



DISCRIMINATION IN PUBLIC ACCOMMODATIONS

WHAT IS DISCRIMINATION IN PUBLIC ACCOMMODATIONS?

Under state law* it is illegal to deny or attempt to deny a person access or to treat them unequally in a place of public accommodation because of that person's:

- race
- sex
- color
- religion
- ancestry
- disability
- breastfeeding**

Public accommodations are facilities whose goods/services/premises are sold or made available to the public. Examples are:

- restaurants, snack bars, and soda fountains
- hotels, motels, and inns
- retail stores and shopping centers
- bars and nightclubs
- museums, theaters, concert halls, sports arenas and stadiums
- parks and campsites
- bus stations, taxi stands, and airport terminals
- barbershops and beauty parlors
- swimming pools, gyms, and health clubs
- hospitals, clinics, and convalescent homes
- professional offices 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 for females and males to protect their personal rights of privacy (such as restrooms, locker rooms, or dressing rooms in a store).

EXAMPLES OF DISCRIMINATION

Examples of possible discrimination in public accommodations are:

- a nightclub or theater won't let you in because it's "full," but you see people of other races allowed in after you were turned away.
- you are not served at a restaurant because you are a person with a disability or because you have a service animal.
- 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 his/her ancestry, and you are also told to leave.

*Hawai'i Revised Statutes (HRS) Chapter 489.

** It is a discriminatory practice to deny, or attempt to deny, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodations to a woman because she is breast feeding a child. Act 227 (2000). NOTE: **This section is enforceable only as a private right of action and not by the HCRC.**

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, that substantiate 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.

If conciliation is not successful, the HCRC holds administrative hearings on the complaint. If after the hearing it determines there is a violation of law, the commission will issue final orders 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 or hearing procedures. 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 aspects of discrimination, contact the:

HAWAI'I CIVIL RIGHTS COMMISSION
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813

Telephone: 586-8636

TDD: 586-8692

Fax: 586-8655

Neighbor Islands call (toll-free):

Kauai: 274-3141 ext. 6-8636

Maui: 984-2400 ext.6-8636

Hawai'i: 974-4000 ext. 6-8636

Lāna'i & Moloka'i: 1-800-468-4644 ext. 6-8636

All non-800 numbers are area code (808).

E-Mail: info@hicrc.org

Website: www.state.hi.us/hcrc