



Oregon Pay Equity

Statute

- Oregon Equal Pay Act of 2017, Or. Rev. Stat. § 210, et seq.
- Oregon Equality Act, Or. Rev. Stat. § 659A.001 et seq.

Classes protected

- Sex, race, color, religion, sexual orientation, national origin, marital status, veteran status, disability, age (18 or older), or the same categories of a person with whom the individual associates

Key language on pay discrimination

- No employer shall "discriminate between the sexes in the payment of wages for work of comparable character, the performance of which requires comparable skills" or "pay wages or other compensation to any employee at a rate greater than that at which the employer pays wages to employees of a protected class for work of comparable character"
- Unlawful employment practice "[f]or an employer, because of an individual's race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age of any other person with whom the individual associates, or because of an individual's juvenile record that has been expunged . . . to discriminate against the individual in compensation[.]"

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- A system that measures earnings by quantity or quality or production, including piece-rate work
- Workplace locations
- Travel, if necessary and regular
- Education
- Training
- Experience
- Any combination of the above-mentioned factors if the combination accounts for the entire compensation differential

Prohibition on salary history inquiry

- “It is an unlawful practice . . . for an employer to seek the salary history of an applicant or employee from the applicant or employee or a current or former employer of the applicant or employee. This section is not intended to prevent an employer from requesting from a prospective employee written authorization to confirm prior compensation after the employer makes an offer of employment to the prospective employee that includes an amount of compensation.”
- No employer shall “screen job applicants based on current or past compensation” or “determine compensation based upon current or past compensation.”
- Employers are prohibited from using prior compensation to set pay, except for current employees moving to a new position with the same employer.

Anti-retaliation

- Prohibits retaliation for filing a complaint or for testifying, being about to testify, or because employer believes employee may testify in an investigation, proceeding, or criminal action.

Safe Harbor for Pay Evaluations

- An employer can avoid compensatory and punitive damages under the Oregon Equal Pay Act if it proves: (1) it completed, within three years before the date an action was filed in court or with the Oregon Bureau of Labor & Industries, an equal-pay analysis reasonable in detail and scope and related to the protected class asserted by the plaintiff/complainant; (2) it eliminated the pay differential for the plaintiff/complainant; and (3) it has made reasonable and “substantial progress” toward eliminating differentials for the protected class asserted by the plaintiff/complainant.
- Note that this limited safe harbor is not a defense to liability or to recovery of economic damages or attorneys’ fees.

Pay Equity Team

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