

2019 Regular Session

SENATE BILL NO. 136

BY SENATORS MORRELL, BISHOP, BOUDREAUX AND CARTER AND REPRESENTATIVES JIMMY HARRIS, JAMES AND LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMPLOYMENT. Provides with respect to wage secrecy and pay discrimination. (8/1/19)

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 provide for employment discrimination; to prohibit

4 discrimination against an employee who discloses his wages; to prohibit

5 discrimination against an employee who inquires about the wages of another

6 employee; to prohibit certain nondisclosure agreements; to provide for exceptions;

7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:332(H)(3) is hereby amended and reenacted and R.S.
10 23:332(A)(4) is hereby enacted to read as follows:

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

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

14 * * *

15 **(4)(a)(i) Intentionally require, as a condition of employment, that an**

16 **employee refrain from inquiring about, discussing, or disclosing the amount of**

17 **his wages or the wages of another employee.**

1 (ii) Intentionally require, as condition of employment, that an employee
2 sign a waiver, nondisclosure agreement, or other document that denies the
3 employee the right to inquire about, discuss, or disclose the amount of his
4 wages.

5 (iii) Intentionally retaliate, discipline, discharge, or otherwise
6 discriminate against an employee for inquiring about, discussing, or disclosing
7 the wages of the employee or another employee.

8 (b) Nothing in this Paragraph shall be construed to create an obligation
9 for an employee to disclose the employee's wage information.

10 (c) The protections provided in this Paragraph do not apply to instances
11 in which an employee who has access to wage information of other employees
12 as a part of the employee's essential job functions discloses the wages of another
13 employee to individuals who do not otherwise have access to the information,
14 unless the disclosure is in response to a complaint or charge or in furtherance
15 of an investigation, proceeding, hearing, or action pursuant to this Chapter,
16 including an investigation conducted by the employer.

17 * * *

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

20 * * *

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

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