual and transgender community, we emphatically recommend that the House's Judiciary Committee approve HB546.

A cornerstone of this nation has been the belief that if you work hard and apply yourself, you can achieve any anything. No dream is impossible.

But this is not true for many individuals who do not "fit" into rigid stereotypes of what is "masculine" and what is "feminine." Or for those whose soul does not match their biological gender. Too many times, we have witnessed or heard horrible stories of perfectly capable, able-bodied men refused or denied a job because they were "too feminine." Or talented, productive women denied a promotion because she was "too butch."

According to the 2009 National Transgender Discrimination Survey, transgender individuals experience unemployment at twice the rate of the general population, 97 percent report experiencing harassment or mistreatment on the job and report a poverty rate twice that of the general population.

It was not that long ago that tennis great Martina Navratilova was passed over for endorsement contracts because she was too masculine for mainstream America and booed when taking the court against the "ideal" Chris Everett.

Hawaii is better than that and once lived by the intent of this bill.

Before Capt. Cook, Hawaiians embraced, nurtured and encouraged its *mahu* and *aikane*. It's time that we return to this time-honored island tradition of acceptance and equal employment opportunity for all Hawaii's residents.

Please reaffirm the American dream to our next generation. Restore Hawaii's tradition of acceptance and aloha and pass this measure today.

Mahalo,
Janel Dulan & Alan Spector
Equality Hawaii

The Twenty-Sixth Legislature
Regular Session of 2011

HOUSE OF REPRESENTATIVES
Committee on Labor and Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Friday, January 28, 2011; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 546
RELATING TO CIVIL RIGHTS**

The ILWU Local 142 supports H.B. 546, which prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The ILWU supports civil rights for all and opposes discrimination in any form. One form of discrimination that is, as yet, not legally recognized or protected against is discrimination based on gender identity or expression. H.B. 546 will rectify this omission and ensure that actual or perceived gender identity or gender related self-image, appearance or expression will not be used to discriminate against anyone, especially in employment. This includes discrimination in hiring as well as on the job.

The most important quality that an employer should be concerned about is the employee's ability to perform the duties of his or her job. Gender identity, appearance or expression should not be a factor.

The ILWU urges passage of H.B. 546. We thank you for the opportunity to provide testimony on this matter.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 12:03 PM
To: JUDtestimony
Cc: hamiltonrenae@gmail.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Renae Hamilton
Organization: PFLAG Kauai
Address:
Phone:
E-mail: hamiltonrenae@gmail.com
Submitted on: 2/21/2011

Comments:

This bill is necessary to assure a safe working environment for all people. Gender identity and expression should not be used as an excuse for discrimination. What matters is if the employee or potential employee can do the job. Renae Hamilton



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

House Committee on Judiciary
Hearing: Tuesday, February 22, 2011
2:00 p.m., Conference Room 325

Testimony in Strong Support of HB546
Relating to Civil Rights

Chair Keith-Agaran, Vice-Chair Rhoads and Members of the Committee:

I submit testimony in my capacity as a Member of the Hawai'i State Board of Education (BOE) because ALL of our students and graduates entering the workforce should have equal access to employment opportunities, regardless of their gender expression or identity.

BOE Policy #4211, an anti-discrimination policy that includes "gender identity & expression" among the list of protected classification states, in relevant part: "A student shall not be excluded from participation in, be denied the benefits of, or otherwise be subjected to . . . discrimination under any program, services, or activity of the Department of Education."

Our students' access to equal opportunities should not stop at the schoolyard gates. According to the Hawai'i Department of Labor and Industrial Relations, approximately 13,000 work permits are issued every year to young people between the ages of 14-17 years old.

The Department of Education (DOE) prepares its graduates for both college and careers. The DOE is currently rolling out 61 various Career & Technical Education programs to better prepare our graduates to meet the demands of today's workplace. I urge this Committee to support HB546 to better prepare our workplace to employ and promote today's graduates based on their industry knowledge and work ethic – and NOT on the bases of their gender identity or expression.

Thank you for your consideration.

Kim Coco Iwamoto, Esq.
State of Hawaii Board of Education Member, Oahu-at-Large

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 1:25 PM
To: JUDtestimony
Cc: kahanakitty@gmail.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Kahana Ho
Organization: Individual
Address:
Phone:
E-mail: kahanakitty@gmail.com
Submitted on: 2/21/2011

Comments:

Aloha Kākou, to the Esteemed members of the House of Representatives Committee on Judiciary.

