



HAWAII CIVIL RIGHTS COMMISSION

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

January 28, 2011
Conference Rm. 309
9:00 a.m.

To: The Honorable Karl Rhoads, Chair
and Members of the House Committee on Labor and Public Employment

From: Livia Wang, Acting Chief Counsel
Bill Hoshijo, Executive Director

Re: H.B. No. 546

The Hawai'i Civil Rights Commission (HCRC) staff submits this memorandum to inform the Committee that the HCRC has not yet taken a position on this measure, H.B. No. 546, because the HCRC Commissioners have not had the opportunity to review and take a position on this bill. A meeting for Commission review of bills is scheduled for February 3, 2011, at which time the Commissioners will take a position on this and other bills.

While the HCRC has not yet taken a position on this particular measure, it has consistently supported proposals designed to clarify existing law, consistent with the HCRC position that discrimination based on gender identity or expression is a form of sex discrimination. H.B. No. 546 includes language to that effect that was suggested by the HCRC in 2005, and mirrors similar statutory language in H.R.S. chapters 515 (housing) and 489 (public accommodations). The HCRC supported the enactment of those similar clarifying amendments to our fair housing and public accommodations laws.

The HCRC takes its role and authority to testify and make recommendations to the legislature very seriously, and will do everything possible to assist you in your consideration of bills that affect HCRC jurisdiction and civil rights. We hope the temporary constraints we face will not cause inconvenience or difficulty for the House Committee on Judiciary. Please let us know if we can provide you any background information or answer any questions. Thank you for your understanding and patience.



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

House Comm. on Labor & Public Employment
Hearing: Friday, January 28, 2011
9:00 a.m., Conference Room 309

Testimony: Support of HB546
Relating to Civil Unions

Chair Rhoads, Vice-Chair Yamashita and Members of the Committee:

I submit testimony in my capacity as a Member of the Hawai'i State Board of Education (BOE) because ALL of our students and graduates entering the workforce should have equal access to employment opportunities, regardless of their gender expression or identity.

BOE Policy #4211, an anti-discrimination policy that includes "gender identity & expression" among the list of protected classification states, in relevant part: "A student shall not be excluded from participation in, be denied the benefits of, or otherwise be subjected to . . . discrimination under any program, services, or activity of the Department of Education."

Our students' access to equal opportunities should not stop at the schoolyard gates. According to the Hawai'i Department of Labor and Industrial Relations, approximately 13,000 work permits are issued every year to young people between the ages of 14-17 years old.

The Department of Education (DOE) prepares its graduates for both college and careers. The DOE is currently rolling out 61 various Career & Technical Education programs to better prepare our graduates to meet the demands of today's workplace. I urge this Committee to support HB546 to better prepare our workplace to employ and promote today's graduates based on their industry knowledge and work ethic – and NOT on the basis of their gender identity or expression.

Thank you for your consideration.


Kim Coco Iwamoto, Esq.
State of Hawaii Board of Education Member, Oahu-at-Large



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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Executive Director
Tel: 808.543.0011
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Deputy Executive Director
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The Twenty-Sixth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor & Public Employment

Testimony by
Hawaii Government Employees Association

January 28, 2011

H.B. 546 – RELATING TO CIVIL RIGHTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 546 which prohibits discrimination on the basis of gender identify and expression as a public policy matter and specifically with regard to employment.

The Hawaii Government Employees Association is the state's largest labor union, representing more than 29,000 public employees. Our members work hard providing public services throughout the state. It is their knowledge and skill in providing these services that support the quality of life of our citizens. We are steadfast in our support for anti-discrimination in employment.

We urge passage of this bill. Thank you for the opportunity to testify in support of H.B. 546.

Sincerely,

Nora A. Nomura
Deputy Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Twenty-Sixth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public employment

Testimony by
Hawaii State AFL-CIO
January 28, 2011

H.B. 546 – RELATING TO CIVIL RIGHTS

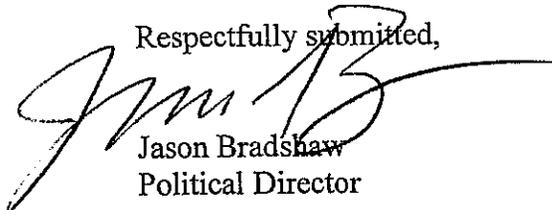
The Hawaii State AFL-CIO **supports** the purpose and intent of H.B. 546 which would prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Under current law, it is unlawful to discriminate because of race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record. However, gender identity and expression have been notably excluded from the law. That should no longer be the case. It is important that everyone is protected under the law and no longer discriminated against. Employees should feel safe and secure wherever they work without the fear of humiliation, embarrassment, and discomfort.

