



RIGHT TO PRIVACY IN THE WORKPLACE & E-VERIFY

1. What is the E-Verify System?

According to the [U.S. Department of Justice](#), E-Verify is “an electronic system that compares a worker’s Form I-9 information with government databases to verify employment eligibility.”

2. Does Illinois law require employers to use E-Verify to check the employment eligibility of a worker?

No. Nothing in this Act shall be construed to require an employer to enroll in any Electronic Employment Verification System, including the E-Verify program and the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by P.L. 104-208, div. C, title IV, subtitle A) beyond those obligations that have been imposed upon them by federal law. (Sec. 12 (a) of the Act)

3. May a unit of local government require any employer to use E-Verify?

No. Neither the State nor any of its political subdivisions, nor any unit of local government, including a home rule unit, may require any employer to use an Employment Eligibility Verification System. (Sec. 12 (a-1) (d) of the Act)

4. May Illinois employers choose to voluntarily use E-Verify?

Yes. Illinois law does not prohibit any employer from using E-Verify. However, employers who use E-Verify must follow the requirements of the Right to Privacy in the Workplace Act.

5. What should an employer know?

In Illinois, provisions under the Right to Privacy Act state that, as of January 1, 2025 ([PA 103-879](#)), prior to enrolling in the E-Verify System, employers are urged to consult the Illinois Department of Labor’s website for current information regarding the accuracy of the program.

Additionally, employers are encouraged to review and understand their legal responsibilities relating to the use of E-Verify. Furthermore, the Act prohibits the misuse of E-Verify and places certain training and recordkeeping requirements on employers.

Employers that participate in [E-Verify](#) must post the [E-Verify Participation poster](#) provided by the [federal government](#) in the workplace, and [this poster produced by the United States Department of Justice](#). The posters must be displayed in English, Spanish and Polish.

6. What should an employee know?

In Illinois, an employer is prohibited from using E-Verify to check the immigration status of current employees or to pre-screen prospective employees that have not been offered a position with the company. The employer may not check on your immigration status before you are offered a job. An employer may not take adverse action against an employee or applicant for employment because the employee or applicant for employment filed a complaint of a violation of the Right to Privacy in the Workplace Act.

7. What happens if an employer says that there is a discrepancy in an employee’s employment verification information?

The Right to Privacy in the Workplace Act requires that employers follow certain steps if they believe that an employee’s employment verification information is inaccurate, which includes providing the employee with specific information about the claimed discrepancy and allowing the employee to correct the discrepancy (if required by law). An employee has the right to representation during any meetings or discussions regarding employment verification information.

8. How can a worker file a complaint of an alleged violation of the Right to Privacy in the Workplace Act?

If an employee or applicant for employment alleges that he or she has been denied his or her rights under this Act, he or she may file a complaint with the Department of Labor here: [Right To Privacy In The Workplace Complaint Form \(illinois.gov\)](#)

9. Who should I contact for questions?

Contact the Illinois Department of Labor Conciliation and Mediation Division regarding the Right to Privacy in the Workplace Act: Phone: 312-793-7307
Email: DOL.RTPW@Illinois.gov

labor.illinois.gov

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