

1 AN ACT concerning labor.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Equal Pay Act of 2001.

6 Section 5. Definitions. As used in this Act:

7 "Director" means the Director of Labor.

8 "Department" means the Department of Labor.

9 "Employee" means any individual permitted to work by an  
10 employer.

11 "Employer" means an individual, partnership, corporation,  
12 association, business, trust, person, or entity for whom 4 or  
13 more employees are gainfully employed in Illinois and  
14 includes the State of Illinois, any State officer,  
15 department, or agency, any unit of local government, and any  
16 school district.

17 Section 10. Prohibited acts.

18 (a) No employer may discriminate between employees on  
19 the basis of sex by paying wages to an employee at a rate  
20 less than the rate at which the employer pays wages to  
21 another employee of the opposite sex for the same or  
22 substantially similar work on jobs the performance of which  
23 requires equal skill, effort, and responsibility, and which  
24 are performed under similar working conditions, except where  
25 the payment is made under:

26 (1) a seniority system;

27 (2) a merit system;

28 (3) a system that measures earnings by quantity or  
29 quality of production; or

30 (4) a differential based on any other factor other

1 than sex.

2 An employer who is paying wages in violation of this Act  
3 may not, to comply with this Act, reduce the wages of any  
4 other employee.

5 (b) It is unlawful for any employer to interfere with,  
6 restrain, or deny the exercise of or the attempt to exercise  
7 any right provided under this Act. It is unlawful for any  
8 employer to discharge or in any other manner discriminate  
9 against any individual for inquiring about, disclosing,  
10 comparing, or otherwise discussing the employee's wages or  
11 the wages of any other employee, or aiding or encouraging any  
12 person to exercise his or her rights under this Act.

13 (c) It is unlawful for any person to discharge or in any  
14 other manner discriminate against any individual because the  
15 individual:

16 (1) has filed any charge or has instituted or  
17 caused to be instituted any proceeding under or related  
18 to this Act;

19 (2) has given, or is about to give, any information  
20 in connection with any inquiry or proceeding relating to  
21 any right provided under this Act; or

22 (3) has testified, or is about to testify, in any  
23 inquiry or proceeding relating to any right provided  
24 under this Act.

25 Section 15. Enforcement. The Director or his or her  
26 authorized representative shall administer and enforce this  
27 Act. The Director shall adopt rules necessary to administer  
28 and enforce this Act.

29 The Department has the power to conduct investigations in  
30 connection with the administration and enforcement of this  
31 Act and the authorized officers and employees of the  
32 Department are authorized to investigate and gather data  
33 regarding the wages, hours, and other conditions and

1 practices of employment in any industry subject to this Act,  
2 and may enter and inspect such places and such records at  
3 reasonable times during regular business hours, question the  
4 employees and investigate the facts, conditions, practices,  
5 or matters as he or she may deem necessary or appropriate to  
6 determine whether any person has violated any provision of  
7 this Act, or which may aid in the enforcement of this Act.

8 Section 20. Recordkeeping requirements. An employer  
9 subject to any provision of this Act shall make and preserve  
10 records that document the name, address, and occupation of  
11 each employee, the wages paid to each employee, and any other  
12 information the Director may by rule deem necessary and  
13 appropriate for enforcement of this Act. An employer subject  
14 to any provision of this Act shall preserve those records for  
15 a period of not less than 3 years and shall make reports from  
16 the records as prescribed by rule or order of the Director.

17 Section 25. Witnesses; subpoena. The Director or his or  
18 her authorized representative may administer oaths, take or  
19 cause to be taken the depositions of witnesses, and require  
20 by subpoena the attendance and testimony of witnesses and the  
21 production of all books, records, and other evidence relative  
22 to the matter under investigation. A subpoena issued under  
23 this Section shall be signed and issued by the Director or  
24 his or her authorized representative.

25 In case of failure of any person to comply with any  
26 subpoena lawfully issued under this Section or on the refusal  
27 of any witness to produce evidence or to testify to any  
28 matter regarding which he or she may be lawfully  
29 interrogated, it is the duty of any circuit court, upon  
30 application of the Director, or his or her authorized  
31 representative, to compel obedience by proceedings for  
32 contempt, as in the case of disobedience of the requirements

1 of a subpoena issued by such court or a refusal to testify  
2 therein. The Director may certify to official acts.