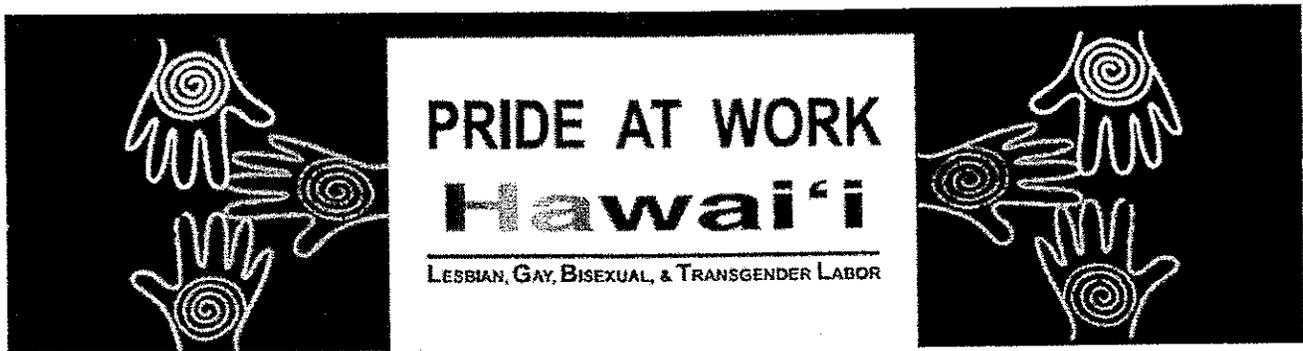
Furthermore, thirteen states, including the District of Columbia have policies that protect against gender identity discrimination in employment. Let's see that number increase to fourteen.

Thank you for the opportunity to testify.

Respectfully submitted,



Jason Bradshaw
Political Director



January 27, 2011

House Committee on Labor and Public Employment
Chair, Rep. Karl Rhoads
Vice Chair, Rep. Kyle Yamashita

Testimony in strong support of HB 546

Pride At Work Hawai'i, as an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports HB 546. As drafted, the bill would explicitly prohibit discrimination on the basis of gender identity and expression with regard to employment.

Over the past four decades, labor support for the rights of LGBT workers has grown tremendously as LGBT union members began to come out and add their issues (such as domestic partner health coverage and anti-discrimination clauses) to the list of bargaining items in negotiations. LGBT workers also came to understand that, given their extreme vulnerability, a strong union contract was an important protection against retaliation and discrimination and for fairness in the workplace. And heterosexual workers came to understand that their co-workers - their union brothers and sisters who they walked picket lines with and worked alongside - were entitled to the same rights and protections as they were: to protect and provide for themselves and their families.

This bill is important because discrimination against people due to their gender identity or expression occurs in a number of forms. Some people have been fired; or others remain unemployed or underemployed as a result of discrimination, hostility and misunderstanding about gender expression. This bill seeks to reduce the incidents of discrimination in Hawai'i and increase the productivity and safety of employees, consumers and residents.

Numerous studies have shown that transgender people face disproportionate amounts of discrimination in all areas of life, especially in employment and health care. As our economy struggles, the discrimination faced by transgender people is becoming even more acute. Often forced into already unstable jobs and careers, and often facing compounding bias because of race or age, the economic well-being of transgender people is being challenged today like never before.

It is our understanding that the Hawai'i Civil Rights Commission (HCRC) has already clarified that state law prohibiting sex discrimination currently protects individuals from discrimination based on gender

identity and expression; however, this bill would make those protections explicit and uniform, and would put Hawai'i in line with other states - including California, Illinois, Maine, Minnesota, New Jersey, New Mexico, Rhode Island and Washington - which include protections to individuals based on their gender identity or expression.

We strongly encourage you to support this bill.

