



# NEWS

**JB Pritzker, Governor**

**Michael D. Kleinik, Director**

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**FOR IMMEDIATE RELEASE**

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## **Job applicants can no longer be asked for wage history** *A change in state law effective September 29 prohibits requesting past salary information*

**SPRINGFIELD** – Beginning Sunday, September 29, Illinois employers and employment agencies are prohibited from asking about job applicants’ past wage and compensation histories or using such information to screen candidates for a position.

The idea behind the wage history ban is to help break a cycle where predominantly women and people of color have received lower pay for performing the same or similar work as male and non-minority workers. Employers are more likely to perpetuate this situation if they base the new employees’ pay on what they had previously earned.

IDOL is tasked with enforcing the new amendment to the Equal Pay Act.

Employers can be penalized for asking the applicant or the applicant’s current or former employers for wage or salary history. However, Department of Labor Director Michael Kleinik said the hope is to gain compliance through outreach and educational efforts.

The prohibition does not apply if a job applicant’s salary history is a matter of public record or if the applicant is a current employee applying with the same employer.

If an applicant voluntarily provides wage or salary history, the employer has not violated the law and would not be penalized. This information, however, is not to be used to make a hiring decision or to determine the applicant’s salary. Likewise, the new law does not prohibit an employer from asking an applicant what they desire to make at the new position.

Kleinik added that if they have not yet done so, employers should review their employment applications to make sure they do not ask for salary and wage history. They should also train those involved in hiring on the new law. Department of Labor staff also are available to answer questions from both employers and employees on the new law and can be reached on DOL’s Equal Pay Act Hotline: 866-372-4365.

## Frequently Asked Questions on Wage History Ban

- 1. Can employers ask me for my salary history or use my salary history when determining whether to offer me a job or when determining how much to pay me?**

No. It is unlawful for an employer to request or require a wage or salary history from a job applicant as a condition of being considered for employment or as a condition of employment.
- 2. Can employers ask me about employment benefits I have been provided in the past during the application process?**

No. It is also unlawful for an employer to request or require a job applicant to disclose benefits or other compensation received at any current or former employer as a condition of being considered for employment or as a condition of employment.
- 3. Who is covered by the law?**

Illinois job applicants. This includes applicants to part-time and full-time positions, temporary or permanent, whether hourly or salary. The law however does not cover independent contractors.
- 4. Can employers use recruiters to determine applicants' salary histories?**

No. Recruiters, employment agencies, staffing agency or any other agent of an employer may not screen applicants based on their current or prior wages or salary histories, benefits or other compensation.
- 5. Can an employer ask about my salary when calling my current or former employers?**

No. It is unlawful for an employer or their agent to ask for a wage or salary history, benefits or other compensation from an applicant's employer or former employers when conducting verification or reference checks.
- 6. What happens if I refuse to answer a question about my current salary during an interview?**

It is unlawful for an employer to discriminate against you because you fail to answer the employer's salary history question.
- 7. What if my employer knows my current salary?**

The prohibition does not apply if a job applicant's salary history is a matter of public record or if the applicant is a current employee applying with the same employer.
- 8. Can an employer prohibit me from discussing my salary with other individuals?**

No. An employer cannot prohibit its employees from disclosing their own salaries, benefits or other compensation to other individuals.
- 9. Can job applicants volunteer salary history information?**

Yes. An applicant may voluntarily disclose their prior wage or salary history including benefits or other compensation. The employer shall not consider or rely on the voluntary disclosures as a factor in determining whether to offer a job applicant employment, in making an offer of compensation, or determining future wages, salary or benefits.

**10. Can employers provide a salary range to an applicant or discuss with an applicant their salary and benefits expectations?**

Yes. An employer can provide information about the wages, benefits, compensation, or salary offered in relation to a position. The employer can also engage in discussions with an applicant about the applicant's expectations with respect to wage or salary or benefits.

**11. Who do I contact if I believe this law has been violated?**

You should call the Illinois Department of Labor at the Equal Pay Hotline 866-372-4365.