



A Message from
Illinois Attorney General

Kwame Raoul

This guide was created by the Office of the Attorney General specifically to help inform employees about their rights in the workplace. It covers several laws that may impact employees in Illinois, such as when employees are entitled to overtime pay, what deductions can be taken from a paycheck, and the right to a discrimination-free workplace.

In 2019, the Office of the Attorney General initiated a new law to create within the Office a dedicated team of attorneys to enforce laws that protect workers in Illinois. The Illinois Attorney General's Workplace Rights Bureau enforces these and other existing employment laws to protect Illinois workers.

If you have questions about a practice going on in your workplace, I urge you to contact the Workplace Rights Bureau at 1-844-740-5076. Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

Kwame Raoul
Attorney General

If you believe your rights have been violated:

**Contact the Workplace Rights Bureau of the
Office of the Illinois Attorney General
844-740-5076**

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

Contact the Illinois Department of Labor
312-793-2800
(TTY: 1-800-526-0844)

Contact the Illinois Department of Human Rights
312-814-6200
(TTY: 1-866-740-3953)

IMPORTANT:

Your immigration status is irrelevant to your rights under these laws. ANY worker can file a complaint.

An employer CANNOT retaliate against you for complaining about discrimination in the workplace or about not being paid correctly.

www.IllinoisAttorneyGeneral.gov

Know Your Workplace Rights



Workplace Rights Bureau

Right to a Discrimination-Free Workplace

It is unlawful for an employer, employment agency, or labor organization to discriminate against you on the basis of your race, color, religion, sex, national origin, ancestry, citizenship status, age (40+), physical or mental disability, marital status, pregnancy, sexual orientation (including gender-related identity), order of protection status, unfavorable discharge from military service, military status, and arrest record.

Some examples of unlawful discrimination in the workplace include the following when they are made on the basis of a protected category:

- Failing or refusing to hire or promote;
- Discharging or demoting;
- Providing different pay or benefits;
- Failing to investigate or resolve complaints of sexual harassment;
- Failing to provide a reasonable accommodation to disabled or pregnant employees;
- Segregating jobs or work sites;
- Instituting “English-only” workplace policies.

Right to the Lawful Minimum Wage

All employees, including domestic workers, have the right to be paid at least the mandated minimum wage for all hours worked. Since 2010, the minimum wage rate in Illinois has been \$8.25/hour, but will increase incrementally, as shown in the table below.

For tipped workers, your employer can pay you at a lower “tip-credit rate” so long as your “tip-credit rate” PLUS your tips equals at least the regular minimum wage.

The tipped minimum wage has been \$4.95/hour, but will increase as shown in the table.

State Minimum Wage Increase Schedule				
Date	Min. Wage	Tipped Wage	OT Rate	OT Rate Tipped
1/1/2020	\$9.25	\$5.55	\$13.88	\$10.18
7/1/2020	\$10.00	\$6.00	\$15.00	\$11.00
1/1/2021	\$11.00	\$6.60	\$16.50	\$12.10
1/1/2022	\$12.00	\$7.20	\$18.00	\$13.20
1/1/2023	\$13.00	\$7.80	\$19.50	\$14.30
1/1/2024	\$14.00	\$8.40	\$21.00	\$15.40
1/1/2025	\$15.00	\$9.00	\$22.50	\$16.50

Some municipalities require a higher minimum wage.

Right to Overtime Pay

As an employee, you have a right to be paid at an overtime rate of time-and-a-half your regular rate for all hours worked over 40 in a work week. Your overtime rate can be calculated by multiplying your current wage rate by 1.5. [Example, the overtime rate in January 2022 will be $\$12.00 \times 1.5 = \18.00] If you are in a union, your overtime rules may differ. Some employees are exempt from overtime requirements. This exemption typically applies to managerial, administrative, or more professional positions.

Right to Prevailing Wage

If you perform construction work on public works projects, you must be paid at the hourly Prevailing Rate of Pay for the county where the work is performed. Prevailing wages are substantially higher than the minimum wage.

Examples of Common Wage Violations

The Workplace Rights Bureau has investigated and stopped many instances of employers using schemes to keep workers from receiving the full wage that they should.

Fixed Salary Schemes: If you regularly work more than 40 hours per week, but are paid a fixed salary regardless of how many hours you work, you are likely being denied overtime.

Misclassification: An employer might misclassify a worker as an independent contractor rather than an employee in order to avoid providing the full slate of benefits and rights they would be entitled to including unemployment benefits and workers’ compensation.

Pre/Post-Shift Work, and Travel Time:

- An employer must compensate you for all time worked, including work performed before the start or at the end of your scheduled shift. For example, if you must prepare your work station before the start or end of your shift, that work must be paid.
- Travel time after or before you perform physical labor or other work duties is compensable. For example, if you load tools and material to your truck in the morning, travel time to a construction site or in between construction sites that follow must be paid.

Unlawful Deductions: Deductions from your wages must be authorized by you in writing at the time the deduction is taken. For example, re-occurring deductions for uniforms or equipment from your paycheck that are not regularly authorized may violate the law.

Late Paychecks: You are entitled to regularly scheduled payment of wages for all hours worked during a pay period. If your employment ends, you are entitled to your final wages. Your employer cannot refuse to pay you because you quit, were terminated for cause, or owe the employer money.