

SB1466



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1466

Introduced 2/13/2019, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

820 ILCS 112/10

Amends the Equal Pay Act of 2003. Expands discrimination protection from applying to only African American employees to applying to all employees belonging to a protected class that is based on race, color, national origin, or ancestry. Provides exemptions for payments made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, and a differential based on any factor other than race, color, national origin, or ancestry, or another factor that would constitute unlawful discrimination under the Illinois Human Rights Act.

LRB101 08420 TAE 53490 b

A BILL FOR

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 on the basis

1 of race, color, national origin, or ancestry by paying wages to
2 an ~~African-American~~ employee at a rate less than the rate at
3 which the employer pays wages to another employee who is not a
4 member of a protected class that is based upon race, color,
5 national origin, or ancestry ~~African-American~~ for the same or
6 substantially similar work on jobs the performance of which
7 requires equal skill, effort, and responsibility, and which are
8 performed under similar working conditions, except where the
9 payment is made under:

10 (1) a seniority system;

11 (2) a merit system;

12 (3) a system that measures earnings by quantity or
13 quality of production; or

14 (4) a differential based on any other factor other
15 than: (i) race, color, national origin, or ancestry or (ii)
16 a factor that would constitute unlawful discrimination
17 under the Illinois Human Rights Act.

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

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

1 conditions.

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

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

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

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

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

21 (Source: P.A. 100-1140, eff. 1-1-19.)