

● LOUISIANA EMPLOYMENT DISCRIMINATION LAW

STATUTORY CITATION: La. Rev. Stat. §§ 23:301 – 23:369

GENERAL SUMMARY: Chapter 3-A of the state labor laws contains, among other provisions, prohibitions against employment discrimination on the basis of race, color, religion, sex, national origin, age (over 40), disability, sickle cell trait, or protected genetic information. In general, it is illegal for an employer in Louisiana to refuse to hire, to fire, or to intentionally discriminate against an individual with respect to wages or the terms and conditions of employment on any of the grounds listed above. Likewise, no employer may discipline or fire a veteran for taking time away from work to attend medical appointments required to receive veterans benefits.

These provisions apply to all employers in the state who employ 20 or more workers for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

In addition to the protected categories listed above, Chapter 3-A also generally prohibits employers with more than 25 employees for each working day in 20 or more calendar weeks from refusing to promote a female employee because of pregnancy or childbirth, or from denying such an employee the same benefits and employment privileges granted other employees.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions apply to agricultural workers to the same extent as they do to workers in non-agricultural workplaces.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Louisiana Commission on Human Rights, Office of the Governor, Baton Rouge, Louisiana 94094 (225-342-6969).* Among other functions, the Commission is charged with receiving, investigating, seeking to conciliate, and deciding on complaints of employment discrimination under these provisions. A worker who believes he or she has been subjected to a prohibited act may file a complaint with the Commission within 180 days after the alleged unlawful practice occurred.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — Any parish or municipality, or one or more parishes and municipalities acting jointly, may create a local human rights commission, and as such may receive and process complaints of employment discrimination prohibited by these provisions. Within their respective jurisdictions, local commissions have enforcement authority comparable to the state Commission on Human Rights. Likewise, the state Commission may enter into a cooperative agreement with any local commission that has professional staff and enforceable ordinances, orders, or resolutions. Currently, the cities of New Orleans and Alexandria are the only local commissions in that category.

PRIVATE CIVIL ACTION — A worker who has been subjected to unlawful employment discrimination may file suit in the district court for the parish in which the alleged discrimination occurred, seeking general or special compensatory damages, back pay, related benefits, reinstatement, reasonable attorney's fees and court costs. In general, a civil action cannot be filed any earlier than one year after the discrimination occurred, and the worker must give the employer involved at least 30 days' notice before filing.