

Washington Equal Pay and Opportunities Act

The Equal Pay and Opportunities Act (EPOA) ([RCW 49.58](#)) took effect on June 7, 2018. EPOA promotes gender pay equity in Washington state through equal pay, equal career advancement opportunities, open wage discussions, prohibited retaliation, and other protections for both employees and job applicants. This summary resource highlights items you need to **know**, questions to **reflect** on your practices, and information to **grow** your understanding.

Important Note: *This information is provided for educational purposes only and does not constitute legal or technical advice. If you are unsure about anything covered in this resource, we suggest that you contact the appropriate agency, employment attorney, or human resources specialist.*

KNOW

Gender cannot be a reason for pay differences between “similarly employed” employees. Employees are considered similarly employed if they have the same employer and the performance of their job requires similar skill, effort, responsibility, and working conditions. This cannot be determined by job titles.

Did you know... in Washington state, employers cannot request wage or salary history when people are applying for a job, and you cannot require a minimum previous salary to be considered for a position. This includes asking questions on your job application form about wage or salary history, even if the question is optional.

What Are Acceptable Reasons for a Difference in Pay?

Unequal compensation among employees of different genders may be acceptable if the difference is based on justifiable factors, not related to gender. Acceptable factors for differences in pay may include:

- Differences in education, training, experience, or seniority
- Merit/work performance
- Measuring earnings by quantity or quality of production
- Regional differences in compensation or differences in local minimum wages

Employers bear the burden of proof to justify why pay differences exist. An employee’s previous wage or salary history cannot be used to justify gender pay differences.

Equal Pay and Opportunities Act Highlights

Hiring

required for employers with 15+ employees

Beginning January 1, 2023, employers must disclose in each posting for each job opening the wage scale or salary range, and a general description of all benefits and other compensation to be offered to the hired applicant.

Negotiating Pay

Employers can negotiate pay during the hiring process, but if the pay offered a new employee causes a gender pay difference between similarly employed employees, any difference in compensation must be based on justifiable job-related factors (not the negotiation itself).

Worker Development

Limiting career development opportunities, or providing unequal career advancement opportunities, on the basis of gender contributes to pay inequity and is unlawful. It may be acceptable to offer gender-based training under the law, if similarly employed employees are offered the same course regardless of whether they are the intended gender audience of the class.

Retaliation

Employees are protected from retaliation if they are exercising any of their protected rights under the law. Additionally, an employer may not retaliate, discharge, or discriminate against an employee because the employee filed a complaint or participated in any proceedings under the law on behalf of themselves or others.

REFLECT

The Washington State Department Labor & Industries (L&I) recommends employers conduct a self-evaluation of their company annually to ensure ongoing compliance with the law. Conduct a self-evaluation using the [Equal Pay and Opportunities Act Employer's Guide](#), found on the [EPOA Employer Resources page](#) of L&I's website.

To conduct an equal pay analysis and confirm if employees of different genders are paid equally, use the [Equal Pay Calculation Tool](#). Use the Policies & Practices Checklist in the [Equal Pay and Opportunities Act Employer's Guide](#) to review your existing policies.

GROW

L&I offers free customized consultations to help employers understand the possible effects of the EPOA on their organization and employment practices. To request a consultation, send an email to equalpay@LNI.wa.gov with "Equal Pay Consultation" in the subject line and provide your name, organization's name, phone number, and preferred email address.

In addition to being in compliance with the law, employers are encouraged to adopt additional employment policies and best practices to promote gender pay equity, including:

- Defined policies or systems for specific bases for pay and career advancement differentials
- Standard pay ranges or guidelines for each position or job classification
- Job descriptions that accurately reflect the work being done by employees
- Standards for salaries offered during the hiring process

L&I encourages employers to maintain good recordkeeping practices to respond to potential complaints.

Learn more by visiting www.LNI.wa.gov/equalpay and check out [NAWA's Workers in Nonprofits](#) for more employment-oriented materials.

L&I Small Business Liaisons

Email: smallbusiness@LNI.wa.gov

Phone: 1-800-987-0145

L&I's Equal Pay Specialists

Email: equalpay@LNI.wa.gov

Phone: 1-866-219-7321



**Nonprofit Association
of Washington**



Washington State Department of
Labor & Industries

*In partnership with the Department
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Last Updated June 2023