



# Illinois State Policies for Worker Protection

While the number of Americans in low-wage, precarious, part-time, and gig economy work grows, federal regulation has changed very little over many decades. In the absence of federal action, some states and municipalities have sought to provide various legal protections to workers. Across the country, state and municipal governments have aimed to protect low-wage workers by passing laws affecting minimum wages, paid and unpaid leave, scheduling guarantees, and gig work. This Policy Spotlight discusses actions taken by states and localities to regulate employment practices, with particular attention to the state of Illinois, Cook County, and the city of Chicago.

We first discuss the characteristics of ‘low-quality’ employment and its rise in the U.S. over the past decades. We then discuss the extent to which federal law addresses particular features of what some regard to be low-quality employment. After documenting the expansion of state regulation of employment across the country, we focus on Illinois law at the levels of the state, Cook County, and the city of Chicago.

## BACKGROUND: THE RISE IN PRECARIOUS, PART-TIME, AND GIG WORK

The character of employment in the U.S. has declined over the past several decades, with sharp changes following the Great Recession in 2008 and later the COVID-19 pandemic (*COVID-19: Impact on Employment and Labor*, 2020; Matilla-Santander et al., 2021).

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“Precarious work” is characterized as uncertain, unstable, and insecure. These are jobs in which workers experience limited social benefits (e.g. health insurance, paid leave) and statutory protections (Hajat et al., 2024). Women, racial/ethnic minorities, and those with lower educational attainment tend to be more concentrated in precarious work (Oddo et al., 2021). Precarious work is associated with poor physical and mental health, contributing to health inequities (Hajat et al., 2024). Participatory research on precarious work conducted in two Chicago neighborhoods, North Lawndale and Little Village, documented recurring patterns that pointed to structural inequities, a lack of personal control, and exploitation, which resulted in increased psychological and physical stress (Velonis et al., 2020).

Multiple external factors have affected the labor market in recent years, including technological

advancements and economic downturns, leading to a rise in the availability of part-time and contract work (Hall, 2004; Schrage, 2013). Lower-wage, less skilled contract work (e.g. a position that is often temporary, also often referred to as an independent contractor) can be viewed as an option responsive to employees' need for flexibility, mobility, and income. But it may also be viewed as an exploitative work arrangement that denies employees benefits and predictability. An estimated 25%-35% of workers are in non-standard or gig work arrangements on a regular basis (How many gig workers are there?, 2024). The labor market restructuring over the past decades has resulted in the bifurcation of high-paid, high-tech, high-skilled workers and low-wage workers in routine (lower-skilled) jobs. While contract work increased work-life flexibility, independence, geographic mobility, and wages of some professional knowledge workers (Leana & van Buren, 1999), the introduction of ride-share companies, followed by the proliferation of app-based delivery platforms, has created a "gig economy" characterized by instability and limited job security (Katz & Krueger, 2019). Even some occupations formerly outside the gig economy have been affected by the move to contract-based work, as companies have recategorized employees' positions as contract work in order to limit employee-benefit costs, thereby obtaining cost savings. This strategy is a variant on shifting (or re-categorizing) workers from full-time to part-time. Flexible work arrangements for low-wage workers have been associated with a lack of job security and benefits, including health insurance, paid sick leave, and family leave.



Concurrently, inflation and high cost of living in many areas of the United States have necessitated dual-income households, including homes with

children where parents may be searching for flexibility (Keita Fakeye, 2023). In the United States, just over half of all opposite-sex married couples were dual-income households in 2023 (Historical Families Tables, 2024) meaning that both adults participated in the employment market. Households with caregiving responsibilities experience additional stressors, including the high costs and the necessity to take time-off to care for their own or family members' health problems. An absence of accommodations in many jobs makes it difficult to balance work and family responsibilities and for many, the gig economy has been beneficial in respect to greater flexibility.

While there have been clear benefits to consumers and the economy from gig work, as well as to those workers prioritizing flexibility, many grassroots organizations have pushed for new policies to support low-wage workers facing these new working conditions. Some organizations with stakes in the status quo have also pressed for regulations that might be seen as protection for workers, but might also constitute rent-seeking, or protecting established business models.

## FEDERAL POLICY LANDSCAPE

Despite the change in labor markets taking place over the past 25 years, federal regulation on worker protection has been largely unchanged. This section provides details on the federal minimum wage, federal leave protections provided under the Family and Medical Leave Act (FMLA), and federal sick leave requirements.

