

(e) For any employer, labor organization or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practice forbidden by this part or because he has filed a complaint, testified or assisted in any proceeding respecting the employment practices and discrimination prohibited under this part;

(f) For any person whether an employer, employee or not, to aid, abet, incite, compel or coerce the doing of any of the practices forbidden by this part, or to attempt to do so. [L. 1963, c. 180, s. 1.]

[§ 90A-1.5.] Definitions. As used herein:

(a) "Person" means one or more individuals, and includes partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" means any person undertaking to procure employees or opportunities to work.

(c) "Labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer" means any person having one or more persons in his employment, and includes any person acting as an agent of an employer, directly or indirectly.

(e) "Employment" means any service performed by an individual for another person under any contract of hire, express or implied, oral or written, whether lawfully or unlawfully entered into. [L. 1964, c. 44, s. 2a.]

[§ 90A-2.] Enforcement jurisdiction; power of department to prevent unlawful discrimination. The state department of labor and industrial relations, hereinafter referred to as "department", shall have jurisdiction over the subject of employment practices and discrimination made unlawful by this part. When it shall appear to it that an unlawful employment practice or discrimination may have been committed, the department shall make a prompt investigation in connection therewith. If it is determined after such investigation that further action is warranted, the department shall immediately endeavor to eliminate the unlawful employment practice or discrimination complained of by conference, conciliation and persuasion. [L. 1963, c. 180, s. 2.]

[§ 90A-3.] Complaint against unlawful discrimination. Any person claiming to be aggrieved by an alleged unlawful employment practice or discrimination may file with the department a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice or discrimination complained of and which shall set forth the particulars thereof and contain such other information as may be required by the department. The state attorney general may, in like manner, make, sign, and file such complaint.

No complaint shall be filed after the expiration of ninety days after the alleged act of unlawful employment practice or discrimination. [L. 1963, c. 180, s. 3.]

[§ 90-4.] Proceeding on complaint. After the filing of any complaint, an investigation shall be made and an attempt to eliminate such practice or discrimination shall be made as provided in section [90A-2] unless such attempt has previously been made.

In case of failure to eliminate such practice or discrimination, or in advance thereof if in the judgment of the department circumstances warrant, a written accusation, together with a copy of such complaint, as the same may have been amended, shall be issued and served requiring the person, employer, labor organization or employment agency named in such accusation, hereinafter referred to as "respondent", to answer the charges of such accusation at a hearing. [L. 1963, c. 180, s. 4; a.m. L. 1964, c. 44, s. 2b]

L. 1964 substituted "complaint" for "accusation" in first par.

[§ 90A-5.] Same: hearings under administrative procedure act. Hearings held under the provisions of this part shall be conducted in accordance with the Hawaii administrative procedure act, chapter 6C. [L. 1963, c. 180, s. 5; am. L. 1964, c. 44, s. 2c.]

[§ 90A-6.] Same: findings and orders thereon; requirement that order show rights of appeal. If the department finds that a respondent has engaged in any unlawful employment practice or discrimination as defined in this part, the department shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice or discrimination and to take such affirmative