





Pay Equity in Oregon

What you should know

Updated August 2018

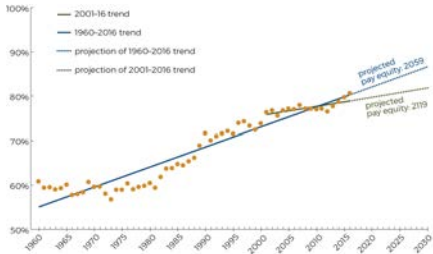

What is the Pay Gap?

- The pay gap is a comparison between women's and men's typical earnings.
- Currently, Oregon's women are paid 79 cents to a man's \$1.
- Average monthly earnings of Oregon's women are lower than those of men in every industry.

The Pay Gap Over Time

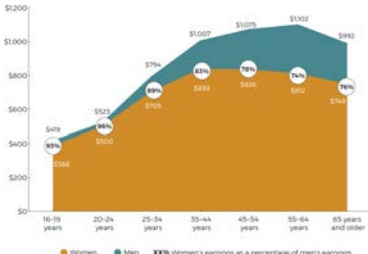

Over a lifetime of work, the pay gap produces a total estimated loss of earnings between \$700,000 and \$2 million

Source: *The Simple Truth about the Gender Pay Gap, 2017*

The Pay Gap & Age

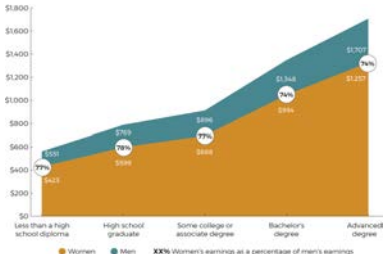

Lower career earnings result in an even greater disparity in retirement income.

Source: *The Simple Truth about the Gender Pay Gap, 2017*

The Pay Gap & Education

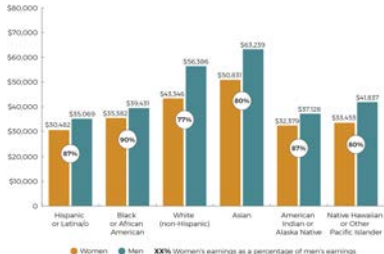

Women graduate to a pay gap, and it gets worse from there.

Source: *The Simple Truth about the Gender Pay Gap, 2017*

The Pay Gap & Race/Ethnicity

Minorities and women of color are more adversely affected by the gender pay gap.

Source: *The Simple Truth about the Gender Pay Gap, 2017*

The Pay Gap, Disability & LGBT People

- Workers with disabilities are paid less overall than workers without disabilities.
- Women with disabilities are paid even less than men with disabilities.
- Sexual orientation and gender identity are connected to discrimination and harassment in workplaces and also impact pay.



What Causes the Gender Pay Gap?

- Yes, women and men tend to choose different majors in college and to work in different occupations after college.
- Yes, women tend to work shorter hours, require more flexible schedules, and are more likely to be primary caregivers for kids/parents.
- **BUT, women experience a significant pay gap, even after controlling for these factors.**



Source: Barriers & Bias, 2016

Schedules & Parenting

- Women are more likely than men to work part time or take time out of the workforce.
- Employers still prefer “traditional” work schedules with long, continuous hours.
- When it comes to having children, mothers typically are paid less (“motherhood penalty”) while fathers typically are paid more (“fatherhood bonus”).



Source: Barriers & Bias, 2016

Gender Discrimination & Bias

- Few women ascend to the highest positions of leadership, which means losing out on pay.
- When women start working in an industry, wages in the industry fall, even for men.
- AAUW and other researchers have found that discrimination and bias are responsible for gender pay gaps of between 6 and 12 percent.



Source: Barriers & Bias, 2016

Federal Public Policy

- Equal Pay Act (1963)
- Lilly Ledbetter Fair Pay Act (2009)
- Paycheck Fairness Act
- Fair Pay Act
- Pay Equity for All Act
- Executive orders, regulations and enforcement efforts



Pay Equity in Oregon

2017 Equal Pay Act

- The 2017 Legislative Session in Oregon dealt with many issues important to women and girls, including equalizing pay between women and men across the state
- The Equal Pay Act is landmark legislation that puts Oregon at the forefront of this issue.
- The next step is to make sure everyone understands its provisions and acts accordingly.



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Protections

- **Workers cannot be paid less (salary/wage and benefits) because of sex,** race, color, religion, sexual orientation, national origin, marital status, age, disability or veteran status.
- **Coworkers cannot be paid more for a comparable job** unless the entire pay gap is based on seniority, merit, quality or quantity of production, education, training, experience, workplace location and/or travel.



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Protections

- **Employers cannot screen job applicants based on current or previous compensation** or determine the amount of salary on that basis.
- **Employers cannot ask a potential new hire about current or previous compensation** until making a job offer that includes a compensation amount.



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Protections

- **Employers cannot cut a worker's pay** to follow this law.
- **Employers cannot retaliate** against a worker for discussing wages or asking for equal pay.



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Remedies

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



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Remedies

- If the employer violates these rules, the worker may be owed back pay and attorney's fees.
- The worker may also have the right to money for compensatory and punitive damages, and/or a jury trial.
- Even if a worker has agreed to be paid less than she/he is entitled, the employer could still owe the worker unpaid wages.



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Pay Equity Analysis

- **Employers may avoid compensatory and/or punitive damages by completing a pay equity analysis within 3 years prior to the complaint.**
- The analysis must be made in good faith, reasonable in scope and related to the worker's protected class.
- Wage differential must be eliminated for the claimant and progress made in eliminating it for the worker's protected class.



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Remedies – Implementation

- **Oregon's Equal Pay Act of 2017 went into effect in October 2017.**
- Claims based on wage discrimination, and screening or setting wages based on 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.



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Remedies – Implementation

- If a complaint is filed with the Bureau of Labor and Industries, the employer is liable only for back pay.
- If a claim is filed in civil court, the employer may be liable for back pay, compensatory and punitive damages, and attorney's fees.



Pay Equity in Oregon

Bureau of Labor & Industries Guidance for Employers

- Technical assistance for employers to comply with the law is available on the BOLI website
- BOLI offers free best practice guides for employers for employers wanting to foster equal pay in the workplace
- Oregon employers are required to post BOLI's Equal Pay poster in a conspicuous place at each work site.



**There is only one thing
that a woman should
have to do to get paid as
much as a man: **her job.****