### Minimum Wage

The federal minimum wage has remained at \$7.25 per hour since 2009 ("Fair Minimum Wage Act of 2007," 2007). It is important to note that the federal wage is much lower than an accepted notion of a *living wage*. In 2024, the International Labour Organization adopted a definition of a "living wage" as a wage that is "necessary to afford a decent standard of living for workers and their families, taking into account the country circumstances and calculated for the work performed during the normal hours of work" (*ILO reaches agreement on the issue of living wages*, 2024). This number varies dramatically across the U.S., ranging from \$14.00 to \$20.00 per hour, based on

the local cost of living (*ILO reaches agreement on the issue of living wages*, 2024).



Additionally, federal minimum wage requirements are different for individuals who receive more than \$30 per month in tips, such as servers and bartenders (“Fair Labor Standards Act,” 2022). In those instances, an employer is required to pay only \$2.13 per hour in cash wages. Employers must make up the difference between the employee’s tips and direct wages and the federal minimum hourly wage when wages and tips fall short of \$7.25. In practice, this requirement is not often met (Schweitzer, 2021).

### **Family and Medical Leave**

Family and medical leave is governed federally by the Family and Medical Leave Act (FMLA) of 1993 (“Family and Medical Leave Act,” 1993). FMLA-covered employees are provided unpaid job-protected leave for up to 12 work weeks annually. This unpaid leave can be used for the birth or adoption of a child, to care for a spouse, child, or parent with a serious health condition, or for the employee’s own serious health condition. To be considered a “covered” employee, an individual in the private sector must work for an employer with 50 or more employees for at least 20 work weeks in the current or preceding calendar year. In addition, the employee must have worked 1,250 hours during the last 12 months, which equates to working 50 percent of the time. As a result, part-time or seasonal workers may not be able to meet this requirement. Notably, independent contractors, which include most rideshare drivers, delivery service workers, and other temporary hospitality workers are not considered employees and are not covered by this federal policy.

### **Sick Leave**

The federal government does not require that employers guarantee sick leave or time off from work—either paid or unpaid—due to acute illness.

### **THE ROLE OF EMPLOYER POLICIES**

As described above, employers can shift risk onto employees by redefining job classifications as contract work. However, employers can also increase their internal pay and benefits to attract and retain a qualified workforce. For instance, Target increased the minimum hourly pay rate across the country to \$15/hour to better compete for workers. Other employers invest in holistic Employee Assistance Programs (EAPs) that include health insurance, mental health counseling services, financial literacy, and wellness programs (Jones et al.) or childcare subsidies and paid family leave for employees (Kos, 2025). Labor unions also fought for increases in the minimum wage in states, such as the Fight for \$15 since 2012 (Lathrop, 2022). In Illinois, the Service Employees International Union (SEIU) led the Fight for \$15 movement, which was ultimately signed into law in 2019 (Elejalde-Ruiz, 2019). As a result, change in this area can be generated through multiple avenues, including from within corporate structures.

### **STATE AND LOCAL POLICIES**

In 1932, Justice Brandeis wrote “It is one of the happy incidents of the federal system, that a single, courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country” (“New State Ice Co. v. Liebmann,” 1932). Under the 10<sup>th</sup> Amendment, states are granted authority to regulate public health issues, and historically when the federal government has not acted on an issue, some states will step in. Such local experimentation has become the heart of our federalist system, particularly because states and municipalities are the most in tune to local needs. As a result, most states have even passed on this authority and allowed local governance through home rule (*Principles of Home Rule for the 21<sup>st</sup> Century*, 2020).

The absence of federal policies has generated grassroots support for state and local jurisdictions

to implement policies that aim to improve employment quality (*AFL-CIO America's Unions; National Employment Law Project; National Institute for Workers' Rights; One Fair Wage; The People's Lobby*). State- and local-level policy levers go beyond increasing local minimum wages. For ex-

ample, several cities have put “secure scheduling” rules in place, which requires employers to post work schedules at least 14 days in advance. Some cities have established mandatory minimum pay rates for app-based drivers by trip, distance, or time.

**Federalism.** *Under the 10<sup>th</sup> Amendment to the Constitution, states are granted all powers not otherwise provided to the federal government under Article I. As a result, states have a great deal of authority to legislate. Further, in a “home rule” state, local governments are also empowered to regulate employers. For example, a municipality in a home rule state can exercise any power, unless it is specifically prohibited by state law. In Illinois, the Constitution provides that a “home rule unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to, the power to regulate for the protection of public health, safety, morals, and welfare. . .” (Article VI). Cook County and Chicago benefit from having strong policymaking powers of their own, and are active in regulating the labor market and work environments of those who live there.*

## WHAT DID WE DO?

The aim of the study was to characterize specific state and local employment policies in the areas of minimum wage, scheduling, leave, and gig worker protections.

