

Genetic Discrimination

Genetics in the Workplace

Louisiana law forbids genetic discrimination and limits genetic testing in the workforce. Employers also must grant one day's leave of absence from work to obtain genetic testing or preventative cancer screening. Employees must provide at least 15 days notice prior to the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the employer's operations. An employee shall not be required to share the results of genetic testing or a preventative cancer screening with the employer. The employer is not required to provide paid time off for the leave, but shall permit the employee to use any accrued vacation or other appropriate leave.

Definitions

Key terms are used to establish specific genetic discrimination and privacy protections. They are as follows:

1. "Genetic monitoring" is the periodic examination of employees to evaluate changes to their genetic material that may have developed in the course of employment due to exposure to toxic substances in the workplace.

2. "Genetic services" are defined as the health services provided to obtain, assess, or interpret genetic information for diagnostic or therapeutic purposes, or for genetic education or counseling.

3. "Genetic test" means the analysis of human DNA,

RNA, chromosomes, and those proteins and metabolites used to detect heritable or some somatic disease related genotypes or karyotypes for clinical purposes. It must be generally accepted in the scientific and medical communities to qualify under this definition.

4. "Labor organization" means any organization which exists for the purpose of collective bargaining with employers concerning grievances, terms, or conditions of employment, or other mutual aid or protection in relation to employment or any agent acting for such an organization.

5. "Medically necessary" means those healthcare services that are in accordance with evidence-based medical standards or that are considered by most physicians or independent licensed practitioners within the community to be the standard of care.

6. "Preventative cancer screening" means healthcare services necessary for the detection of cancer in an individual, including but not limited to magnetic resonance imaging, ultrasound, or some combination of tests.

7. "Protected genetic information" is information about the genetic tests of an individual or that of an individual's family members, or the occurrence of a disease, or medical condition or disorder in family members of the individual.

Nondiscrimination

Louisiana law also provides that an employer, labor organization or employment agency shall not discriminate on the basis of protected genetic information, and an employer, labor organization or joint labor management committee controlling apprenticeship, on-the-job training, or other training program shall not discriminate on the basis of protected genetic information.

Exceptions

An employer, labor organization or employment agency may request protected genetic information with an offer of employment in limited circumstances. They may request, collect or purchase protected genetic information under limited circumstances if there is a request for, or receipt of, genetic services, and the effect of genetic monitoring of toxic substance shall be permitted in the workplace.

If you believe you have been discriminated against, please contact the Louisiana Commission on Human Rights at (225) 342-6969, or visit us at www.gov.louisiana.gov/page/lchr. LSA-R.S. SI:2231(c)

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 23:302; R.S. 23:368, 369, and 370

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