## Regular Session, 2014

## HOUSE BILL NO. 956

# BY REPRESENTATIVES STOKES, BROADWATER, HODGES, AND SIMON AND SENATOR BUFFINGTON

EMPLOYMENT/WAGES: Provides with respect to pay equality

1	AN ACT
2	To amend and reenact R.S. 23:332(A) and (H)(3), relative to employment discrimination;
3	to provide with respect to wage discrimination; and to provide for related matters.
4	Be it enacted by the Legislature of Louisiana:
5	Section 1. R.S. 23:332(A) and (H)(3) are hereby amended and reenacted to read as
6	follows:
7	§332. Intentional discrimination in employment
8	A. It shall be unlawful discrimination in employment for an employer to
9	engage in any of the following practices:
10	(1) Intentionally fail or refuse to hire or to discharge any individual, or
11	otherwise to intentionally discriminate against any individual with respect to his
12	compensation, or his terms, conditions, or privileges of employment, because of the
13	individual's race, color, religion, sex, or national origin.
14	(2) Intentionally limit, segregate, or classify his employees or applicants for
15	employment in any way which would deprive or tend to deprive any individual of
16	employment opportunities, or otherwise adversely affect his the individual's status
17	as an employee, because of the individual's race, color, religion, sex, or national
18	origin.
19	(3) Intentionally pay wages to an employee in any establishment at a rate less
20	than that of another employee of the opposite sex in such establishment for equal

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	work on jobs in which their performance requires equal skill, effort, and
2	responsibility, and which are performed under similar working conditions. An
3	employer paying wages in violation of this Section may not reduce the wages of any
4	other employee in order to comply with this Section.
5	* * *
6	H. Notwithstanding any other provision of this Section, it shall not be
7	unlawful discrimination in employment for:
8	* * *
9	(3) An employer to apply different standards of compensation or different
10	terms, conditions, or privileges of employment pursuant to a bona fide seniority or
11	merit system, or a system which measures earnings by quantity or quality of
12	production, or to employees who work in different locations, provided that such
13	differences are not the result of an intention to discriminate because of race, color,
14	religion, sex, or national origin, or any other differential based on any factor other
15	than sex.
16	* * *

# 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)]

#### Stokes

HB No. 956

Abstract: Provides that pay inequality in employment is a discriminatory practice.

<u>Present law</u> provides that it is unlawful discrimination in employment for an employer to intentionally refuse to hire, discharge an individual, or otherwise discriminate against an individual on the basis of race, color, religion, sex, or national origin.

<u>Present law</u> prohibits employers from intentionally segregating, limiting, or classifying individuals on the basis of race, color, religion, sex, or national origin in any way that would deprive the individual of employment opportunities.

<u>Proposed law</u> provides that it shall be unlawful to pay an individual less than another individual on the basis of sex, when both individuals work on jobs that require equal skill, effort, and responsibility, and which are performed under similar working conditions.

<u>Proposed law</u> requires that an employer may not reduce the wages of any other employee in order to comply with <u>proposed law</u>.

<u>Present law</u> provides that pay differentials based on a merit or seniority system, or a system that measures earnings by quantity or quality are not unlawful.

<u>Present law</u> further provides that it is not unlawful discrimination to pay employees differently based on location.

<u>Present law</u> provides that as long as the differences in <u>present law</u> are not as a result of intentional discrimination based on race, color, religion, sex, or national origin, the pay differential is not unlawful.

<u>Proposed law</u> adds to the list of factors that constitute discrimination outlined in <u>present law</u>, any other differential based on any factor other than sex.

(Amends R.S. 23:332(A) and (H)(3))

Summary of Amendments Adopted by House

- Committee Amendments Proposed by <u>House Committee on Labor and Industrial</u> <u>Relations</u> to the <u>original</u> bill.
- 1. Added a provision that it shall not be unlawful discrimination for an employer to apply different standards of pay if the differences are not the result of an intention to discriminate because of any other differential based on any factor other than sex.