



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
DIRECTOR

Workers' Rights and Worker Safety Act Annual Report **August 2026**

In the 2025 legislative session, the Illinois General Assembly passed Senate Bill 1976, Workers' Rights and Worker Safety Act ("the Act"), an effort to safeguard Illinois' worker protective laws and rules from being weakened by future changes at the state or federal level. The bill was signed by the Governor on August 14, 2025, and took effect immediately (Public Act 104-161). The law requires that "[e]ach State agency shall undertake all feasible efforts using the State agency's authority under state and federal law to implement and enforce this Act" and "shall submit a report to the General Assembly at least once each year describing the State agency's compliance with this Act." 820 ILCS 98/5-15.

This is the first annual report of the Illinois Department of Labor ("the Department") detailing activities the Department took to implement the Act in the preceding year.

Background

The Workers' Rights and Worker Safety Act attempts to protect from diminishment the statutory rights afforded to Illinois workers under state and federal law at the time of its passage. In relevant part the Act states: "[e]xcept as authorized by State law enacted after April 28, 2025, a State agency may not amend or revise the State agency's rules in a manner that is less stringent in its protection of workers' rights or worker safety than the requirements established under federal wage and hour law or federal coal mine safety law, as the laws exist on April 28, 2025." 820 ILCS 98/5-10(a). Under the Act, state agencies are in no way limited from establishing workers' rights and worker safety requirements "that are more stringent than those provided under federal wage and hour law." 820 ILCS 98/5-10(b).

The Act also requires the Department of Labor to monitor changes in federal law, regulations, and formal interpretations related to wage and hour laws. It provides that:

If a federal wage and hour law... is repealed, revoked, or amended in any manner that results in the federal protections of workers' rights or worker safety becoming less stringent, or if the applicable federal agency issues a new interpretation of the federal wage and hour law... through an opinion letter, ruling letter, administrative interpretation, program policy manual, or program policy letter that results in the federal protections of workers' rights or

Lincoln Tower Plaza
524 South 2nd Street, Suite 400
Springfield, Illinois 62701
(217) 782-6206
Fax: (217) 782-0596

Michael A Bilandic Building
115 South LaSalle Street, 37th Floor
Chicago, Illinois 60601-3150
(312) 793-2800
Fax: (312) 793-5257

Regional Office Building
2309 West Main Street, Suite 115
Marion, Illinois 62959
(618) 993-7090
Fax: (618) 993-7258

worker safety becoming less stringent, and a State agency does not already have corresponding rules in place that are at least as stringent as the federal wage and hour law... being repealed, revoked, amended, or newly interpreted, the applicable State agency or agencies shall, as soon as practical, adopt a rule that incorporates the federal wage and hour law...being repealed, revoked, amended, or newly interpreted as a minimum requirement for this State. 820 ILCS 98/5-10.

In the past year, the Department has worked to implement the elements of the Act that pertain to wage and hour and general workplace safety.¹

Illinois Wage and Hour Statutes and Rules

As a first step in implementation, the Department undertook an analysis of the various laws and rules the Department enforces to determine if any immediate changes were necessary to comply with the Act. The federal Fair Labor Standards Act (FLSA”), which establishes the right to a minimum wage for all hours worked and overtime pay for hours worked in excess of 40 in a week, also enables states and cities to enact more protective wage hour legislation above the federal floor. 29 U.S.C. § 218 (a). Illinois wage and hour laws have long done just that; establishing numerous rights for workers at the State level above and around the federal minimum standards. For example, Illinois wage and hour laws provide for a higher State minimum wage; a right to payment for all promised wages; a right to meal and rest breaks; more stringent limitations on use of child labor; cover domestic workers excluded from the FLSA; and mandate additional wage hour protections for certain vulnerable workers such as day and temporary laborers. *See* 820 ILCS 105/, 820 ILCS 115/, 820 ILCS 140/, 820 ILCS 175/, 820 ILCS 206/. Given this, the Department’s analysis concluded that, as of April 28, 2025, the existing state wage and hour statutes and rules it enforces were at least as stringent – and generally far more protective of workers – than corresponding federal wage and hour laws and regulations.

One area where the Department had already identified a need to shore up and separate Illinois law from federal law was the Illinois Equal Pay Act. 820 ILCS 112/. Section 11 of this Act relied on federal definitions and coverage as a test for what employers were required to submit certain workforce reports to the Department. 820 ILCS 112/11. In the 2025 General Assembly session, the Department worked with the legislature to successfully amend that law and provide for independent State definitions that are at least as stringent as the previous federal definitions, in order to ensure that the State’s Equal Pay Registration Certificate program was not impeded by proposed federal changes to workforce reporting requirements. *See* Public Act 104-17

Federal Wage and Hour Statutes and Rules

Since the Act took effect, the Department has closely monitored proposed changes to federal wage and hour laws and regulations. The Department is unaware of any changes to the FLSA or other federal laws that would trigger the Act. However, the Department has closely monitored and, in a

¹ While the statute also refers to any potential diminishment of federal coal mine safety laws, the Illinois Department of Labor does not regulate coal mine safety, nor have authority to promulgate rules or regulations pertaining to coal mines. As such, this report only reflects activities undertaken by the Department concerning wage and hour rights.

few instances, joined multistate comments in opposition to, a number of proposed changes to federal wage and hour and safety regulations, including the following major rulemakings:

- United States Department of Labor, [Notice of Proposed Rulemaking on Homecare Workers](#), amending 29 CFR Part 552
- United States Department of Labor, [Notice of Proposed Rulemaking on the OSHA General Duty Clause](#), amending 29 CFR Part 1975
- United States Department of Labor, [Notice of Proposed Rulemaking on Employee or Independent Contractor Status under the Fair Labor Standards Act](#), amending 29 CFR Parts 500, 795, and 825
- United States Department of Labor, [Notice of Proposed Rulemaking on Joint Employment](#), amending 29 CFR Parts 500, 780, 791, and 825

To date, none of the regulatory changes proposed or adopted at the federal level have impacted more stringent protections existing in state statutes or rules and therefore have not required additional state rulemaking under the Act. In the coming year the Department will continue to follow federal rulemaking activity in order to ensure consistent and ongoing workplace rights and safety protections for Illinois workers.