

**Welcome!**

**Ryan Swanson's 32nd Annual  
Employment Law Webinar  
Series**

**September 28 - October 2, 2020**

**Panel Presentation:  
Employment Law Updates & FAQs**

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**October 2, 2020**



Any new cases we should know about?

## ***Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)***

- Discrimination against gay, lesbian, and transgender employees barred by Title VII, which prohibits sex discrimination
- Violation when adverse action based even in part on sex; does not have to be sole or even primary factor
- Irrelevant if factors other than sex contributed to decision
- Focus on individuals

## **Rizo v. Yovino, 950 F.3d 1217 (9<sup>th</sup> Cir. 2020) (en banc)**

- Employers can never use prior pay to justify sex-based pay differential
- Factors other than sex must be job related, and that never includes salary history

Can you tell me more about Washington's  
Equal Pay and Opportunities Act?

## WA's Equal Pay and Opportunities Act

- [RCW 49.58](#)
- Do not discriminate in pay between “similarly employed” employees or limit opportunities for career advancement based on gender
- Employees may disclose and discuss their compensation
- Do not ask about salary history
- Employers with 15+ employees must disclose wage information to job applicants and internal promotions/transferees upon request

Race and Diversity:

What's changed?

What hasn't?

May an employer ask an employee who is physically coming into the workplace whether they have family members who have COVID-19 or symptoms associated with COVID-19?

May an employer ask an employee why he or she has been absent from work?

# Where should I look for Washington worker safety requirements?

## WA Worker Safety Requirement Resources

### Governor Inslee's Industry Guidance:

- <https://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-reopening-guidance-businesses-and-workers>

### Key L&I websites:

- <https://www.lni.wa.gov/agency/outreach/novel-coronavirus-outbreak-covid-19-resources>
- <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus>

What limits can employers set on employees having sexual relationships with other employees, customers, etc.?

What do I need to know about hiring independent contractors?

How do I comply with all appropriate laws when I have employees in different cities/states?

What is a company's legal obligation to accommodate an employee's mental health issues?



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# Thank you.



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