

● **WAGE AND HOUR LAW (*WAGE DISCRIMINATION*)**

*STATUTORY CITATION:* Haw. Rev. Stat. § 387-4

*GENERAL SUMMARY:* Among its other purposes, the state wage and hour law prohibits certain employers in Hawaii from discriminating in the payment of wages on the basis of race, religion or sex. A wage variation among employees engaged in the same classification of work is not unlawful if it is based on a difference in seniority, length of service, substantial difference in duties or services performed, difference in the shift or time of day worked, or hours of work.

*PROVISIONS APPLICABLE TO AGRICULTURE*

**AGRICULTURE GENERALLY** — Except in the harvesting of coffee, workers employed in agriculture for any workweek in which the employer has 20 or more employees are protected by the wage discrimination provision, and employers of such workers are required to abide by its terms.

**COFFEE HARVESTING** — The wage discrimination in employment provision **does not apply** to agricultural workers engaged in the harvesting of coffee.

*SPECIAL NOTES OR ADVISORIES*

**CORRECTIVE ACTION** — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777)*. Complaints of wage discrimination under the wage and hour law may be filed with the nearest district office of the Department, which is responsible for investigating all such claims. The agency may seek injunctive action against any subject employer in state court to enforce compliance with the anti-discrimination provision. Likewise, at the request of any person paid less than the amount to which he or she is entitled under this provision, the Department may bring legal action against the employer on the worker's behalf to collect the claim.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

**PRIVATE CIVIL ACTION** — A claim for unpaid wages resulting from an act of unlawful wage discrimination may be pursued against the employer directly, in a civil suit filed by the worker through a private attorney or public legal service provider.