Sincerely,
Steve Dinion
President



Committee: Committee on Labor and Public Employment
Hearing Date/Time: Friday, January 28, 2011, 9:00 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of H.B. 546, Relating to Civil Rights

Dear Chair Rhoads and Members of the Committee on Labor and Public Employment:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 546, which seeks to prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Civil rights laws are valuable not only because they provide remedies when discrimination occurs, but also because they discourage such discrimination from occurring at all. Discrimination based on gender identity and expression is less likely to occur where civil rights laws, by their own language, put the entire community on notice that such discrimination is unlawful. It is important that legislatures clarify that the scope of sex discrimination laws includes discrimination based on gender identity and expression.

Unfortunately, the rise in the visibility of the gay, lesbian, bisexual and transgendered community has been accompanied by a rise in discrimination based on gender identity and expression. That rise in discrimination makes it imperative that we make it clear now that the law protects against discrimination based on actual or perceived sexual orientation and that such discrimination is illegal and unacceptable.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
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January 26, 2010

TO: Representative Karl Rhoads, Chair
Representative Kyle Yamashita, Vice-Chair
Members of the House Committee on Labor and Public Employment

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

SUBJECT: SUPPORT FOR HB 546, RELATING TO CIVIL RIGHTS

Americans for Democratic Action/Hawaii (ADA/H) is in strong support of extending protection from discrimination to all people, regardless of gender identity and expression. The more we can rid our society of the cancer of discrimination based on personal characteristics, the better. Our organization supports equal rights for all people, and urges passage of HB 546.



THE HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

TO: COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

Representative Karl Rhoads, Chair
Representative Kyle T. Yamashita, Vice-Chair
Members of the Committee

FR: Glenn Cannon, President of the Screen Actors Guild Hawaii Branch
Brenda Ching, Executive Director of the Screen Actors Guild Hawaii Branch

RE: **TESTIMONY FOR HB 546, RELATING TO CIVIL RIGHTS**

Dear Chair, Vice-Chair and Members of the Committee:

The Screen Actors Guild Hawaii Branch represents over 700 members working in the film, video and new media industry. We strongly support HB 546, Relating to Civil Rights and urge the passage of this measure.

Thank you for the opportunity to submit testimony in support of HB 546.

SCREEN ACTORS GUILD

949 KAPI'OLANI BLVD., SUITE 105, HONOLULU, HI 96814 * TEL. 808.596.0388 * FAX 800.305.8146 * SAG.org

Branch of Associated Actors and Artistes of America / AFL-CIO * Affiliate of International Federation of Actors



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

January 27, 2011

Testimony in Support: HB 546 Relating to Civil Rights

To: Chair Karl Rhoads, Vice Chair Kyle Yamashita and Members of the House Committee on Labor and Public Employment

From: Katie Reardon, Director of Government Relations & Public Affairs, Planned Parenthood of Hawaii

Re: Testimony in Support of HB 546, Relating to Civil Rights

Planned Parenthood of Hawaii (PPHI) supports HB 546, which prohibits employment discrimination based on gender identity or expression. We have a core set of beliefs at PPHI, and among them is the belief that the free and joyous expression of one's own sexuality is central to being fully human. The ability to express one's gender without fear of discrimination is crucial to every person's well being, including their social and economic well being. In 2011, in recognition of the need for quality and reliable health care for transgendered individuals, PPHI will begin providing transgender health care services at our Honolulu Health Center. It is our goal to expand these services to all of our health centers in the near future.

Transgendered individuals face high rates of discrimination in Hawaii. While our anti-discrimination statute currently protects against discrimination on the basis of sex, it may not protect individuals whose perceived or expressed gender does not match the sex characteristics they were born with or with the traditional, yet narrow, concepts of "male" and "female." For these individuals work-place discrimination threatens not just their sense of dignity, but their access to employment and the ability to earn income and other benefits associated with employment. As a hopeful ally of transgendered people, we respectfully ask that the Committee pass HB 546. Thank you.

