

2018 Regular Session

HOUSE BILL NO. 328

BY REPRESENTATIVE JEFFERSON

EMPLOYMENT/DISCRIMINATION: Provides with respect to wage secrecy

1 AN ACT

2 To amend and reenact R.S. 23:332(H)(3) and to enact R.S. 23:332(A)(4) through (6),
3 relative to employment discrimination; to provide for pay transparency; to provide
4 for voluntary wage disclosure; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:332(H)(3) is hereby amended and reenacted and R.S.
7 23:332(A)(4) through (6) is hereby enacted to read as follows:

8 §332. Intentional discrimination in employment

9 A. It shall be unlawful discrimination in employment for an employer to
10 engage in any of the following practices:

11 * * *

12 (4) Intentionally require as a condition of employment that an employee
13 refrain from inquiring about, discussing, or disclosing the amount of his wages, or
14 to sign a waiver, nondisclosure, or other document that denies the employee the right
15 to inquire about, discuss, or disclose the amount of his wages.

16 (5) Intentionally retaliate, discipline, discharge, or otherwise discriminate
17 against an employee who has inquired about, discussed, or disclosed his own wages
18 or inquired about or discussed wage information with another employee who
19 voluntarily discloses his own wage information.

Proposed law retains present law and further prohibits an employer from coercing an employee to sign an agreement to keep his wage information confidential.

Proposed law prohibits an employer from retaliating or discriminating against an employee who voluntarily discloses his own wage information.

Proposed law does not extend protection to an employee who has access to wage information as a result of his position unless that employee is discussing his own wage rate or unless the wage information he discloses is pursuant to a charge, complaint, investigation, court order, proceeding, hearing, or is otherwise required by law.

Present law provides exceptions that allow for pay differentials regardless of race, color, religion, sex, or national origin such as different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or other factor. Proposed law adds that another bona fide factor may be considered.

Proposed law retains present law but provides that prior salary history shall not be considered when determining fair pay.

(Amends R.S. 23:332(H)(3); Adds R.S. 23:332(A)(4)-(6))