

Pregnancy Rights of Employees

Non-Discrimination

Louisiana employees who employ more than twenty-five (25) employees for each working day are also subject to Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race or gender. Pregnant employees are protected from discrimination on the basis of pregnancy, unless the employer can demonstrate that the accommodation would impose an undue burden on the operation of the business. "Reasonable accommodations" may include, but are not limited to:

- Making existing facilities readily accessible to and available by an applicant or employee with covered limitations;
- Providing scheduled and more frequent restroom, water and food breaks;
- Modifying work schedules;
- Modifying existing policies to accommodate pregnancy-related limitations;
- Providing additional support services for pregnant employees, such as lactation rooms, on-site day care, and other services;
- Providing a safe and healthy work environment, including the use of ergonomic chairs and desks, and other equipment to reduce the risk of injury or disability;
- Providing a safe and healthy work environment, including the use of ergonomic chairs and desks, and other equipment to reduce the risk of injury or disability.

Employer Obligations

In addressing an employee's pregnancy, childbirth, or related medical conditions, Louisiana employers must:

- Refuse to promote her;
- Refuse to take her on a training program leading to promotional consideration if she is not qualified for the training program at least three months prior to the anticipated date of her pregnancy leave;
- Discourage her from employment or from a training program leading to promotion;
- Discriminate against her in compensation or in terms, conditions, or privileges of employment;
- Deny her the same benefits and privileges of employment as other non-pregnant employees, including the timing of disability or sick leave more readily to temporarily disabled employees;
- Deny leave for her for a reasonable amount of time;
- Refuse to transfer her to a less strenuous or hazardous position, if requested and if a safety, position, or collective bargaining agreement or a place authorizing such a transfer.

The provisions of Louisiana law may be found in L.R.S. 23:541 and 23:542.

Genetic Discrimination

Genetics in the Workplace

Under the Genetic Information Nondiscrimination Act of 2008 (GINA), employers are prohibited from discriminating against employees based on their genetic information. Genetic information includes:

- Information about an individual's family medical history;
- Information about an individual's tests for genetic mutations or characteristics;
- Information about an individual's carrier status for a recessive trait;
- Information about an individual's past or present use of genetic testing services.

Age Discrimination

The problems here are listed first shall be limited to individuals who are at least forty years of age:

1. It is unlawful for an employer to engage in any of the following practices:
 - a. Fail or refuse to hire, or discharge, any individual or otherwise discriminate against any individual with respect to his compensation, or his terms, conditions, or privileges of employment, because of the individual's age;
 - b. Limit, segregate, or classify his employees in any way which would deprive or deny to any individual or otherwise adversely affect his status as an employee, because of his age;
 - c. Reduce the wage rate of any employee in order to comply with the requirements of this section.
2. It is unlawful for an employer agency to fail or refuse to hire or to employ, or otherwise discriminate against any individual because of the individual's age, or to classify or refer for employment any individual on the basis of the individual's age.
3. It is unlawful for a labor organization to engage in any of the following practices:
 - a. Exclude or expel from its membership, or otherwise to discriminate against any individual, because of the age of such individual;
 - b. Limit, segregate, or classify its membership, or classify it so as to refuse to hire or to employ, or otherwise adversely affect its status as an employee, because of his age.
4. Cause or attempt to cause an employee to discriminate against an individual in violation of the provisions herein.
5. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employer agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof, because of the individual's membership in such organization.

Sickle Cell Trait Discrimination

Prohibition of sickle cell trait discrimination: exceptions

1. It is unlawful for an employer to engage in any of the following practices:
 - a. Fail or refuse to hire, or discharge, any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has sickle cell trait.
 - b. Limit, segregate, or classify his employees in any way which would deprive or deny to any individual or otherwise adversely affect his status as an employee, because such individual has sickle cell trait.
 - c. Reduce the wage rate of any employee in order to comply with the provisions herein.
2. It is unlawful for an employer agency to fail or refuse to hire or to employ, or otherwise discriminate against any individual because of the individual's sickle cell trait, or to classify or refer for employment any individual on the basis of the individual's sickle cell trait.
3. It is unlawful for a labor organization to engage in any of the following practices:
 - a. Exclude or expel from its membership, or otherwise to discriminate against any individual, because of sickle cell trait.
 - b. Limit, segregate, or classify its membership, or classify it so as to refuse to hire or to employ, or otherwise adversely affect its status as an employee, because of his sickle cell trait.
4. Cause or attempt to cause an employee to discriminate against an individual in violation of the provisions herein.
5. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employer agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof, because of the individual's membership in such organization.

Out-of-State Motor Vehicles

Duties of Employees and a State which requires registration of the motor vehicle or motor vehicles of a person who is employed in that state while the duty days of such employment, and who is employed in and maintains a residence in Louisiana and who is a resident of Louisiana, shall apply to each of such vehicles while in Louisiana.

Each employee in this state shall notify each person employed by that employer of the requirements of Subsection A of this Section. The notice shall be by direct communication of the time of employment and by posting a notice in a prominent location at the place of employment.

