

Pay Equity: Top Ten Things Every Employer Should Know

1. On June 1, 2017, Oregon Governor Kate Brown signed into law the Equal Pay Act of 2017 (“the Act”) to address pay disparities among women, minorities, and other protected classes.
2. For purposes of the Act, compensation includes wages, salary, bonuses, benefits, fringe benefits, and any equity based compensation.
3. Protected classes that are covered under the Act include any group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, disability, or age.
4. The Act makes it unlawful for an employer to screen job applicants based on current or past compensation, or to determine compensation for a position based on current or past compensation of that prospective employee.
5. Pay differences between employees will be lawful only if based on a holistic evaluation of certain factors, including seniority, merit, measureable differences in quality or quantity of work, travel, education, training, and experience.
6. Employers are required to post a notice of new requirements under the Act in every establishment where employees work.
7. An employee who brings suit to enforce their rights under the Act may bring that suit either on behalf of themselves or on behalf of other employees similarly situated.
8. Employers will be liable for attorney’s fees to a prevailing employee for any action brought to enforce the employee’s rights under the Act. Employers will also be liable to the employee for back pay for either the two-year period immediately preceding the filing of a complaint or for the period of time that the employee was subject to an unlawful wage differential by the employer.
9. The Act presents unique challenges for employers, who must become more diligent in how they screen new applicants, negotiate pay and benefits, and track employee performance as it relates to their compensation.
10. As of January 1, 2019, individuals have a private cause of action under the law and BOLI has the authority to issue civil fines for non-compliance.



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