

MAR - 6 2020

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE ATTORNEY GENERAL, TO PROVIDE A REPORT TO THE LEGISLATURE ON EMPLOYMENT DISCRIMINATION PROTECTIONS FOR EMPLOYEES AT SECTARIAN SCHOOLS AND OTHER RELIGIOUS INSTITUTIONS.

1           WHEREAS, Title VII of the Civil Rights Act of 1964  
2 prohibits employers from discriminating against employees on the  
3 basis of sex, race, color, national origin, and religion; and  
4

5           WHEREAS, in January 2020, Maryknoll School, a private  
6 coeducational Catholic school in Honolulu, Hawaii, dismissed its  
7 middle school director from employment because she was pregnant  
8 and unmarried; and  
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10           WHEREAS, before her dismissal, the middle school director  
11 led a distinguished career as an educator at Maryknoll School  
12 for sixteen years; and  
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14           WHEREAS, at the time of her dismissal, the director's  
15 employment responsibilities were secular in nature, rather than  
16 sectarian, raising questions about whether her dismissal may  
17 violate protections against gender discrimination in the  
18 workplace; and  
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20           WHEREAS, according to the American Civil Liberties Union,  
21 impairing the employment of an individual based on pregnancy  
22 status may constitute sex-based discrimination because only  
23 women can become pregnant; and  
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25           WHEREAS, article I, section 5 of the Hawaii State  
26 Constitution proclaims that no person shall be deprived of life,  
27 liberty, or property without due process of law, nor be denied  
28 the equal protection of the laws, nor be denied the enjoyment of



1 the person's civil rights or be discriminated against in the  
2 exercise thereof because of race, religion, sex, or ancestry;  
3 and  
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5 WHEREAS, protecting employees from discrimination is  
6 essential to ensure that all citizens have equal opportunity to  
7 pursue meaningful work and financial security; now, therefore,  
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9 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
10 of the State of Hawaii, Regular Session of 2020, the House of  
11 Representatives concurring, that the Legislative Reference  
12 Bureau, in consultation with the Attorney General, is requested  
13 to submit a report to the Legislature on employment  
14 discrimination protections for employees at sectarian schools  
15 and other religious institutions; and  
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17 BE IT FURTHER RESOLVED that the report is requested to  
18 include:  
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20 (1) Information about federal and state laws governing the  
21 extent to which sectarian schools and other religious  
22 institutions are exempt from discrimination  
23 protections afforded to nonsectarian institutions,  
24 including protections for faculty whose employment  
25 responsibilities do not include religious duties and  
26 responsibilities; and  
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28 (2) Recommendations for expanding discrimination  
29 protections for employees working at sectarian schools  
30 and other religious institutions; and  
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32 BE IT FURTHER RESOLVED that the Legislative Reference  
33 Bureau is requested to submit a report of its findings and  
34 recommendations, including any proposed legislation, to the  
35 Legislature no later than twenty days prior to the convening of  
36 the Regular Session of 2021; and  
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38 BE IT FURTHER RESOLVED that certified copies of this  
39 Concurrent Resolution be transmitted to the Director of the  
40 Legislative Reference Bureau and Attorney General.  
41  
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# S.C.R. NO. 203

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OFFERED BY:

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*Kurt Fawcett*

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*Quintus*

