



## Illinois Amends Equal Pay Act To Ban Questions About Applicants' Pay History

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On July 31, 2019, Illinois Governor J.B. Pritzker signed into law an amendment to the state's Equal Pay Act. The amendment, which is effective on September 29, 2019, prohibits employers from requesting applicants' wage or salary history on employment applications and during the interview process, and forbids screening job applicants based on their wage or salary histories.

Employers may not request this information either from the applicants themselves or from their current or former employers. Employers who violate the law may be subject to special damages up to \$10,000, civil penalties of up to \$5,000 for each violation, injunctive relief, and attorney's fees and costs.

Employers will not be penalized for obtaining an applicant's wage or salary history if the applicant voluntarily provides such information during the application process. However, the employer may not consider this information in deciding whether to hire the applicant or in deciding the applicant's wages or salary. Employers are not prohibited from asking applicants about their wage or salary expectations for the position.

The theory behind the amendment is that women and minorities historically have received lower pay for performing the same work, and that when employers base new employees' pay on the pay they received from their previous employers, they are perpetuating these inequities in pay. Currently,

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17 states have passed laws to ban pay history inquiries.

Illinois employers may consider reviewing their employment applications to ensure that they do not ask applicants about their compensation history. Even better, they can also coach those who conduct interviews and references to avoid any questions regarding pay history.