
DIGEST

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HB 328 Original

2018 Regular Session

Jefferson

Abstract: Allows but does not require an employee to inquire, discuss, or disclose his wage rate information without fear of retaliation or discrimination.

Present law prohibits intentional discrimination in employment.

Present law provides that it is unlawful discrimination in employment to intentionally fail to hire, to discharge from employment, or to limit, segregate, or classify a person in order to adversely affect him because of his race, color, religion, sex, or national origin.

Present law further prohibits any employer from paying employees of the opposite sex differently for equal work.

Proposed law retains present law and further prohibits an employer from coercing an employee to sign an agreement to keep his wage information confidential.

Proposed law prohibits an employer from retaliating or discriminating against an employee who voluntarily discloses his own wage information.

Proposed law does not extend protection to an employee who has access to wage information as a result of his position unless that employee is discussing his own wage rate or unless the wage information he discloses is pursuant to a charge, complaint, investigation, court order, proceeding, hearing, or is otherwise required by law.

Present law provides exceptions that allow for pay differentials regardless of race, color, religion, sex, or national origin such as different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or other factor. Proposed law adds that another bona fide factor may be considered.

Proposed law retains present law but provides that prior salary history shall not be considered when determining fair pay.

(Amends R.S. 23:332(H)(3); Adds R.S. 23:332(A)(4)-(6))