



Colorado Update: What the 2022 Election Results Might Mean for Employers

Insights

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Colorado is no longer a purple state. That much is clear after the results of last Tuesday's election that saw Democrats win every statewide race on the ballot, maintain control of the state senate, and gain a veto-proof majority in the state house — all in what many predicted would be a down year for the president's party. What do these recent developments, culminating in this year's election results, mean for Colorado businesses?

What's Already Happened

Since Governor Jared Polis took office in 2019, Democrats have enjoyed a "trifecta" in Colorado, given they have maintained majorities in both chambers of the General Assembly. Over that time, many significant bills affecting employers have become law. For instance:

- 2019 saw the Governor sign the Equal Pay For Equal Work Act, a first-of-its-kind pay transparency law that took effect in 2021 ([Fisher Phillips Insight here](#)), the criminalization of wage violations ([Insight here](#)), and a prohibition on criminal history inquiries in job postings ([Insight here](#));
- 2020 produced Senate Bill 20-205, requiring employers of all sizes to provide employees with paid sick leave ([Insight here](#));
- 2021 resulted in a CCPA-style consumer privacy law ([Insight here](#)), an expansion of rights for agricultural workers ([Link to SB21-087](#)), and a prohibition on employment discrimination based on one's gender expression or gender identity ([Link to HB21-1108](#));
- 2022 likewise resulted in wide-ranging new legislation, including:
 - Amendments to Colorado's wage theft laws, which increased employer penalties for failure to timely pay wages owed and authorized class-wide demands for unpaid wages ([Link to SB22-161](#));
 - House Bill 22-1317, which dealt a blow to non-competes and other restrictive employment agreements ([Insight here](#));
 - Updates to employment discrimination laws, which expanded the definition of employee and extended the time limit to file a charge with the Colorado Civil Rights Commission ([Link to HB22-1367](#));

- Senate Bill 22-234, which expanded the notice requirements for unemployment benefits ([Insight here](#)); and
- Senate Bill 22-097, which increased protections for whistleblowers who raise health and safety concerns ([Insight here](#)).

What's in Store

As indicated by the developments over the past few years, employers should expect more worker-friendly legislation in Colorado in 2023. When the 74th General Assembly convenes in January, be on the lookout for:

- A possible revival of the Protecting Opportunities and Workers' Rights (POWR) Act ([Senate Bill 21-176](#)), a much-debated bill from prior sessions that proposes to dramatically expand the reach of Colorado's anti-discrimination laws; and
- Legislation to prohibit employers from taking adverse action against employees or applicants due to the use of medical or retail marijuana, as originally proposed in failed [House Bill 22-1152](#).

We Can Help

We will continue to monitor these developments and provide updates as necessary. Make sure you are subscribed to [Fisher Phillips' Insight system](#) to receive the most up-to-date information.

If you have questions about new or pending legislation, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in [our Denver office](#) for assistance.

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