



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 6, 2018  
Rm. 309, 8:30 a.m.

To: Representative Aaron Ling Johanson, Chair  
Members of the House Committee on Labor & Public Employment

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 2018

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 2018 would amend H.R.S. § 378-2 to add reproductive health decisions as a protected basis upon which employment discrimination is prohibited, and adds a definition of “Reproductive health decision” to § 378-1, as “the use or attempted use of any legal drug, device, or medical service intended to prevent or terminate a pregnancy.”

The HCRC supports H.B. No. 2018. Adverse employment actions should not be based on an employee’s or prospective employee’s reproductive health decisions, and this bill would prohibit that kind of discrimination.

Many claims of discrimination based on reproductive health decisions are already covered as discrimination based on sex (*e.g.*, the decision to terminate or not to terminate a pregnancy), and if enacted, H.B. No. 2018 would clarify this coverage.

The HCRC supports H.B. No. 2018.

To: Hawaii State House Committee on Labor and Public Employment  
Hearing Date/Time: Tuesday, Feb. 6, 2018, 8:30 a.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 2018

Dear Chair Johanson and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 2018, which would protect employees in Hawaii from workplace discrimination based on the employees’ personal reproductive health care decisions.

H.B. 2018 would protect women from discrimination at a time when bills that would allow businesses to discriminate against their employees or deny services based on their religious beliefs are sweeping the nation. While everyone is entitled to their beliefs, that shouldn’t give employers a license to discriminate against women for their personal health care decisions. All women and men should have the ability to make their own health care decisions — without employers getting in the way. No one should ever worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health issues could affect their employment and subject them to workplace retaliation.

H.B. 2018 also fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women’s and children’s health when women delay or prevent health care in fear for their job, subjects women to financial burdens not faced by men and to long-term negative economic, educational and employment consequences.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,  
Laurie Field  
Hawaii Legislative Director

# COMMUNITY ALLIANCE ON PRISONS

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Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair,

Rep. Daniel Holt, Vice Chair

Tuesday, February 6, 2018

8:30 AM

Room 309

## SUPPORT FOR HB 2018 – PROTECTING REPRODUCTIVE HEALTH DECISIONS

Aloha Chair Johanson, Vice Chair Holt and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2018 adds reproductive health decisions to the list of categories that are protected against discriminatory employment practices.

Community Alliance on Prisons supports fair and just employment practices and adding reproductive health decisions to the list of protected categories makes sense since it is an important part of women's overall healthcare.

We urge the committee's support for this measure.

Mahalo for this opportunity to testify.



February 6, 2018

To: Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair and  
Members of the Committee on Labor and Public Employment

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2018 Relating to Employment Practices  
Hearing: Tuesday, February 6, 2018, 8:30 a.m., Room 309

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of HB 2018 Relating to Employment Practices which would protect employees in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions.

HB 2018 would protect women from discrimination at a time when national politics is turning back policies to allow businesses to discriminate against their employees or deny services based on their religious beliefs. While everyone is entitled to their beliefs, that shouldn't give employers a license to discriminate against women for their personal health care decisions. Employers should not control those decisions. No one should ever worry that their personal decisions could affect their employment and subject them to workplace retaliation.

HB 2018 also fills a gap in existing Hawai'i law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women's and children's health when women delay or prevent health care in fear for their job. This type of discrimination is unconscionable and subjects women to financial burdens not faced by men, and creates long-term negative economic, educational and employment consequences for women and their families.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony.



February 4, 2018

To: Hawaii State House Committee on Labor and Public Employment  
Hearing Date/Time: Tuesday, February 6, 2018 (8:30 am)  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony in support of HB2018 relating to employment practices

Dear Representative Aaron Ling Johansen (Chair), Representative Daniel Holt (Vice Chair), and Committee Members,

I am grateful for this opportunity to testify in **strong support of HB2018**, which protects women's rights in employment. Because of their physiology, women show the physical signs of some reproductive decisions. Some of these decisions have been protected in the workplace, such as a woman's right to become pregnant, and not be faced with job loss. Other decisions, such as a woman's right to choose to not bear children has not been protected under employment law. In a fair world, both groups of women would be protected from employers negatively sanctioning their reproductive health decisions.

AAUW-Hawaii as an organization supports women's rights to make their own reproductive health decisions. In addition, we encourage protection of women's rights to avoid sanction for these decisions in an employment setting. Please do not allow discrimination against women by employers who may choose to discriminate in this unfair manner.

Thank you for the opportunity to testify.

Sincerely

*Susan J. Wurtzburg*

Ph.D., Policy Chair



## Hawaii Women's Coalition

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### COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair

Rep. Daniel Holt, Vice Chair

**DATE:** Tuesday, February 6, 2018

**TIME:** 8:30 AM

**PLACE:** Conference Room 309

**The Hawaii Women's Coalition is in STRONG SUPPORT of HB2018 that would protect women in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions.**

Aloha Chair Johanson, Vice Holt and members,

This measure would protect Hawaii's women from the noxious odor of institutionalized discrimination wafting out of Washington under the current administration. There are, sadly, bills in Congress that would roll back civil rights for women to the early 20<sup>th</sup> Century or perhaps back to medieval times. Some of these bills would allow businesses to discriminate against their employees or deny them services based on the employers' religious beliefs – in the name of “religious freedom.”

