

HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 22, 2019
Rm. 308, 12:30 p.m.

To: Hon. Sylvia Luke, Chair
Hon. Ty J.K. Cullen, Vice Chair
Members of the House Committee on Finance

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

Re: H.B. No. 710, H.D. 1

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. 710, H.D. 1, 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, or the use or attempted use of any assisted reproductive technology.” The bill would also amend § 378-2 to prohibit discrimination based on utilization of family leave.

The HCRC supports H.B. No. 710, H.D. 1. 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. 710, H.D.1, would clarify this coverage.

The HCRC notes that the exercise of rights under state family leave law is already protected under HRS § 398-8. With this noted, the HCRC supports H.B. No. 710, H.D. 1.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association

February 22, 2019

H.B. 710, H.D. 1 – EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 710, H.D. 1 which adds reproductive health decisions and the utilization of family leave to the list of categories that are protected against discriminatory employment practices.

No employee, regardless of public or private employment status, should face an adverse employment action based on his or her reproductive health decisions or utilization of family leave. Passage of this important measure would ensure that employees who are trying to get pregnant, choose not to become pregnant, or utilize family leave on the birth or adoption of a child or to care for a close family member with a serious health condition are expressly protected from discrimination.

Thank you for the opportunity to testify in support of H.B. 1191, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



Hawai'i

Committees: House Committee on Finance
Hearing Date/Time: Friday February 22, 2019, 12:30 p.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 710, H.D. 1,
Relating to Employment Practices

Dear Chair Luke, Vice Chair Cullen, and members of the Committee on Finance

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in support of H.B. 710, H.D. 1**, which protects employees from employment discrimination on the basis of their reproductive health decisions and utilization of family leave.

Hawai'i has a strong history of protecting an individual's right to make reproductive health decisions in accordance with what is best for themselves and their families. Unfortunately, while existing law prohibits pregnancy discrimination in the workplace, existing protections do not extend to workers who make a reproductive health decision *not* to become pregnant or to terminate a pregnancy, or who make a reproductive health decision to try, through medical intervention, to become pregnant. These decisions are personal and should never subject an individual to adverse employment consequences. **By removing this fear of workplace discrimination, H.B. 710, H.D. 1 allows workers to avoid choosing between doing what is best for their health and keeping their jobs.**

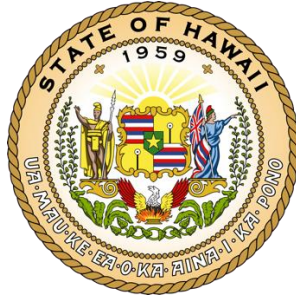
We urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

American Civil Liberties Union of Hawai'i
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Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Finance

In Support of HB710 HD1
Friday, February 22, 2019, at 12:30 p.m. in Room 308

Dear Chair Luke, Vice Chair Cullen, and Honorable Members,

On behalf of the Hawai'i State Commission on the Status of Women, I write in support of HB710 HD1, which would add reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

While discrimination based on pregnancy, childbirth, and related medical conditions such as breastfeeding is prohibited, women can still be fired for personal reproductive health and caregiving choices they make—choices entangled with sex and gender. It is essential that we protect women's right to the full spectrum of reproductive care. The law should also expand workplace protections to the growing number of workers with caregiving responsibilities. No one should have to choose between their job and the wellbeing of their body and family. Accordingly, the Commission respectfully requests that the Committee pass HB710 HD1.

Mahalo,

Khara Jabola-Carolus

HB-710-HD-1

Submitted on: 2/20/2019 7:14:57 PM

Testimony for FIN on 2/22/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance,

AAUW of Hawaii strongly supports HB710 HD1 which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 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 fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

Given federal administration is increasing seeking to allow employers to discriminate and deny employees services based on religious belief, it is timely for Hawaii to protect employees from such discrimination with this bill. Please pass this bill and thank you for the opportunity to submit this testimony.

HB-710-HD-1

Submitted on: 2/21/2019 8:39:07 AM

Testimony for FIN on 2/22/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Oahu County Democrats	Support	No

Comments:

Aloha Chair Luke, and Members of the Committee on Finance,

I am writing in strong support of House Bill 710 HD1, Relating to Family Leave.

Comprehensive family leave is a key legislative priority for the Oahu Democrats this year.

In an age where parents all work, sometimes multiple jobs per person, is the 'new normal' for Oahu workers, we must do everything we can to ensure the continuity and stability of the child's well-being in a challenging economy. Family leave is the bedrock that gives our workers flexibility in caring for their primary responsibility--their loved ones.

