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April 29, 2024

Washington Expands Equal Pay Law To Cover All Protected Classes



Washington Governor Jay Inslee signed into law [Substitute House Bill 1905](#) on March 28, 2024, broadening the scope of Washington's Equal Pay and Opportunities Act (EPOA).

Since 1943, the Washington EPOA prohibited sex- and gender-based pay discrimination. The new EPOA amendments expand the EPOA beyond gender, and the law now prohibits pay discrimination based on membership in any protected class. Protected classes under the 2024 EPOA include age, sex, gender, marital status, race, national origin, sexual orientation, gender expression, gender identity, presence of a disability, and more.

The other aspects of the EPOA remain unchanged:

- It still permits pay differentials based on education, training, or experience; seniority systems; merit systems; quality-based pay; quantity-based pay; regional differences; and other business-related factors.
- It still compares pay and advancement decisions between "similarly employed" employees only. Employees are "similarly employed" if, under similar conditions, they perform work that requires similar skill, effort, and responsibility.

The EPOA amendments go into effect on July 1, 2025.

Takeaways for Employers

Employers should evaluate their existing pay equity efforts and determine whether a [pay equity](#) audit is appropriate ahead of the July 2025 effective date. Further, employers should consider having legal counsel direct the audit for the purpose of providing legal advice; doing so may protect the results of the audit under the attorney-client and work product privileges.

Authors

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