



VOTE NO on HB 2746

HB 2746 – Likely Violates Oregon’s Constitution

An identical effort during the 2023 Legislature did not move forward, in part due to questions about language that compels speech and, potentially violates Article I, section 8, of Oregon’s Constitution. **See: [Oregon bill to require wage ranges in job listings shelved over free speech concerns](#)** The -1 amendment to HB 2746 contains language identical to that which was called into question in 2023:

From Legislative Counsel: “Based on the analysis below, we conclude that an Oregon court is likely to find the requirements in section 1 (2)(a) of the SB 925-2 amendments would contravene the broad protections for speech under Article I, section 8, of the Oregon Constitution, as impermissible compelled speech.”

“(2) An employer or an employment agency may not:

“(a) Fail or refuse to disclose in any internal or external job posting for an employment, promotion or transfer opportunity the wage or wage range, a general description of the employment benefits and any other compensation associated with the employment, promotion or transfer opportunity.”

HB 2746 - Creates a Cottage Industry for Trial Attorneys

Dual enforcement through a private right of action and BOLI could spark a frenzy of litigation against Oregon businesses. Since the enactment of Washington’s pay transparency law in 2023, approximately 250 lawsuits have been filed. A “cottage industry” of sorts has emerged with “serial” job applicants filing lawsuits to benefit financially from legal settlements. Oregon businesses already operate under one of the most complex pay equity laws in the country. They cannot afford to meet the duplicative requirements of HB 2746.

HB 2746 - Unnecessarily Given Existing Oregon Law

Oregon is a leader in addressing potential bias in salary and compensation decisions. In 2017, the Legislature passed the Oregon Equal Pay Act. This hallmark legislation:

- **Prohibits salary history inquiries**
- **Prohibits the screening of applicants based on compensation**
- **Makes wage disparities for work of comparable character unlawful** on the basis of protected class (with exemptions for specified bona fide factors)

Oregon also clearly protects employees' rights to share details of their pay with coworkers (ORS 659A.355).

HB 2746 – Penalizes Small Businesses

HB 2746 would impact even the smallest businesses across all sectors and is highly discriminatory toward small employers. The majority of Oregon’s small businesses can’t afford to hire specialized professional HR staff and decipher complicated job posting requirements.

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