Protecting family leave against discrimination makes sense. So does giving it the same protections that other forms of leave currently have. I thank Representative Lee for his foresight in introducing this measure.

In summary, the Oahu County Democrats is supportive of HB710 HD1, as we are advocates for comprehensive family leave for the betterment of our working families. Thank you.

Respectfully,
Dylan P. Armstrong, Vice Chair
Oahu County Democrats

To: Hawaii State House Committee on Finance
Hearing Date/Time: Fri., Feb. 22, 2019, 12:30 p.m.
Place: Hawaii State Capitol, Rm. 308
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 710, H.D.1

Dear Chair Luke and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 710, HD1, which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 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 fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

H.B. 710 will protect employees from discrimination at a time when the actions of our federal government and states across the country are increasingly seeking to allow employers to discriminate against their employees and deny them services based on moral or religious beliefs. While individuals are entitled to their beliefs, employers shouldn’t have a license to discriminate against workers for their personal health care decisions or use of time to take care of their families. No one should ever have to worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health or family needs could subject them to workplace retaliation or punishment.

Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,
Laurie Field
Hawaii State Director

To: Hawaii State House Committee on Finance
Hearing Date/Time: Mon., Feb. 22, 2019, 12:30 p.m.
Place: Hawaii State Capitol, Rm. 308
Re: Testimony of Save Medicaid Hawaii in support of H.B. 710, H.D.1

Dear Chair Luke and Members of the Committee,

Save Medicaid Hawaii writes in strong support of H.B. 710, HD1, which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 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 fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

H.B. 710 will protect employees from discrimination at a time when the actions of our federal government and states across the country are increasingly seeking to allow employers to discriminate against their employees and deny them services based on moral or religious beliefs. While individuals are entitled to their beliefs, employers shouldn't have a license to discriminate against workers for their personal health care decisions or use of time to take care of their families. No one should ever have to worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health or family needs could subject them to workplace retaliation or punishment.

Many low and middle income working women in Hawaii work multiple jobs with little or no paid time off from work and no job security. This bill provides important protections for working women and their families in Hawaii's low wage and high cost of living environment.

Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,
Doris Segal Matsunaga
On behalf of Save Medicaid Hawaii

Save Medicaid Hawaii, a network of people advocating for NO CUTS in Medicaid and working towards a stronger health care system in Hawaii that provides high quality universal health care for all.. <https://www.facebook.com/SaveMedicaidHawaii/>

To: Hawaii State House Committee on Finance
Hearing Date/Time: Friday, February 22, 2019 at 12:30 pm
Place: Hawaii State Capitol, Room 308
Re: Judith Armstrong in strong support of H.B. 710, H.D.1

Dear Chair Luke and Members of the Committee,

I am writing in strong support of H.B. 710, HD1, which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 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 fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

H.B. 710 will protect employees from discrimination at a time when the actions of our federal government and states across the country are increasingly seeking to allow employers to discriminate against their employees and deny them services based on moral or religious beliefs. While individuals are entitled to their beliefs, employers shouldn't have a license to discriminate against workers for their personal health care decisions or use of time to take care of their families. No one should ever have to worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health or family needs could subject them to workplace retaliation or punishment.

Many low and middle income working women in Hawaii work multiple jobs with little or no paid time off from work and no job security. This bill provides important protections for working women and their families in Hawaii's low wage and high cost of living environment.

Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,
Judith Ann Armstrong
1717 Ala Wai Blvd
Apt 3006
Honolulu, HI 96815

HB-710-HD-1

Submitted on: 2/20/2019 10:18:38 PM

Testimony for FIN on 2/22/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maisa Thayer	Individual	Support	No

Comments:

Dear Chair Luke and Members of the Committee,

As a 3rd generation kama'aina from Kaneohe, I am in strong support of H.B. 710, HD1, which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 protects women from discrimination in the workplace. No one should ever have to worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health or family needs could subject them to workplace retaliation or punishment.

Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,

Maisa Thayer

HB-710-HD-1

Submitted on: 2/20/2019 7:32:11 PM

Testimony for FIN on 2/22/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Bilyk	Individual	Support	No

Comments:

LATE

HB-710-HD-1

Submitted on: 2/21/2019 11:00:40 PM
Testimony for FIN on 2/22/2019 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments:

We support this measure,

Mahalo, Ann S. Freed, Co-Chair Hawaii Women's Coalition