
DIGEST

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HB 245 Engrossed

2021 Regular Session

Carpenter

Abstract: Provides relative to prohibiting unlawful employment practices related to wage history, wage disclosure, and retaliation.

Proposed law provides that it shall be an unlawful employment practice for any employer to inquire about or rely on the wage history of an applicant for an offer of employment by doing any of the following:

- (1) Screening job applicants based on the applicant's current or prior wages, benefits or other compensation, or salary histories.
- (2) Relying on the applicant's wage history in deciding whether to offer employment to an applicant or to determine the applicant's salary, benefits, or other compensation.
- (3) Refusing to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his wage history.

Proposed law prohibits the discrimination, retaliation, or any other adverse employment action, including but not limited to termination or other forms of discrimination, by an employer against any employee for inquiring, disclosing, comparing, or discussing the employee's wages or any other employee's wages, or aiding or encouraging any other employee to exercise the same actions.

Proposed law provides that protections shall not be applicable to an employee who already has access to the wage information of other employees because it is an essential part of the employee's job function.

Present law provides that it shall be unlawful for an employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right provided under present law. Further, present law provides that it shall be unlawful for any employer to discriminate, retaliate, or take any adverse employment action, including but not limited to termination or other forms of discrimination, against any employee for inquiring, disclosing, comparing, or discussing the employee's wages or another employee's wages, or aiding or encouraging any other employee to exercise his or her rights under present law.

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- (2) Relying on the applicant's wage history in deciding whether to offer employment to an applicant or to determine the applicant's salary, benefits, or other compensation.
- (3) Refusing to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his wage history.

(Amends R.S. 23:664(D); Adds R.S. 23:333 and 664(F))