



Illinois Department of Labor

Equal Pay Act of 2003

(Public Act 93-0006)

Effective: January 1, 2004

The Equal Pay Act of 2003 prohibits employers from paying unequal wages to men and women for doing the same or substantially similar work, requiring equal skill, effort, and responsibility, under similar working conditions for the same employer in the same county, **except** if the wage difference is based upon:

- A seniority system,
- A merit system,
- A system measuring earnings by quantity or quality of production, or
- A differential based upon factors other than gender.

Jurisdiction

The Equal Pay Act applies to employers for whom four or more employees are gainfully employed in Illinois, the State of Illinois, any unit of local government and any school district. All employers subject to the Act must be in compliance by January 1, 2004.

Nothing in the Act may be construed to require an employer to pay, to any employee at a workplace in a particular county, wages that are equal to the wages paid by that employer at a workplace in another county to employees in jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

Only wage discrimination based on gender is covered under the Act. Discrimination based upon factors other than gender is covered under the Illinois Human Rights Act.

Requirements

Employers must post a notice in their workplace summarizing the requirements under the Act. Copies of this notice may be acquired by contacting the Illinois Department of Labor or by downloading the notice from the agency's home page (<http://www.state.il.us/agency/idol>).

Employers subject to the Act must make and preserve records that document the name, address, and occupation of each employee, the wages paid to each employee, and any other information the Director of Labor may by rule deem necessary and appropriate for enforcement of this Act. Employers must preserve such records for a period of not less than three (3) years.

Prohibitions

Employers are prohibited from remedying violations of this Act by reducing wages of other employees. Employers are also prohibited from discharging or otherwise discriminating against any individual because the individual:

- Has filed any charge or has instituted any proceeding under or related to this Act;
- Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act;
- Has or will testify, in any inquiry or proceeding relating to any right provided under this Act;
- Has inquired about, disclosed, compared, or otherwise discussed his/her wages or the wages of any other employee; or
- Has aided or encouraged any person to exercise his or her rights under the Act.

Enforcement

The Illinois Department of Labor administers and enforces the provisions of this Act. The Department may conduct investigations in connection with the administration and enforcement of this Act.

Penalties

If an employee is paid less than the wage to which he or she is entitled under the Act, the employee may recover in a civil action the entire amount of any underpayment together with interest and the costs and reasonable attorney's fees. Employers found to be in violation of the Act may be subject to civil fines of up to \$2,500 per violation.

Any employer who has been ordered by the Director of Labor or the court to pay wages due an employee and who fails to do so within 15 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the wages to the employee, up to an amount equal to twice the sum of unpaid wages due the employee.

For more information, contact:

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(312) 793-6797

<http://www.state.il.us/agency/idol>