
A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

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

1 SECTION 1. Section 378-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Reproductive health decision" means the use or attempted
5 use of any legal drug, device, or medical service intended to
6 prevent or terminate a pregnancy."

7 SECTION 2. Section 378-2, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) It shall be an unlawful discriminatory practice:

10 (1) Because of race, sex including gender identity or
11 expression, sexual orientation, age, religion, color,
12 ancestry, disability, marital status, arrest and court
13 record, reproductive health decision, utilization of
14 family leave, or domestic or sexual violence victim
15 status if the domestic or sexual violence victim
16 provides notice to the victim's employer of such



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1 status or the employer has actual knowledge of such
2 status:

3 (A) For any employer to refuse to hire or employ or
4 to bar or discharge from employment, or otherwise
5 to discriminate against any individual in
6 compensation or in the terms, conditions, or
7 privileges of employment;

8 (B) For any employment agency to fail or refuse to
9 refer for employment, or to classify or otherwise
10 to discriminate against, any individual;

11 (C) For any employer or employment agency to print,
12 circulate, or cause to be printed or circulated
13 any statement, advertisement, or publication or
14 to use any form of application for employment or
15 to make any inquiry in connection with
16 prospective employment, that expresses, directly
17 or indirectly, any limitation, specification, or
18 discrimination;

19 (D) For any labor organization to exclude or expel
20 from its membership any individual or to



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- 1 discriminate in any way against any of its
2 members, employer, or employees; or
- 3 (E) For any employer or labor organization to refuse
4 to enter into an apprenticeship agreement as
5 defined in section 372-2; provided that no
6 apprentice shall be younger than sixteen years of
7 age;
- 8 (2) For any employer, labor organization, or employment
9 agency to discharge, expel, or otherwise discriminate
10 against any individual because the individual has
11 opposed any practice forbidden by this part or has
12 filed a complaint, testified, or assisted in any
13 proceeding respecting the discriminatory practices
14 prohibited under this part;
- 15 (3) For any person, whether an employer, employee, or not,
16 to aid, abet, incite, compel, or coerce the doing of
17 any of the discriminatory practices forbidden by this
18 part, or to attempt to do so;
- 19 (4) For any employer to violate the provisions of section
20 121-43 relating to nonforfeiture for absence by
21 members of the national guard;



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- 1 (5) For any employer to refuse to hire or employ or to bar
2 or discharge from employment any individual because of
3 assignment of income for the purpose of satisfying the
4 individual's child support obligations as provided for
5 under section 571-52;
- 6 (6) For any employer, labor organization, or employment
7 agency to exclude or otherwise deny equal jobs or
8 benefits to a qualified individual because of the
9 known disability of an individual with whom the
10 qualified individual is known to have a relationship
11 or association;
- 12 (7) For any employer or labor organization to refuse to
13 hire or employ, bar or discharge from employment,
14 withhold pay from, demote, or penalize a lactating
15 employee because the employee breastfeeds or expresses
16 milk at the workplace. For purposes of this
17 paragraph, the term "breastfeeds" means the feeding of
18 a child directly from the breast;
- 19 (8) For any employer to refuse to hire or employ, bar or
20 discharge from employment, or otherwise to
21 discriminate against any individual in compensation or



1 in the terms, conditions, or privileges of employment
2 of any individual because of the individual's credit
3 history or credit report, unless the information in
4 the individual's credit history or credit report
5 directly relates to a bona fide occupational
6 qualification under section 378-3(2); or
7 (9) For any employer to discriminate against any
8 individual employed as a domestic, in compensation or
9 in terms, conditions, or privileges of employment
10 because of the individual's race, sex including gender
11 identity or expression, sexual orientation, age,
12 religion, color, ancestry, disability, [~~or~~] marital
13 status[-], reproductive health decisions, or
14 utilization of family leave."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

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



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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Employment Practices; Reproductive Health Decisions; Utilization of Family Leave

Description:

Adds reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

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