

# Illinois Enacts Law Requiring “Equal Pay” for Temporary Workers

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On August 4, 2023, Illinois Governor Pritzker signed [HB2862](#) (the “Bill”) into law. The Bill requires temporary staffing agencies to provide certain temporary workers with the same pay and benefits as the workers’ directly employed counterparts with “the same level of seniority at the company and performing the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and that are performed under similar working conditions” (which we refer to as “comparable” employees).

Specifically, a temporary worker who is assigned to work at a third-party client company for more than 90 calendar days must be paid at a rate equal to the lowest-paid comparable employee of the third-party client company. The Bill also requires temporary workers to receive the same benefits, or the equivalent of benefits, as comparable employees.

The Bill does not apply to temporary workers assigned to positions of a “professional or clerical nature.” This may suggest or reflect a legislative goal of providing protections to temporary workers in the manufacturing, warehousing, and service industries in particular.

Upon request, third-party client companies will be required to provide temporary staffing agencies with the relevant information regarding employee job duties, pay, and benefits.

Temporary staffing agencies may recover \$500 per violation from a third-party client company that fails to timely provide this information.

Illinois is the second state, after New Jersey, to require this type of equal pay for temporary workers.

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