My name is Kahana Ho, and I am a life-long resident of Hawai'i. I thank you for taking the time to read my personal testimony in support of HB546, Relating to Civil Rights. I hope that you will vote for the movement of this bill to the floor for consideration by the full House, and will lend your support to it as well at that time.

My support for this bill is first based in my general belief in complete civil rights for all people, based on immutable characteristics such as race, sex, sexual orientation, and age. Civil rights are the basis of a civilized society. While not always popular, civil rights are what prevent the masses from oppressing minorities, committing discrimination, and worse, such as social, economic, educational, and political disenfranchisement. Such marginalization can eventually lead to extreme prejudice and hatred, and in the case of gender identity and expression, such is already a reality of life. One of the roles of a truly democratic government in a truly civilized society is to prevent just such oppression, to speak up for, and defend the rights of ALL citizens. Such is the purpose of civil rights laws such as Act 1, Section 5 of the Hawai'i State Constitution, and §368 of the Hawai'i Revised Statutes.

There is strong evidence that gender identity should be included along with the other traditional parameters for equal protection of civil rights. Medical research increasingly finds that gender identity is NOT a choice, but is rooted in multiple factors, ranging from prenatal exposure to various chemicals, to brain structure differences, to congenital hormonal imbalances, to sex organ anomalies. These have the effect of creating profound dissonance between the internal, psychological, spiritual gender identity, and one's external assigned sex. This dissonance is not amenable to psychological treatment. The current standards of care indicate that transition to living in, to gaining maximum congruence with the target gender, that is, the internal, psychic gender, is what leads to the highest level of mental health and functioning. Gender identity is not changeable; only our outward expression, and how we live. Yes, one can choose to live in one's assigned sex, but that leads to such despair, that suicide is often the solution that many transgender people seek. In the end, NOT changing gender is a non-choice.

In addition to these, however, i also have a very personal stake in the passage of this specific bill, that goes beyond the general principles of civil liberties, rights, and equal protections. As a transgender woman in the process of transitioning, i am currently faced with some very really challenges in one of the most major steps of transitioning into life in my true gender. I need to find gainful employment, but all my previous work history, and educational history not only reflects my previous name, but my previous "assigned sex";, as well.

As you well now, the process of obtaining employment requires verification of work history, and educational history. Both of these require an inquiry, based on the name of the applicant. My previous employers can readily confirm my employment in my former name, and will invariably do so by saying the "Mr. So-and-so was employed from 1989-2003";. My gender will come up as a matter of course, in the free use of gender specific pronouns, and this can cause problems with any prospective employer. Likewise, my educational background includes attendance at a local all-male school. To list that on my job application or in my resumé; is a guaranteed flag as to my transgendered history. Unfortunately, without the protections afforded under HB546, there is absolutely nothing preventing my true merits, skills, knowledge, and other objective qualifications from being summarily discounted for the simple reason of my gender identity.

Additionally, i have been denied health care insurance to cover psychotherapy, hormone therapy treatment, and surgery, simply because it is legal to deny coverage for transgender-related medical services, despite the fact that such services and access to medical insurance coverage has been advocated by the World Professional Association for Transgender Health, an international organization that is at the forefront of transgender health care..

For many of the transgender population, these two discriminatory aspects, employment, and health care, have profound effects on their gaining true gender congruency, a matter that often has life-or-death meaning. Approval for surgical intervention often hinges on successful adaptation to living in one's target gender; however, when faced with workplace discrimination on the basis of gender identity, this becomes a veritable impossibility. Lack of health insurance leads many, if not most of us to use all our life savings to pay for costs that can easily surpass \$100,000 dollars, over the course of several years. Some, perhaps many, are driven into marginalized employment, such as the sex industry. Countless transgender people face the threat of homelessness because of loss of employment.

The National Center for Transgender Equality recently released a report that found that discrimination is a significant aspect of life for transgender people. In the most comprehensive study done so far, a survey of 6450 people who self-identified as gender non-conforming found that they were, in comparison to the general population:

FOUR times more likely to live in extreme poverty, with household income under \$10,000;

HALF the respondents indicated experiencing harassment or other mistreatment in the workplace;

26% reported losing a job due to being transgender or gender non-conforming; all this, and other factors leads to

41% reporting having attempted suicide at least once in their life, compared to 1.6% of the general population.

