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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT EARNINGS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that requiring employers  
2 to include pay or salary as part of a job advertisement helps to  
3 increase pay transparency and equal pay for all employees.  
4 California, Colorado, and New York City have recently enacted  
5 laws requiring job advertisements to include pay, and initial  
6 experiences have benefited employers, current employees, and  
7 prospective employees. Employers and prospective employees  
8 spend less time interviewing because prospective employees will  
9 not apply to jobs with a pay level that they feel is too low,  
10 and current employees have benefitted from seeing the salaries  
11 of new employees and have used that information to seek higher  
12 wages, thereby helping to reduce pay inequalities.

13           The purpose of this Act is to reduce pay inequalities by:

14           (1) Requiring certain job listings to disclose the hourly  
15           rate or salary range that reasonably reflects the  
16           actual expected compensation; and

17           (2) Prohibiting an employer from discriminating between  
18           employees because of any protected category by paying



1 wages to employees in an establishment at a rate less  
2 than the rate at which the employer pays wages to  
3 other employees in the establishment for substantially  
4 similar work.

5 SECTION 2. Chapter 378, Hawaii Revised Statutes, is  
6 amended by adding a new section to part I to be appropriately  
7 designated and to read as follows:

8 "§378- Job listing; disclosures. (a) Job listings  
9 shall disclose an hourly rate or salary range that reasonably  
10 reflects the actual expected compensation.

11 (b) This section shall not apply to job listings for:

12 (1) Positions that are internal transfers or promotions  
13 within a current employer;

14 (2) Public employee positions for which salary, benefits,  
15 or other compensation are determined pursuant to  
16 collective bargaining; or

17 (3) Positions with employers having fewer than fifty  
18 employees."

19 SECTION 3. Section 378-2.3, Hawaii Revised Statutes, is  
20 amended by amending its title and subsection (a) to read as  
21 follows:



1           "§378-2.3 Equal pay~~[, sex discrimination]~~. (a) No  
2 employer shall discriminate between employees because of [~~sex,~~  
3 any protected category listed in section 378-2(a)(1)] by paying  
4 wages to employees in an establishment at a rate less than the  
5 rate at which the employer pays wages to other employees [~~of the~~  
6 ~~opposite sex~~] in the establishment for [~~equal work~~]  
7 substantially similar work on jobs the performance of which  
8 requires equal skill, effort, and responsibility, and that are  
9 performed under similar working conditions. Payment  
10 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,~~] any of the protected categories  
18               listed in section 378-2(a)(1),  
19 do not violate this section."



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on January 1, 2024.



**Report Title:**

Employment; Job Listing; Disclosure; Equal Pay; Discrimination

**Description:**

Requires certain job listings to include an hourly rate or salary range. Prohibits an employer from discriminating between employees because of any protected category established under state law, by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to other employees in the establishment for substantially similar work. Effective 1/1/2024. (CD1)

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