



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

Testimony by  
Hawaii State AFL-CIO  
February 22, 2011

## H.B. 546 – RELATING TO CIVIL RIGHTS

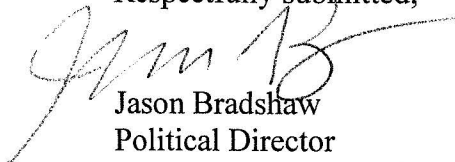
The Hawaii State AFL-CIO **supports** the purpose and intent of H.B. 546 which would prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Under current law, it is unlawful to discriminate because of race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record. However, gender identity and expression have been notably excluded from the law. That should no longer be the case. It is important that everyone is protected under the law and no longer discriminated against. Employees should feel safe and secure wherever they work without the fear of humiliation, embarrassment, and discomfort.

Furthermore, thirteen states, including the District of Columbia have policies that protect against gender identity discrimination in employment. Let's see that number increase to fourteen.

Thank you for the opportunity to testify.

Respectfully submitted,

  
Jason Bradshaw  
Political Director

LATE TESTIMONY

**HB 546--Testimony**

Ashliana Hawelu [ashliana1@hotmail.com]

**Sent:** Tuesday, February 22, 2011 12:57 PM**To:** JUDtestimony

LATE TESTIMONY

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Aloha House of Representatives,

I am in favor of Bill 546 that bans employment discrimination on gender identity/expression.

As a transgender myself, I have experienced employment decrimination on many different levels including being terminated because of being transgender, which ultimately forced me into prostitution to survived. Today, as an executive director of a non-profit organization (Kuia Na Mamo) specializing in assisting transgenders with pre-employment training services funded by the state, Kulia Na Mamo continues to educate mainstream employers of the 10 basic principles of "transgenders in the workplace." Thank you for letting me submit my testimony. Mahalo.

Me ke aloha pumehana,

Ashliana Hawelu

Executive Director

Kulia Na Mamo

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**Testimony for HB546 on 2/22/2011 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 22, 2011 10:28 AM

**To:** JUDtestimony

**Cc:** lagdeleon@aol.com

**LATE TESTIMONY**

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

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Lagrimas DeLeon

Organization: Individual

Address:

Phone:

E-mail: lagdeleon@aol.com

Submitted on: 2/22/2011

Comments:

I am requesting to please oppose the HB546 "Bathroom Bill."

Thank you

**Testimony for HB546 on 2/22/2011 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 22, 2011 10:37 AM

**To:** JUDtestimony

**Cc:** kkfoster29@gmail.com

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

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kimberly Foster  
Organization: Individual  
Address:  
Phone:  
E-mail: kkfoster29@gmail.com  
Submitted on: 2/22/2011

Comments:

**LATE TESTIMONY**

**Testimony for HB546 on 2/22/2011 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 22, 2011 11:48 AM

**To:** JUDtestimony

**Cc:** lisay001@hawaii.rr.com

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

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: lisa yoshimura

Organization: Individual

Address:

Phone:

E-mail: lisay001@hawaii.rr.com

Submitted on: 2/22/2011

**LATE TESTIMONY**

Comments:

**To:** Representative Gilbert S. C. Keith-Agaran, Chairman  
Representative Karl Rhoads, Vice Chairman  
Members of the House Judiciary Committee

**From:** Lisa Yoshimura

**Date:** February 22, 2011

**Re:** Testimony Opposing HB 546, Civil Rights; Nondiscrimination; Gender Identity

I STRONGLY OPPOSE HB 546 regarding providing additional rights to the transgender. I read this bill and I cannot tell you how grieved I was to see how far we have gone beyond reasonable and rational thinking.

I can only pray that you will have the wisdom to kill this bill in your committee.

I strongly urge you to oppose SB 803. Thank you.