When did “religious freedom” come to mean the right to impose one's religious beliefs on everyone else, including one's employees? Last time we checked we don't live in a theocracy, at least not yet. But if the far right get its way women in the United States will be living under a version of religious government depicted in the Handmaid's Tale.

The women in the Coalition, and the organizations they represent, abhor this assault on our hard-won rights. Some of the grey-haired among us have spent their adult lives fighting to get these rights, only to see them under assault yet again.

Please protect the rights of women workers. Ensure that they are not forced to choose between their job and their reproductive freedom, that they are judged by their performance, not by personal, private decisions about their reproductive health nor by their religious affiliation or lack thereof.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676



**ACOG**  
The American College of  
Obstetricians and Gynecologists

*American College of  
Obstetricians and Gynecologists  
District VIII, Hawai'i (Guam & American  
Samoa) Section*

TO: Representative Aaron Ling Johanson, Chair – House Committee on Labor & Public Employment  
Representative Daniel Holt, Vice Chair – House Committee on Labor & Public Employment

DATE: Tuesday, February 6, 2018, 8:30AM  
PLACE: Conference Room 309

FROM: Hawai'i Section, ACOG  
Dr. Greigh Hirata, MD, FACOG, Chair  
Dr. Chrystie Fujimoto, MD, FACOG, Vice-Chair  
Dr. Reni Soon, MD, MPH, FACOG, Legislative Chair  
Lauren Zirbel, Community and Government Relations

**Re: HB 2018 – Relating to Employment Practices  
Position: SUPPORT**

Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) **supports HB2018**, which would protect employees in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions. As a section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents more than 200 obstetrician-gynecologist physicians in our state.

HB 2018 is urgently needed as bills that would allow businesses to discriminate against their employees or deny services based on their religious beliefs are sweeping the nation. Everyone is entitled to their beliefs, however this does not translate into a license for employers to discriminate against women for their personal health care decisions. These are decisions that should be between an individual and her health care provider. No one should ever worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health issues could affect their employment and subject them to workplace discrimination.

Existing Hawai'i law bans pregnancy discrimination in the workplace, but currently does not protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can compromise women's and children's health when women delay or prevent health care in fear for their job and subjects women to financial burdens not faced by men.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom, and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

Thank you for the opportunity to testify.

TO: Representative Aaron Ling Johanson, Chair – House Committee on Labor & Public Employment  
Representative Daniel Holt, Vice Chair – House Committee on Labor & Public Employment

DATE: Tuesday, February 6, 2018, 8:30AM

PLACE: Conference Room 309

FROM: Ronnie Texeira, MD OBGYN

**Re: HB 2018 – Relating to Employment Practices**

**Position: STRONG SUPPORT**

Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) **supports HB2018**, which would protect employees in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions. As a section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents more than 200 obstetrician-gynecologist physicians in our state.

HB 2018 is urgently needed as bills that would allow businesses to discriminate against their employees or deny services based on their religious beliefs are sweeping the nation. Everyone is entitled to their beliefs, however this does not translate into a license for employers to discriminate against women for their personal health care decisions. These are decisions that should be between an individual and her/his health care provider. No one should ever worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health issues could affect their employment and subject them to workplace discrimination.

HB 2018 also fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women's and children's health when women delay or prevent health care in fear for their job, subjects women to financial burdens not faced by men and to long-term negative economic, educational and employment consequences.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

Thank you for the opportunity to testify.



**HB-2018**

Submitted on: 2/5/2018 8:25:15 AM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**HB-2018**

Submitted on: 2/4/2018 6:28:34 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton		Support	No

Comments:

**HB-2018**

Submitted on: 2/4/2018 10:03:01 AM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly		Support	Yes

Comments:

Dear Chair Johanson and Members of the LAB Committee,

As a member of American Association of University Women Hawaii (AAUW Hawaii), I want to first thank you for the opportunity to testify in strong support of H.B. 2018, which would protect employees in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions.

H.B. 2018 would protect women from discrimination at a time when bills that would allow businesses to discriminate against their employees or deny services based on their religious beliefs are sweeping the nation. While everyone is entitled to their beliefs, that shouldn't give employers a license to discriminate against women for their personal health care decisions. All women and men should have the ability to make their own health care decisions — without employers getting in the way. No one should ever worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health issues could affect their employment and subject them to workplace retaliation.

H.B. 2018 also fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women's and children's health when women delay or prevent health care in fear for their job, subjects women to financial burdens not faced by men and to long-term negative economic, educational and employment consequences.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

Thank you for this opportunity to testify in support of this important measure.

