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Protecting Your Legal Rights-Illinois Enacts Equal Pay Act

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The State of Illinois enacted the Illinois Equal Pay Act of 2003 (IEPA). The Act is virtually identical to the provisions found in the federal Equal Employment Pay Act (EPA), which makes it illegal to pay a member of one gender different wages than those paid to a member of the opposite sex for the same or similar work on jobs which require equal skill, effort, and responsibilities. Under the Illinois Act, any action to collect wages must be brought within 3 years of the underpayment. Under the EPA, a legal complaint must be filed within 2 years (or 3 years in the case of willful violations) of the alleged sex-based underpayment.

The Illinois Act also contains a provision which protects employees from discrimination and retaliation. For instance, an employer may not discharge or discriminate against an employee for pursuing rights under the Act. An employee may file an action against an employer with the Illinois Department of Labor or file a civil action to recover the amount of underpayment, interest, costs and attorney's fees. Legal remedies for violations of the EPA include back pay in the amount of the total lost earnings in terms of the earnings the employee would have received had the Act not been violated. However, because violations of the EPA and IEPA may also involve a violation of Title VII, based on gender discrimination, a charge should also be filed with a state or federal administrative agency in accordance with strict time limitations. Under Title VII, potential damages include lost wages, punitive damages and damages for emotional distress as well as costs of suit and attorney's fees. As such, if you are being subjected to unequal payment due to gender discrimination in the work place, you are well advised to review the facts and circumstances surrounding the situation with legal counsel. For further information, please visit our web site at www.joettedoran.com.

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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