



# Oregon's Equal Pay Act: New Law, New Resolution

January 9, 2018 Webinar presented by:

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# Oregon Equal Pay Act of 2017

- **June 1, 2017:** Governor signed bill into law.
- **October 6, 2017:** Goodbye, Salary History Question!
- **January 1, 2019:** Most of the Act goes into effect.
- **January 1, 2024:** (More) lawsuits begin.



# What's the big idea?

- Case law gave employers mixed answers.
- Past pay is not a reliable determinant of talent.
- Significant EEOC activity.
- Financial and reputational risks



# Soccer just the tip of pay-equity scandal; Scrub gun violence from the comics | Letters

Posted on April 11, 2016 at 12:45 PM



Gallery: Soccer: U.S. Women's National Team vs. Colombia 2016

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## An activist investor praises Apple, and slams Google, over equal pay for women transparency

Julie Brill 52 3P  
 17 Sep. 28, 2017, 3:19 PM 1,732

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### Best New Cryptocurrencies

New must-own cryptocurrencies could turn as little as \$10 into a fortune. [pro.earlyinvesting.com](#)

Activist investor **Natasha Lamb** is calling on Alphabet, parent company of Google, to quit stalling and to



## Pope Francis rails against 'pure scandal' of pay gap

04/29/16 02:09 PM - UPDATED 04/29/16 02:23 PM

By Reuters

VATICAN CITY — Pope Francis on Wednesday made an impassioned plea for an end to the salary gap between men and women, calling it "a scandal" that Christians should decisively reject.

### In Focus: Another Gender Pay Disparity Claim in Silicon Valley

By **Kathy Gorchick**  
 Oct 6, 2017

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REUSE PERMISSIONS



... of pay equity has surfaced again at Oracle, the computer technology... headquartered in Redwood Shores, Calif. Three of its former engineers, Romig... and Mike... [where they claim paid them more than twice their value](#)

#### DEALBREAKER

### es Being So Woke, But It Draws The Line Equal Pay" Nonsense

By THORNTON McENERY  
 2 Comments | Oct 15, 2017 at 4:59 PM



In the beginning of March, *State Street* treated us all to the greatest show of woke-ness in modern financial history.

Since then, "Fearless Girl" has turned into a fun tourist attraction for social justice warriors and their bored friends who want to go



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Editorial Staff  
 Executive Editor: Thornton McENERY  
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drinking on Stone Street. It's also spurred a handful of conversations on gender equity in finance that usually end with Wall Streeters patting themselves on the back and haughtily murmuring "At least we're not as bad as Silicon Valley." All in all, State Street's super-public attempt to become the female-empowerment face of American banking has been going pretty nicely.

But also, it's been secretly going not-so-great-at-all. [Per Bloomberg:](#)



Amazon apologizes to staff for Hollywood sex harassment charges

## Uber boosts salaries, guarantees pay equity across race, sexes

Marco Joffe Cook, USA TODAY Published 3:55 p.m. ET July 19, 2017 | Updated 3:48 a.m. ET July 19, 2017



Uber CEO Travis Kalanick has resigned. His successors will have to manage a myriad of troubles for the company. USA TODAY

