

JAN 20 2016

A BILL FOR AN ACT

RELATING TO DISCRIMINATORY 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;



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- 1 (B) For any employment agency to fail or refuse to
2 refer for employment, or to classify or otherwise
3 to discriminate against, any individual;
- 4 (C) For any employer or employment agency to print,
5 circulate, or cause to be printed or circulated
6 any statement, advertisement, or publication or
7 to use any form of application for employment or
8 to make any inquiry in connection with
9 prospective employment, that expresses, directly
10 or indirectly, any limitation, specification, or
11 discrimination;
- 12 (D) For any labor organization to exclude or expel
13 from its membership any individual or to
14 discriminate in any way against any of its
15 members, employer, or employees; or
- 16 (E) For any employer or labor organization to refuse
17 to enter into an apprenticeship agreement as
18 defined in section 372-2; provided that no
19 apprentice shall be younger than sixteen years of
20 age;



- 1 (2) For any employer, labor organization, or employment
2 agency to discharge, expel, or otherwise discriminate
3 against any individual because the individual has
4 opposed any practice forbidden by this part or has
5 filed a complaint, testified, or assisted in any
6 proceeding respecting the discriminatory practices
7 prohibited under this part;
- 8 (3) For any person, whether an employer, employee, or not,
9 to aid, abet, incite, compel, or coerce the doing of
10 any of the discriminatory practices forbidden by this
11 part, or to attempt to do so;
- 12 (4) For any employer to violate the provisions of section
13 121-43 relating to nonforfeiture for absence by
14 members of the national guard;
- 15 (5) For any employer to refuse to hire or employ or to bar
16 or discharge from employment any individual because of
17 assignment of income for the purpose of satisfying the
18 individual's child support obligations as provided for
19 under section 571-52;
- 20 (6) For any employer, labor organization, or employment
21 agency to exclude or otherwise deny equal jobs or



1 benefits to a qualified individual because of the
2 known disability of an individual with whom the
3 qualified individual is known to have a relationship
4 or association;

5 (7) For any employer or labor organization to refuse to
6 hire or employ, bar or discharge from employment,
7 withhold pay from, demote, or penalize a lactating
8 employee because the employee breastfeeds or expresses
9 milk at the workplace. For purposes of this
10 paragraph, the term "breastfeeds" means the feeding of
11 a child directly from the breast;

12 (8) For any employer to refuse to hire or employ, bar or
13 discharge from employment, or otherwise to
14 discriminate against any individual in compensation or
15 in the terms, conditions, or privileges of employment
16 of any individual because of the individual's credit
17 history or credit report, unless the information in
18 the individual's credit history or credit report
19 directly relates to a bona fide occupational
20 qualification under section 378-3(2); [e]



1 (9) For any employer to discriminate against any
 2 individual employed as a domestic, in compensation or
 3 in terms, conditions, or privileges of employment
 4 because of the individual's race, sex including gender
 5 identity or expression, sexual orientation, age,
 6 religion, color, ancestry, disability, or marital
 7 status[-]; or

8 (10) For any employer to retaliate or threaten retaliation
 9 against an employee for providing documentation,
 10 statements, or information about labor conditions of
 11 the premises where that employee works for the
 12 employer."

13 SECTION 2. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Labor; Discriminatory Practices

Description:

Makes it a discriminatory labor practice for any employer to retaliate or threaten retaliation against an employee for providing documentation, statements, or information about labor conditions of the premises where that employee works for the employer.

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

