Legal Update

# Illinois

# Illinois Updates Equal Pay Registration Certificate Reporting

The Illinois Department of Labor (IDOL) recently issued updated frequently asked questions (FAQs) regarding the state's Equal Pay Registration Certificate (EPRC) submission process. According to the FAQs, beginning **Jan. 1, 2027**, employers will no longer be able to report an employee's race or sex as "prefers not to identify" on their EPRC pay data reports.

## Background

The Illinois Equal Pay Act (IEPA) requires private employers with **100 employees** or more to submit an application to obtain an EPRC by providing certain pay, demographic and other data to the IDOL every two years. The IDOL uses the submitted information to help identify and respond to potential IEPA violations.

Prior versions of the IDOL's EPRC submission form allowed businesses to select "prefers not to identify" for a given employee's race or sex. Per the IDOL, the large number of businesses that selected that option impeded the IDOL's ability to meaningfully enforce the IEPA. Therefore, when EPRC submissions indicate that a significant percentage of employees' race and/or sex are "prefers not to identify," the IDOL rejects those submissions and requires the missing data to be completed. In mid-2026, the IDOL removed the option to mark "prefers not to identify" on the form but still accepted submissions using the old form.

## New Requirements

Starting **Jan. 1, 2027**, employers must use the revised form that does not include "prefers not to identify" as an option for employee race or sex, and the IDOL will reject any submission that denotes an employee's sex or race as "prefers not to identify." Because many individuals will select "choose not to identify" when asked to self-identify their race and/or sex, employers who want to honor such selection may upload an explanatory document as part of their EPRC submission.

## Next Steps for Employers

Covered employers, particularly those with pay data reports due in 2027, may download the new EPRC submission form and begin gathering their required demographic data. To fill in missing demographic data, employers can offer employees voluntary self-identification, or use existing employment records or observer identification when an employee declines. If an employer wants to honor an individual employee's preference, it can upload an explanatory document with its submission.

## Highlights

**Jan. 1, 2027**

Employers subject to Illinois' EPRC submission requirements will no longer be able to report an employee's sex or race as "prefers not to identify" on their pay data reports.



This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. © 2026 Zywave, Inc. All rights reserved.