
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 job listings to disclose the hourly rate or
15 salary range reasonably reflecting the actual expected
16 compensation; and



1 (2) Prohibiting an employer from discriminating between
2 employees because of any protected category, including
3 race; sex, including gender identity or expression;
4 sexual orientation; age; religion; color; ancestry;
5 disability; marital status; arrest and court record;
6 reproductive health decision; or domestic or sexual
7 violence victim status in certain circumstances, by
8 paying wages to employees in an establishment at a
9 rate less than the rate at which the employer pays
10 wages to other employees in the establishment for
11 substantially similar work on jobs the performance of
12 which requires equal skill, effort, and
13 responsibility, and that are performed under similar
14 working conditions.

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

18 "§378- Job listing; disclosures. (a) Subject to
19 subsection (b), all job listings shall disclose an hourly rate
20 or salary range reasonably reflecting the actual expected
21 compensation.



- 1 **(b) This section shall not apply to:**
- 2 **(1) Job listings for an internal transfer or promotion**
- 3 **with an employee's current employer; or**
- 4 **(2) Public employee positions for which salary, benefits,**
- 5 **or other compensation are determined pursuant to**
- 6 **collective bargaining.**"

7 SECTION 3. Section 378-2.3, Hawaii Revised Statutes, is

8 amended by amending its title and subsection (a) to read as

9 follows:

10 "**§378-2.3 Equal pay**[~~sex discrimination~~]. (a) No

11 employer shall discriminate between employees because of [~~sex~~]

12 any protected category listed in section 378-2(a)(1), by paying

13 wages to employees in an establishment at a rate less than the

14 rate at which the employer pays wages to other employees [~~of the~~

15 ~~opposite sex~~] in the establishment for [~~equal work~~]

16 substantially similar work on jobs the performance of which

17 requires equal skill, effort, and responsibility, and that are

18 performed under similar working conditions. Payment

19 differentials resulting from:

- 20 (1) A seniority system;
- 21 (2) A merit system;



- 1 (3) A system that measures earnings by quantity or quality
- 2 of production;
- 3 (4) A bona fide occupational qualification; or
- 4 (5) A differential based on any other permissible factor
- 5 other than [~~sex[,]~~] any of the protected categories
- 6 listed in section 378-2(a)(1),
- 7 do not violate this section."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

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

13 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Employment; Disclosure; Job Listing; Equal Pay; Discrimination

Description:

Requires 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 on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions. Effective 7/1/2050. (SD2)

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