

ILLINOIS DEPARTMENT OF LABOR

STATE OF ILLINOIS

ILLINOIS EQUAL PAY ACT OF 2003

820 ILCS 112/50

Fiscal Year 2024 Annual Report
Administration and Enforcement Activities

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I. INTRODUCTION

The Illinois Equal Pay Act of 2003 (820 ILCS 112/1-90) (“the Act”) prohibits employers 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, unless such wage difference is based upon a seniority system, merit system, a system measuring earnings by quantity or quality of production, or factors other than gender.

Since 2003, the Act has been expanded several times, including:

- In 2019, to include protections that specifically prohibit an employer from paying African American employees a wage less than an employee who is not an African American for performing the same or substantially similar work.
- Also in 2019, to prohibit employers and employment agencies from inquiring about job applicants’ past wage and compensation histories or using such information to screen candidates for a job.
- In 2021, to require employers with 100 or more employees to submit certain payroll data and obtain an Equal Pay Registration Certificate, so as to allow the State to assess pay equity among the largest employers in Illinois, with the provisions effective in March 2022.
- In 2023, to require employers with 15 or more employees to include pay and benefit information in job postings, and to keep current employees informed of external job postings, with the provisions effective January 1, 2025.

The Act, which requires employers to provide information about its workers and their pay, expands upon the federal Equal Pay Act of 1963 (29 U.S. Code Chapter 8 § 206(d)) by covering more workers, providing stronger enforcement mechanisms, and improving public awareness.

II. ADMINISTRATION

The Illinois Department of Labor (“IDOL”) Conciliation and Mediation (“ConMed”) Division administers and enforces the Act and conducts outreach and education efforts regarding the law. Robert Parrilli is the division manager. Section 50 of the Act requires IDOL to produce an annual report of its activities regarding administration and enforcement for the preceding fiscal year. The report is filed with the Governor and General Assembly no later than January 1st of each year. This report highlights IDOL activities for Fiscal Year 2024 (“FY 2024”).

III. ENFORCEMENT

The Act provides wage protections to millions of employees across the state. Historically, IDOL’s

enforcement of the Act was conducted primarily by receiving and investigating complaints from members of the public about disparate wages, and determining in each if there was “reasonable cause” to find that a violation of the Act occurred. IDOL continues each year to receive, investigate, and make reasonable-cause determinations in many complaints about substantive violations of the Act.

A. EQUAL PAY ACT COMPLAINTS about DISPARATE PAY

In FY 2024, IDOL received 50 new Equal Pay Act complaints, a significant increase from the 34 new Equal Pay Act complaints received in the prior Fiscal Year.

- Of these new complaint filings, eight were from Chicago, an additional 21 were from the Chicagoland area, and 21 others were from outside the Chicagoland area.

During the 2024 Fiscal Year, ConMed conciliators assessed complaints, conducted investigations, and made determinations in 38 cases.

- In one case, ConMed’s conciliator found there was “reasonable cause” to believe Act violated. The respondent paid the back wages due and a penalty.
- In 12 cases, ConMed conciliators did not find cause to believe the Act had been violated, and dismissed the complaints.
- In 25 other cases, ConMed conciliators dismissed matters for various reasons:
 - No jurisdiction under the Act: 17
 - Untimely filing: 1
 - Complainant withdrew claim: 3
 - Complaint was privately settled: 2
 - Respondent could not be located: 1
 - Complainant did not respond: 1

ConMed’s FY 2024 enforcement activity resulted in recovering back wages of \$288.88 and penalty assessments of \$2,500 for (or on behalf of) workers.

In addition to traditional enforcement mechanisms, often IDOL itself and/or parties to Equal Pay Act cases enter into voluntary settlement agreements as a way to resolve claims under the Act. In FY 2024, ConMed and/or parties did enter into settlement agreements resolving Act claims, thus securing \$72,882 for workers.

At the end of the FY 2024 period, ConMed had 42 Equal Pay Act complaints open.

