

2021 Regular Session

HOUSE BILL NO. 439

BY REPRESENTATIVE NEWELL

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

LABOR/ARBITRATION: Provides relative to certain pre-dispute arbitration agreements in the workplace

1 AN ACT

2 To enact Part III of Chapter 8 of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:861, relative to pre-dispute arbitration agreements; to prohibit
4 pre-dispute arbitration agreements for claims or accusations of sexual harassment in
5 the workplace; to provide for an exception; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part III of Chapter 8 of Title 23 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 23:861, is hereby enacted to read as follows:

9 PART III. MEDIATION AND ARBITRATION OF LABOR DISPUTES

10 §861. Pre-dispute arbitration agreements; sexual harassment; prohibited

11 A. It shall be an unlawful employment practice for an employer to require,
12 as a condition of employment or continued employment, a prospective employee or
13 employee to enter into a pre-dispute arbitration agreement that includes a provision
14 requiring arbitration for any claim or accusation of workplace sexual harassment.

15 B. The provisions of this Section shall not prohibit an employer and
16 employee from consenting to arbitrating such claims pursuant to Subsection A of this
17 Section after the claim arises.

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)]

HB 439 Original

2021 Regular Session

Newell

Abstract: Provides relative to pre-dispute arbitration agreements concerning claims or accusations involving sexual harassment in the workplace.

Proposed law provides that it shall be considered unlawful employment practice for an employer to require, as a condition of employment or continued employment, a prospective employee or employee to enter into a pre-dispute arbitration agreement that includes a provision requiring arbitration for any claim or accusation concerning sexual harassment in the workplace.

Proposed law provides that the provisions of proposed law shall not prohibit an employer and employee from consenting to arbitrating a sexual harassment claim or accusation after that claim or accusation has arisen.

(Adds R.S. 23:861)