



Preparing for 2019: An Overview of Oregon's Equal Pay Law

BOLI recently published its [final rules](#) on Oregon's Equal Pay Law with enforcement beginning January 1, 2019. Generally, [Oregon's Equal Pay Law](#) prohibits employees of a protected class who perform work of comparable character from being compensated unequally unless the entire compensation differential is based on a bona fide factor related to the position. Remember that compensation is more than wages, and includes benefits, bonuses, and many other forms of pay.

The rules modify the definition of “work of comparable character” as: substantially similar knowledge, skill, effort, responsibility, and working conditions “**with no single factor being determinative.**” This definition signals that if an employer believes employees do not perform work of comparable character, the employer must be able to identify multiple factors from the list that distinguish the employees’ work or explain why a single factor is strong enough to differentiate the positions. “Bona fide factors” allowing for discrepancies in pay require a clearly documented system in order to base pay discrepancies based on merit, seniority, or quality or quantity of production.

For questions on the new law, contact Barran Liebman attorney Nicole Elgin at nelgin@barran.com or (503) 276-2109.