Attention: House Judiciary Committee

Hearing: Tuesday, February 22, 2011 2:00 PM

Conference Room: Conference Room 325

Subject: **OPPOSE HB 546**

LATE TESTIMONY

Submitted by: Mary Smart, Mililani, HI

Chairman Keith-Agaran, Vice Chair Rhoads and Members:

1. I **OPPOSE HB546** Relating to Civil Rights. This bill abuses some of the most vulnerable individuals among us, stifles business and limits true diversity.
2. This bill institutionalizes **INJUSTICE** to individuals who suffer from gender identity disorder problems (to be classified as Gender Incongruence in DSM-5) by “normalizing” the disorder.  
<http://www.dsm5.org/ProposedRevisions/Pages/proposedrevision.aspx?rid=482>
3. This bill also institutionalizes an **INJUSTICE** to business by forcing those who do not have a mental disorder to pretend that a person suffering from a known mental condition is healthy. A caring employer would have to ignore an applicant’s need for help
4. This bill will discriminate against citizens who understand that sexual identity problems need mental health services and their right to say/express the truth. If the goal is to eliminate discrimination, this bill will exacerbate it.
5. The provision of this bill endangers the community that knows it is appropriate to segregate restrooms, locker rooms, barracks, sports competition etc. by a person’s sex, not a momentary perception. This is a safety issue.
6. This Bill ignores science. Since the discovery of DNA, we are able to determine the sex/gender of an individual. Science can help an individual understand their birth gender. Before DNA was discovered, there would be a reason for the confusion, but now we know the issues involved and can help the individual accept their sexual identity. Science has also helped us identify gender mutations. Here is a link to some of the biological issues that arise:  
<http://transgenderexplored.com/mental.htm> and  
<http://transgenderexplored.com/intersex.htm>
7. Most Hawaii citizens equate sex to gender. They don’t know that the “social sciences,” a discipline that doesn’t require any scientific rigor, created new definitions of gender. However, even if they are aware, most people have no concept of the differences between “actual gender, perceived gender, gender-

related self-image and gender-related expression,” all terms referenced in this bill. Without a clear and unambiguous definition of these terms, persons and institutions subject to non-discrimination provisions will not be able to determine what practices will result in charges of discrimination.

8. This Bill eliminates CHOICE and EQUAL RIGHTS for business and individuals. Every individual is free to think what they want, however, they should not be able to force others to act on their wrong thinking. Every business should be free to establish standard they assess will increase productivity. If it includes that everyone dress according to their DNA or in their medically altered gender at the time of their hiring, that should be the choice and right of a business.
9. Business must have the ability to select the individual who best fits the corporate identity. The image that would work at IBM may not be the same image that would work at a tattoo parlor.
10. Business should not be forced to hire or retain people who they suspect are unsuitable for a position. If after hiring an individual the employer determines the employee is unstable, inconsistent, or confused, employers should be able to reassess the employee’s suitability for the job.
11. Many businesses and organizations have uniforms and standards of dress. It is incongruous to think that a business or organization has to guess how their employee or volunteer will present themselves on different days. Consistency is not too much to expect from an employee.
12. This bill is not required. Hawaii voters already hired/elected a known transgendered to a prominent position. This bill “bullies” businesses into hiring people who may not be the right fit for a particular position.
13. This bill will create a lucrative environment for lawyers. It is often difficult for an employer to prove they hired one person who was better qualified over another whenever someone in this protected class applies for a job. Whether warranted or not, there will be litigation. This class of applicants will “bully” the employer even though they are less qualified than other applicants. It is likely that the bill, if enacted, will result in expensive and time-consuming litigation to be paid by Hawaii’s businesses and/or taxpayers.
14. This bill will negatively impact the business environment and availability of jobs. The draconian regulations are a disincentive to operate a business in Hawaii which will negatively impact Hawaii’s economic recovery.
15. For the sake of the people of Hawaii and the economy; to ensure a safe and productive business and school environment; to eliminate unneeded legislation; and help individuals obtain the mental health services they need,  
**VOTE NO on HB 546.**

**Testimony for HB546 on 2/22/2011 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 22, 2011 12:16 PM

**To:** JUDtestimony

**Cc:** tsmithmaui@yahoo.com

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

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Taylor Smith

Organization: Individual

Address:

Phone:

E-mail: tsmithmaui@yahoo.com

Submitted on: 2/22/2011

LATE TESTIMONY

**Comments:**

If enacted, such a measure would create a public safety concern by fostering &quot;legitimized access&quot; sought by predators to women and children in places such as public restrooms and gym locker rooms, where entitlement to privacy has always been a traditional right.

I oppose this measure and encourage you to do the same.