These shocking statistics do not even address discrimination in medical care (which i have personally experienced), housing, education, and public accommodations.

Given this overwhelming evidence of disparate effects of current laws on transgender people, it is clear that something must be done to address this. To this end, I respectfully ask that you support HB546, Relating to Civil Rights, in the name of true equality.

Mahalo ā nui loa, ā me
ke aloha pūmehana,

Kahana Ho
kahanakitty@gmail.com

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 2:37 PM
To: JUDtestimony
Cc: jvp@spacecraft.net
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Jesse Valentine Portz
Organization: Individual
Address:
Phone:
E-mail: jvp@spacecraft.net
Submitted on: 2/21/2011

Comments:

This bill represents clarification to the way the existing law is enforced. Currently, it is the generally held belief that discrimination based on gender presentation or identity is supported by the prohibition of discrimination based on sex. However, this is not self evident to a reader of the law who has not read the tort history. This bill codifies previous judicial rulings and prevents both unfair discrimination and needless lawsuits.

The State of Hawaii will be better and stronger with the addition of HB546, so I urgently ask you to pass it.

Gender variant individuals deserve the same rights to employment just like gender normative individuals.

Thank you for your time.

Jessë Valentine Portz
Registered Architect, LEED AP

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 3:15 PM
To: JUDtestimony
Cc: xteenica@yahoo.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Christine Antolos
Organization: Individual
Address:
Phone:
E-mail: xteenica@yahoo.com
Submitted on: 2/21/2011

Comments:

Dear Honorable Members of the Judiciary Committee:

I am Christine Antolos, resident of Makiki, Honolulu County, on the island of Oahu. Thank you for considering my opinion and testimony for bill HB546. I believe this bill is important to pass. It makes it very clear that all individuals, including those who don't adhere to typical gender presentation, have the right to employment without discrimination. I personally am a woman who feels most comfortable in masculine attire and a short haircut. I feel that this presentation should not be a factor in acquiring a job or promotion. All people in the state of Hawaii should be given equal rights to employment, without discrimination, including gender identity and expression. I am a law abiding citizen and fully competent. To be denied employment based on my gender expression/presentation is wrong. Please vote yes on bill HB546. It will remove any possible ambiguity pertaining to this important civil right. Thank you for considering my position on this matter.

Sincerely,

Christine Antolos
1422 Heulu Street, A104
Honolulu, HI 96822
xteenica@yahoo.com
808-222-5012

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 4:05 PM
To: JUDtestimony
Cc: hrhsf@me.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Hector Hoyos Jr. a.k.a. (SisterFace)
Organization: Individual
Address:
Phone:
E-mail: hrhsf@me.com
Submitted on: 2/21/2011

Comments:

I WANT TO THANK THE COMMITTEE CHAIR FOR THIS MOMENT TO GIVE YOU MY FULL SUPPORT TOWARDS BILL "HB456". THIS BILL AS YOU ALL KNOW IS NOT ONLY THE RIGHT THING TO DO, BUT THE RIGHT THING TO DO FOR TRUE EQUALITY & CIVIL RIGHTS HERE IN HAWAII.

I have been fighting for Civil Rights since the mid 80's. I have also been a openly gay male my whole life since I can remember. I also have been a Drag Performance Artist my whole life since then also. For me it is an art form, Away for me to be maybe someone I can't or to enlighten thru comedy, educate. Whatever it is it has never been to drive people away. To have such a shadow of taboo that has to do with your everyday life. That said, I have always led a kind of, 2 world life... My actual Drag Fame became so big though in the early 90's. That I found myself in a situation that. I was type casted if you get me. By the whole society as a person who has no right's, because I was gay and well very loud about it thru my performance art. At this point I had many, many male friends in my life that were truly going thru a change I was not, am not. I had / have friends that truly needed to be another person, many woman that needed to become another person, meaning there opposite . Man guys needing to transform there life's from being men to becoming woman. This we all know is a huge stigmata in our country, but. It is real and these Wonderful people are real and good hearted. Some the most fabulous champions of life & charity, being honest with themselves everyday. I will never forget the day, As openly well known gay & known by all at my work since the very beginning. A company that embrace me at first it seemed then as I moved up. Then finding some issues & having to help a few employees through there hard times in company. I had to deal with upper very straight & very narrow minded management and company VP's. Me being honest and some how very openly Gay male, that they knew was a drag performer. Bothered them, they did not like this...They told me in person after a very serious life threatening situation that happened to me on the job. After I reported a demanded the police to come...They told me 1 day later in a meeting, I was pulled off the floor from my shift. My manager told me with VP on conference call. You will have to stop being so "GAY" if you want us to continue being your employer. Because I was a not only Front Of House Trainer, But. In line for a huge transfer to Florida. My whole world right there and then crumbled... I never knew in life that me being an over the top great employee & stellar marketing person, loved by all there. Would amount to me being a Too Gay of a guy or persona away from there. Would infringe on my greatly hard earned future I deserved from them. My last 2 & some years now has been nothing but a huge battle. From my filing with Civil Rights to my getting permission from all & EEOC to sue. Still is such a huge battle with a state that does not support me or others that are way more pronounced and or there own identities. I'm

