
A BILL FOR AN ACT

RELATING TO EQUAL EMPLOYMENT OPPORTUNITY.

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

1 SECTION 1. The legislature finds that sexism and
2 transphobia operate in conjunction against the lives of
3 transgender women. These forces have the effect of drastically
4 reducing employment opportunities and income and compel
5 transgender women to enter underground economies for economic
6 survival. During the coronavirus disease 2019 pandemic,
7 lesbian, gay, bisexual, transgender, and queer people also
8 experienced reduced employment and income at far higher rates
9 compared to the general population. The United States Supreme
10 Court, in *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731
11 (2020), held that federal law prohibits anti-transgender
12 discrimination in employment.

13 The legislature also finds that there exists a need to
14 close the gap between gender identity protections and lived
15 reality for Hawaii's transgender ohana, especially transgender
16 women. Hawaii leads the nation with 0.78 per cent of the
17 population identifying as transgender. Transgender people are a



1 protected class under state law, yet their quality of life
2 remains dire due to their unequal treatment within the
3 employment sphere; workplaces are not safe for transgender and
4 non-binary people. Nationally, one in four transgender people
5 have lost a job due to transphobia and bias. Transgender
6 workers report unemployment at twice the rate of the general
7 population. Transgender workers are nearly four times more
8 likely than the larger population to have a household income of
9 under \$10,000.

10 Our nation's military veterans include lesbian, gay,
11 bisexual, transgender, and queer people. In recognition of
12 their service and sacrifice, military veterans who are disabled,
13 or who served on active duty during certain specified time
14 periods or in military campaigns, are entitled to preference
15 over non-veteran applicants in hiring for virtually all federal
16 government jobs. However, given the history of discrimination
17 in the military against non-heterosexual people and people who
18 do not conform to gender stereotypes, many qualified people who
19 otherwise may have been hired based on preference given to
20 veterans have likely been denied the opportunity to benefit from
21 this policy.



1 Locally, transgender individuals make up a significant
2 percentage per capita of not only the annual Point-in-Time count
3 of the homeless population but also close to half of the sexual
4 and gender minority population. According to a report by the
5 Hawaii sexual and gender minority workgroup convened by the
6 state department of health in 2017, forty-one per cent of two
7 hundred eighteen homeless gender minorities identified as
8 transgender. According to data from the B.E. Journal of
9 Economic Analysis and Policy, while transgender men earn more
10 after their transition, transgender women see their earnings
11 drop by nearly a third after they transition. As a result, many
12 transgender people are economically coerced into the sex
13 industry, which places them at high risk of death, sexually
14 transmitted infections, substance use disorders, depression,
15 post-traumatic stress disorder, and recurrent sexual assault.

16 Accordingly, the legislature believes that transgender
17 people must be provided with a full range of employment
18 opportunities by ensuring equal access to employment and that a
19 proactive approach is needed to correct decades of
20 discrimination.



1 The purpose of this Act is to require the department of
2 human resources development to:

3 (1) Establish hiring and promotion goals for position-
4 qualified transgender and non-binary persons by
5 January 1, 2024;

6 (2) Develop the State's transgender employment policies,
7 addressing specified areas by January 1, 2024, to
8 promote inclusive, safe workplaces that respect gender
9 identity; and

10 (3) Submit annual reports to the legislature on the
11 progress towards meeting its hiring goal before the
12 convening of the regular sessions of 2025 and 2026.

13 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
14 by adding a new section to be appropriately designated and to
15 read as follows:

16 "§78- Transgender and non-binary persons; hiring goals;
17 employment policies. (a) No later than January 1, 2024, the
18 department of human resources development shall establish the
19 State's hiring and promotion goals for position-qualified
20 transgender and non-binary persons. Reporting of gender
21 identity shall be voluntary by employees and potential job



1 applicants. All state employment forms shall include a gender
2 nonbinary option.

3 (b) No later than January 1, 2024, the department of human
4 resources development shall develop the State's transgender
5 employment policy to promote inclusive, safe workplaces that
6 respect gender identity. Policies shall address the following
7 areas:

8 (1) Privacy. Transgender employees shall have the right
9 to discuss their gender identity or expression openly,
10 or to keep this information private;

11 (2) Official records. Upon request by an employee, an
12 employer shall change an employee's official record
13 within the department to reflect a change in name or
14 gender;

15 (3) Respecting workers' truth. An employee shall have the
16 right to be addressed by the name and pronoun that
17 corresponds to the employee's gender identity, upon
18 the employer's request;

19 (4) Transition support. Employees who transition to
20 another gender while employed shall be provided with
21 support from managerial and human resources staff;



1 (5) Job assignments. For "sex-segregated" positions,
2 transgender employees shall be classified and assigned
3 in a manner consistent with their gender identity, not
4 their gender assigned at birth;

5 (6) Dress code. Employers shall not establish or enforce
6 dress codes that restrict employees' clothing or
7 appearance on the basis of gender;

8 (7) Lockers. All employees shall have the right to use
9 the locker room, if provided, that corresponds to
10 their gender identity; and

11 (8) Health care. Employers shall only enter into health
12 insurance contracts that include coverage for
13 employees' transition-related care.

14 (c) No later than twenty days prior to the convening of
15 the regular sessions of 2025 and 2026, the department of human
16 resources development shall submit to the legislature a report
17 that details the department's progress toward meeting its hiring
18 goals for transgender and non-binary persons, including specific
19 actions taken to meet hiring goals."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 for
2 the department of human resources development to establish its
3 hiring and promotion goals for position-qualified transgender
4 and non-binary persons and develop the State's transgender
5 employment policy.

6 The sum appropriated shall be expended by the department of
7 human resources development for the purposes of this Act.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Employment; Hiring and Promotion Goals; State Transgender Employment Policy; Non-Binary Persons; Inclusive Employment Policies; Department of Human Resources Development; Report

Description:

Requires the Department of Human Resources Development to establish the department's hiring and promotion goals for position-qualified transgender and non-binary persons and develop the State's Transgender Employment Policy addressing specified areas by 1/1/2024. Requires annual reports to the Legislature before the Regular Sessions of 2025 and 2026. Effective 7/1/2050. (SD1)

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