State statutes and administrative regulations (state laws), effective as of July 1, 2024, were collected for all 50 states and the District of Columbia. State laws were collected from commercial legal databases: WestlawNext (“WestlawNext,” 2024) and NexisUni (“LexisAdvance,” 2024). Cook County policies were collected from MuniCode (Code of Ordinances of Cook County, Illinois, 2024) and The Chicago Municipal Code was collected from American Legal Publishing (Municipal Code of Chicago, 2024).

All state and local policies were evaluated based on the extent to which they addressed the topics listed below in **Table 1**. The second column shows the specific policy elements evaluated within

each topic area. All policies were reviewed by two coders who reached 90% agreement on identifying policy topics and proceeded with consensus coding.



**Table 1. Topics for which state laws and Cook County and Chicago policies were collected**

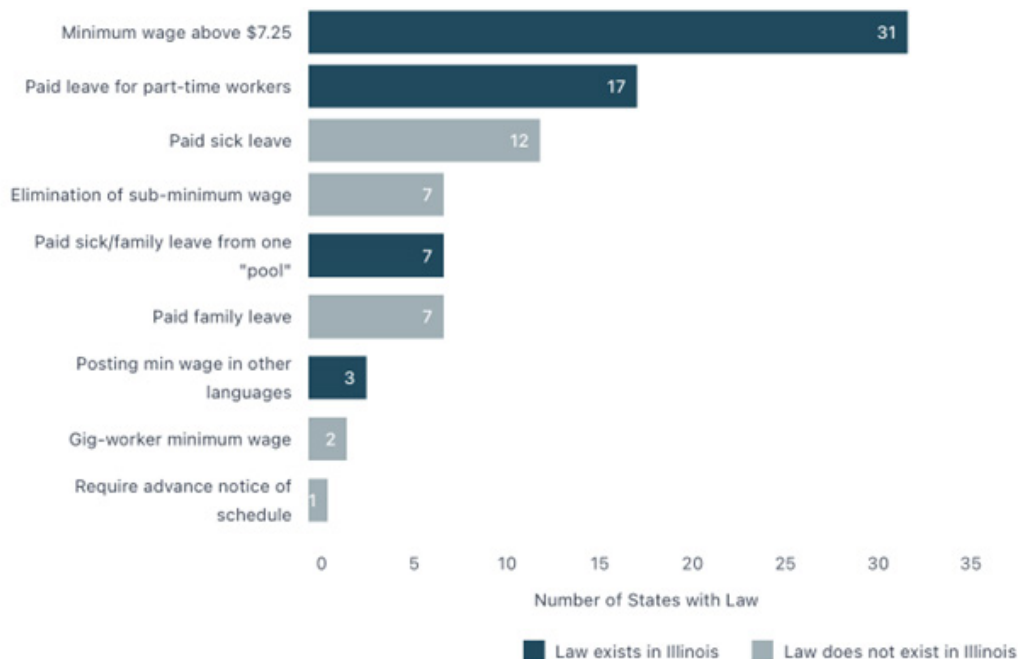
Policy Topic Areas Collected and Scored	Specific policies in the topical area
Minimum wage	Hourly minimum wage
	Sub-Minimum wage
	Posting minimum wage requirements
Scheduling	Advance notice of schedule (and enforcement)
	Schedule changes (and enforcement)
	Rest period between shifts (and enforcement)
Leave	Sick leave
	Family leave
	Combined sick and family leave
	Application to part-time workers
Gig worker protections	Minimum wage for gig workers
	Paid sick leave for gig workers
	Healthcare benefits for gig workers
	Retirement benefits for gig workers
	Other gig worker protections

The discussion of policies is organized as follows. First, Illinois law is measured against all states across the country on the topics listed in **Table 1**. Then, the language and protections in Illinois law is compared to policies passed in Cook County and Chicago. All jurisdictions provide meaningful examples and opportunities for improving Illinois protections for workers.

