

EMPLOYMENT UPDATE

Oregon Employment Law Update: Oregon Changes Law on Pay Equity

case in point ...

From the desk of John M. Kreutzer: Last month, the Oregon legislature unanimously passed the Equal Pay Act of 2017. This legislation addresses pay disparities among women, minorities, and other protected classes and ensures that women are paid the same rate as men for the same work.

More specifically, it requires that differences in compensation among employees must be based on job-related reasons such as merit, seniority, quantity or quality of production, workplace locations, travel, education, training or experience. It also expands the protected classes beyond gender to include race, color, religion, sexual orientation including perceived or actual gender identity, national origin, marital status, disability, age and veteran status.

Employees who believe they have been discriminated against on the basis of unequal pay in violation of the Equal Pay Act will have a private right of action beginning January 1, 2019.

Additionally, the Act prohibits employers from seeking information about an applicant's prior compensation. It also prohibits employers from setting compensation based on the applicant's past or current compensation levels. Therefore, employers would be wise to cut any interview questions or portions of their applications that contain any reference to past pay. This part of the Act will take effect on September 9, 2017. These claims will be under the jurisdiction of BOLI until January 1, 2024, when employees will have a right of private action against prospective employers if asked about pay history.

Employment updates are intended to inform our clients and others about legal matters of current interest. They are not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.



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