

Regular Session, 2012

HOUSE BILL NO. 364

BY REPRESENTATIVE LEGER

EMPLOYMENT: Provides with respect to an employee's protection against reprisal

1 AN ACT

2 To amend and reenact R.S. 23:967(A), (B), and (C), relative to workplace reprisal; to extend  
3 the protection for employees; to provide for notice to the employer; to provide  
4 venues for suit; to provide relative to employee liability; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:967(A), (B), and (C) are hereby amended and reenacted to read  
8 as follows:

9 §967. Employee protection from reprisal; prohibited practices; remedies

10 A. An employer shall not take reprisal against an employee who in good  
11 faith, and after advising the employer, unless such notification would be futile, of the  
12 a suspected or known workplace act, practice, or omission that the employee  
13 reasonably believes is a violation of law or otherwise endangers public health or  
14 safety:

15 (1) Discloses or threatens to disclose a workplace act, ~~or practice, or~~  
16 omission that the employee reasonably believes is in violation of ~~state~~ law.  
17 However, the employee shall not be protected from reprisal if the disclosure was  
18 made to a competitive business enterprise.

19 (2) Provides information to or testifies before any public body conducting  
20 an investigation, hearing, or inquiry into any workplace act, practice, or omission  
21 that the employee reasonably believes is a violation of law.



law; or objects to or refuses to participate in a workplace act, practice, or omission that is a violation of law.

Proposed law extends protection for a disclosure of any such workplace act, practice, or omission that an employee reasonably believes is in violation of any federal, state, or local law, statute, ordinance, or rule or regulation, or otherwise endangers public health or safety.

Present law requires that an employee first notify the employer of a violation of law prior to protection from disclosure.

Proposed law provides an exception to the employer notification requirement in present law when the notification would be futile.

Present law provides that an employee may only bring suit for reprisal in the district court in which the violation occurred.

Proposed law extends present law to allow an employee to bring suit for reprisal in the district court where the complainant resides, or the employer maintains his principal place of business.

Present law provides that an employer may not take reprisal, which means firing, laying off, reducing benefits, or taking discriminatory action against an employee for engaging in protected disclosure activities.

Proposed law extends present law by defining reprisal as firing, laying off, reducing benefits, or taking any retaliatory action against an employee for engaging in protected disclosure activities.

(Amends R.S. 23:967(A), (B), and (C))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Restored present law to provide that an employer may be entitled to reasonable attorney fees and court costs from the employee if it is determined by a court that the employer did not violate the law.