### THE NATIONAL LANDSCAPE OF STATE LAWS ON EMPLOYMENT PROTECTION

As of July 1, 2024, state laws that provided employment protections tended to focus most often on increasing the state minimum wage above the federal minimum (31 states), paid sick leave (12 states), paid family leave (7 states), flexible time off (7 states), gig worker protections (2 states), and secure scheduling (1 state). See **Figure 1** below.

*Figure 1. Number of States\* with Laws that Provide the Following Benefits, Compared to Illinois*



\*analysis includes 50 states plus the District of Columbia

The rate at which time off was earned by the employee varied for sick and flexible (generally termed “sick and safe”) leave (see **Table 2**). Some states imposed caps on how many days off could be earned per year. Paid time off specific to family and medical leave (CA, CO, CT, MA, NY,

OR, WA) varied by state, and were sometimes determined by formulas related to state benefits and employment payout structures. The following sections provide a detailed look at Illinois law in each of these topical areas.

**Table 2. States with Paid Sick Leave, 2024**

Rate earned	States
1 hour per 30 hours worked	AZ, CA, CO, MA, MN*, MD*, NJ, NM, NY, OR
1 hour per 35 hours worked	MI, RI*
1 hour per 37 hours worked	DC*
1 hour per 40 hours worked	CT, IL*, ME,* WA
1 hour per 52 hours worked	VT
0.01923 hours per each hour worked	NV*

\*indicates more flexible time, such as “sick and safe time” or an otherwise expansive definition of how this sick time may be used by the employee

**MINIMUM WAGE**

The impacts of increasing the minimum wage on health and well-being have been well-studied and documented. For example, increases in minimum wage have been associated with better mental health and perceptions of overall health, lower smoking prevalence, increased food security, and fewer workdays lost due to illness (Paul Leigh et al., 2019; Winkler et al., 2025).

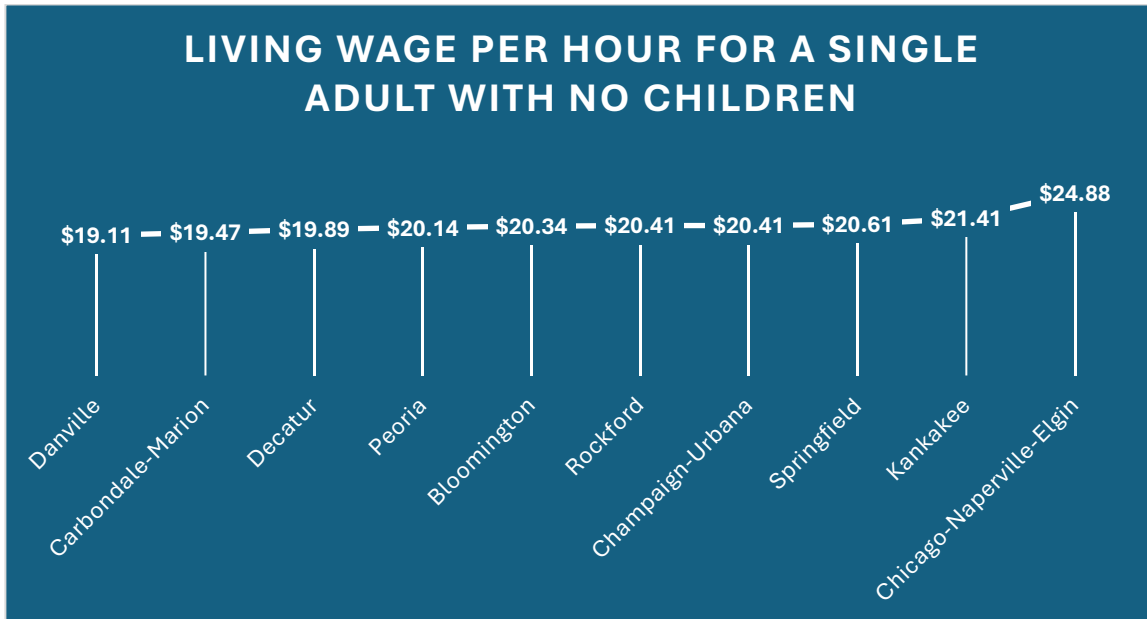
However, there is a longstanding debate over whether raising mandated minimum wages leads to lower levels of employment, particularly among the low-wage workforce (Neumark, 2022). The Congressional Budget Office (CBO) estimated the impacts of gradually phasing in a new federal minimum wage of \$17 per hour in 2029. They projected a reduction in total employment by 0.7 million workers in 2029 (0.4 percent of

total employment) (*The Budgetary and Economic Effects of S. 2488, the Raise the Wage Act of 2023*, 2023). That effect would be modest, but the report made clear that wage floors have both benefits and costs, since “[i]n general, increasing the federal minimum wage would raise the earnings and family income of most low-wage workers and thus lift some families out of poverty—but doing so would cause other low-wage workers to become jobless, and their family income would fall.” (*How Increasing the Federal Minimum Wage Could Affect Employment and Family Income*).