**HB-2018**

Submitted on: 2/5/2018 8:39:41 AM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay		Support	No

Comments:

**HB-2018**

Submitted on: 2/4/2018 10:44:07 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Hsu		Support	No

Comments:

**With the current administration, and especially after Trump’s HHS rule on January 19th, it is imminent that HB. 2018 should be passed. This bill would protect women from discrimination in this crucial time. Everyone is entitled to their beliefs, and yes, they are to be respected. However, the line is drawn when someone’s belief becomes the reason why they are discriminated against. A person’s belief should not give employers a license to discriminate against women for their own personal health care decisions. Everyone, both women, and males should have the ability to make their own healthcare decisions without the risk of being fired. They should not have to worry that their decision on birth control, pregnancy, abortion, or other reproductive issues could affect their employment and workplace retaliation.**

**Current laws ban pregnancy discrimination in the workplace but fail to offer any sort of protection against women who chose not to become pregnant. Though the impacts may seem small initially, the ramifications of allowing this to happen have tremendous consequences. Failing to protect women from discrimination on these bases can be dangerous to not only the woman but also their future children if they chose to have any. When you fail to pass this bill, you are putting up barriers and financial burdens not faced by men. These can have long-term negative economic, educational, and employment consequences if the woman chooses to delay or not access health care for fear of retaliation.**

**Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health. Thank you for this opportunity to testify in support of this important measure.**

**HB-2018**

Submitted on: 2/5/2018 10:48:39 AM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Bickel		Support	No

Comments:

If we believe in gender equality, this bill is common sense. Please support it.

**HB-2018**

Submitted on: 2/5/2018 1:01:54 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall		Support	No

Comments:

**HB 2018**

**LATE  
TESTIMONY**



HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

**LATE**

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johnason, Chair  
Rep. Daniel Holt, Vice Chair  
State Capitol, Conference Room 309  
Tuesday, February 6, 2018, 8:30 a.m.

**STATEMENT OF ILWU LOCAL 142 RE: HB 2018**

Thank you for the opportunity to present testimony regarding H.B. 2018. ILWU Local 142 supports this bill.

H.B. 2018 makes it an unlawful discriminatory practice to discriminate against an employee because of the employee's "reproductive health decisions", where that phrase is defined to mean the "attempted use of any legal drug, device or medical service intended to prevent or terminate pregnancy."

This measure is a sensible commitment to respect an individual's autonomy in controlling their own bodies and reproductive functions. Fundamental decisions about the prevention or termination of pregnancy should rightly be made by the individuals most affected by those decisions, the individual's themselves.

While we recognize there are diverse opinions on this subject that are sincerely held and deeply felt, in our view individual choice regarding reproductive decisions is the most sound guideline for such decisions. We recognize also that opposition to the termination or prevention of pregnancy is often rooted in religious beliefs. In our view, these beliefs should be respected, and just as each individual has the right to determine his or her own religious belief, each individual should control his or her own reproductive functions. Such personal choices should not be improperly influenced by an employer, and ILWU Local 142 therefore supports the enactment of H.B. 2018, which makes such coercion an unfair discriminatory practice.

**LATE**

**Testimony in SUPPORT of HB2018**  
**Hawai'i State House Committee on Labor and Public Employment**  
Tuesday Feb 6, 2018 | Conference Rm 309, 8:30am  
Tiffany Peek | tkhampha@hawaii.edu | Mililani, HI, 96789

Dear Chair Johanson, Vice Chair Holt, and Members of the Committee,

My name is Tiffany Peek, and I am a student at the University of Hawai'i at Manoa. I am writing to you in strong support of H.B. 2018, which would protect employees in Hawaii from workplace discrimination based on the employees' personal reproductive health care decisions.

H.B. 2018 would protect women from discrimination at a time when bills that would allow businesses to discriminate against their employees or deny services based on their religious beliefs are sweeping the nation. Our sexual and reproductive health choices are private and personal matters, and for employers to deny such services based on their beliefs is a callous disregard for boundaries. As a future graduate of the social work program, I have been taught and truly believe that respect for a person's autonomy, self-determination, and health should come before satisfying personal bias. It is a standard of respect and equality which must be built into a system that would otherwise continue to unfairly discriminate against women.

H.B. 2018 also fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women's and children's health when women delay or prevent health care in fear for their job, subjects women to financial burdens not faced by men and to long-term negative economic, educational and employment consequences.

Please protect the rights of women workers and ensure that they are not forced to choose between their job and their reproductive freedom and that they are judged by their performance, not by their personal and private decisions about their reproductive health.

My sincerest apologies for submitting late testimony, but thank you for this opportunity to testify in support of this important measure.

Kindly,

Tiffany Peek

**HB-2018**

Submitted on: 2/5/2018 9:47:01 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Monk	Commission on the Status of Women	Support	No

Comments:

