



## EMPLOYEES SHOULD KNOW ...

## Oregon's Equal Pay Act

August 2019

You have a right to fair pay as an employee in Oregon. Your employer:

- **Can not pay you less** (including benefits) because of your sex, race, color, religion, sexual orientation, national origin, marital status, age, disability or veteran status;
- **May be able to pay at different levels for a similar job based on the following factors:** a seniority system, a merit system, a system that measures earnings by quality or quantity of production or piece-rate work, education, training, experience, workplace location and/or necessary and regular travel, or any combination of these factors if they account for the entire compensation differential;
- **An employer may pay employees at different levels if one or more of the factors listed above are contained in a collective bargaining agreement;**
- **Light or modified duty pay may not violate the Equal Pay Act** if it relates to a worker's compensation claim or if a medical condition results in an employee temporarily performing modified work, as long as it is authorized by a medical professional or has been requested by the employee.

Your employer cannot:

- **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. Claims based on asking a potential new hire about earnings history cannot be filed until January 2024

**If your employer violates these rules**, you may be 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.

### 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](http://www.fightforfairpay.org).