As seen in **Figure 2** below, the difference between the minimum wage and a living wage can be significant across Illinois. The Illinois minimum wage of \$14.00 per hour and Chicago minimum wage of \$16.20 per hour are both well below the living wage in all of these communities.



Figure 2. Living Wages for One Adult in Localities Across Illinois



Note: Generated by authors using the calculator available at <https://livingwage.mit.edu/>

**Table 3** below provides details regarding the minimum wage, tipped minimum wage, and posting requirements in Illinois, Cook County, and Chicago policies. While Cook County largely mirrors the state’s language, Chicago has taken steps to increase the local minimum wage, and is gradually phasing out the tipped minimum wage. Some argue that eliminating the tipped minimum wage may lead to the loss of jobs in industries where tipping is common practice, without sufficient gains for those who remain (Neumark & Yen, 2023). Other research provides evidence that

ending the tipped minimum wage will lift many out of poverty (Neumark & Wohl, 2024; Schweitzer, 2021).

All three levels of policymaking stress the importance of ensuring that workers know their rights. Illinois state law also requires that any minimum wage signs be listed in various languages. This better reflects the diversity in the Illinois workforce and is a practice that is required in Cook County and Chicago based on the state’s law, even if not listed separately in their own policies.

**Table 3. Illinois, Cook County, and Chicago Policies Related to Minimum Wages as of July 1, 2024**

Policy Topic Area	Illinois Law	Cook County Code	Chicago Municipal Code
Hourly minimum wage	820 ILCS 105/4: \$14 per hour	42-13: follows state law	Municipal Code 6-105-020: \$16.20 per hour
Tipped Minimum wage	820 ILCS 105/4: \$8.40 per hour, plus tips	42-14: follows state law	Municipal Code: 6-105-0303: \$11.02 per hour, but gradually phased out through 2028
Posting minimum wage requirements	56 ILL Admin Code 210.750: Minimum wage and rights must be posted in various languages	42-19: Minimum wages and rights must be posted	Municipal Code 6-105-070: minimum wage and rights must be posted

## SECURE SCHEDULING

The practice of secure scheduling provides employees with up to two weeks’ advance notice of shifts and hours worked. First adopted in San Francisco in 2015, the practice has been associated with greater well-being (Ananat & Gassman-Pines, 2021; Schneider & Harknett, 2019) and has a substantial effect on workers’ sleep quality, economic security, and happiness (Harknett et

al., 2021). Less well documented are the costs to employers regarding establishing such practices.

Only one state (Oregon) has adopted a secure scheduling law, but some cities, including Chicago, have implemented scheduling policies (see **Table 4** below). Enforcement of these policies continues to be a challenge, however (Miggo, 2019).

**Table 4. Policies Related to Secure Scheduling as of July 1, 2024**

Policy Topic Area	Illinois Law	Cook County Code	Chicago Municipal Code
Advance notice of schedule	No policy	No policy	Municipal Code: 6-110-040: shall post work schedule no later than 14 days prior
Schedule changes	No policy	No Policy	Municipal Code: 6-110-050: If schedule is altered within 14 days, in addition to regular pay employee shall receive one hour of predictability pay
Minimum rest between shifts	No policy	No policy	Municipal Code: 6-110-070: employee has the right to decline work schedule hours that are less than 10 hours after the end of the previous day’s shift

## PAID LEAVE

Policies that provide leave for workers can take many forms: sick leave, family leave, medical leave, and combinations of them all. Most research has focused on the impact of paid family leave following the birth of a child. This evidence suggests that paid family leave benefits the health and economic stability of the family at low cost to employers (Bartel et al., 2023). During the COVID-19 pandemic, scholars argued that the absence of a national sick-leave policy was a reason workers with COVID-19 infection, especially those in customer-facing jobs, felt compelled to work, further spreading the virus (DeRigne et al.; Pichler et al., 2020).

