

COLORADO EMPLOYMENT LAW Fair Employment – Equal Pay Laws



The federal Equal Pay Act (EPA) requires that men and women receive equal pay for equal work in the same establishment. In addition to the federal EPA, many states, including Colorado, have enacted their own equal pay laws prohibiting wage discrimination based upon gender.

This Employment Law Summary provides an overview of Colorado's [Equal Pay for Equal Work Act](#) (EPEWA).

STATE RESOURCES

Colorado Civil Rights Division [website](#)

Colorado Department of Labor and Employment [website](#)

EQUAL PAY REQUIREMENTS

In general, the EPEWA prohibits employers from discriminating on the basis of **sex** (defined as gender identity), or sex in combination with any other protected status, in the payment of wages.

Subject to some limited exceptions, female and male employees and employees are **entitled to equal pay for work within the same establishment on jobs that require equal skill, effort, education, experience and responsibility and that are performed under similar working conditions**. In general, substantially similar work is determined by evaluating the level of skill, effort, responsibility and performance under similar working conditions.

EXCEPTIONS

The EPEWA allows employers to pay different wages for employees of the opposite sex when the wages are based on:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production;
- The geographic location where the work is performed;
- Education, training, or experience to the extent that they are reasonably related to the work in question; or
- Travel, if the travel is a regular and necessary condition of the work performed.

SALARY HISTORY

Beginning **Jan. 1, 2021**, employers in Colorado are also prohibited from:

- Seeking an applicant's wage history or rely on his or her wage history to determine a wage rate; or

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- Discriminating or retaliating against an applicant for failing to disclose his or her wage rate history.

In addition, before making a promotion decision, employers will also have to announce, post or otherwise make known all opportunities for promotion to all employees on the same calendar day.

Finally, for every posted job opening, employers will have to disclose the salary or wage rate or range, along with a general description of all the benefits and other compensation that will be offered to the hired applicant.

RECORDKEEPING REQUIREMENT

Under the EPEWA, employers are required to maintain records of job descriptions and wage rate histories for each employee during the duration of employment and at least two years after the end of employment.

PROHIBITED RETALIATION

The EPEWA prohibits employers from discharging, or, in any other manner, discriminating or retaliating against any employee that enforces this law. In addition, the Equal Pay Law protects an employee's right to:

- Disclose his or her own wages;
- Discuss the wages of other employees;
- Inquire about another employee's wages; or
- Help or encourage other employees to enforce their rights under the law.

MORE INFORMATION

For more information on Colorado's fair employment laws, please contact your Lighthouse HR Support representative.