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## DealB%k

### Lawsuit Presses the Issue of Lower Pay for Female Law Partners

By ELIZABETH OLSON MAY 7, 2017



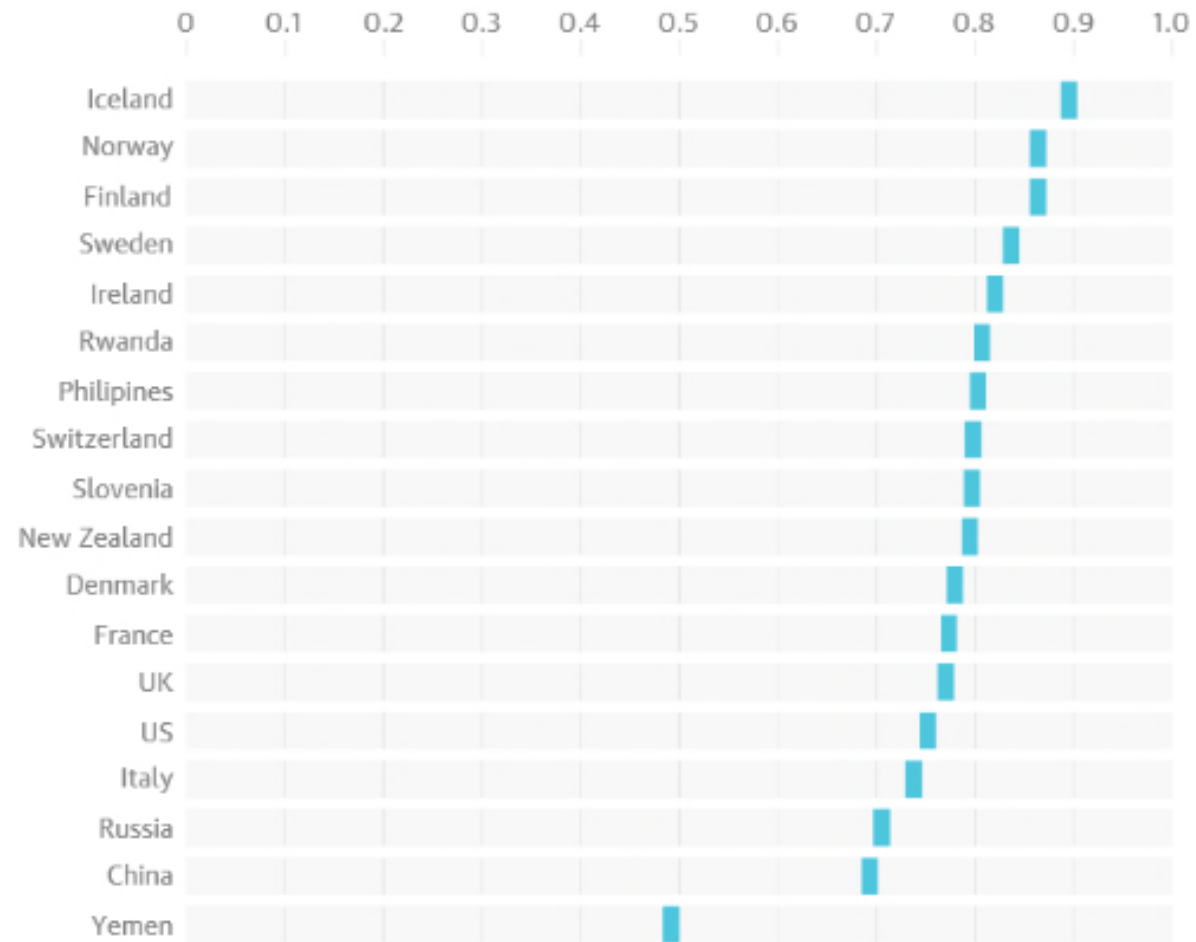
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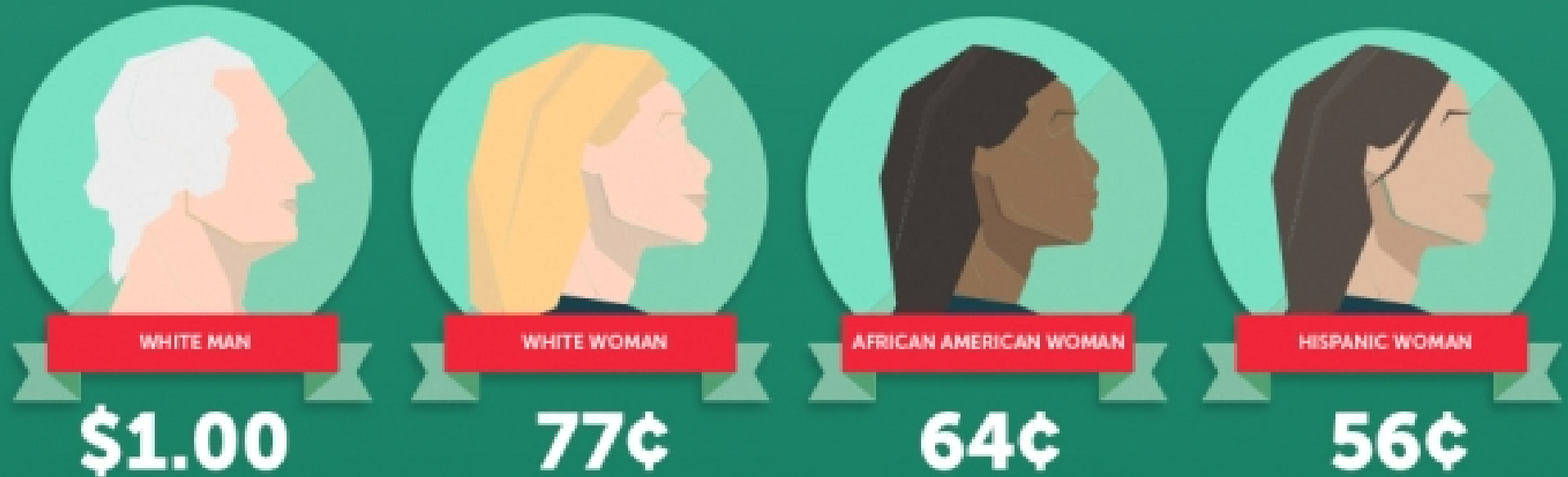
## Gender gap index, 2015



Guardian graphic

Source: Weforum.org

Compared with white men, African American and Hispanic women make even less than white women:



EQUAL PAYBACK PROJECT


# What's the skinny on this law?

- Same compensation for “work of comparable character.”
- Compensation is more than just wages or salary.
- But what if I have a really good reason?
- You can only go up, never down.
- Can't ask, screen, or set.



# What Should Employers Do?

- If you already implemented changes: **stay the course**
- If you did nothing: **change all job forms, train managers, audit your practices, and correct course if necessary.**



“All our managers and leads know not to ask applicants about past pay.”

“Now, we just ask them what kind of pay they’re looking for.”



# What are Other Employers Doing?

- Conducting regular analyses to identify possible gender biases (54%)
- Requiring managers to explain all pay decisions (20%)
- No longer asking about job applicants' salary histories (15%)
- Utilizing software or algorithms to determine pay that controls for gender, race, ethnicity, etc. (11%)
- Eliminating salary negotiating based on/for merit increases or promotions (3%)
- Creating an internal committee to review all pay decisions (3%), and
- Eliminating salary negotiations during hiring (1%).
- Eleven percent of companies also cited “other,” 20% didn't have any formal forms in place to address pay equity and 1% didn't know if they had anything in place.

--- WorldatWork report

# How long can I ignore your advice?

 Can't ignore pay question prohibition– that's already in play.

 But the good news is the *whole* thing isn't in effect until 1/1/2024.

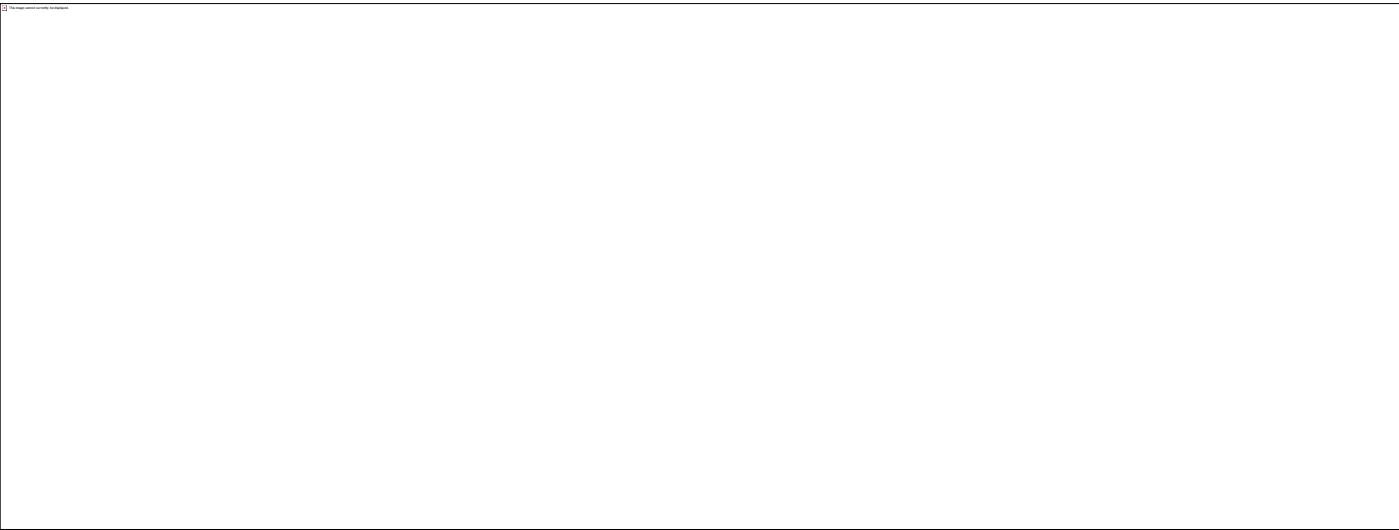
 You'll probably need a poster soon, but it hasn't been born yet.

 BOLI enforcement officially begins 1/1/2019!

Conducting a privileged pay audit takes time–yours and mine.

# What's it Going to Cost Me?





**Upcoming event: Breakfast Briefing on workplace Harassment:  
What Every Business Needs to Know**

February 20, 2018 from 9:00-10:30 am  
111 SW Fifth Avenue  
Ground floor training room of U.S. Bancorp Tower  
Portland, OR 97204

For questions please contact Kim Lyons at [klyons@fisherphillips.com](mailto:klyons@fisherphillips.com)



# Final Questions?

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