3 Section 30. Violations; fines and penalties.

4 (a) If an employee is paid by his or her employer less  
5 than the wage to which he or she is entitled in violation of  
6 Section 10 of this Act, the employee may recover in a civil  
7 action the amount of any underpayment together with costs and  
8 reasonable attorney's fees as may be allowed by the court.  
9 At the request of the employee or on a motion of the  
10 Director, the Department may make an assignment of the wage  
11 claim in trust for the assigning employee and may bring any  
12 legal action necessary to collect the claim, and the employer  
13 shall be required to pay the costs incurred in collecting the  
14 claim. Every such action shall be brought within 3 years  
15 from the date of the underpayment.

16 (b) The Director is authorized to supervise the payment  
17 of the unpaid wages owing to any employee or employees under  
18 this Act and may bring any legal action necessary to recover  
19 the amount of unpaid wages and penalties and the employer  
20 shall be required to pay the costs. Any sums recovered by  
21 the Director on behalf of an employee under this Section  
22 shall be paid to the employee or employees affected.

23 (c) Any employer who violates any provision of this Act  
24 or any rule adopted under this Act is subject to a civil  
25 penalty not to exceed \$5,000 for each violation for each  
26 employee affected. In determining the amount of the penalty,  
27 the appropriateness of the penalty to the size of the  
28 business of the employer charged and the gravity of the  
29 violation shall be considered. The penalty may be recovered  
30 in a civil action brought by the Director in any circuit  
31 court.

32 Section 35. Refusal to pay wages or final compensation;

1 retaliatory discharge or discrimination.

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

8 (b) Any employer, or any agent of an employer, who  
9 knowingly discharges or in any other manner knowingly  
10 discriminates against any employee because that employee has  
11 made a complaint to his or her employer, or to the Director  
12 or his or her authorized representative, that he or she or  
13 any employee of the employer has not been paid in accordance  
14 with this Act, or because that employee has instituted or  
15 caused to be instituted any proceeding under or related to  
16 this Act, or because that employee has testified or is about  
17 to testify in an investigation or proceeding under this Act,  
18 or offers any evidence of any violation of this Act, commits  
19 a petty offense and is subject to a fine of \$1,000 for each  
20 offense.

21 Section 40. Notification. Every employer covered by  
22 this Act shall post and keep posted, in conspicuous places on  
23 the premises of the employer where notices to employees are  
24 customarily posted, a notice, to be prepared or approved by  
25 the Director, summarizing the requirements of this Act and  
26 information pertaining to the filing of a charge. The  
27 Director shall furnish copies of summaries and rules to  
28 employers upon request without charge.

29 Section 45. Outreach and education efforts. The  
30 Department shall conduct ongoing outreach and education  
31 efforts concerning this Act targeted toward employers, labor  
32 organizations, and other appropriate organizations. In

1 addition, the Department shall conduct studies and provide  
2 information biennially to employers, labor organizations, and  
3 the general public concerning the means available to  
4 eliminate pay disparities between men and women, including:

5 (1) conducting and promoting research to develop the  
6 means to correct the conditions leading to the pay  
7 disparities;

8 (2) publishing and otherwise making available to  
9 employers, labor organizations, professional  
10 associations, educational institutions, the legislature,  
11 the media, and the general public the findings resulting  
12 from studies and other materials, relating to the pay  
13 disparities;

14 (3) providing information to employers, labor  
15 organizations, and other interested persons on the means  
16 of eliminating pay disparities; and

17 (4) developing guidelines to enable employers to  
18 evaluate job categories based on objective criteria such  
19 as educational requirements, skill requirements,  
20 independence, working conditions, and responsibility.  
21 These guidelines shall be designed to enable employers to  
22 voluntarily compare wages paid for different jobs to  
23 determine if the pay scales involved adequately and  
24 fairly reflect the educational requirements, skill  
25 requirements, independence, working conditions, and  
26 responsibility for each such job with the goal of  
27 eliminating unfair pay disparities between occupations  
28 traditionally dominated by men or women.

29 Section 50. Annual report. The Department shall file  
30 with the Governor and the General Assembly, no later than  
31 January 1 of each year, a report of its activities regarding  
32 administration and enforcement of this Act for the preceding  
33 fiscal year.

1           Section 90. Severability. The provisions of this Act  
2    are severable under Section 1.31 of the Statute on Statutes.