simply a big Drag Queen that they were not having. Being correct and following there own procedures I lost My Job for being Gay. I can only imagine & have Witnessed thru the years what Transgendered, Pre-Op and Finally Themselves Whole. As who they man or woman being treated in most work places and housing, health, credit, insurance etc... This is not fair and no one should be Judged by what they look like or way they live there life's. Further more the State should be happy to protect anyones rights who have been treated wrong. The state should have rights to punish a place for breaking Civil Rights Laws & Protect all who deserve fair treatment in any case. I hope you all are Please... Please.. Thinking of our youth and children of the future,If this bill if not passed you could help promote hatred in the work place and beyond. Hawaii is not about this for it people, Please Pass Bill HB546

I, Hector R. Hoyos Jr. Support This Very Important Bill HB546

FEBRUARY, 21, 2011

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 20, 2011 10:53 PM
To: JUDtestimony
Cc: merway@hawaii.rr.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address:
Phone:
E-mail: merway@hawaii.rr.com
Submitted on: 2/20/2011

Comments:

Discrimination is terrible for business. Many companies include transgender and/or broad definitions of what is male or female in their anti-discrimination policies. Hawaii should be NO different. Every person deserves the right to make a living. Equality and fairness and justice supports us all. Please fully support this bill. Mahalo.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 19, 2011 5:40 PM
To: JUDtestimony
Cc: keolabear@hotmail.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Keola Akana
Organization:
Address:
Phone:
E-mail: keolabear@hotmail.com
Submitted on: 2/19/2011

Comments:

Aloha. I am a BOD member of Integrity Hawai'i the Episcopalian organization whose mission is to ensure that LGBT members are welcomed into the full life of the Episcopal Church and to ensure that the LGBT community is provided the full benefits that society offers. Please support equality and pass HB 546 to protect transgender employees in the workforce by adding gender identity and gender expression to the list of protected bases in HRS 378. Mahalo.
Keola Akana

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 18, 2011 5:49 PM
To: JUDtestimony
Cc: toddhairgrove@yahoo.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
Address:
Phone:
E-mail: toddhairgrove@yahoo.com
Submitted on: 2/18/2011

Comments:
I Support but asking for Amendments

Representative Gilbert Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Committee on Judiciary

Josephine Chang for DA MOMS

Tuesday, February 22, 2011

Support for H.B. 546 Relating to Civil Rights

My name is Josephine Chang, co-founder of DA MOMS, a support group for parents of gay, lesbian, bi-sexual, and transgender children. We strongly support H.B. 546 as a necessary house-keeping measure to make existing Hawaii civil rights laws consistent in the language used to protect gender identity and gender expression from discrimination.

Chapter 515 (discrimination in real property transactions) and Chapter 489 (discrimination in public accommodations) already contain the same clarifying language that is in this bill. H.B. 546 would make clear that the meaning of "sex" discrimination under Chapter 378 (employment practices) and Chapter 368 (Civil Rights Commission) includes gender identity or expression, as is already clarified in chapters 515 and 489. This clarification will assist and support the efforts of the Civil Rights Commission in its enforcement of Hawaii's prohibitions against discriminatory practices on the basis of gender identity and gender expression. Consistent articulation and application of our civil rights laws is in the best interests of all citizens of Hawaii.

Thank you.

