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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 378-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) It shall be an unlawful discriminatory practice:

4           (1) Because of race, sex, including gender identity or  
5           expression, sexual orientation, age, religion, color,  
6           ancestry, disability, marital status, arrest and court  
7           record, or domestic or sexual violence victim status  
8           if the domestic or sexual violence victim provides  
9           notice to the victim's employer of such status or the  
10          employer has actual knowledge of such 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, that 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 any individual because of  
12 assignment of income for the purpose of satisfying the  
13 individual's child support obligations as provided for  
14 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, bar or discharge from employment,



1 withhold pay from, demote, or penalize a lactating  
2 employee because the employee breastfeeds or expresses  
3 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, bar or  
7 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) [-]; or

15 (9) For any employer or employment agency to publish or  
16 cause to be published, in print or on the Internet,  
17 any advertisement for a job vacancy that includes:

18 (A) Any provision stating or suggesting that the  
19 qualifications for a job include the current  
20 employment of an individual applying for the job;

21 (B) Any provision stating or suggesting that the  
22 employer or employment agency will not consider





# H.B. NO. 1680

**Report Title:**

Employment Discrimination; Unemployed Status of Job Applicant

**Description:**

Prohibits any employer or employment agency from publishing a job advertisement that states or suggests that an applicant for the job must be currently employed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