Honolulu Health Center

1350 S. King Street, Suite 310
Honolulu, HI 96814
808-589-1149

Kailua Kona Health Center

75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center

140 Ho'ohana Street, Suite 303
Kahului, HI 96732
808-871-1176
(A Maui United Way Agency)

TESTIMONY ON HOUSE BILL 546, RELATING TO CIVIL RIGHTS

House Committee on Labor and Public Employment

Hon. Karl Rhoads, Chair

Hon. Kyle T. Yamashita, Vice Chair

Friday, January 28, 2011, 9:00 AM

State Capitol, Conference Room 309

Honorable Chair Rhoads and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network born out of a weblog. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in support of HB 546.

When sexologist John Money, of Johns Hopkins University, debased distinctions between social gender and biological sex, in 1955, few researchers took his work seriously. Now, over a half-century later, organizations as varied as the American Psychological Association and World Health Organization acknowledge that gender is not a concrete scientific category, but an ambiguous, nomadic construct involving both sexual dimorphism (differences in form between biologically male and female variants of the same species) and arbitrary gender disparities, imposed socially, such as the convention of labeling certain occupations as masculine or feminine. Even the Food and Drug Administration affirmed this line of thinking, in 1993, by replacing references to "sex" with the word "gender," in a gesture that encompasses both biological sex and gender roles within a single functional definition.

Today, we take Money's innovative conclusions for granted, speaking of gender identity, an individual's personal gender categorization based upon his or her own life experiences, and gender roles, the public manifestation of a person's identity, as sociological axioms. Nonetheless, traditions affiliated with gender perception, including the historical suppression of femininity, persists, to say nothing of gender expressions that disrupt the binary opposition upon which gendered customs are predicated. As the famous French theorist Michel Foucault has demonstrated, gender and sexuality are, in modern society, ontologically predetermined signifiers that, in turn, are codified into legal formulations, hegemonic social structures and institutions of governance. For example, being female, as an idea, tends to connote weakness and irrationality, in contrast to the manly traits of strength and reason. This symbolic dichotomy between male and female is most exaggerated in the military, where women are barred from the combat missions of their male counterparts. I make this point not to display a clever theoretical gimmick, but, instead, to reveal political power as a construct comprised of complex, interlocking relations of force that emanate from, operate within and are reproduced by multiple spheres of contestation, from legislative bodies to television shows, ultimately articulating a normative

discursive formation that dictates the acceptance or rejection of gender expressions at the everyday level.

Marginalized, non-traditional gender expression, then, is not just the assumption of one's personal preferences in the realm of identity politics, but act of creating and inferring a transgressive subjectivity, one that challenges the conformity to sexual norms demanded by the manufacturing of labor relations and, in turn, processes of commodification underlying global economic structures. After all, the reason this bill is being proposed is because individuals expressing so-called "alternative" gender formations—transsexuals, transgendered persons and transvestites—have routinely experienced public and private discrimination, as evidenced by the acrid criticisms leveled by some members of the media against Hawaii State Board of Education member Kim Coco Iwamoto, at one time the highest ranking transgendered official in the country. Such discrimination is most common in the workplace, where corporate hierarchies comingle with sexual hierarchies and flows of capital to create the conditions of possibility necessary for all forms of sexual harassment, including gender identity intimidation, to flourish.

Ergo, protecting gender expression is a must. Such protections are already extended to housing and rental practices, so the enjoinder of discrimination in employment and public accommodations is the next logical step. The materiality of bodies is always irreducibly sexually specific, gaining meaning only through the mutual constitution of gender identity with other identity structures, like class and race. Safeguarding even one of these structures necessarily defends them all, opening space for the strident prejudice of sexual and gender-based mandates to be exposed as patrician and heteronormative, and, finally, allowing minoritarian affects to evade assignment into any essential classification, aside from those they perform, themselves.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Editorial Director
Fracturedpolitics

HONOLULU PRIDE

CELEBRATING 21 YEARS OF PRIDE IN PARADISE

92-954 MAKAKILO DR. #71, KAPOLEI, HI 96707

PHONE: 808-672-9050 FAX: 808-672-6347

WWW,HONOLULUPRIDEPARADE.ORG – HONOLULUPRIDEPARADE@GMAIL.COM

January 27, 2011

Hearing – Friday, January 28, 2011 - 9:00 a.m.

