

Illinois Amends Equal Pay Act to Prohibit Questions About Salary History

Article By:

Anne Benton Hucker

Recently, Illinois amended its Equal Pay Act to include a ban on salary-history inquiries, with the stated goal of reducing gender pay inequities. Specifically, the amendments prohibit employers from asking questions regarding job applicants' pay history either in the job interview or on the job application. Further, an employer may not screen applicants based on their salary history, or request salary history information from applicants' previous employers. The amendments are effective September 29, 2019.

While a job applicant may voluntarily disclose their salary history, this information cannot be considered when deciding whether to hire the job applicant, or when determining the salary of an applicant who has been hired. However, employers may ask job applicants about compensation expectations for a given role. In addition, the amendments provide that employees may talk about their compensation with their colleagues without fear of retaliation. Note the amendments grant individuals a private right of action, and allow prevailing plaintiffs to recover special damages up to \$10,000, civil penalties up to \$5,000 for each violation, injunctive relief, and attorney's fees and costs.

Given these amendments, employers may wish to consider assessing the role compensation history plays in their hiring processes (if any). Employers with questions regarding the Equal Pay Act, or salary inquiries generally, would do well to consult with competent counsel.

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