February 21, 2011

To: Chairman Gilbert Keith-Agaran, Vice Chair Karl Rhoads & House Judiciary Committee Members
From: Margaret Scow
Re: **Strong OPPOSITION to HB546, relating to civil rights**

Dear Chairman Keith-Agaran, Vice Chair Rhoads and House Judiciary Committee Members,

First of all, I would like to say that HB546 is not a civil rights bill but a bill to once again advance the homosexual/transgender agenda. Transgenders were never forced to sit in the back of the bus, they were never forced to drink from a separate drinking fountain and they have always had the right to vote. Therefore, this is clearly not a civil rights issue.

Secondly, in New Hampshire, they do not have a "Transgender" Discrimination Law or a "Gender Identity" Discrimination Law but a "transgender" who said he was discriminated against won a recent lawsuit because that individual was "already protected under the non-discrimination laws prohibiting sex and disability discrimination." This bill is an attempt to get special rights for a special group of people based on their sexual orientation.

My next point is in SECTION 4. Section 378—2, Hawaii Revised Statutes, where it is **proposed** to be amended as follows:

"378-2 Discriminatory practices made unlawful; offenses
13 defined. It shall be an unlawful discriminatory practice:
14 (1) Because of race, sex, including gender identity or
15 expression, sexual orientation, age, religion, color,
16 ancestry, disability, marital status, or arrest and
17 court record:
18 (A) **For any employer to refuse to hire or employ or
19 to bar or discharge from employment, or otherwise
20 to discriminate against any individual in
21 compensation or in the terms, conditions, or
22 privileges of employment;"**

(**Bold Font** added above)

Employers have rights just like everyone else. One of those rights is to hire whomever they feel would best fill the position; and they have the right to take into account their religion.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— *The First Amendment to the U.S. Constitution*

(Underline added above)

According to this bill, Churches, "religious" colleges, "religious" schools, charitable organizations and even Christian Preschools will be forced to hire employees who are transgender. I work with small children and it would be very inappropriate to try to explain to a preschool child what the definition of a "Transgender" is. Preschool, Kindergarten and even Elementary-aged students is way too young to discuss those issues with them. Besides, that should be a parental right and should not be legislated by Hawaii's legislators. IF HB546 were to pass, these above-named religious institutions would lose their right to freedom of religion.

Religious institutions should be exempt from this bill. Businesses or services in which children are involved should be exempt from this bill. Business owners with "religious" beliefs should be exempt from this bill. However, I didn't read about any exemptions in this bill.

Transgenders often undergo sex changes. These sex changes could be a distraction and a disruption in the workplace. For example, if a male public school teacher in Hawaii announced to his students that he was "transitioning" and would be wearing female clothing from that day forward. If HB546 were to pass, that public school principal could not fire that male teacher even if students, parents and co-workers complained about the distraction it is to the students in that classroom because the male teacher would say that he's being discriminated against. The male teacher's appearance would be a distraction and it would take away from the student's learning. Many parents of those students who do not approve of the Transgender lifestyle would not be able to protect their children (no matter how young) from being exposed to the Transgender lifestyle in school. School is for learning how to read, write, participate in science, math, social studies and other courses. School is not the place to learn about transgenders. It is each child's parents' responsibility to teach them morals and sex education at home.

In conclusion, I ask you to **OPPOSE HB546**. This is not a civil rights issue. It violates business owner's First Amendment rights by prohibiting them from their right to exercise their religion. It would not be wise to expose young children to transgenders in the public schools and it takes away Parental Rights. Please vote NO to HB546 because transgenders are already protected under Hawaii's non-discrimination laws and HB546 would give transgenders special rights, special recognition and put them in a special class while promoting the homosexual/transgender agenda.

Sincerely,

Margaret Scow

Wife, Mother, Business Owner, Community Leader, Church Leader

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 22, 2011 7:47 AM
To: JUDtestimony
Cc: ski.in.kauai@gmail.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Melissa Schoenwether
Organization: Individual
Address:
Phone:
E-mail: ski.in.kauai@gmail.com
Submitted on: 2/22/2011

Comments:

I strongly urge you to oppose this. Please do not waste important time, effort and money on something as erroneous as this.
Thank you for your attention.

