

## ● EQUAL PAY ACT OF 2003

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 112/1 – 112/90

*GENERAL SUMMARY:* The Equal Pay Act prohibits wage discrimination on the basis of sex and applies to virtually all employers and employees in Illinois.

### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — It is illegal for an employer to discriminate between employees on the basis of sex, by paying wages to an employee at a rate less than the rate the employer pays to another employee of the opposite sex for the same or substantially similar work, on jobs whose performance requires equal skill, effort and responsibility and which are performed under similar working conditions.

*Exceptions* — Different wage rates are allowable when payment is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex.

**RECORDKEEPING** — Employers subject to the Act are required to keep records for at least 5 years documenting the names, addresses, and occupations of their employees, and the wages paid to each one.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — It is unlawful for an employer to interfere with, fire, or in any other way discriminate against an employee for having filed a complaint, given information, testified or exercised any other right granted by this law.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2808)*. The Department has authority to conduct investigations to enforce the Equal Pay Act and is empowered to visit and inspect any workplace covered by the law at any reasonable time. On behalf of workers who have filed complaints under this law, the Department may take legal action against employers found to have violated any of these provisions and may assess civil money penalties of up to \$5,000 per violation.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *Illinois Department of Human Rights, Chicago, Illinois 60601 (312-814-6200)*. The Department of Labor may refer a complaint alleging wage discrimination under the Equal Pay Act to the Department of Human Rights if the subject matter of the complaint also alleges a violation of the Illinois Human Rights Act.

**PRIVATE CIVIL ACTION** — As an alternative to administrative enforcement, an employee who has suffered wage discrimination under the Equal Pay Act may take civil action against the employer directly, using a private attorney or public legal service provider. Court action to recover under-paid wages or salaries under the Act must be brought within 5 years from the date of the under-payment.