

**CONCISE EXPLANATORY STATEMENT**

**Equal Pay and Opportunities Act Rules**  
Chapter 296-123 WAC, Equal Pay and Opportunities  
Public Hearings: March 4 and March 6, 2025  
Adoption: May 21, 2025  
Effective: July 1, 2025

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## **I. Purpose of Rulemaking**

The Washington State legislature passed Substitute House Bill 1905 (SHB 1905) during the 2024 legislative session, codified in Chapter 49.58 RCW, the Equal Pay and Opportunities Act. The bill expands existing protections against pay and promotion discrimination based on gender found in Chapter 49.58 RCW. SHB 1905 extends the protections to additional protected classes including, but not limited to, age, race, and sexual orientation.

The Department of Labor & Industries (L&I) adopted rules to clarify and implement the provisions of SHB 1905. The adopted rules also clarify other requirements created by Chapter 49.58 RCW, including:

- The free discussion of wages and salary.
- Protection against retaliation.
- Wage and salary history privacy.
- Disclosure of wage scale, salary range, and benefits on a job posting.

The adopted rules explain L&I's enforcement of Chapter 49.58 RCW and L&I's complaint investigation and resolution processes.

### **A. Background**

L&I engaged in rulemaking to clarify the protections of Chapter 49.58 RCW and to implement the requirements found in SHB 1905.

The adopted rules within Chapter 296-123 WAC will implement the statutory requirements and:

- Provide definitions for key terms used in the chapter.
- Create guidance on wage discrimination.
- Create guidance on career advancement discrimination.
- Adopt guidance for employers seeking wage and salary history.
- Adopt guidance on the disclosure of wage or salary range by an employer.

- Adopt retaliation protections for employees.
- Adopt enforcement guidance for complaints, investigations, and resolving violations.
- Provide guidelines for appeals.

## **B. Summary of the rulemaking activities**

While drafting the proposed rules, L&I conducted multiple rounds of informal preliminary stakeholder meetings. L&I released preliminary drafts of the proposed rule language for public comment and held three preliminary draft feedback meetings. L&I filed the CR-102 on January 21, 2025. Stakeholders had the opportunity to provide formal public comment at one in-person public hearing, one virtual public hearing, and by email, fax, and mail.

## **II. Changes to the Rules (Proposed rule versus rule adopted)**

L&I is adopting the language as proposed.

## **III. Comments on Proposed Rule**

The purpose of this section is to respond to the oral and written comments received through the public comment period and at the public hearings.

### **A. Comment Period**

The formal public comment period for this rulemaking began on January 21, 2025, and ended on March 19, 2025.

## **B. Public Hearings**

L&I held two public hearings. Additional information about the hearings is provided in the table below.

<b>Location</b>	<b>Number Attended</b>	<b>Number Testified</b>
March 4, 2025 – Virtual	25	0
March 6, 2025 – Tumwater	0	0

## **C. Summary of Comments Received and L&I’s Responses**

L&I did not receive any comments during the public formal hearings and no written comments were received by email, fax, and mail.