COLORADO
EQUAL PAY
FOR
EQUAL WORK
ACT

A CRASH COURSE

The following packet is not inclusive of all employer obligations under the Act. Please consult the Act for the full list of employer obligations.
**KEY POINTS**

- The Act goes into effect on January 1, 2021 and is not retroactive.

- The Act prohibits wage discrimination on the basis of sex, e.g., an employer cannot pay John less than Michele if they are performing *substantially similar work*.

- The Act also prohibits wage discrimination on the basis of sex plus another protected status.

- When must a person sue for wage discrimination? No later than two years after the violation occurs.

- What is a violation? *Each* occasion that a person is affected by wage discrimination, e.g., each paycheck Marissa receives less pay than Marc, despite their substantially similar work.

- Are there exceptions to pay disparity between sexes performing substantially similar work? Yes, *if based on*:
  - A Seniority System
  - A Merit System
  - A System that Measures Earnings by Quantity or Quality of Production
  - Geographic location
  - Education, Training, or Experience
  - Travel

- What economic relief can a person get for wage discrimination? Back pay for the *entire* time the violation continues, not to exceed *three* years.

**EMPLOYER OBLIGATIONS UNDER THE ACT**

- Employers CANNOT request the pay history from prospective employees.
- Employers CANNOT rely on the pay history of a prospective employee when setting his, her, or their wage.
- Employers MUST internally post job opportunities.
- Employers MUST post salary ranges in job listings.
- Employers CANNOT retaliate against anyone for discussing employee pay.
- Employers MUST keep records on job descriptions and wage rates.
WHO IS COVERED BY THE EPEWA?

**EXAMPLE 1**

- 30 year-old male.
- Janitor at Company A.
- Employee of Company A since age 18.
- No prior work history.
- Hourly employee.
- Makes $13/hour.
- Regularly receives a “Meets Expectation” score on his annual performance review.

- 30 year-old female.
- Janitor at Company A.
- Employee of Company A since age 18.
- No prior work history.
- Hourly employee.
- Makes $11/hour.
- Regularly receives a “Meets Expectation” score on her annual performance review.

Female employee is covered under the Act because her pay is 84.6% of her male colleague’s pay, despite her comparable performance, age, and years of experience.
Mexican-American female employee is covered under the Act because her pay is 73.3% of her white male colleague’s pay, despite her comparable performance, age, and years of experience. The Act’s “sex plus” provision allows her to have a claim even when a white female is paid the same as a white male.

QUESTIONS?

Read up on the EPEWA on the Colorado General Assembly’s Website:

Read this article from the Colorado Lawyer: