



Washington Pay Equity

Statute

- Washington Equal Pay and Opportunity Act, Chapter 49.58 RCW
- Washington's Law Against Discrimination, Unfair Practices of Employers, RCW 49.60.180

Classes protected

- Sex, age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, presence of any disability, use of trained dog guide or service animal by person with a disability

Key language on pay discrimination

- “Any employer in this state who discriminates in any way in providing compensation based on gender between similarly employed employees of the employer is guilty of a misdemeanor.”
- “An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.”
- Unfair practice for any employer “[t]o discriminate against any person in compensation . . . because of . . . sex[.]”

Exceptions for pay disparities (including affirmative defenses)

- Differential in compensation based in good faith on a bona fide job-related factor or factors that: (i) are consistent with business necessity; (ii) are not based on or derived from a gender-based differential; and (iii) account for the entire differential
- Bona fide factors may include education, training, or experience; a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or bona fide regional difference in compensation levels
- Differential based in good faith on a local government ordinance providing for a minimum wage different from state law

Prohibition on salary history inquiry

- Employers may not seek the wage or salary history of an applicant for employment or require prior wages meet certain criteria.

Anti-retaliation

- Prohibits discharge or retaliation against an employee for discussing wages, inquiring about the employee's wages or lack of advancement opportunities, or for aiding or encouraging an employee to exercise any right under the law.

Wage Disclosure Requirements

For internal positions, employers are only required to provide a salary range or wage scale upon request—not in the posting. Employers must do the following for external job postings:

- provide a wage scale or salary range for each job posting (as opposed to just a minimum)
- include a description of all benefits and compensation to be offered in the posting (as opposed to just wage or salary); and
- publicly advertise these disclosures along with the job ad (as opposed to only after an offer and upon request).

Pay Transparency

- Prohibits employers from restraining an employee's ability to discuss his or her wages, requiring nondisclosure of wages as a condition of employment, and requiring an employee to sign a document that prevents them from disclosing wages.

Key Contact

- [Catharine Morisset](#)

Pay Equity Team

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