



# HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 11, 2019  
Rm. 325, 2:0 p.m.

To: Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

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

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

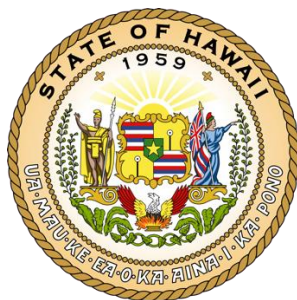
The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that 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.



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 Labor

Prepared for the House Committee on Judiciary

In Support of HB710 HD1  
Monday, February 11, 2019, at 2:00 p.m. in Room 325

Dear Chair Lee, Vice Chairs San Buenaventura, and Honorable Members,

On behalf of the Hawai'i State Commission on the Status of Women, I write in support of House Bill 710 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 also should 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 family.

The Commission respectfully offers the following amendment to strengthen this measure: Broaden the definition of "reproductive health decision" to: "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."

To increase equal parenting, the Commission respectfully requests that the Committee pass HB710 HD1.

Mahalo,

Khara Jabola-Carolus

To: Hawaii State House Committee on Judiciary  
Hearing Date/Time: Mon., Feb. 11, 2019, 2:00 p.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 710, H.D.1

Dear Chair Lee 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



February 11, 2019

Representative Chris Lee, Chair  
House Committee on Judiciary

**Re: H.B. 710, Relating to Employment Practices**

**Hearing: Monday, February 11, 2019, 2:00 p.m., Room 325**

Dear Chair Lee and Members of the Committee on Judiciary:

Hawaii Women Lawyers ("HWL") submits testimony in **strong support** of H.B. 710, H.D.1, which would prevent workplace discrimination based on reproductive health decisions and/or utilization of family leave.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

HWL is in support of H.B. 710, H.D.1, which would help women make personal reproductive health or family leave decisions without fear of repercussions in the workplace. Under the current law, pregnancy discrimination protections already exist, and H.B. 710, H.D.1 would expand this protection to include reproductive health decisions and the utilization of family leave. This would ensure a woman's personal decisions about in vitro fertilization, abortion, birth control, and family leave are protected under the law **in the** workplace.

Decisions about reproductive health and having children already significantly and disproportionately burden working women, and they should be able to make these decisions without the additional fear that there will be adverse consequences in the workplace. We believe this is an important measure that fills a gap in Hawaii law, provides for job stability and economic security, and protects women's rights to reproductive care.

For the above reasons, we strongly support H.B 710, H.D.1 and respectfully request that the Committee pass this measure.



Hawai'i


Committees: House Committee on Judiciary  
Hearing Date/Time: Monday, February 11, 2019, 2:00 p.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 710, H.D. 1, Relating to Employment Practices

Dear Chair Lee, Vice Chair San Buenaventura, and members of the Committee on Judiciary,

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  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
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E: [office@acluHawai'i.org](mailto:office@acluHawai'i.org)  
[www.acluHawai'i.org](http://www.acluHawai'i.org)

To: Hawaii State House Committee on Judiciary  
Hearing Date/Time: Mon., Feb. 11, 2019, 2:00 p.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony of Save Medicaid Hawaii in support of H.B. 710, H.D.1

Dear Chair Lee 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/>

**HB-710-HD-1**

Submitted on: 2/9/2019 8:44:19 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Lee, Vice Chair San Buenaventura, and members of the Judiciary Committee,

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: 2/8/2019 5:41:47 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 710.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii



**HB-710-HD-1**

Submitted on: 2/10/2019 1:46:31 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**HB-710-HD-1**

Submitted on: 2/10/2019 11:30:59 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Midwives Alliance of Hawaii	Midwives Alliance of Hawaii	Support	No

Comments:

We strongly support HB710HD1 and urge this committee to pass this bill.



## 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 Judiciary

**LATE**

Testimony by  
Hawaii Government Employees Association

February 11, 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

**HB-710-HD-1**

Submitted on: 2/10/2019 3:11:30 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chelsea pang	Individual	Support	No

Comments:

**HB-710-HD-1**

Submitted on: 2/10/2019 9:17:14 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan J. Wurtzburg	Individual	Support	No

Comments:

I support this bill.

Sincerely, Susan J. Wurtzburg, Ph.D.

**HB-710-HD-1**

Submitted on: 2/10/2019 11:29:54 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

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

Comments:

I am in strong support of HB710 and request the Judiciary committee to pass this bill.

I support protecting employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

Thank you for the opportunity to testify.