House Labor Committee

State Capitol

415 South Beretania Street

Honolulu, HI 96813

RE: House Bill 546: Civil Rights – Workplace Gender, Gender Identity or Expression -
STRONG SUPPORT

Aloha Chair Rhoads and fellow committee members,

My name is Michael Golojuch, Jr. , I am Chair of Honolulu Pride and I want to thank you for the chance to testify in Strong Support of House Bill 546.

Honolulu Pride for the last 21 years has brought Hawaii's Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Inter-sex and our Allies together to celebrate Pride here in Honolulu. We have had several names over the years, most recently we were the Honolulu LGBT Pride but in an effort to be as inclusive as possible we removed the LGBT since it was not totally inclusive and we felt it excluded members of our community. Much like the current employment law is not inclusive of all of our citizens.

Honolulu Pride asks that you support the passage of House Bill 546.

We live in a very gender specific society but how one chooses to express their gender is so fluid from one culture to the next and one generation to the next. Living in the most diverse state in the nation our laws should protect all people. Right now that is not the case, especially when it comes to protecting a citizens right to get a job or ensuring they do not lose their lively hood over their gender, gender identity and/or gender expression.

Something we want everyone to know HB 546 is not just an LGBTQI issue but also an issue that directly affects us all. As the law stands right now if your boss does not like the way you choose to express your gender in the workplace your boss can fire you. Do not get me wrong that an employer should be able to set a standard of dress that represents their company. The problem arises is when they set one standard or dress code for men and another women.

What we here at Honolulu Pride see that HB 546 will do is ensure that no one will be fired based on how they express their gender or which gender they identify with regardless what is on their birth certificate.

Now do not get me wrong HB 546 does help our community, we do not deny that at all. This bill especially helps our transgender and inter-sex community. What we would like to focus on for the remainder of our testimony, just in the general sense, is our transgender community. Because for each person that transitions their experiences are as different as grains of sand on our beaches.

The most basic or generic definition for transgender is that it refers to a person that self identifies with a gender other than the gender designated at birth. Transitions vary from person to person and what they what want to do and feels right to them and in some cases what they can afford to do. Since transition can include but not limited to wardrobe changes, hormone therapy and cosmetic surgery Please keep in mind that for each person the transition period can be a anything from a matter of months, to a couple of years and in some cases decades.

The transition process is a very personal but also very visual depending on the person as well as life changing, as I hope you all can imagine. That is why this bill is so important. We need to ensure that while a person is going through the transition they know that their job will still be there when they complete the process.

So we here at Honolulu Pride ask you to stand with us in our pursuit of justice and equality for all and pass HB 546 out of committee and support its passage on the floor of the House.

Mahalo for your time and consideration,

Michael Golojuch, Jr.
Chair

EQUALITY HAWAII

Friday, Jan. 28, 2011 • 9 a.m.

Testifying in Support of the Intent of HB546
On Behalf of Equality Hawaii

On behalf of Equality Hawaii, the state's largest advocacy organization serving the lesbian, gay, bisexual and transgender community, we emphatically recommend that the House's Labor Committee approve HB546.

A cornerstone of this nation has been the belief that if you work hard and apply yourself, you can achieve any anything. No dream is impossible.

But this is not true for many individuals who do not "fit" into rigid stereotypes of what is "masculine" and what is "feminine." Or for those whose soul does not match their biological gender. Too many times, we have witnessed or heard horrible stories of perfectly capable, able-bodied men refused or denied a job because they were "too feminine." Or talented, productive women denied a promotion because she was "too butch."

According to the 2009 National Transgender Discrimination Survey, transgender individuals experience unemployment at twice the rate of the general population, 97 percent report experiencing harassment or mistreatment on the job and report a poverty rate twice that of the general population.

It was not that long ago that tennis great Martina Navratilova was passed over for endorsement contracts because she was too masculine for mainstream America and booed when taking the court against the "ideal" Chris Everett.

Hawaii is better than that and once lived by the intent of this bill.

Before Capt. Cook, Hawaiians embraced, nurtured and encouraged its *mahu* and *aikane*. It's time that we return to this time-honored island tradition of acceptance and equal employment opportunity for all Hawaii's residents.

Please reaffirm the American dream to our next generation. Restore Hawaii's tradition of acceptance and aloha and pass this measure today.