Two systematic reviews recently evaluated the literature regarding paid sick leave as well as the impact of parental and medical leave policies. Research showed these policies could be bad for business finding reduced job commitment, retention, and financial performance were associated with paid sick leave policies (Vander Weerd et al., 2023). Another review found that extensions in the duration of paid parental leave were ac-

companied by increases in leave-taking (Nandi et al.), which costs employers more. The outcomes on employers in those cases have not been well studied.



Illinois, Cook County, and Chicago each differ slightly in their approaches to paid leave (see **Table 5** below). Importantly, Illinois’ sick leave policy listed in Table 5 does not provide leave itself, but rather extends how an employee can use sick leave provided by an employer. Though not shown in Table 5, Cook County updated its paid leave policy in December of 2024. While the

same amount of leave is provided, it is now called “paid leave” instead of “sick leave.” Although the previous policy was written broadly, including

caring for family and applied to instances of domestic violence, the new provision states that an employee may take time for any reason.

**Table 5. Policies Related to Family and Sick Leave as of July 1, 2024**

Policy Topic Area	Illinois Law	Cook County Code	Chicago Municipal Code
Sick Leave	820 ILCS 191/10: a) allows for sick leave benefits that are provided by an employer to be applied to illness or injury of the employees child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, or for personal care of a covered family member	42-3: For every 40 hours worked, shall accrue one hour of sick leave	See below
Family Leave	No policy	No policy	See below
Combined Sick and Family Leave	820 ILCS 192/15: one hour of paid leave for every 40 hours worked  Paid leave under this Act may be taken by an employee for any reason of the employee's choosing	No policy (see note on 2024 update)	Municipal Code 6-130-030: one hour of Paid Leave and one hour of Paid Sick Leave for every 35 hours worked

### GIG WORKER PROTECTIONS

As the number of gig workers continues to rise, various policies have been passed to protect workers who could be subject to exploitation. These have included minimum wages for gig workers in Seattle (Parrott, 2020), proposals to reclassify gig workers so they are not considered independent contractors in San Francisco (“Ex-empts app-based transportation and delivery

companies from providing employee benefits to certain drivers,” 2020), and a paid leave pilot program specifically for ride-share workers in Washington state (“Employment security pilot program,” 2023).

While Illinois has not implemented the gig-worker protections evaluated in this study, the state can learn from other jurisdictions and develop policies that improve the employment conditions of Illinois gig workers.



### POLICY OPTIONS FOR ILLINOIS

There are some policy opportunities that Chicago has adopted that Illinois may consider expanding statewide. The One Fair Wage ordinance (Office of the Mayor, 2023) eliminates the lower tipped minimum wage. The Fair Workweek Ordinance (Chicago Fair Workweek Ordinance, 2022) provides for predictable, secure scheduling. With current limited federal standards for worker minimum wages, scheduling, leave, and gig work, state and local laws set the standard for increasing job quality. The state could explore ways to compile data to examine the impact of its existing employment mandates on low-wage workers, their health, and impacts on the wider

state economy. State policymakers should consider prioritizing employee benefits and protections in the following areas:

- **Minimum wage:** The State can continue to evaluate whether the state minimum wage meets the threshold of a living wage. Moreover, state lawmakers should consider whether the One Fair Wage Ordinance in the city of Chicago could affect economic security and well-being of tipped workers if it were expanded statewide.
- **Secure Scheduling:** Illinois should consider bills related to predictable scheduling, such as the Fair Workweek Ordinance in Chicago, for employees across the state to ensure expected work schedules.
- **Paid Leave:** In Illinois, the current combined leave benefit is capped at 40 hours per year, which equates to 5 paid days off for full-time workers. The benefits of paid leave have been well documented. Illinois may consider expanding the state's Paid Leave for All Workers Act (PLAWA) mandates.
- **Gig Workers:** Illinois has enacted the Freelance Worker Protection Act (FWPA) to protect independent contractors. State lawmakers should evaluate the impact of existing provisions on the workforce and wider economic growth.



## CONCLUSIONS AND NEXT STEPS FOR ILLINOIS

The state of Illinois and its largest county and municipality have made substantial efforts in legislation to protect workers. The state minimum wage is higher than the federal minimum. Illinois law also provides for combined sick and family leave earned at a rate of one hour for every 40 hours worked, with a 40-hour per year cap. And information about employment rights must be posted in various languages in the workplace to ensure employees are informed. In the absence of

additional federal-level regulations for worker protection, states and local jurisdictions often implement alternative standards. As the growth of the gig economy continues, Illinois can continue trying to support fair pay and improve the compensation and protection of low-wage contractual workers.

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