

DISCRIMINATION IN PUBLIC ACCOMMODATIONS

830 Punchbowl St, Room 411 | Honolulu, HI 96813 | Ph. 586-8636 | Email: DLIR.HCRC.INFOR@hawaii.gov | <http://labor.hawaii.gov/hcrc>

The Hawai‘i Civil Rights Commission (HCRC) enforces the state law prohibiting discrimination in Public Accommodations, found in Hawai‘i Revised Statutes Chapter 489. If you believe you have been a victim of discrimination, you have the right to file a complaint with the HCRC.

WHAT IS DISCRIMINATION IN PUBLIC ACCOMMODATIONS?

Under Hawai‘i law it is illegal to deny a person access to or to treat them unequally in a place of public accommodation because of that person’s:

- Race
- Ancestry
- Religion
- Disability
- Sexual Orientation
- Color
- Sex, including Gender Identity or Expression

WHAT ARE PUBLIC ACCOMMODATIONS?

Public Accommodations are places of business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are offered, sold, or made available to the general public as customers, clients, or visitors.

Examples include:

- Restaurants, snack bars, and coffee shops
- Hotels, motels, and bed and breakfasts
- Retail stores and shopping centers
- Bars and nightclubs
- Museums, theaters, concert halls, and stadiums
- Parks and campsites
- Bus stations, taxi stands, and airport terminals
- Barbershops and beauty parlors
- Swimming pools, gyms, and health clubs
- Hospital, clinics, and convalescent homes
- Professional office of health care providers
- Mortuaries and undertaking establishments

The law prohibits persons from aiding or inciting others to engage in discriminatory practices. It also protects persons from retaliation when they oppose a discriminatory practice or attempt to comply with this law.

The law does not apply to the provision of separate facilities or schedules for females and males (in facilities such as restrooms, locker rooms, or dressing rooms), if required to protect personal rights of privacy

EXAMPLES OF DISCRIMINATION

Examples of possible discrimination in public accommodations are:

- A restaurant refuses service because you have a mental or physical disability.
- You are refused service or entry at a restaurant, theater, or other place of business, based on race, while others not of your race are served or admitted.
- You are refused service at a hospital because you are (or are regarded as) HIV-positive.
- A store or restaurant gives discounts to people of the opposite sex, but you still have to pay full price.
- You protest when a health club refuses to let someone in because of ancestry, and you are told to leave.
- A transgender person is forced to use a restroom not of their choice. A transgender person has the right to use a restroom that corresponds to the person’s gender identity.
- A visually impaired individual is denied taxi service because of his service animal.

FILING A DISCRIMINATION COMPLAINT

If you believe that you are a victim of illegal discrimination, you can file a complaint, at no cost, with the Hawai'i Civil Rights Commission (HCRC). You must file within 180 days after the discriminatory practice has occurred. Call the HCRC at 586-8636 to speak to staff. During the HCRC investigation, you should be prepared to:

- Present specific dates and facts about the alleged discrimination;
- Identify documents and witnesses, if any, to support charges in the complaint; and
- Keep the HCRC updated as to your whereabouts and any phone number or address change.

INVESTIGATIONS/DETERMINATIONS

The HCRC conducts objective investigations of complaints. Where possible, the HCRC encourages parties to settle complaints through mediation or pre-determination settlements. If the HCRC determines that there is reasonable cause to believe discrimination has occurred, it will attempt to correct the discrimination and obtain relief through conciliation (further settlement efforts after a finding of reasonable cause).

If conciliation is not successful, the HCRC holds administrative hearings on the complaint. If after the hearing the commission determines there is a violation of law, the commission will issue a final decision and order to correct any discriminatory practices and to prevent their recurrence. The HCRC can order remedies such as:

- Admission to the public accommodation.
- Full and equal enjoyment of the goods, services, facilities, or privileges of the public accommodation.
- Specific actions to prevent future discrimination.
- Money damages, fines, or other remedies appropriate to correct the harm caused by the discrimination.
- Punitive damages where there is clear and convincing evidence that an accommodation willfully, deliberately, or maliciously violated the law.

A person does not need an attorney to file a complaint or be represented through the HCRC's investigation, conciliation or hearing process. However, individuals do have the right to be represented by an attorney, at their own expense, if they so choose.

FURTHER INFORMATION

For more information on these and other anti-discrimination laws enforced by the HCRC:

Contact us at:

Hawai'i Civil Rights Commission
830 Punchbowl Street, Room 411
Honolulu, HI 96813

Email: DLIR.HCRC.INFOR@hawaii.gov

Website: <http://labor.hawaii.gov/hcrc>

Phone: 586-8636
Information: 586-8640
TDD: 586-8692
FAX: 586-8655

*This flyer is a general summary of Hawai'i's public accommodation 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.

Hawai'i Revised Statutes (HRS) Chapter 489 is available in any public library, from the HCRC, or online at <http://labor.hawaii.gov/hcrc>.