



# HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 4, 2020  
Rm. 224, 2:45 p.m.

To: The Honorable Brian T. Taniguchi, Chair  
The Honorable Les Ihara, Jr., Vice Chair  
Members of the Senate Committee on Labor, Culture and the Arts

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2312

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.

**HCRC strongly supports S.B. No. 2312.**

S.B. No. 2312, if enacted, will amend H.R.S. §§ 378-1 and 378-2 to provide basic protections against discrimination for any individual *in an internship or training program* in selection, termination, or terms or conditions because of the individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health decision.

This bill recognizes that students and workers who are entering the workforce are increasingly expected to start in an unpaid or low-paid internships or training programs to gain experience that can lead to employment opportunities. Many of these internships or training programs may not fall under the fall within the statutory definitions of covered “employment” under state and federal fair employment laws, HRS chapter 378, part I, and Title VII of the Civil Rights Act of 1964, respectively.

As a result, these interns and trainees are not afforded the same statutory protections against sexual harassment and other discriminatory practices that are currently provided for employees. This bill provides protection, recourse, and remedies for this vulnerable class of workers.

**The HCRC strongly supports S.B. No. 2312.**



‘O kēia ‘ōlelo hō’ike no ke  
**Komikina Kūlana Olakino o Nā Wāhine**

Testimony on behalf of the  
**Hawai‘i State Commission on the Status of Women**

Prepared for the S. Committee on Labor, Culture and the Arts (LCA)

In Support of SB2312  
Tuesday, February 4, 2020, at 2:45 p.m. in Room 224

Dear Chair Taniguchi, Vice Chair Ihara, and Honorable Members,

The Hawai‘i State Commission on the Status of Women writes in **support** of SB2312, which prohibits discrimination against any individual in selection, termination, terms, or conditions of an internship or training program because of the individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health decision.

Students are increasingly expected to fulfill off-campus, unpaid internships as part of their undergraduate curricula and early career. This measure seeks to address the legal limbo of student interns, who fall between Title VII and Title IX protections. Interns are perhaps the most vulnerable members of a workplace to unwanted and offensive sexist or sexual behavior due to the vulnerability of age and the extreme power differential with paid employees.

Accordingly, the Commission respectfully urges the Committee to pass SB2312.

Sincerely,

Khara Jabola-Carolus

**SB-2312**

Submitted on: 2/1/2020 5:31:02 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	Testifying for aauw of hawaii	Support	Yes

Comments:

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Sen. Brian Taniguchi, Chair

Sen. Les Ihara, Vice Chair

Tuesday, February 4, 2020

2:45 Pm - Room 224

### STRONG SUPPORT FOR SB 2312 - CIVIL RIGHTS

Aloha Chair Taniguchi, Vice Chair Ihara and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON** and all the people who have died under the "care and custody" of the state including the ten people who died in the last 5 months of 2019 and for **JAMES BORLING-SALAS** who was beaten and died on January 16<sup>th</sup>. We also remember the approximately 5,200 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day and we are always mindful that more than 1,200 of Hawai'i's imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2312 prohibits discrimination against any individual in selection, termination, terms, or conditions of an internship or training program because of the individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health decision.

Community Alliance on Prisons is in strong support of this measure. Discrimination is wrong and it is sad that we have to have laws to remind people that we are all equal and entitled to the same opportunities. Hard to believe we are in the second decade of the millennium and we still have to fight for equality and equity.

Please pass this measure. Mahalo for this opportunity to testify in strong support!

**SB-2312**

Submitted on: 2/2/2020 11:36:32 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

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

Comments:

**SB-2312**

Submitted on: 2/3/2020 1:19:35 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Chair Taniguchi, Vice Chair Ihara and Committee Members,

The LGBT Caucus of the Democratic Party of Hawai'i stands in full support of the passage of Senate Bill 2312.

No one should face discrimination at any point and this bill will help ensure this endeavor is a reality.

Mahalo for the opportunity to testify,

Michael Golojuch, Jr.  
Chair  
LGBT Caucus of the Democratic Party of Hawai'i

**SB-2312**

Submitted on: 2/3/2020 1:21:52 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work – Hawai'i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai'i strongly supports Senate Bill 2312. This bill will help ensure those that seek an internship or any training program will not face discrimination.

We humbly ask for your support.

Mahalo for the opportunity to testify.

Pride at Work – Hawai'i



**SB-2312**

Submitted on: 2/3/2020 3:07:08 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Bilyk	Testifying for Breastfeeding Hawaii	Support	Yes

Comments:



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada  
Nelson Ho • Summer Starr

Thursday, February 14, 2019

Relating to Civil Rights  
Testifying in Support

Aloha, Chair

The Pono Hawai'i Initiative (PHI) **supports SB2312 Relating to Civil Rights**, which extends civil rights protections that are given to employees to interns whether paid or unpaid.

More and more companies rely on the work of interns and job training programs. Internship are competitive and tend to be unpaid/ low-payment or job training can count toward school credits. The expectation of employers however is that these individuals will function as employees, sometimes taking on the same tasks as their paid counterparts. Unfortunately, because they are not employees, they run the risk of being vulnerable to sexual harassment or other forms of discrimination.

Leaving or quitting an internship because of unhealthy work environments may not be an option and so we must ensure that these individuals are given at least the basic protections against discrimination and harassment that their paid counterparts receive.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,

Gary Hooser

Executive Director

Pono Hawai'i Initiative, an organization member of the Common Good Coalition

**SB-2312**

Submitted on: 2/3/2020 5:11:12 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

**SB-2312**

Submitted on: 2/1/2020 9:37:27 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Robinson-Onderko	Individual	Support	No

Comments:

**SB-2312**

Submitted on: 2/1/2020 1:52:34 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Onderko	Individual	Support	No

Comments:

I fully support SB2312 and encourage the legislature to implement laws that prohibit discrimination of anyone based on sex, gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health.

Mahalo

**SB-2312**

Submitted on: 2/1/2020 6:47:42 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Kunitake	Individual	Support	No

Comments:

Please support SB 2312.

Mahalo,

Caroline Kunitake

**SB-2312**

Submitted on: 2/1/2020 11:12:05 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steffanie Humphrey	Individual	Support	No

Comments:

**SB-2312**

Submitted on: 2/2/2020 11:39:04 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

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

Comments:



**SB-2312**

Submitted on: 2/3/2020 8:19:51 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB2312 that prohibits discrimination. It is important that all individuals be given equal treatment in all areas of employment,

Please pass SB2312. Thank you.

Mike Golojuch, Sr., Lt Col USAF (Ret)

Secretary, Rainbow Family 808

**SB-2312**

Submitted on: 2/3/2020 8:37:49 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra Young	Individual	Oppose	No

Comments:

I oppose the SB 2312. Please see the attached letter. Thank you.

**SB-2312**

Submitted on: 2/3/2020 11:38:41 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jo-Ann M Adams	Individual	Support	No

Comments:

Diversity it our strength. This bill promotes and supports diversity.

**SB-2312**

Submitted on: 2/4/2020 8:24:07 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristine Crawford	Individual	Support	No

Comments:

**SB-2312**

Submitted on: 2/4/2020 9:04:48 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen McKee	Individual	Support	No

Comments:

I stand in strong support for Senate Bill 2312.

Eileen McKee

279 Alaume Street

Kihei, Hi 96753

**SB-2312**

Submitted on: 2/4/2020 11:42:45 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamuela Werner MPH	Individual	Support	No

Comments: