



EMPLOYERS SHOULD KNOW ...

Oregon's Equal Pay Act

August 2018

Oregon employees are entitled to fair pay. As an employer, you cannot:

- **Pay less** (including benefits) because of an employee's sex, race, color, religion, sexual orientation, national origin, marital status, age, disability or veteran status;
- **Pay coworkers 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 you make a job offer that includes a compensation amount;
- **Cut an employee's pay** to follow the law; or
- **Discriminate, discipline or retaliate** against employees for discussing equal pay.

If you violate these rules, the employee is owed back pay and attorney's fees. The employee may also have the right to money for compensatory and punitive damages as well as a jury trial. Even if an employee agreed to be paid less than they are entitled, you could still owe unpaid wages.

Employer Equal Pay Analysis. If you have conducted an analysis of your equal pay practices within 3 years before an employee files a claim, the employee may only have the right to back pay and attorney's fees. This analysis must be reasonable in detail and scope, and must be related to the protected class of the claimant. You must also have eliminated the claimant's pay inequity and made substantial progress towards eliminating other pay inequities. You should post a notice of the equal pay law in every establishment where employees work.

Oregon's Equal Pay Act of 2017 took effect in October 2017. However, 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. Employees may be able to recover back pay and other damages for a year before these filing dates.

Oregon's Bureau of Labor and Industries (BOLI) provides the following tools for employers ...

- Technical assistance (<http://www.oregon.gov/boli/TA/Pages/Equal%20Pay%20Law.aspx>)
- Best practices guides (https://www.oregon.gov/boli/TA/pages/Equal_Pay_Best_Practices.aspx)
- Workplace poster (https://www.oregon.gov/boli/ta/pages/req_post.aspx)

REMEMBER

Employees can ask and talk about wages without fear of discipline.

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