A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

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

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

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

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

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

(1) Because of race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, reproductive health decision, or domestic or sexual violence victim status if the domestic or sexual violence victim provides notice to the victim's..."
employer of such status or the employer has actual

knowledge of such status:

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

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

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

(D) For any labor organization to exclude or expel
from its membership any individual or to
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;
(5) For any employer to refuse to hire or employ or to bar
or discharge from employment any individual because of
assignment of income for the purpose of satisfying the
individual's child support obligations as provided for
under section 571-52;

(6) For any employer, labor organization, or employment
agency to exclude or otherwise deny equal jobs or
benefits to a qualified individual because of the
known disability of an individual with whom the
qualified individual is known to have a relationship
or association;

(7) For any employer or labor organization to refuse to
hire or employ, bar or discharge from employment,
withhold pay from, demote, or penalize a lactating
employee because the employee breastfeeds or expresses
milk at the workplace. For purposes of this
paragraph, the term "breastfeeds" means the feeding of
a child directly from the breast;

(8) For any employer to refuse to hire or employ, bar or
discharge from employment, or otherwise to
discriminate against any individual in compensation or
sections 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, [ex] marital
13 status[-], or reproductive health decision."
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.
17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.
19 SECTION 5. This Act shall take effect upon its approval.
Report Title:
Employment Practices; Reproductive Health Decisions

Description:
Adds reproductive health decisions to the list of categories that are protected against discriminatory employment practices. (HB710 CD1)

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