

2018 Regular Session

SENATE BILL NO. 149

BY SENATOR MORRELL

EMPLOYMENT. Prohibits employers from requiring prospective employees to disclose wage information. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 23:332(H)(3) and to enact R.S. 23:332(A)(4), relative to  
3 employment wages; to prohibit discrimination against an employee who discloses  
4 his wages; to prohibit discrimination against an employee who inquires about the  
5 wages of another employee; to prohibit certain nondisclosure agreements; to provide  
6 for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:332(H)(3) is hereby amended and reenacted and R.S.  
9 23:332(A)(4) is hereby enacted to read as follows:

10 §332. Intentional discrimination in employment; **wage disclosure**

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

13 \* \* \*

14 **(4)(a)(i) Intentionally require, as a condition of employment, that an**  
15 **employee refrain from inquiring about, discussing, or disclosing the amount of**  
16 **his wages.**

17 **(ii) Require, as condition of employment, that an employee sign a**

1 waiver, nondisclosure agreement, or other document that denies the employee  
2 the right to inquire about, discuss, or disclose the amount of his wages.

3 (iii) Intentionally retaliate, discipline, discharge, or otherwise  
4 discriminate against an employee who has inquired about, discussed, or  
5 disclosed his own wages or inquired about or discussed wage information with  
6 another employee who voluntarily discloses his own wage information.

7 (b) Nothing in this Paragraph shall be construed to create an obligation  
8 for an employee to disclose his wage information.

9 (c) The protections provided in this Paragraph do not apply to any  
10 employee who has access to wage information as a part of his job function  
11 unless the employee is making a disclosure of his own wage information or  
12 providing wage information pursuant to a charge, complaint, investigation,  
13 court order, proceeding, hearing, or as required by law.

14 \* \* \*

15 H. Notwithstanding any other provision of this Section, it shall not be  
16 unlawful discrimination in employment for:

17 \* \* \*

18 (3) An employer to apply different standards of compensation or different  
19 terms, conditions, or privileges of employment pursuant to a bona fide seniority or  
20 merit system, or a system which measures earnings by quantity or quality of  
21 production, or any other differential based on any **bona fide business** factor other  
22 than sex **and other than disclosure of wages**, or to employees who work in different  
23 locations, provided that such differences are not the result of an intention to  
24 discriminate because of race, color, religion, sex, or national origin.

25 \* \* \*

