



Illinois Wage Payment and Collection Act

Failure of Subcontractors to Pay Workers' Wages



Illinois law requires that employees be paid for work performed. Primary contractors, also known as general contractors, may be liable if subcontractors do not pay their workers.

WHAT CONTRACTORS SHOULD KNOW

NOTICE: For employees working for contractors and subcontractors on certain private construction projects where costs exceed \$20,000, if the subcontractor does not pay all wages or fringe benefits owed, the general contractor who hired the subcontractor may be liable to cover the back wages and fringe benefits owed to the employee, as well as interest, penalties, and reasonable attorney's fees. The general contractor is not liable to cover related liquidated damages.

EXCEPTIONS: This requirement does not apply to work where the general contractor is covered by a collective bargaining agreement; alteration or repair to a single-family home or a single unit in a multi-family structure; projects valued at \$20,000 or less; work performed pursuant to contracts that were entered into before July 1, 2022; or work performed by a contractor of the federal government, the State, a special district, a city, a county, or any political subdivision of the State.

For further information see
<https://labor.illinois.gov/>

(312) 793-2808
DOL.Wages@Illinois.gov

FILE A CLAIM



<https://labor.illinois.gov/complaints.html>

WHAT WORKERS SHOULD KNOW

NOTICE: If your employer is a subcontractor hired by a primary general contractor, and your employer does not pay you your earned wages and fringe benefits, the primary contractor who hired them may be responsible for paying you your wages and benefits. The Illinois Department of Labor can help you determine whether your situation qualifies.

If your contractor doesn't pay your full wages, you may file a claim within three years of the nonpayment or underpayment of your wages.

This law applies to workers on certain private construction projects. If you are unsure of the type of project, or whether the project qualifies, please call 312-793-2808. Leave a voicemail, and an Illinois Department of Labor staff member will return your call.

FILING A CLAIM FOR UNPAID WAGES

Employees may file claims with the Illinois Department of Labor, or may file a civil action in circuit court. Before filing a civil action for unpaid wages against a general contractor, an employee must notify their employer (the subcontractor) and the general contractor in writing that the employee intends to file a civil action, and the nature and basis for the action. The subcontractor and general contractor then have 10 days to resolve the issue before the employee is free to go forward with formally filing a civil action in a circuit court. No waiting period is necessary for filing a claim with IDOL. To file a claim or learn more, call 312-793-2808. Leave a voicemail, and an Illinois Department of Labor staff member will return your call. The Illinois Department of Labor can assist in filing your claim.

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY SEE IT.