DATE: 02.22.2011
FROM: Siobhán Ní Dhonacha
TO: State of Hawai'i House of Representatives
RE: Vote Yes on HB546

Dear House Representatives,

I fully support HB546, a bill that prohibits employers from discriminating on the basis of gender identity or expression. It is vital that in the land of Aloha, we have the same regard for all and provide a safe, respectful, equitable, working environment for all.

In addition, it is crucial that no qualified applicants for jobs should be discriminated based on stereotypes associated with gender identity or expression.

The fact is that many transgender and gender non-conforming citizens support families with their earned wages.

The use of bathroom facilities, an issue that unfortunately people do raise in objection to inclusiveness in the workplace for transgender and gender non-conforming citizens, is a red herring since all restrooms have privacy stalls except for single use restrooms which are stand-alone and completely private.

Again, this is about the basic of a civil society, and respect for each individual – Vote Yes!

Thank you for your time!

Sincerely,
Siobhán Ní Dhonacha

**LIST OF COMPANIES COMMITTED
TO A FAIR WORKPLACE AND
HIRING PRACTICES**

**Members of the Business Coalition for Workplace
Fairness**

Accenture Ltd. New York, NY
Alberto-Culver Co. Melrose Park, IL
AMR Corp. (American Airlines) Fort Worth, TX
Bank of America Corp. Charlotte,
NC Bausch & Lomb Inc. Rochester, NY
Boehringer Ingelheim Pharmaceuticals Inc. Ridgefield,
CT
BP America Inc. Warrenville, IL
Bristol-Myers Squibb Co. New York,
NY Capital One Financial Corp. McLean, VA Charles
Schwab & Co. San Francisco, CA
Chevron Corp. San Ramon, CA Chubb Corp. Warren,
NJ
Cisco Systems Inc. San Jose, CA
Citigroup New York, NY
Clear Channel Communications Inc. San Antonio, TX
The Coca-Cola Co. Atlanta, GA
Coors Brewing Co. Golden, CO Corning Inc. Corning,
NY Deutsche Bank New York, NY Diageo North
America Norwalk, CT
Dow Chemical Co. Midland, MI Eastman Kodak Co.
Rochester,
NY Electronic Arts Inc. Redwood City, CA
EMC Corp. Hopkinton, MA
Ernst & Young LLP New York, NY
Gap Inc. San Francisco, CA
General Mills Inc. Minneapolis, MN
General Motors Corp. Detroit, MI
GlaxoSmithKline Philadelphia, PA
Goldman Sachs Group Inc. New York, NY

Google Inc. Mountain View, CA
Harrah's Entertainment Inc. Las Vegas, NV
Herman Miller Inc. Zeeland, MI
Hewlett-Packard Co. Palo Alto, CA
Hospira Inc. Lake Forest, IL
HSBC – North America Prospect Heights, IL
Integrity Staffing Solutions Inc. Wilmington, DE J.P.
Morgan Chase & Co. New York, NY
Kaiser Permanente Oakland, CA
KPMG LLP New York, NY
Levi Strauss & Co. San Francisco, CA
Marriott International Inc. Bethesda, MD
Merck & Co. Inc.
Whitehouse Station, NJ
Merrill Lynch & Co. Inc. New York, NY
Microsoft Corp. Redmond, WA
Morgan Stanley New York, NY
Nationwide Columbus, OH
NCR Corp. Dayton, OH
Nike Inc. Beaverton, OR Pfizer Inc. New York, NY
QUALCOMM Inc. San Diego, CA
RBC Dain Rauscher Inc. Minneapolis, MN
Replacements Ltd. McLeansville, NC
Robins, Kaplan, Miller & Ciresi LLP Minneapolis,
MN Sun Microsystems Inc. Santa Clara, CA
Time Warner Inc. New York,
NY Travelers Companies Inc. St. Paul, MN
Washington Mutual Inc. Seattle, WA
Xerox Corp. Stamford, CT
Yahoo! Inc. Sunnyvale, CA

DATE: 02.22.2011
FROM: Kristin Bacon
TO: State of Hawai'i House of Representatives
RE: Vote Yes on HB546

Dear House Representatives,
I fully support HB546, a bill that prohibits employers from discriminating on the basis of gender identity or expression. It is vital that in the land of Aloha, we have the same regard for all and provide a safe, respectful, equitable, working environment for all.

In addition, it is crucial that no qualified applicants for jobs should be discriminated based on stereotypes associated with gender identity or expression.

