

---

---

## 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  
 5 about the wages of other employees, or aiding or encouraging  
 6 other employees to exercise their rights under this section[-];  
 7 provided that, pursuant to this subsection, no person shall be  
 8 authorized to disclose an employee's wages other than the  
 9 employee."

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

13 SECTION 3. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:

[Signature]

[Signature]  
S. C. C.  
[Signature]  
[Signature]

[Signature]  
[Signature]

[Signature]  
[Signature]



# H.B. NO. 1536

**Report Title:**

Equal Pay; Sex Discrimination

**Description:**

Prohibits the disclosure of an employee's wages by any person other than the employee.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