B. EQUAL PAY REGISTRATION CERTIFICATION

As noted above, in 2021 the Act was amended to add an Equal Pay Registration Certification (“EPRC”) requirement for employers with 100 or more employees in Illinois. The EPRC program requires employers to register with IDOL, pay a \$150 registration fee, and provide IDOL with information about pay for their employees, so IDOL can review it for pay equity

purposes. The EPRC program also allows for exemptions from the registration requirement for several reasons, including (among other reasons) having fewer than 100 employees.

IDOL began notifying employers of the EPRC requirements in or about January 2022 in preparation for the amendment's effective date of March 2022. In Fiscal Year 2022, employers submitted 260 EPRC registrations; ConMed staff approved 78 EPRC registrations and denied 25 others. In Fiscal Year 2023, employers submitted 860 EPRC registrations; ConMed staff approved 793 EPRC registrations and denied 62 others.

During FY 2024, ConMed staff was extraordinarily busy with EPRC matters. While daily juggling multiple employer calls and emails seeking assistance with the program's technology, ConMed staff approved 3,175 employer submissions, denied 89 others, revoked 12 registrations, and processed \$476,250 in registration fees. FY 2024 represented the first full two-year cycle of employer EPRC registrations, with an initial 102 recertifications received. In all, during FY 2024 a total of 3,446 employers held EPRC certifications. Toward the latter part of FY 2024, ConMed staff began implementing compliance activity designed to encourage employers who had not responded to prior notice about EPRC requirements; these efforts continue.

Another aspect of the EPRC program is that current employees of an employer that has submitted EPRC data may request that IDOL provide them their employer's data for all persons in the same job title, albeit anonymized. In Fiscal Year 2023, ConMed received nine such requests. In FY 2024, ConMed received 12 such requests.

C. PAY TRANSPARENCY

As also noted above, in 2023 the Act was amended to require employers with 15 or more employees to include pay and benefit information in job postings if the position posted will physically be performed at least in part in Illinois or performed outside Illinois but supervised by an Illinois office, work site or supervisor. This "Pay Transparency" requirement goes into effect January 1, 2025. Included in the Pay Transparency amendment is a related mandate requiring employers that publish job postings externally (meaning outside of their current employees) to inform their current staff of the job opportunities within 14 days. During the latter part of FY 2024, ConMed staff began preparing to implement Pay Transparency.

IV. OUTREACH AND PUBLIC AWARENESS

The Equal Pay Act explicitly requires IDOL to conduct ongoing outreach and education efforts about the Act toward employers, labor organizations, "and other appropriate organizations." 820 ILCS 112/45.

During FY 2024, IDOL and ConMed did just that, with staff reaching out to hundreds of employers, and participating in multiple monthly webinars, to assist in their understanding of the Act and EPRC requirements. In total, ConMed conducted 18 webinars for employers during FY 2024. ConMed and IDOL throughout FY 2024 made continuing efforts to educate employers, labor organizations, employees, and other individuals and groups about the Act and other laws IDOL enforces and why it does so, using various tools including published webinar materials, employer- and employee-directed fact sheets, and “Frequently Asked Questions” resources. Additionally, IDOL staff delivered information about the Act to members of the public at multiple other “Know Your Rights” educational events and via social media publications.

The Act also requires IDOL to conduct studies and provide information biennially to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women. During FY 2024, IDOL entered into an Intergovernmental Agreement with the University of Illinois at Urbana-Champaign (“UIUC”) to obtain UIUC’s practice-based experience in research, publishing reports, and disseminating research-based evidence with respect to EPRC data (while maintaining its confidentiality). The purpose of IDOL’s UIUC partnership is twofold: (1) to identify and quantify any materially disparate pay practices evident within the reams of EPRC data; and (2) to help IDOL identify and make any needed improvements to its EPRC data collection practices. UIUC’s review began in the latter part of FY 2024 and continues in FY 2025.

V. CONCLUSION

In the past year, IDOL has continued grow the effectiveness and breadth of its Equal Pay Act enforcement and outreach programs. With the implementation of the new Pay Transparency requirements and the ongoing academic partnership with UIUC, IDOL anticipates another busy and productive year ahead.