
A BILL FOR AN ACT

RELATING TO EQUAL PAY.

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

1 SECTION 1. Section 378-2.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§378-2.3 Equal pay; sex discrimination. (a) No employer
4 shall discriminate between employees because of sex, by paying
5 wages to employees in an establishment at a rate less than the
6 rate at which the employer pays wages to employees of the
7 opposite sex in the establishment for equal work on jobs the
8 performance of which requires equal skill, effort, and
9 responsibility, and that are performed under similar working
10 conditions. Payment differentials resulting from:

- 11 (1) A seniority system;
- 12 (2) A merit system;
- 13 (3) A system that measures earnings by quantity or quality
14 of production;
- 15 (4) A bona fide occupational qualification; or
- 16 (5) A differential based on any other permissible factor
17 other than sex[+], [+]



1 do not violate this section.

2 (b) An employer shall not retaliate or discriminate
3 against an employee for, nor prohibit an employee from,
4 disclosing the employee's wages, discussing and inquiring about
5 the wages of other employees, or aiding or encouraging other
6 employees to exercise their rights under this section[-];
7 provided that this subsection shall not apply to discussion of
8 employee wages if knowledge of the wages stems from human
9 resources, payroll, or legal professional responsibilities in
10 the workplace."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

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 Statutory material to be repealed is bracketed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 on January 1, 2050.



Report Title:

Equal Pay; Sex Discrimination

Description:

Provides that wage disclosure, discussion, inquiry, and other prohibition provisions under section 378-2.3, HRS, do not apply to discussion of other employee wages if knowledge of the wages stem from human resources, payroll, or legal professional responsibilities in the workplace. (HB1536 HD1)

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