



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

In Support of HB710

Thursday, January 31, 2018 at 9:30 a.m. in Room 309

Dear Chair Johanson, Vice Chair Eli, and Honorable Members,

On behalf of the Hawai'i State Commission on the Status of Women, I write in support of House Bill 710, which would add reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

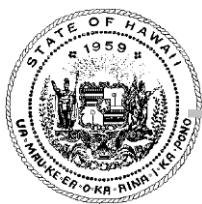
While discrimination based on pregnancy, childbirth, and related medical conditions such as breastfeeding is prohibited, women can still be fired for personal reproductive health and caregiving choices they make—choices entangled with sex and gender. It is essential that we protect women's right to the 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.

Mahalo,

Khara Jabola-Carolus



# HAWAI‘I CIVIL RIGHTS COMMISSION

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

January 31, 2019  
Rm. 309, 9:30 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. 710

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 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 bill would also amend § 378-2 to prohibit discrimination based on utilization of family leave.

The HCRC supports H.B. No. 710. 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 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.

**HB-710**

Submitted on: 1/30/2019 9:28:22 AM

Testimony for LAB on 1/31/2019 9:30:00 AM

<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:

To: Hawaii State House Committee on Labor and Public Employment  
Hearing Date/Time: Thursday, Jan. 31, 2019, 9:30 a.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 710 with amendments

Dear Chair Johanson and Members of the Committee,

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

To fully protect employees, we respectfully request that this Committee broaden the definition of “reproductive health decision” to protect cancer patients who are freezing eggs or embryos, surrogates, and women undergoing in vitro fertilization treatment or other assisted reproductive technology. To do this, we recommend amending 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” (added language underlined).

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 issues 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

**HB-710**

Submitted on: 1/28/2019 8:13:35 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

<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:

**HB-710**

Submitted on: 1/29/2019 6:51:48 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doris Segal Matsunaga	Save Medicaid Hawaii	Support	No

Comments:

To: Hawaii State House Committee on Labor and Public Employment

Hearing Date/Time: Thursday, Jan. 31, 2019, 9:30 a.m.

Place: Hawaii State Capitol, Rm. 309

Re: Testimony of Save Medicaid Hawaii in strong support of H.B. 710 with amendments

Dear Chair Johanson

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

To fully protect employees, we respectfully request that this Committee broaden the definition of “reproductive health decision” to protect cancer patients who are freezing eggs or embryos, surrogates, and women undergoing in vitro fertilization treatment or other assisted reproductive technology. To do this, we recommend amending 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” (added language underlined).

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 issues could subject them to workplace retaliation or punishment.

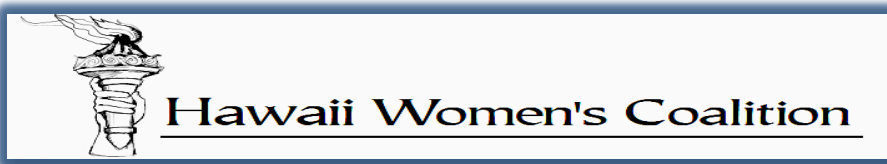
Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,

Doris Segal Matsunaga

Save Medicaid Hawaii



COMMITTEE ON HUMAN SERVICES

Senator Russell E. Ruderman, Chair

Senator Karl Rhoads, Vice Chair

DATE: Thursday, January 31, 2019

TIME: 9:30am

PLACE: Conference Room 016Conference Room 309

**Strong Support** for HB710 that adds reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

Aloha Chair Ruderman Vice Chair Rhoads, and members,

The Hawaii Women's Coalition is in **Strong Support** of this measure that would particularly help women who need maternity leave or who are often the only caregivers for ailing family members.

We are also in agreement with Planned Parenthood Votes Northwest and Hawaii in their request to take this a step further.

To quote:

Please "broaden the definition of "reproductive health decision" to protect cancer patients who are freezing eggs or embryos, surrogates, and women undergoing in vitro fertilization treatment or other assisted reproductive technology. To do this, we recommend amending 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."

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."

Mahalo for the opportunity to testify,

Ann S. Freed

Co-Chair, Hawaii Women's Coalition





healthymothers  
healthybabies  
COALITION OF HAWAII

To: Hawaii State House Committee on Labor and Public Employment  
Hearing Date/Time: Thursday, Jan. 31, 2019, 9:30 a.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony in strong support of H.B. 710 with amendments

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

Healthy Mothers Healthy Babies (HMHB) writes in strong support of H.B. 710, with amendments, 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.

To fully protect employees, we respectfully request that this Committee broaden the definition of "reproductive health decision" to protect cancer patients who are freezing eggs or embryos, surrogates, and women undergoing in vitro fertilization treatment or other assisted reproductive technology. To do this, we recommend amending 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" (added language underlined).

H.B. 710 will protect employees from discrimination for their personal health care decisions or for time needed 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 issues could subject them to workplace retaliation or harassment.

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

Sincerely,

Lisa Kimura  
Executive Director

**HB-710**

Submitted on: 1/28/2019 6:27:51 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

<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,

Please pass this important legislation.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii

**LATE**

**HB-710**

Submitted on: 1/30/2019 10:03:10 AM

Testimony for LAB on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doris Matsunaga	Individual	Support	No

Comments:

To: Hawaii State House Committee on Labor and Public Employment

Hearing Date/Time: Thursday, Jan. 31, 2019, 9:30 a.m.

Place: Hawaii State Capitol, Rm. 309

Re: Testimony of Kokua Kalihi Valley in strong support of H.B. 710 with amendments

Dear Chair Johanson and Members of the Committee,

Kokua Kalihi Valley writes in strong support of H.B. 710, with amendments, 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 issues 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 ,

Doris Segal Matsunaga

Maternal Child Health Director

Kokua Kalihi Valley Comprehensive Family Services



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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

**LATE**

The Thirtieth Legislature, State of Hawaii  
House of Representatives  
Committee on Labor and Public Employment

Testimony by  
Hawaii Government Employees Association

January 31, 2019


H.B. 710 – EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 710 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.

Respectfully submitted,



*Randy Perreira*  
Randy Perreira  
Executive Director

**HB-710**

Submitted on: 1/30/2019 8:40:17 AM

Testimony for LAB on 1/31/2019 9:30:00 AM

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

Comments:

As a working mother of 3 with a spouse who wasn't inclined to take off work to care for our children, I think this is a very important bill to affirm family choices .

**HB-710**

Submitted on: 1/29/2019 2:51:41 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

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

Comments:

**HB-710**

Submitted on: 1/29/2019 12:01:42 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

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

Comments:

I strongly support HB 710 and requestghe following amendment:

Amend 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."



**LATE**

**HB-710**

Submitted on: 1/30/2019 9:32:55 AM

Testimony for LAB on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joanne Amberg	Individual	Support	No

Comments:

Please protect the health and economic security of families.

Thank you

**LATE**

**HB-710**

Submitted on: 1/30/2019 3:20:44 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maria Teresa Belardo	Individual	Support	No

Comments:

To Whom It May Concern,

I strongly support the addition of reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory practices.

Mahalo,

Maria B.

**LATE**

**HB-710**

Submitted on: 1/31/2019 8:18:53 AM

Testimony for LAB on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Oppose	No

Comments:

I oppose inserting said language.