The provisions of this section shall not be applicable to members actively serving in the armed forces of the United States.

Act 1995, No. 768, §1.

Louisiana Minor Labor Law Plaintiff

Title 23, Chapter 3 of Revised Statutes of 1950 as Amended

1. In no case shall a minor under the age of sixteen years be employed in any occupation, business, or profession, except as provided in this act.

2. No minor under the age of 16 years shall be employed in any occupation, business, or profession, except as provided in this act, unless the minor is accompanied by the father, mother, or other person in charge of the minor.

3. No minor under the age of 18 years shall be employed in any occupation, business, or profession, except as provided in this act, unless the minor is accompanied by the father, mother, or other person in charge of the minor, and the minor is accompanied by the father, mother, or other person in charge of the minor.

4. No minor under the age of 18 years shall be employed in any occupation, business, or profession, except as provided in this act, unless the minor is accompanied by the father, mother, or other person in charge of the minor, and the minor is accompanied by the father, mother, or other person in charge of the minor.

5. No minor under the age of 18 years shall be employed in any occupation, business, or profession, except as provided in this act, unless the minor is accompanied by the father, mother, or other person in charge of the minor, and the minor is accompanied by the father, mother, or other person in charge of the minor.

6. No minor under the age of 18 years shall be employed in any occupation, business, or profession, except as provided in this act, unless the minor is accompanied by the father, mother, or other person in charge of the minor, and the minor is accompanied by the father, mother, or other person in charge of the minor.

Independent Contractor or Employee?

ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND SUBCONTRACTORS:

The laws that govern an independent contractor or a subcontractor are different from those that govern an employee. It is important to know the difference between the two. The following are the key factors to consider:

- 1. Control: The employer controls the manner and means of the work.
- 2. Integration: The work is an integral part of the employer's business.
- 3. Duration: The work is performed for a definite period of time.
- 4. Exclusion: The contractor is not allowed to hire other workers.
- 5. Payment: The contractor is paid by the job, rather than by the hour.
- 6. Equipment: The contractor provides his own tools and equipment.
- 7. Insurance: The contractor carries his own liability and workers' compensation insurance.

Unemployment Insurance

Unemployment insurance provides temporary financial assistance to workers who are involuntarily unemployed. To qualify for benefits, an individual must be:

- 1. A resident of Louisiana.
- 2. At least 18 years old.
- 3. Able and ready to accept suitable work.
- 4. Unemployed through no fault of his or her own.
- 5. Have earned wages of at least \$200 during the base period.

Workers' Compensation Fraud

Workers' compensation fraud occurs when someone receives benefits they are not entitled to. Common types of fraud include:

- 1. Fictitious injury: An employee claims an injury that never occurred.
- 2. Exaggerated injury: An employee claims a more severe injury than what actually occurred.
- 3. Misdiagnosis: A doctor provides a false medical diagnosis.
- 4. Duplicate claims: An employee receives multiple benefits for the same injury.
- 5. Kickback arrangements: An employee and a doctor agree on a payment for a false claim.

Earned Income Credit EIC 2024

If you make \$60,000* or less, you may qualify for the Earned Income Credit (EIC). The EIC is a tax credit that reduces your federal income tax liability. The maximum credit is \$600 for one child and \$1,500 for two or more children. To qualify, you must be at least 25 years old, a U.S. citizen or national, and have a valid Social Security number.

Workers' Compensation Fraud

Workers' compensation fraud occurs when someone receives benefits they are not entitled to. Common types of fraud include:

- 1. Fictitious injury: An employee claims an injury that never occurred.
- 2. Exaggerated injury: An employee claims a more severe injury than what actually occurred.
- 3. Misdiagnosis: A doctor provides a false medical diagnosis.
- 4. Duplicate claims: An employee receives multiple benefits for the same injury.
- 5. Kickback arrangements: An employee and a doctor agree on a payment for a false claim.

Notice to Employees of Federal Earned Income Tax Credit (EIC)

If you make \$60,000* or less, you may qualify for the Earned Income Credit (EIC). The EIC is a tax credit that reduces your federal income tax liability. The maximum credit is \$600 for one child and \$1,500 for two or more children. To qualify, you must be at least 25 years old, a U.S. citizen or national, and have a valid Social Security number.

Timely Payment of Wages

Your employer has a duty to inform you of the time of your pay and how much you will be paid. If your employer fails to do so, you may be entitled to a penalty. The penalty is one day's pay for each day the employer fails to pay you on time. The penalty is in addition to the wages you are owed.

Louisiana Workforce Commission

Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5124 www.laworks.net

ESGR

Support your uniformed services, and place this position in a conspicuous place as required by law.

Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5124 www.laworks.net

Louisiana Workforce Commission

Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5124 www.laworks.net

ADP Always Designing for People

Employees: For additional information on our services, please visit our website at www.adp.com. All ADP products and services are the property of ADP. © 2024 ADP, LLC.