

**FOR IMMEDIATE RELEASE:**

August 27, 2009

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## **Illinois Department of Labor Enforces Expanded State Equal Pay Law**

### ***Governor Quinn signs legislation extending filing periods for gender pay discrimination claims***

**CHICAGO** – The Illinois Department of Labor (IDOL) is highlighting recent changes to Illinois' Equal Pay Act that expands protections for workers from gender-based wage discrimination.

Governor Pat Quinn signed House Bill 3634 (HB 3634) on August 14, 2009, to enhance protections under the Act, giving complainants more time to file a complaint with the Department, more time to file a claim in civil court, and clarifying language in the statute regarding when a violation of the Act has occurred. HB 3634 is effective immediately.

The extended filing periods will help complainants maintain their right to sue for back pay in court when employers delay paying backwages or refuse to cooperate with the Department's investigation and enforcement actions. IDOL is stepping up its outreach efforts to educate workers and employers on the amended Equal Pay Act through a series of training sessions and seminars, as well as email blasts.

"I am proud of the Department's work and its enforcement successes under the Illinois Equal Pay Act. Last year, the State achieved historical significance with its first court victory for equal pay. With this strengthened Act, we will continue to protect individuals from gender-based pay discrimination in Illinois," said Catherine Shannon, Director of the Illinois Department of Labor.

HB 3634 extends the time period for filing a complaint with the Department from within 180 days from the date the employee learned of the violation, to within 1 year from the date of the underpayment. The amendment also extends the statute of limitations for filing actions in state court from within 3 years of the date the employee learned of the underpayment to within 5 years of the date of the underpayment. HB 3634 defines "date of the underpayment" as each time wages are underpaid, consistent with the Lilly Ledbetter Fair Pay Act of 2009. The law also requires employers to preserve specified records for 5 years rather than 3 years.

The Illinois Equal Pay Act, implemented in 2004, affords protections to hundreds of thousands of additional Illinois workers not covered under the federal Equal Pay Act of 1963. It also provides for additional enforcement mechanisms and greater public awareness regarding the law. IDOL's enforcement of the Act has been successful in recovering more than \$236,000 in backwages for women who were paid less than their male co-workers for doing the same work. The Department won its first court victory last year when a Cook County Circuit Court judge ordered an employer to pay \$12,000 in backwages and penalties to an employee. Earlier this year, the lower court's judgment was upheld by the Illinois Appellate Court.

The Act prohibits employers with four or more employees from paying unequal wages to men and women doing the same or substantially similar work, requiring equal skill, effort, responsibility and under similar working conditions. There are exceptions, such as: wage differences based upon a seniority system, merit system, a system measuring earnings by quantity or quality of production or factors other than gender. The law protects both men and women from pay disparity and any individual who files an equal pay complaint is protected from harassment or retaliation under the Act. If an employer is found guilty of pay discrimination, they will be required to make up the wage difference to the employee and may be subject to pay legal costs and civil fines of up to \$2,500 per violation.

For more information on Illinois' Equal Pay Act or to file a complaint, call the Illinois Department of Labor's Equal Pay hotline at **1-866-EPA-IDOL**. Complaint forms are also available on the Department's website: [www.state.il.us/agency/idol](http://www.state.il.us/agency/idol).