

1 AN ACT concerning employment.

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

4 Section 5. The Equal Pay Act of 2003 is amended by changing  
5 Section 10 as follows:

6 (820 ILCS 112/10)

7 Sec. 10. Prohibited acts.

8 (a) No employer may discriminate between employees on the  
9 basis of sex by paying wages to an employee at a rate less than  
10 the rate at which the employer pays wages to another employee  
11 of the opposite sex for the same or substantially similar work  
12 on jobs the performance of which requires equal skill, effort,  
13 and responsibility, and which are performed under similar  
14 working conditions, except where the payment is made under:

15 (1) a seniority system;

16 (2) a merit system;

17 (3) a system that measures earnings by quantity or  
18 quality of production; or

19 (4) a differential based on any other factor other  
20 than: (i) sex or (ii) a factor that would constitute  
21 unlawful discrimination under the Illinois Human Rights  
22 Act.

23 No employer may discriminate between employees by paying

1 wages to an African-American employee at a rate less than the  
2 rate at which the employer pays wages to another employee who  
3 is not African-American for the same or substantially similar  
4 work on jobs the performance of which requires equal skill,  
5 effort, and responsibility, and which are performed under  
6 similar working conditions, except where the payment is made  
7 under:

8 (1) a seniority system;

9 (2) a merit system;

10 (3) a system that measures earnings by quantity or  
11 quality of production; or

12 (4) a differential based on any other factor other  
13 than: (i) race or (ii) a factor that would constitute  
14 unlawful discrimination under the Illinois Human Rights  
15 Act.

16 An employer who is paying wages in violation of this Act  
17 may not, to comply with this Act, reduce the wages of any other  
18 employee.

19 Nothing in this Act may be construed to require an employer  
20 to pay, to any employee at a workplace in a particular county,  
21 wages that are equal to the wages paid by that employer at a  
22 workplace in another county to employees in jobs the  
23 performance of which requires equal skill, effort, and  
24 responsibility, and which are performed under similar working  
25 conditions.

26 (b) It is unlawful for any employer to interfere with,

1     restrain, or deny the exercise of or the attempt to exercise  
2     any right provided under this Act. It is unlawful for any  
3     employer to discharge or in any other manner discriminate  
4     against any individual for inquiring about, disclosing,  
5     comparing, or otherwise discussing the employee's wages or the  
6     wages of any other employee, or aiding or encouraging any  
7     person to exercise his or her rights under this Act.

8           (c) It is unlawful for any person to discharge or in any  
9     other manner discriminate against any individual because the  
10    individual:

11           (1) has filed any charge or has instituted or caused to  
12    be instituted any proceeding under or related to this Act;

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

16           (3) has testified, or is about to testify, in any  
17    inquiry or proceeding relating to any right provided under  
18    this Act.

19    (Source: P.A. 93-6, eff. 1-1-04.)