

---

---

# A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1           SECTION 1. Section 378-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Familial status" means the status of a parent having  
5 legal custody of and domiciled with a minor child or children, a  
6 person who is domiciled with a minor child or children and who  
7 has written or unwritten permission from the legal parent, a  
8 person who is pregnant, or any person who is in the process of  
9 securing legal custody of a minor child or children."

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

12          "(a) It shall be an unlawful discriminatory practice:  
13          (1) Because of race, sex including gender identity or  
14             expression, sexual orientation, age, religion, color,  
15             ancestry, disability, marital status, familial status,  
16             arrest and court record, or domestic or sexual  
17             violence victim status if the domestic or sexual



1 violence victim provides notice to the victim's  
2 employer of such status or the employer has actual  
3 knowledge of such status:

4 (A) For any employer to refuse to hire or employ or  
5 to bar or discharge from employment, or otherwise  
6 to discriminate against any individual in  
7 compensation or in the terms, conditions, or  
8 privileges of employment;

9 (B) For any employment agency to fail or refuse to  
10 refer for employment, or to classify or otherwise  
11 to discriminate against, any individual;

12 (C) For any employer or employment agency to print,  
13 circulate, or cause to be printed or circulated  
14 any statement, advertisement, or publication or  
15 to use any form of application for employment or  
16 to make any inquiry in connection with  
17 prospective employment, that expresses, directly  
18 or indirectly, any limitation, specification, or  
19 discrimination;

20 (D) For any labor organization to exclude or expel  
21 from its membership any individual or to



- 1 discriminate in any way against any of its  
2 members, employer, or employees; or
- 3 (E) For any employer or labor organization to refuse  
4 to enter into an apprenticeship agreement as  
5 defined in section 372-2; provided that no  
6 apprentice shall be younger than sixteen years of  
7 age;
- 8 (2) For any employer, labor organization, or employment  
9 agency to discharge, expel, or otherwise discriminate  
10 against any individual because the individual has  
11 opposed any practice forbidden by this part or has  
12 filed a complaint, testified, or assisted in any  
13 proceeding respecting the discriminatory practices  
14 prohibited under this part;
- 15 (3) For any person, whether an employer, employee, or not,  
16 to aid, abet, incite, compel, or coerce the doing of  
17 any of the discriminatory practices forbidden by this  
18 part, or to attempt to do so;
- 19 (4) For any employer to violate the provisions of section  
20 121-43 relating to nonforfeiture for absence by  
21 members of the national guard;



- 1           (5) For any employer to refuse to hire or employ or to bar  
2           or discharge from employment any individual because of  
3           assignment of income for the purpose of satisfying the  
4           individual's child support obligations as provided for  
5           under section 571-52;
- 6           (6) For any employer, labor organization, or employment  
7           agency to exclude or otherwise deny equal jobs or  
8           benefits to a qualified individual because of the  
9           known disability of an individual with whom the  
10          qualified individual is known to have a relationship  
11          or association;
- 12          (7) For any employer or labor organization to refuse to  
13          hire or employ, bar or discharge from employment,  
14          withhold pay from, demote, or penalize a lactating  
15          employee because the employee breastfeeds or expresses  
16          milk at the workplace. For purposes of this  
17          paragraph, the term "breastfeeds" means the feeding of  
18          a child directly from the breast;
- 19          (8) For any employer to refuse to hire or employ, bar or  
20          discharge from employment, or otherwise to  
21          discriminate against any individual in compensation or



# H.B. NO. 1011

1 in the terms, conditions, or privileges of employment  
 2 of any individual because of the individual's credit  
 3 history or credit report, unless the information in  
 4 the individual's credit history or credit report  
 5 directly relates to a bona fide occupational  
 6 qualification under section 378-3(2); or

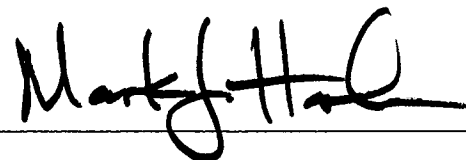
7 (9) For any employer to discriminate against any  
 8 individual employed as a domestic, in compensation or  
 9 in terms, conditions, or privileges of employment  
 10 because of the individual's race, sex including gender  
 11 identity or expression, sexual orientation, age,  
 12 religion, color, ancestry, disability, [~~or~~] marital  
 13 status[-], or familial status."

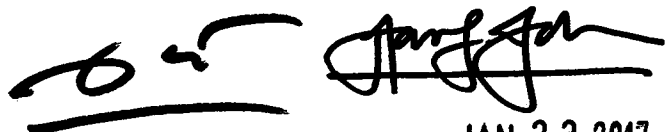
14 SECTION 3. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:





JAN 23 2017



# H.B. NO. 1011

**Report Title:**

Employment Discrimination

**Description:**

Prohibits employment discrimination based on familial status.

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

