

# Amendments to Illinois Right to Privacy in the Workplace Act: Immediate Obligations for Employers Receiving “No-Match” Letters

## Labor & Employment Law Update

By Michael Hughes on December 29, 2025

Illinois recently enacted amendments to the Illinois Right to Privacy in the Workplace Act (“IRPWA”). The amendments became effective on December 12, 2025, immediately upon the governor’s signature.

The amendments to IRPWA do several things:

- Establish procedures and prohibitions on employers who receive notices from certain entities related to discrepancies in employees’ work authorization documents and information;
- Provide additional enforcement opportunities for the state Attorney General and by organized labor and outside activist groups; and
- Drastically increase penalties for employers that violate the statute.

### New Procedures for Employers Upon Notice of Discrepancies of SSN, Taxpayer ID, or “Other Identifying Documents”

The amendments provide that an employer must adhere to the following procedures, practices, and prohibitions whenever it receives “a written notification from any federal agency or other outside vendor not responsible for the enforcement of immigration law, including, but not limited to, the Social Security Administration (SSA), the Internal Revenue Service (IRS), or an insurance company, of a discrepancy as it relates to an employee’s individual taxpayer identification number or other identifying documents”:

- The employer must NOT take any adverse action against the employee (or candidate) based solely on receipt of the notice. That is, employers must not terminate, suspend, or refuse to hire any individual based solely on the letter from such agencies or organizations.
- The employer SHALL provide notice to the employee and the employee’s authorized representative (if any, such as a union), “as soon as practicable, but

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not more than 5 business days after the date of receipt of the notification or after the employer makes the determination that an employee must respond to the notification in any manner, whichever is longer, unless a shorter timeline is provided for under federal law or a collective bargaining agreement."

The employer's notification MUST be communicated to the employee "in person" and delivered "by hand," if possible. If hand delivery is not possible, then the employer shall notify the employee by mail and email, if the email address of the employee is known, and shall notify the employee's authorized representative.

- Upon request by the employee or the employee's authorized representative, the employer MUST give to the employee the original notification.
- The employer's notice to the employee MUST include, but shall not be limited to:
  - (i) an explanation that the federal agency or outside vendor not responsible for the enforcement of immigration law has notified the employer that the identification documents presented by the employee do not appear to match;
  - (ii) the time period the employee has to contest the disputed information, if such a time period is required by federal law; and
  - (iii) any action the employer is requiring the employee to take.
- Employers MUST allow the employee to have a representative of the employee's choosing in any meetings, discussions or proceedings with the employer.

## [The Illinois Attorney General, Unions, and Outside Activist Groups May Prosecute Claims for Violations](#)

Prior to the amendments to IRPWA, only individual employees and the Illinois Department of Labor ("IDOL") could prosecute claims for violations of the Act. Now, however, the amendments also allow the Attorney General's office, as well as labor unions and any non-profit entities that have a "reasonable belief" of any violation of IRPWA ("interested parties") to file claims and seek injunctions, civil penalties, attorney fees, and other measures of damages.

Additionally, IDOL has now been given additional authority to conduct investigations, including conducting worksite visits and inspecting documents, to assess compliance. IDOL may now also issue cease and desist orders and assess enhanced civil penalties, among other actions. Employers, especially those that are targets of union organizing campaigns, can expect that such "interested parties" will take any opportunity to file such claims.

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## Enhanced Penalties

The amendments to IRPWA allow for the following enhanced measures of remedies and damages:

- Injunctions
- Civil penalties for violations of any aspect of the statute, even technical aspects such as timing and manner of the notice to employees. These penalties range from \$100 to \$1,000 per violation for first-time offenders and \$1,000 to \$5,000 per violation for repeat offenders. Notably, "interested parties" may be awarded 10 percent of those penalties (with the other 90 percent going to fund certain IDOL initiatives). Interested parties are also entitled to reasonable attorney fees and costs.
- Employees terminated in violation of the Act also shall be awarded reinstatement (with same seniority), back pay and interest, a civil penalty of \$10,000, as well as compensation for any other damages sustained as a result of the violation, including litigation costs, expert witness fees, and reasonable attorney fees.

## Safe Harbor

The amendments allow one small measure of upside to employers: no penalties for violations of the employment verification provisions of the IRPWA will be assessed if the employer can show it:

- Acted in good faith reliance on guidance issued by the IDOL or the Department of Homeland Security, or
- Made a bona fide administrative error that did not affect an employee's employment or pay.

## Takeaway

Considering the significant fines and enforcement actions that now may be brought by "interested parties," employers must ensure that management and human resources staff understand the strict timeline and required procedures upon receipt of so-called no-match letters from the SSA, insurers, or any other agencies or entities (other than DHS, USCIS, or ICE).

Proper compliance will help avoid civil enforcement actions, statutory penalties, back pay, injunctions, and other damages. Also, procedures for verification and re-verification of employment must be revisited and updated if needed.