

2023 Regular Session

HOUSE BILL NO. 283

BY REPRESENTATIVE LAFLEUR

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

LABOR: 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 prohibit certain employment practices; to prohibit the  
4 use of wage history under certain circumstances; to provide for wage disclosure; to  
5 provide for 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 a job applicant based on his current or prior wages, benefits  
15 or other compensation, or salary history, including requiring that an applicant's prior  
16 wages, benefits or 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 individuals who do not otherwise have access to such information unless the  
2 disclosure is required under law.

3 \* \* \*

4 F. It is an unlawful employment practice for an employer to inquire about  
5 or rely on the wage history of an applicant for an offer of employment by doing any  
6 of the following:

7 (1) Screening a job applicant based on his current or prior wages, benefits  
8 or other compensation, or salary history, including requiring that an applicant's prior  
9 wages, benefits or other compensation, or salary history satisfy minimum or  
10 maximum criteria.

11 (2) Relying on the wage history of an applicant in deciding whether to offer  
12 employment to an applicant, or in determining the salary, benefits, or other  
13 compensation for such applicant during the hiring process, including the negotiation  
14 of an employment contract.

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

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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)]

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HB 283 Original

2023 Regular Session

LaFleur

**Abstract:** Prohibits an employer from engaging in certain employment practices involving wage history, wage disclosure, and retaliation for disclosing wages.

Proposed law prohibits an employer from doing any of the following in order to inquiry about or rely on the applicant's wage history:

- (1) Screening a job applicant based on the applicant's current or prior wages, benefits or other compensation, or salary history.
- (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 wage history.

Proposed law prohibits an employer from discriminating, retaliating, or taking any adverse employment action against an employee, who inquires, discloses, compares, or otherwise

discusses his wages, another employee's wages, or aids or encourages any other employee to exercise the same actions.

Proposed law provides that the protections provided for in proposed law shall not be applicable when an employee, who has access to the wage information of other employees as a part of his essential job function, discloses the wages of other employees to individuals who do not have access to such information, unless the disclosure is required by law.

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.

Present law further provides that it shall be unlawful for any employer to discriminate, retaliate, or take any adverse employment action against an employee, who inquires, discloses, compares, or discusses his wages, another employee's wages, or aids or encourages any other employee to exercise the same rights.

Proposed law retains present law and also provides that the protections provided for under present law shall not apply to an employee, who has access to other employees' wage information as a part of his essential job function and who discloses the wage information to individuals who do not have access to such information, unless the disclosure is required by law.

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