

Hawai'i employees protected from adverse employment acts based on reproductive choices

Effective July 2, 2019, Act 178 adds reproductive health decisions as a protected basis upon which employment discrimination is prohibited. Act 178 protects employees from adverse employment actions based on the employee's choice to use birth control, terminate a pregnancy, or use technology to become pregnant.

The statute includes a definition of "Reproductive health decision" to include "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."

Many claims of discrimination based on reproductive health decisions were already covered as discrimination based on sex (*e.g.*, the decision to terminate or not to terminate a pregnancy), and Act 178 expressly clarified this protection.