Mahalo,
Donald L. Bentz
Administrator
Equality Hawaii Foundation

Representative Karl Rhoads, Chair
Representative Kyle T. Yamashita, Vice Chair
Committee on Labor and Public Employment

Josephine Chang for DA MOMS

Friday, January 28, 2011

Support for H.B. 546 Relating to Civil Rights

DA MOMS supports H.B. 546 as a necessary house-keeping measure to make existing Hawaii civil rights laws consistent in their protection of gender identity and gender expression from discrimination. Chapter 515 (discrimination in real property transactions) and Chapter 489 (discrimination in public accommodations) already contain the same clarifying language that is in this bill. H.B. 546 would make uniform the meaning of “sex” discrimination under Chapter 378 (employment practices) and Chapter 368 (Civil Rights Commission) with chapters 515 and 489. This clarification will assist and support the efforts of the Civil Rights Commission to enforce Hawaii’s prohibitions against discriminatory practices on the basis of gender identity and gender expression. Consistent application of our civil rights laws is in the best interests of all citizens of Hawaii.

Thank you.

Respectable House Committee,

My name is Carrie Moore and I am writing in support of HB 546 in regards to enacting policy making discrimination by employers based on gender identity or expression a form of sex discrimination and therefore illegal in Hawaii.

While this bill does not directly effect me it is highly important to an often discriminated against minority within the State of Hawai'i. Bills have been enacted protecting most minority classes, however thus far gender identity and expression have been left out. State laws protecting sexual orientation have excluded identity and expression. Since the 2006 legislation prohibiting housing and public accommodation discrimination there has been little done to correct the remaining injustice issues facing this population of peoples; it is my belief that HB 546 could do just that. This bill grants much needed protection in the workplace for those who some might argue need it the most. Those who are perceived to be different in any regard, especially physically, often bare the brunt of harassment, bullying, discrimination and violence. The everyday struggles faced by those of a different gender identity or expression are hard enough without institutional barriers blocking them from security in their employment. Bills such as this provide basic legal protection every citizen within the State deserves. I urge you to please pass this measure.

Thank you for your time,
Carrie Moore

yamashita1-----Kristen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 26, 2011 11:04 PM
To: LABtestimony
Cc: tatjana.johnson@gmail.com
Subject: Testimony for HB546 on 1/28/2011 9:00:00 AM

Testimony for LAB 1/28/2011 9:00:00 AM HB546

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Tatjana Johnson
Organization: Individual
Address:
Phone:
E-mail: tatjana.johnson@gmail.com
Submitted on: 1/26/2011

Comments:
Please pass this bill!

yamashita1-----Kristen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 27, 2011 10:44 AM
To: LABtestimony
Cc: jvp@spacecraft.net
Subject: Testimony for HB546 on 1/28/2011 9:00:00 AM

Testimony for LAB 1/28/2011 9:00:00 AM HB546

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Jesse Valentine Portz
Organization: Individual
Address: 1422 HEULU ST A104 HONOLULU, HI
Phone: 808-224-6252
E-mail: jvp@spacecraft.net
Submitted on: 1/27/2011

Comments:

I write in strong support of HB546. For those of us that are gender variant, this adds important specific protections for employment to prevent discrimination. Please clarify that Hawaii is a place where we receive equal protection under the law.

yamashita1-----Kristen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 27, 2011 9:18 AM
To: LABtestimony
Cc: lcarmanjr@hotmail.com
Subject: Testimony for HB546 on 1/28/2011 9:00:00 AM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for LAB 1/28/2011 9:00:00 AM HB546

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Leonard C Carman Jr
Organization: Individual
Address:
Phone:
E-mail: lcarmanjr@hotmail.com
Submitted on: 1/27/2011

Comments:

This bill is really a no brainer and according to the constitution of the US and other laws already on the books one would think this bill shouldn't be necessary. However under the circumstances it is so please vote in support of it and end discrimination in our wonderful Hawaii once and for all.

yamashita1-----Kristen

From: Kori Weinberger [koriaw@hawaii.edu]
Sent: Thursday, January 27, 2011 10:44 AM
To: LABtestimony
Subject: HB 546 Testimony

