

2020 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVES CARPENTER, DUPLESSIS, FREEMAN, HUGHES,  
LANDRY, NEWELL, AND WILLARD

EMPLOYMENT/DISCRIMINATION: Provides relative to employment practices related to  
wage history, wage disclosure, and retaliation

1 AN ACT

2 To amend and reenact R.S. 23:664(D) and to enact R.S. 23:333 and 664(F), relative to  
3 employment discrimination; to provide for the prohibition of unlawful employment  
4 practices; to provide for wage history; to provide for wage disclosure; to provide for  
5 the limitations on protections; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:664(D) is hereby amended and reenacted and R.S. 23:333 and  
8 664(F) are hereby enacted to read as follows:

9 §333. Unlawful employment practice by employers prohibited; wage history, wage  
10 disclosure, and retaliation

11 A. It is an unlawful employment practice for an employer to inquire about  
12 or rely on the wage history of an applicant for an offer of employment by doing any  
13 of the following:

14 (1) Screening job applicants based on their current or prior wages, benefits,  
15 or other compensation, or salary histories, including requiring that an applicant's  
16 prior wages, benefits, other compensation or salary history satisfy minimum or  
17 maximum criteria.

18 (2) Relying on the wage history of an applicant in deciding whether to offer  
19 employment to an applicant, or in determining the salary, benefits, or other

1        compensation for such applicant during the hiring process, including the negotiation  
2        of an employment contract.

3                (3) Refusing to hire or otherwise disfavor, injure, or retaliate against an  
4        applicant for not disclosing his wage history to an employer.

5                B.(1) Except as provided in Paragraph (2) of this Subsection, an employer  
6        shall not discriminate, retaliate, or take any adverse employment action, including  
7        but not limited to termination or in any other manner of discrimination against any  
8        employee for inquiring about, disclosing, comparing, or otherwise discussing the  
9        employee's wages or the wages of any other employee, or aiding or encouraging any  
10       other employee to exercise the same actions.

11               (2) The protections provided for in this Subsection shall not be applicable  
12       if an employee who has access to the wage information of other employees as a part  
13       of the employee's essential job function discloses the wages of other employees to  
14       individuals who do not otherwise have access to such information unless the  
15       disclosure is required under law.

16                                \*        \*        \*

17       §664. Prohibited acts

18                                \*        \*        \*

19               D.(1) Except as provided in Paragraph (2) of this Subsection, it ~~it~~ shall be  
20       unlawful for an employer to interfere with, restrain, or deny the exercise of, or  
21       attempt to exercise, any right provided pursuant to this Chapter. It shall be unlawful  
22       for any employer to discriminate, retaliate, or take any adverse employment action,  
23       including but not limited to termination or in any other manner discriminate against  
24       any employee for inquiring about, disclosing, comparing, or otherwise discussing the  
25       employee's wages or the wages of any other employee, or aiding or encouraging any  
26       other employee to exercise his or her rights pursuant this Chapter.

27               (2) The protections provided in this Subsection shall not be applicable if an  
28       employee who has access to the wage information of other employees as a part of the  
29       employee's essential job function discloses the wage of other employees to



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 right under present law.

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.

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, 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 or her wage history.

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