



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

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EFFECTIVE JULY 1, 2013, NEW HAWAI‘I LAW PROTECTS DOMESTIC WORKERS AGAINST EMPLOYMENT DISCRIMINATION

Act 248*, enacted in 2013, amends our state fair employment law to protect domestic workers against employment discrimination in terms, conditions, and privileges of employment, but **not** hiring and firing.

Under the new law, it is illegal for an employer to discriminate against a domestic employee in compensation or in terms, conditions, or privileges of employment because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, or marital status.

Under this new statutory protection, employers of domestics can choose who they want to work in their home or residence, and can hire and fire for any reason.

WHO IS PROTECTED BY THE NEW LAW?

Until 2013, the Hawai‘i fair employment law excluded the employment of domestic workers from the definition of “employment”, leaving domestic workers unprotected against discrimination and harassment.

With the enactment of Act 248, Hawai‘i became the second state in the nation to protect domestic workers against discrimination in the workplace.

A worker is protected if he or she is employed to perform domestic work in a home or residence. Domestic work may include, but is not limited to, caring for a child, serving as a companion for the sick, convalescing, or elderly, housekeeping, cleaning, cooking, doing laundry, or any other domestic service.

A domestic worker is protected even if there is only one worker in the household.

* Act 248, 2013 Session, §§ 1-2, amending Hawai‘i Revised Statutes §§ 378-1 and 378-2.
http://www.capitol.hawaii.gov/session2013/bills/GM1351_.PDF

*This flyer is a general summary of Hawai‘i’s anti-discrimination laws and does not have the force or effect of administrative rules or Hawai‘i laws. If there are any inconsistencies, the rules and Hawai‘i law will control.

WHAT KIND OF DISCRIMINATION IS PROHIBITED?

If you are working as a domestic in a home or residence, you have the right not be discriminated against based on your:

- Race
- Sex, Including Gender Identity & Gender Expression
- Sexual Orientation
- Age
- Religion
- Color
- Ancestry
- Disability
- Marital Status

Examples of prohibited discrimination include:

- Sexual harassment in the form of pressure to engage in unwelcome sexual activity;
- Sexual assault;
- Verbal harassment or abuse that is racial or sexual in nature and creates a hostile work environment;
- Unequal pay based on race, ancestry, or other prohibited basis.

FOR MORE INFORMATION, CONTACT:

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