In college, a friend of mine who was a gay man talked constantly about another guy in class who he had a crush on. He talked about it for so long that one day I said, "Why don't you ask him out already?" His reply was not at all what I expected: "I'm afraid I'll get beaten up." While the most heterosexual people usually worry about when asking someone out on a first date is rejection and embarrassment, my friend was also seriously afraid for his safety. The climate of our school was homophobic, and my friend did not know if his crush was also gay. In his cost-benefit analysis of this situation, he decided that it was better to be alone than to risk the very real potential of becoming the target of hate. A social and legal culture that does not treat all people as equals sets the stage for fear and hate. HB 546 and SB 232 are important steps in recognizing homosexuals as human beings, and two more blocks in the foundation of a new culture where no one will be bullied and shamed into being alone, or will be excluded from the job, housing, education, and other opportunities that full citizens enjoy.

With best regards,

Kori Weinberger

The Twenty-Sixth Legislature
Regular Session of 2011

LATE

HOUSE OF REPRESENTATIVES
Committee on Labor and Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Friday, January 28, 2011; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 546
RELATING TO CIVIL RIGHTS**

The ILWU Local 142 supports H.B. 546, which prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The ILWU supports civil rights for all and opposes discrimination in any form. One form of discrimination that is, as yet, not legally recognized or protected against is discrimination based on gender identity or expression. H.B. 546 will rectify this omission and ensure that actual or perceived gender identity or gender related self-image, appearance or expression will not be used to discriminate against anyone, especially in employment. This includes discrimination in hiring as well as on the job.

The most important quality that an employer should be concerned about is the employee's ability to perform the duties of his or her job. Gender identity, appearance or expression should not be a factor.

The ILWU urges passage of H.B. 546. We thank you for the opportunity to provide testimony on this matter.

LATE



JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER
P.O. BOX 1291, HONOLULU, HAWAII 96807
PHONE: 523-8464 EMAIL: honolulu@jacl.org

Working For A Greater America

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President

Liann Ebesugawa
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Sean Ibara
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Travis Agustin

Susan Arnett

Alphonso Braggs

David Forman*

Linda Ichiyama

Craig Jerome

Nikki Love

Jace Mikulanec

Karen Nakasone*

Yoshie Tanabe

Jamie Yamagata

Legal Counsel

Benjamin Kudo

Advisory Council

Allicyn Hikida Tasaka*

Clayton Ikei*

William Kaneko*

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Alan Murakami*

*past president

House Committee on Labor
Friday, January 28, 2011
Hawai'i State Capitol -- Room 0309

Testimony in **SUPPORT of HB 546**, Relating to Civil Rights

Dear Chair Rhoads, Vice-Chair Yamashita, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter stands in support of House Bill 546, which protects all people from discrimination in employment on the basis of gender identity or expression.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to provide equal rights to all citizens. These efforts include ensuring that all workers are protected from discrimination based on gender identity or gender expression.

~~This bill provides protections for all workers. It ensures that a transgender woman, born male, will have the same rights and responsibilities as her co-workers. And it ensures that a heterosexual woman who may prefer wearing pants rather than skirts or dresses will have the same protections as all of her co-workers. No person should be denied a job because an employer does not agree with how a person's gender is expressed through their appearance or behavior.~~

~~It is our responsibility as JACL to make sure that people's civil rights are protected. It was not so long ago that Japanese Americans faced were stereotyped and discriminated against because of their ancestry. This anti-Japanese American sentiment unfortunately impacted others of Asian ancestry as they were. Asian Americans were unjustifiably judged based on appearance.~~

We affirm JACL's mission to "secure and maintain the civil rights of Japanese Americans and all others who are victimized by injustice and bigotry."

JACL thanks you for allowing us to testify in support of HB 546.

Respectfully,

/s/ Liann Ebesugawa
1st Vice President

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From: HRHSF [hrhsf@me.com]
Sent: Friday, January 28, 2011 4:25 AM
To: LABtestimony
Subject: House Committee On Labor & Public Employment, Testimony In "Support" For Bill (HB546)

House Committee On Labor and Public Employment

Thank You, Committee & Chair Rep. Karl Rhoads For Your Time & Consideration

January 28th, 9AM

I, Hector R. Hoyos Jr. Gay & Civil Rights Activist & Victim Of Work Place Discrimination Based On My Sexual Identity/Being.

