

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.)