



Colorado Pay Equity

Statute

- Wage Equality Regardless of Sex, Colo. Rev. Stat. Ann. § 8-5-101 et seq.
- Equal Pay Transparency Rules, 7 Colo. Code Regs. § 1103-13

Classes Protected

- Sex
- Sex in combination with another protected status (disability, race, creed, color, sexual orientation, religion, age, national origin, ancestry)

Key language on pay discrimination

- An employer shall not discriminate between employees on the basis of sex, or on the basis of sex in combination with another protected status as described in Section 24-34-402(1)(a), by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, regardless of job title, based on a composite of skill; effort, which may include consideration of shift work and responsibility.

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- System which measures earnings by quantity or quality of production
- Geographic location where the work is performed
- Education, training, or experience to the extent that they are reasonably related to the work in question
- Travel, if the travel is a regular and necessary condition of the work performed

Prohibition on salary history inquiry

- Employers may not ask about an applicant's pay history, nor can they rely on pay history to determine wages. Employers may not discriminate or retaliate against a prospective employee for failing to disclose their pay history.

Anti-retaliation

- Employers may not discriminate or retaliate against a prospective employee for failing to disclose his or her wage rate history.

- Employers may not discharge, discriminate or retaliate against an employee for invoking this statute or assisting in the enforcement of this law.
- Employers may not discharge, discipline, discriminate against or interfere with an employee because that employee inquired about, disclosed, compared, or otherwise discussed his or her wage rate.

Wage Disclosure Requirements

- An employer shall make reasonable efforts to announce, post, or make known all opportunities for promotion to all current employees on the same day and prior to making a promotion decision.
- An employer shall disclose in each posting for each job opening: (i) the hourly/salary compensation or a range of the hourly/salary compensation, (ii) a description of the bonuses, commissions or other forms of compensation being offered, and (iii) a description of the benefits the employer is offering for the position, (iv) the application deadline, and (v) how to apply.

Pay Transparency

- Employers may not discharge, discipline, discriminate against or interfere with an employee because that employee inquired about, disclosed, compared, or otherwise discussed his or her wage rate.
- Within 30 calendar days after a candidate is selected for a job opportunity and begins working, employers must provide the following information to employees with whom the employer intends the selected candidate to regularly work: (i) the name of the candidate selected for the job opportunity, (ii) the selected candidate's former job title if selected while already employed by the employer, (iii) the selected candidate's new job title, (iv) information on how employees may demonstrate interest in similar job opportunities in the future, including identifying individuals or departments to whom the employees can express interest in similar job opportunities.

Safe Harbor for Pay Evaluations

- A limited safe harbor allows employers to use evidence of a "thorough and comprehensive pay audit" with the "specific goal of identifying and remedying unlawful pay disparities" to avoid an award for liquidated (double) damages. Employers cannot rely on a pay audit to avoid an award for economic damages.

Pay Equity Team

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