Support Bill HB546

It's no small wonder that work places for LGBT community members have not always been good, matter a fact. I have noticed since I've been here 7 and 1/2

years that there is an alarming amount of not just harassment of sorts but much gay attacks on people at there job places. My friends tell me here that they have just gotten use to it over the years. I ask them how could you put up with your employer or the employees doing that to them. Most say that because they need there jobs, It's alarming. All the years I have been thru much gay bullying, but have always been able to defend my self or be lucky to just get out of it. Since my later 30's now it has been easier & I have spent many years fighting for peoples civil rights. I helped advocate in Washington D.C. & Baltimore for change and of treatment of LGBT employees have the rights of everyone else. After D.C. & Baltimore I kept going for it. Linking to other cities enlisting, meeting many people that had much more horror then I went thru at that time. Anyway yea put it hate crimes and employee treatment is being dealt with much more aggressive on the mainland. It is time for Hawaii to be at our countries best in providing protections and pathways for LGBT community members to report and deal with there manager or supervisor or other employees harassing, retaliation, threatening, bullying because of a person appearance, sexual identity, there mannerisms, or talking down or degrading some one because of who they are or have become. You on the Committee know what it is like growing up as a child right. For many finding themselves being who they really are and choosing to live there life the way the should. Should not be anyones concern or give any reason for work place violence, harassment, or bullying in the work place. Most of us have enough issues dealing with our own acceptances. No one should have to worry about there jobs if they are faithful good performing honest employee that works hard , if there LGBT or straight, any color or appearance...

Personally for the last 2 years going on longer now I have been involved with a bitter work retaliation, civil rights, sexual identity case with my now ex-emplyer.

A huge California based beer food chain off the newer Lewers St. area in Waikiki. I was a very energetic top employee, always written up by secret shoppers and customers as there best comments and reports, excelled at marketing and coming up with there local promotions. I became Front Desk Trainer quickly and set the standards for many, loved everyone and everyone loved me, loved my job and the big success of this place I worked for. After 2 lady employees reported some very serious issues concerning them and harassment. I was forced to go to Supervisor and report these issue's to him both times, Its my job and well, human I care. I was a supervisor to them also. Not long after I helped them and all was I guess normal...My General manager after I was attacked and threatened almost burned by sizzling oil filled pan and a huge butcher knife cornered in the kitchen while I was eating breakfast. All this truly happened and was quite trauma to my mind still. I was so afraid I asked to leave for the day,but decided to stay. My General manager then tells me the Headquarters in Cali. just called to deal with this situation. They fired The head chef that did this to me,but then. Called me in his office and told me that if I did not start acting more a man and stop being so gay and open about yourself. Or Hector you will go no where in this company, start acting straighter he told me, I could not believe at

my age of 37. I was hearing this from a work place I worked myself into a huge future to be crushed because I am not straight enough. Too much of a show, called me a big whistle blower. Not more then 3 months later my career stalled, my transfer to a new Florida store was thru, people where like whats going on, for pride I kept it in till they fired me. I then went to Labor dept. & Civil Rights Dept. The interviewer treated me like I was no victim. Never the less 2 years long and later I got permission to sue from Civil Rights of Hawaii & EEOC. They decided to want to arbitrate which I not only agreed but, was always willing to do. Now there stalling me and my Attorney & it all could just wind up in Hawaii Circuit after all this. Which is fine I believe in our system and Hawaii has been with me it seems since day 1 I lost my job. I just pray and hope you all consider what 100's of even thousands go thru in this state because there gender identity is not accepted. Much Love and Spirit with you all on the House Committee, Thank You for your time, I did not want to take too much but just a look into how this bill could be possible helping me and others like me across this great state.

I SUPPORT HB546

Many Thanks For Hearing My Testimony

Thank You Chair Of Committee

Rep. Karl Rhoads

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LATE

LAP01-28-11

Committee on Labor & Public Employment
Hearing on Friday, January 28, 2011
9:00 a.m.

To Karl Rhoads, Chair
Kyle T. Yamashita, Vice-Chair
and members of the Committee

Re: HB546 Relating to Civil Rights

I wish to testify in favor of this bill.

Dorothy I. Cornell
545 Queen Street, Apt. #717
Honolulu HI 96813

HawaiiVotingProject@gmail.com

Member, GLBT Caucus of the Democratic Party