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WORKER RIGHTS · ILLINOIS

Your Rights as a Worker in Illinois

What every hospitality worker should know, in plain language. No legal jargon.

This guide is general information about Illinois employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

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You Can Be Fired for Almost Any Reason, but Not an Illegal One

A note before you start: Illinois runs on layers. The state sets a floor, but Chicago (and Cook County) set higher rates and stronger leave rules. This guide gives the state rules first, with Chicago called out wherever it differs. If you work in Chicago, read both.

- Illinois is an “at-will” state. Your employer can let you go for a good reason, a bad reason, or no reason at all. But they cannot fire you for:
- Your race, color, religion, sex, sexual orientation, gender identity, national origin, age (40 or older), disability, pregnancy, arrest record, or other protected characteristics — the Illinois Human Rights Act covers every employer with even one employee
- Filing a workers’ comp claim or a wage complaint
- Reporting suspected illegal activity
- Refusing to break the law

If you were fired for one of these reasons, consider talking to an employment lawyer.

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Your Paycheck Is Protected

- Minimum wage: $15.00/hour statewide. In Chicago: $17.05/hour. In Cook County (outside Chicago): $15.40/hour — though many suburbs have opted out of the county rate, in which case the state rate applies.
- Overtime: 1.5x your rate for hours past 40 in a week. Illinois has no daily overtime and no required premium for weekends, holidays, or night shifts.
- Paydays: At least twice a month, and no more than 13 days after the pay period ends.
- Final paycheck: Everything you're owed must be paid in full at separation if possible, and never later than the next regular payday. That includes your earned, unused vacation — Illinois requires it to be paid out whether you quit or were fired. No policy can take earned vacation away from you.
- Pay stubs: Each pay period you're entitled to an itemized statement showing your hours, rates, overtime, gross pay, and every deduction.
- Deductions: Your employer cannot dock your pay for shortages, breakage, or unreturned property unless the deduction is required by law, is for your benefit, or you gave written consent at the time it's taken.

Unpaid wages? You can file a claim with the Illinois Department of Labor — the deadline is 1 year from when the pay was due — or consider talking to an employment lawyer.

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If You Earn Tips

- Statewide: Your employer can pay a cash wage of $9.00/hour, as long as your tips bring you to $15.00/hour. If they don’t, your employer owes the difference.
- In Chicago: The tipped cash wage is $12.96/hour (against the $17.05 minimum). Chicago had been phasing out the tip credit entirely, but the city paused the phase-out in 2026 — the $12.96 rate holds until July 1, 2028.
- Your tips are your property. Illinois law says your employer may not keep any part of them. Tip pooling is allowed — including sharing with non-tipped coworkers — but the house can never take a cut.

Paid Leave — Illinois Guarantees It

- Statewide (Paid Leave for All Workers Act): You earn 1 hour of paid leave for every 40 hours worked, up to 40 hours a year — and you can use it for any reason at all. Your employer can’t demand a reason or documentation. Almost every Illinois worker is covered, whatever the employer’s size.
- In Chicago, you get more: Two separate banks of 40 hours each — one for any reason, one for sick and safe leave — earned faster, at 1 hour for every 35 hours worked. If your employer has 51 or more employees, unused any-reason leave must be paid out when you leave.

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- Vacation is separate: no law requires an employer to offer it, but once promised, it’s earned as you work and must be paid out when you leave (see above). “Use it or lose it” is only allowed if you were given notice and a real chance to use it — and it can never erase vacation you’ve already earned.

Breaks

- Meal break: If you work 7.5 hours or more, you’re entitled to an unpaid 20-minute meal break, starting no later than 5 hours into your shift. Longer shifts earn an additional 20-minute break for every extra 4.5 hours.
- One day of rest: You’re entitled to at least 24 consecutive hours off in every 7-day period.
- Hotel room attendants in Cook County: If you work 7 hours or more, you’re owed two paid 15-minute breaks plus a 30-minute meal period — and an employer who denies them owes you triple pay for each day it happens.
- Illinois does not generally require paid rest breaks for adults beyond the rules above.

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Hotel Workers: Panic Buttons and Protection from Guests

Illinois’s Hotel and Casino Employee Safety Act requires hotels and casinos to give any employee who works alone in a guest room, restroom, or on a casino floor a panic button or safety device, free of charge. Your employer must also have a written policy protecting you from guest harassment and assault — including your right to leave the area, be reassigned away from the guest, and take paid time off to file a police report or testify. Retaliation for using any of this is illegal.

Scheduling in Chicago (Fair Workweek)

If you work in Chicago, you may be covered by the Fair Workweek ordinance — all hotels are covered, and restaurants are covered if the business has 250+ employees and 30+ locations:

- Your schedule must be posted 14 days in advance.
- You can decline added hours inside that window without written consent, and you can decline a shift that starts less than 10 hours after your last one ended.
- If your employer changes a shift inside 14 days, you get predictability pay — an extra hour of pay for changes, and at least half pay for hours cancelled with less than 24 hours’ notice.

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If You’re Under 18

- Workers under 16 need an employment certificate, have strict hour limits, and cannot work in establishments where liquor is served.
- You generally must be 18 to serve alcohol and 21 to pour or mix drinks — and some cities, including Chicago, are stricter. In Chicago, the general rule is 21, with a narrow exception for trained servers 18 and older carrying drinks prepared by someone 21 or older.

Non-Compete Agreements

Illinois draws a hard line by pay: a non-compete is void and unenforceable unless you earn more than $75,000 a year (for a non-solicit, the line is $45,000). Most hospitality workers are well under those lines — meaning a non-compete in your hiring paperwork almost certainly cannot be enforced. Even above the line, your employer must have advised you in writing to consult a lawyer and given you 14 days to review before signing. If you earn over the threshold and signed one, talk to an employment lawyer before assuming it’s valid.

Pay Transparency

Since January 1, 2025, Illinois employers with 15 or more employees must include the pay scale and benefits in job postings for work performed in Illinois. If a posting has no range, that’s a violation you can report to the Illinois Department of Labor.

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What Illinois Does NOT Require

- No severance pay, unless it was promised.
- No paid holidays, and no requirement to offer vacation (paid leave under the state or Chicago law is separate — see above).
- No payout of unused state paid-leave hours when you leave, unless your employer’s policy promises it (Chicago’s any-reason leave is the exception for larger employers).
- Illinois is not a right-to-work state — and its constitution bans right-to-work laws. A union contract can require covered workers to join the union or pay their share.

If Your Rights Were Violated

- Wage issues (unpaid wages, final pay, deductions, breaks, state paid leave): Illinois Department of Labor — wage claims are due within 1 year.
- Chicago ordinance issues (minimum wage, paid leave, Fair Workweek): Chicago Office of Labor Standards.
- Discrimination: Illinois Department of Human Rights — you have 2 years to file — or the U.S. Equal Employment Opportunity Commission (EEOC), where the deadline is 300 days.
- Unsafe working conditions: Federal OSHA (Illinois’s state safety plan covers government workplaces only).

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Deadlines apply to many claims, so don’t wait. And when in doubt, consider talking to an employment lawyer — many offer free consultations.

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