

JAN 20 2012

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; [øæ]

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



1 or review an application for employment submitted
2 by an individual who is currently unemployed; or
3 (C) Any provision stating or suggesting that the
4 employer or employment agency will consider or
5 review only applications for employment submitted
6 by an individual who is currently employed."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY: 

S.B. NO. 2202

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.

