



A Message from
Illinois Attorney General

Kwame Raoul

This guide was created by the Office of the Attorney General specifically for workers employed in the construction industry. It covers several laws that may impact construction workers, such as the right to be paid at prevailing wage rates for labor performed on public works projects, minimum wage and overtime protections, and laws protecting workers' rights to picket their employer over labor disputes.

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, including those who work in construction trades.

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 (TTY: 1-800-964-3013)

Kwame Raoul
Attorney General

Remedies:

- You have three years to recover unpaid minimum wages or overtime plus damages up to three times the amount of the underpayment
- If you have not been paid prevailing wages on a qualifying project, you have up to five years to recover the underpayment plus interest.

An employer CANNOT retaliate against you for complaining about not being paid correctly.

If you believe your rights have been violated:

**Contact the Workplace Rights Bureau of the
Office of the Illinois Attorney General
844-740-5076
(TTY: 1-800-964-3013)**

or

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

IMPORTANT:

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

www.IllinoisAttorneyGeneral.gov

Employment Rights of Construction Workers



Workplace Rights Bureau

Right to Prevailing Wages

If you perform construction work on public works projects, including maintenance or demolition, you must be paid at the hourly Prevailing Rate of Pay for the county where the work is performed. Prevailing wages are well above the minimum wage.

Work compensated at a Prevailing Wage Rate includes labor performed on fixed works that are:

- a. constructed by a public body;
- b. paid in whole or in part with public funds, including all projects funded and financed in whole or in part with funds made available by the State or any of its political subdivisions; or
- c. undertaken by an institution supported in whole or in part by public funds.

In the addition to the higher cash wage, prevailing wage rates include benefits for training and apprenticeship programs health and welfare, insurance, vacations and pensions paid, generally in the locality in which the work is being performed, to employees engaged in work of a similar character on public works. Prevailing wage rates by county are published at the [Illinois Department of Labor's website](#).

Common examples of public works projects where workers should be earning the prevailing wage rate are construction projects on public schools and government buildings. Construction in public works projects could include landscaping work, as an example. Many more projects are also publicly funded and subject to the prevailing wage. If you are not sure if you should be earning prevailing wage rates, contact the Illinois Office of the Attorney General's Workplace Right Bureau or the Illinois Department of Labor.

Right to Minimum Wage & Overtime

If the project is not a public works project, you have the right to be paid at least the mandated minimum wage for all hours worked and overtime for all hours worked over 40 in a workweek. The following chart details increases in these rates through 2025.

Date	Min.Wage	OT Rate
1/1/2020	\$9.25	\$13.88
7/1/2020	\$10.00	\$15.00
1/1/2021	\$11.00	\$16.50
1/1/2022	\$12.00	\$18.00
1/1/2023	\$13.00	\$19.50
1/1/2024	\$14.00	\$21.00
1/1/2025	\$15.00	\$22.50

Some municipalities require a higher minimum wage.

Examples of Common 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.

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.

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.

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 load/unload tools or materials onto/off a truck before the start or at the start or end of your shift, that work must be paid.
- If you perform any work at the shop/yard before traveling to your first worksite all the travel time to the work site is compensable.
- If you perform work at the shop/yard at the end of the day, travel time back to the shop/yard is also compensable.

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

Falsifying Payroll: Employers sometimes falsify their payroll to hide the fact that they are paying the Prevailing Wage for only a part of the hours worked, while failing to compensate employees at all for the remainder of their hours or compensating below the prevailing rate of pay.

Picketing Rights

Federal and Illinois law protect workers' rights to picket their primary employer over labor disputes. Picketers may erect temporary signs, tents, and shelters if there is sufficient space, and park up to 10 vehicles on the sides of the road. Picketers may not, however: block access to hydrants, water mains, sewers or other utility lines; block pedestrian walkways; obstruct or interfere with traffic signs or drivers' view of traffic; or allow tents, shelters, or parking on Class I Highways.