

2023 Regular Session

SENATE BILL NO. 148

BY SENATOR CARTER

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

EMPLOYMENT. Provides relative to employment practices related to wage history, wage disclosure, and retaliation. (8/1/23)

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 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,**

10 **wage disclosure, and retaliation**

11 **A. It is an unlawful employment practice for an employer to inquire**

12 **about or rely on the wage history of an applicant for an offer of employment by**

13 **doing any of the following:**

14 **(1) Screening a job applicant based on his current or prior wages,**

15 **benefits, or other compensation, or salary history, including requiring that an**

16 **applicant's prior wages, benefits, or other compensation, or salary history**

17 **satisfy minimum or maximum criteria.**

1 **(2) Relying on the wage history of an applicant in deciding whether to**
2 **offer employment to an applicant, or in determining the salary, benefits, or**
3 **other compensation for the applicant during the hiring process, including the**
4 **negotiation of an employment contract.**

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

7 **B.(1) Except as provided in Paragraph (2) of this Subsection, an**
8 **employer shall not discriminate, retaliate, or take any adverse employment**
9 **action, including but not limited to, termination or in any other manner**
10 **discriminate against any employee for inquiring about, disclosing, comparing,**
11 **or otherwise discussing the employee's wages or the wages of any other**
12 **employee, or aiding or encouraging any other employee to exercise the same**
13 **actions.**

14 **(2) The protections provided for in this Subsection shall not be**
15 **applicable if an employee who has access to the wage information of other**
16 **employees as a part of the employee's essential job function discloses the wages**
17 **of other employees to individuals who do not otherwise have access to such**
18 **information unless the disclosure is required under law.**

19 * * *

20 §664. Prohibited acts

21 * * *

22 **D.(1) Except as provided in Paragraph (2) of this Subsection, it** ~~it~~ shall
23 be unlawful for an employer to interfere with, restrain, or deny the exercise of, or
24 attempt to exercise, any right provided pursuant to this Chapter. It shall be unlawful
25 for any employer to discriminate, retaliate, or take any adverse employment action,
26 including but not limited to termination or in any other manner discriminate against
27 any employee for inquiring about, disclosing, comparing, or otherwise discussing the
28 employee's wages or the wages of any other employee, or aiding or encouraging any
29 other employee to exercise his or her rights under this Chapter.

1 (2) The protections provided in this Subsection shall not be applicable
2 if an employee who has access to the wage information of other employees as a
3 part of the employee's essential job function discloses the wages of other
4 employees to individuals who do not otherwise have access to such information
5 unless the disclosure is required under law.

6 * * *

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

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

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka D. Butler.

SB 148 Original DIGEST Carter
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Proposed law prohibits an employer from inquiring about or relying on the applicant's wage history by doing any of the following:

- (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 are not 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 is 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 is 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 do 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.

Effective August 1, 2023.

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