



PAY TRANSPARENCY IN JOB POSTINGS

ILLINOIS EQUAL PAY ACT

1. The Illinois Equal Pay Act of 2003 ("IL EPA") bars employers with four or more employees from paying workers differently based on sex or race (African-American) for doing the same work in the same county.
2. As of January 1, 2025, the IL EPA imposes new responsibilities if an employer with 15 or more employees publishes a specific job posting for employment opportunity that will be physically performed either in Illinois (at least in part) or outside of Illinois but the employee will report to a supervisor, office, or other work site in Illinois.
3. If an employer chooses to publish such a posting, then the posting must include the wage or salary (or wage/salary range) and benefits for the posted position. This "pay transparency" duty applies to all the employer's specific job postings for whether shared only with existing employees or to the public.
 - ♦ A suitable pay range is that for the specific position advertised, includes the lowest to the highest pay such an employer actually believes it might pay for the particular job, and avoids open-ended phrases like "\$40,000 and up", "up to \$60,000", or "depends on experience".
 - ♦ Employers may include a hyperlink to a publicly viewable web page that includes pay and benefits, so long as it gives pay and benefits for the specific position.
4. If an employer chooses to externally publish a posting – meaning beyond current employees – for work to be physically performed either in Illinois (at least in part) or outside Illinois (but reporting to an Illinois supervisor, office, or work site), then the employer must within 14 days notify all of its current employees of all opportunities for promotion. This is "promotional opportunity".
5. If an employer engages a third party to publish a specific job posting for work to be done at least in part, or supervised, in Illinois, the employer must include the wage or salary (or wage/salary range) and benefits in the posting it gives to the third party for publication.
 - ♦ A third party may be held liable under the IL EPA if it fails to include the pay and benefits information in the posting it makes on the employer's behalf, unless the third party establishes that the employer failed to provide the pay transparency information.
6. A person may file a complaint about pay transparency or promotional opportunity in job postings within one year of the violation.
7. The IL EPA bars an employer or employment agency from retaliation for a person's asserting rights related to equal pay, pay transparency, and promotional opportunity.
8. An employer, or third party acting for it, may be subjected to a fine if the Illinois Department of Labor determines that they violated the pay transparency or promotional opportunity requirements in a specific job posting. In some situations, a penalty may be avoided if a job posting is still active after determination, and the violation is promptly cured.
9. Employers are required make and preserve records that document the name, address, and occupation of each employee, the wages paid to each employee, the pay scale and benefits for each position, the job posting for each position for their employees in Illinois for five years.



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