

Regular Session, 2012

HOUSE BILL NO. 637

BY REPRESENTATIVE LEGER

EMPLOYMENT: Provides with respect to employment discrimination and human rights

1 AN ACT

2 To amend and reenact R.S. 23:368(E)(3)(c) and R.S. 51:2231(A) and (C) and 2256, relative
3 to discrimination; to provide with respect to genetic discrimination; to provide with
4 respect to discrimination in the workplace; to provide with respect to the Louisiana
5 Commission on Human Rights and the Louisiana Workforce Commission; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:368(E)(3)(c) is hereby amended and reenacted to read as follows:

9 §368. Prohibition of genetic discrimination in the workplace; privacy

10 * * *

11 E. The following exceptions shall apply to the nondiscrimination
12 requirements:

13 * * *

14 (3) Genetic monitoring of biological effects of toxic substances in the
15 workplace shall be permitted if all of the following conditions are met:

16 * * *

17 (c) The monitoring conforms to any genetic monitoring regulations that may
18 be promulgated by the ~~executive director~~ chairman of the Louisiana ~~Workforce~~
19 Commission on Human Rights.

20 * * *

1 Section 2. R.S. 51:2231(A) and (C) and 2256 are hereby amended and reenacted to
2 read as follows:

3 §2231. Statement of purpose; limitation on prohibitions against discrimination
4 because of age

5 A. It is the purpose and intent of the legislature by this enactment to provide
6 for execution within Louisiana of the policies embodied in the Federal Civil Rights
7 Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of
8 1967, as amended; and to assure that Louisiana has appropriate legislation
9 prohibiting discrimination in public accommodations sufficient to justify the deferral
10 of cases by the federal Equal Employment Opportunity Commission, ~~the executive~~
11 ~~director of the Louisiana Workforce Commission,~~ and the Department of Justice
12 under those statutes; to safeguard all individuals within the state from discrimination
13 ~~because of race, creed, color, religion, sex, age, disability, or national origin in~~
14 ~~connection with employment as delineated in Chapter 3-A of Title 23 of the~~
15 Louisiana Revised Statutes of 1950 and in connection with public accommodations;
16 to protect their interest in personal dignity and freedom from humiliation; to make
17 available to the state their full productive capacities in employment; to secure the
18 state against domestic strife and unrest which would menace its democratic
19 institutions; to preserve the public safety, health, and general welfare; and to further
20 the interest, rights, and privileges within the state.

21 * * *

22 C. The Louisiana Commission on Human Rights shall have enforcement
23 powers including adjudication of claims of discrimination prohibited by ~~R.S. 23:312,~~
24 ~~323, and 332, sickle cell trait discrimination prohibited by R.S. 23:352, and~~
25 ~~discrimination because of pregnancy prohibited by R.S. 23:341 et seq~~ R.S. 51:2256
26 and Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950.

27 * * *

1 §2256. Conspiracy to violate ~~this Chapter~~ discrimination statutes unlawful

2 It shall be an unlawful practice for a person or for two or more persons to
3 conspire:

4 (1) To retaliate or discriminate in any manner against a person because he
5 has opposed a practice declared unlawful by this Chapter or by Chapter 3-A of Title
6 23 of the Louisiana Revised Statutes of 1950, or because he has made a charge, filed
7 a complaint, testified, assisted, or participated in any manner in any investigation,
8 proceeding, or hearing under this Chapter.

9 (2) To aid, abet, incite, compel, or coerce a person to engage in any of the
10 acts or practices declared unlawful by this Chapter or Chapter 3-A of Title 23 of the
11 Louisiana Revised Statutes of 1950.

12 (3) To obstruct or prevent a person from complying with the provisions of
13 this Chapter or Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950 or
14 any order issued thereunder.

15 (4) To resist, prevent, impede, or interfere with the commission, or any of
16 its members or representatives, in the lawful performance of duty under this Chapter
17 or Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 637

Abstract: Provides with respect to human rights and discrimination.

Present law prohibits genetic discrimination in the workplace, which includes the discharge of an employee, the failure to hire an applicant, or the discrimination against an employee because of protected genetic information.

Present law provides exceptions to the nondiscrimination requirements which include the use of information to assess whether further medical evaluation is needed, in cases where the genetic condition could prevent the applicant or employee from performing essential job functions, or for therapeutic purposes.

Present law permits the monitoring of the effects of certain toxic substances in the workplace if the employee authorizes it, is notified when the results are available, and if the monitoring conforms to genetic monitoring regulations as promulgated by the executive director of the La. Workforce Commission.

Proposed law changes the person in charge of promulgating regulations for genetic monitoring from the executive director of the La. Workforce Commission to the chairman of the La. Commission on Human Rights.

Present law (R.S. 51:2231) provides that the state of La. intends to execute the policies embodied in the federal Civil Rights Act and the Age Discrimination in Employment Act to ensure the state has appropriate legislation to prohibit discrimination.

Present law provides that discrimination is prohibited in public accommodations sufficient to justify the deferral of cases by the federal Equal Employment Opportunity Commission, the executive director of the La. Workforce Commission, and the Dept. of Justice pursuant to discrimination statutes.

Proposed law removes the executive director of the La. Workforce Commission.

Present law provides for safeguards from employment discrimination for all individuals because of race, creed, color, religion, sex, age, disability, or national origin.

Proposed law deletes the language in present law and instead refers to present law (Chapter 3-A of Title 23 of the La. Revised Statutes(L.R.S.) of 1950) which is the employment discrimination statutes, and changes other citations to refer to proposed law (R.S. 23:2256) and to the discrimination statutes in Title 23 of the L.R.S. of 1950.

Present law (R.S. 23:2256) provides that it is unlawful to retaliate or discriminate against someone because he has opposed a discriminatory practice according to present law.

Proposed law retains present law and adds the employment discrimination chapter of present law (Title 23 of the L.R.S. of 1950).

Present law (Chapter 3-A of Title 23 of the L.R.S. of 1950) prohibits discrimination in employment including discrimination for age, sex, disability, race, color, religion, national origin, pregnancy, childbirth, other health conditions, sickle cell trait, and genetic discrimination.

(Amends R.S. 23:368(E)(3)(c) and R.S. 51:2231(A) and (C) and 2256)