



EMPLOYEES SHOULD KNOW ...

Oregon's Equal Pay Act

July 2018

You have a right to fair pay as an employee in Oregon. Your employer cannot:

- **Pay you less** (including benefits) because of your sex, race, color, religion, sexual orientation, national origin, marital status, age, disability or veteran status;
- **Pay your coworker more for a similar job** unless the entire pay gap is based on seniority, merit, quality or quantity of production, education, training, experience, workplace location and/or travel;
- **Screen job applicants based on current or past pay** or determine the amount of salary on that basis;
- **Ask a potential new hire about past or current pay** until after making a job offer that includes a payment amount;
- **Cut your pay** (or anyone else's) to follow this law; or
- **Discriminate, discipline or retaliate** against you for talking about pay.

What can you do if your employer violates the rules? You can file a complaint with the Oregon Bureau of Labor and Industries (BOLI) or sue your employer in court.

If your employer violates these rules, you are owed back pay and attorney's fees. You may also have the right to additional money to compensate for your loss, punitive damages, and a jury trial. Even if you have agreed to be paid less than you are entitled, your employer could still owe you unpaid wages. If your employer has conducted a study of its equal pay practices in the three years before you file a claim, you may only have the right to back pay and attorney's fees.

Oregon's Equal Pay Act of 2017 took effect in October 2017, but remedies come later. Claims based on wage discrimination, and screening or setting wages based on current or previous earnings history can be filed as of January 2019. Claims based on asking a potential new hire about earnings history can be filed as of January 2024. If you file a complaint with the Bureau of Labor and Industries, your employer is liable only for back pay.

REMEMBER

You can ask and talk about wages without fear of punishment.

To learn more, check out AAUW's helpful resources at www.fightforfairpay.org.