The fact is that many transgender and gender non-conforming citizens support families with their earned wages.

The use of bathroom facilities, an issue that unfortunately people do raise in objection to inclusiveness in the workplace for transgender and gender non-conforming citizens, is a red herring since all restrooms have privacy stalls except for single use restrooms which are stand-alone and completely private.

Again, this is about the basics of a civil society, and respect for each individual – Vote Yes!

Thank you for your time!

Sincerely,
Kristin Bacon

**LIST OF COMPANIES COMMITTED
TO A FAIR WORKPLACE AND
HIRING PRACTICES**

**Members of the Business Coalition for Workplace
Fairness**

Accenture Ltd. New York, NY
Alberto-Culver Co. Melrose Park, IL
AMR Corp. (American Airlines) Fort Worth, TX
Bank of America Corp. Charlotte,
NC Bausch & Lomb Inc. Rochester, NY
Boehringer Ingelheim Pharmaceuticals Inc. Ridgefield,
CT
BP America Inc. Warrenville, IL
Bristol-Myers Squibb Co. New York,
NY Capital One Financial Corp. McLean, VA Charles
Schwab & Co. San Francisco, CA
Chevron Corp. San Ramon, CA Chubb Corp. Warren,
NJ
Cisco Systems Inc. San Jose, CA
Citigroup New York, NY
Clear Channel Communications Inc. San Antonio, TX
The Coca-Cola Co. Atlanta, GA
Coors Brewing Co. Golden, CO Corning Inc. Corning,
NY Deutsche Bank New York, NY Diageo North
America Norwalk, CT
Dow Chemical Co. Midland, MI Eastman Kodak Co.
Rochester,
NY Electronic Arts Inc. Redwood City, CA
EMC Corp. Hopkinton, MA
Ernst & Young LLP New York, NY
Gap Inc. San Francisco, CA
General Mills Inc. Minneapolis, MN
General Motors Corp. Detroit, MI
GlaxoSmithKline Philadelphia, PA
Goldman Sachs Group Inc. New York, NY

Google Inc. Mountain View, CA
Harrah's Entertainment Inc. Las Vegas, NV
Herman Miller Inc. Zeeland, MI
Hewlett-Packard Co. Palo Alto, CA
Hospira Inc. Lake Forest, IL
HSBC – North America Prospect Heights, IL
Integrity Staffing Solutions Inc. Wilmington, DE J.P.
Morgan Chase & Co. New York, NY
Kaiser Permanente Oakland, CA
KPMG LLP New York, NY
Levi Strauss & Co. San Francisco, CA
Marriott International Inc. Bethesda, MD
Merck & Co. Inc.
Whitcomb Station, NJ
Merrill Lynch & Co. Inc. New York, NY
Microsoft Corp. Redmond, WA
Morgan Stanley New York, NY
Nationwide Columbus, OH
NCR Corp. Dayton, OH
Nike Inc. Beaverton, OR Pfizer Inc. New York, NY
QUALCOMM Inc. San Diego, CA
RBC Dain Rauscher Inc. Minneapolis, MN
Replacements Ltd. McLeansville, NC
Robins, Kaplan, Miller & Ciresi LLP Minneapolis,
MN Sun Microsystems Inc. Santa Clara, CA
Time Warner Inc. New York,
NY Travelers Companies Inc. St. Paul, MN
Washington Mutual Inc. Seattle, WA
Xerox Corp. Stamford, CT
Yahoo! Inc. Sunnyvale, CA

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 22, 2011 8:13 AM
To: JUDtestimony
Cc: joeandtami@juno.com
Subject: Testimony for HB546 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB546

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: joeandtami mcilhenny
Organization: Individual
Address:
Phone:
E-mail: joeandtami@juno.com
Submitted on: 2/22/2011

Comments:

From: Stan Zitnik [mailto:imuawp@hawaiiantel.net]
Sent: Tuesday, February 22, 2011 10:08 AM
To: Rep. Gilbert Keith-Agaran
Subject: HB 546 Gender Identity or Expression

Aloha,

I am providing testimony in opposition to the above bill that would include "gender identification or expression" as a protected class. I hope that you will not support this bill or any similar legislation that will impede businesses and organizations in their ability to hire, employ and manage their employees without fear of frivolous claims of discrimination.

Thank you,

Stan
Stan Zitnik
Wailuku, Maui
385-1405