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## DIGEST

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HB 925 Original

2016 Regular Session

Bouie

**Abstract:** Provides with respect to discrimination based on sexual orientation, gender identity, or gender expression.

Proposed law provides legislative intent.

Proposed law (R.S. 23:335) provides that it is unlawful for any employer to refuse to hire, discharge, or otherwise discriminate with respect to compensation, terms, conditions of employment, segregate, limit, or classify his employees or applicants for employment due to an individual's actual or perceived sexual orientation, gender identity, or gender expression.

Proposed law provides that it is unlawful for an employment agency to refuse to refer someone for employment due to his actual or perceived sexual orientation, gender identity, or gender expression.

Proposed law provides that it is unlawful for any labor organization to exclude or expel someone from membership, or otherwise limit, or segregate membership or applicants for membership due to an individual's actual or perceived sexual orientation, gender identity, or gender expression.

Proposed law provides that it is unlawful for an employer, employment agency, or labor organization controlling apprenticeship or other training or retraining programs to discriminate against an individual due to an individual's actual or perceived sexual orientation, gender identity, or gender expression.

Proposed law further prohibits the discrimination against an individual because the individual has made a charge, testified, assisted, or participated in an investigation, proceeding, or litigation relative to a discrimination charge.

Proposed law prohibits an employer, employment agency, or labor organization from publishing or advertising an employment or training position indicating any preference, limitation, specification, or discrimination based on actual or perceived sexual orientation, gender identity, or gender expression unless it is a bona fide occupational qualification for employment.

Proposed law does not intend to create a cause of action pursuant to any affirmative action plan.

Proposed law does not require any employer, employment agency, labor organization, or insurer to grant preferential treatment to any individual because of actual or perceived sexual orientation, gender identity, or gender expression.

Proposed law allows an employer, employment agency, labor organization, or training program to hire, admit, or train someone based on actual or perceived sexual orientation, gender identity, or gender expression unless it is a bona fide occupational qualification reasonably necessary for the normal operation of that particular business or enterprise.

Proposed law allows an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to seniority or a merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that the differences are not a result of an intention to discriminate.

Proposed law provides that it is not discrimination for an employer to give a professionally developed ability test if the test is not used to discriminate.

Proposed law further provides that it is not unlawful for an employer to specify a dress code, provided it is consistent with the employee's gender identity.

Proposed law provides that it is not unlawful to refuse to provide benefits to the partner of an employee.

Provides that proposed law does not apply to a corporation, association educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of the Civil Rights Act.

Proposed law (R.S. 39:1553.1 and 2183) provides for equal employment opportunities in the selection of persons for public contracts and procurement contracts.

Proposed law prohibits discrimination against any person because of race, religion, national origin, age, sex, sexual orientation, gender identity, gender expression, or disability, in awarding public contracts or procurement contracts.

Proposed law requires that every contract, invitation to bid, request for proposal, or bidding document include a statement advising that the contractor shall not discriminate when he renders services to or in the employment of individuals to perform the work, or provide materials, supplies, or services pursuant to the contract, who are members of the category of individuals listed in proposed law.

Proposed law is not intended to nullify or supercede any preference in law for veterans of the military or military service men and women.

Proposed law is not intended to nullify or supercede any minimum requirement related to education, licensure, or other vocational standards.

Present law (R.S. 38:2315) requires that every person be guaranteed equal opportunity in the selection of persons for professional services.

Present law provides that a selection for professional services shall not discriminate against anyone based on race, religion, national ancestry, age, sex, or physical condition.

Proposed law changes "national ancestry" to "national origin" and "physical condition" to "disability".

Proposed law adds sexual orientation, gender identity, and gender expression to the list of prohibited discriminatory classifications.

Present law (R.S. 51:2231) provides that the Louisiana Commission on Human Rights has enforcement powers over certain discrimination statutes.

Present law adds proposed law (R.S. 23:335) to the statutes over which the Louisiana Commission on Human Rights has enforcement authority.

Present law provides that the Louisiana Commission on Human Rights may study and report on problems of discrimination because of race, creed, color, religion, sex, age, disability, or national origin.

Proposed law adds sexual orientation, gender identity, and gender expression to the list of discriminatory classifications that the Louisiana Commission on Human Rights may study.

Present law (R.S. 23:2237) provides that parishes and municipalities may adopt and enforce ordinances prohibiting all forms of discrimination including race, creed, color, religion, national origin, sex, disability, or age.

Proposed law adds sexual orientation, gender identity, and gender expression to present law.

Present law (R.S. 23:2237) allows any parish, municipality, or multiple parishes or municipalities to create a local human rights commission to safeguard individuals from discrimination because of race, creed, color, religion, national origin, sex, disability, or age.

Proposed law adds sexual orientation, gender identity, and gender expression to present law.

(Amends R.S. 38:2315 and R.S. 51:2231 (Section heading), 2235(16)(a), 2236(A), and 2237(2); Adds R.S. 23:335 and R.S. 39:1553.1 and 2183)