



Illinois enacts equal pay, workplace diversity disclosure laws

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Changes to the Illinois Equal Pay Act and Business Corporation Act will impose new certification and workplace diversity disclosure requirements under Senate Bills 1480 and 1847, signed by the governor on March 23 and June 25, 2021, respectively.

Illinois corporations required to file the federal EEO-1 report with race, gender and ethnicity data will have to include “substantially similar” information in corporate reports submitted in Illinois on or after Jan. 1, 2023. Also, private sector employers with more than 100 employees in Illinois will need to certify their compliance with equal pay laws, disclose workforce demographic and pay information, and apply for an equal pay registration certificate between March 24, 2022 and March 23, 2024.

Workforce demographic reporting

Corporations that file a federal EEO-1 report with the Equal Employment Opportunity Commission (EEOC) must file “substantially similar” data to that reported in Section D of the EEO-1 — as part of their annual corporate report filings with the Illinois secretary of state, beginning with reports due on or after Jan. 1, 2023. The secretary of state will publish gender, race and ethnicity data on its website within 90 days after the report is filed.

Equal pay registration certification

Private sector employers with more than 100 employees in Illinois as of March 23, 2021, will have to obtain equal pay registration certificates, and the first online applications must be made between March 24, 2022, and March 23, 2024 — depending on when the Illinois Department of Labor (IDOL) assigns a deadline. Qualifying businesses that begin operations after March 23, 2021, must apply for the certificate within three years, but not before Jan. 1 2024. Businesses will have to recertify every two years. Employers with more than one facility in Illinois will submit one application.

Employers must submit to IDOL a filing fee, wage records and a signed equal pay compliance statement. The wage records include their latest federal EEO-1 report filed with the EEOC, a list of all employees during the past calendar year (separated by gender, race and ethnicity), the county in which the employee works, the date the employee started with the business, any additional information deemed necessary to determine if pay equity exists, and the total wages paid to each employee during the prior calendar year. The equal pay compliance statement

must include information such as the organization's compliance with federal and state equal pay legislation, the methodology used to set pay and benefits, confirmation that they do not restrict jobs for certain genders and make employment decisions regardless of gender, and an explanation of the frequency with which they conduct wage and benefit analyses.

The IDOL will revoke the certification of organizations failing to make good faith efforts to comply with the equal pay laws, or that violate them — after conciliation measures are taken. The IDOL, as part of this process, can obtain additional information, via interviews or by obtaining personnel and compensation records.

The IDOL is expected to issue further implementation guidance on employers' compliance duties.

Related resources

- [Press release](#) (Governor of Illinois, June 28, 2021)
- [Senate Bill 1847](#) (Illinois General Assembly, June 25, 2021)
- [Press release](#) (Governor of Illinois, March 23, 2021)
- [Senate Bill 1480](#) (Illinois General Assembly, March 23, 2021)
- [EEO-1 data collection](#) (US Equal Employment Opportunity Commission)

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