

## ● VIRGINIA HUMAN RIGHTS ACT

*STATUTORY CITATION:* Va. Code §§ 2.2-3900 – 2.2-3903

*GENERAL SUMMARY:* Among other provisions, the Virginia Human Rights Act (1) prohibits certain acts of employment discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, and age, and (2) prescribes procedures for resolving complaints of employment discrimination on those grounds. The law applies to employers in certain size categories, but protects employees without regard to their industry or occupation.

### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — It is generally unlawful for an employer with more than 5 but fewer than 15 employees to discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions (including lactation).

Likewise, no employer with more than 5 but fewer than 20 employees may discharge any such employee on the basis of age, if the employee is 40 years old or older.

**COMPLAINTS** — A worker aggrieved by an apparent act of employment discrimination may submit a complaint to the state enforcement agency, which is authorized to investigate it, determine if there is reasonable cause to believe discrimination occurred, and render a final disposition of the complaint.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Human Rights and Fair Housing, Virginia Office of the Attorney General, Richmond, Virginia 23219 (804-225-2292).* This agency investigates complaints alleging discrimination in violation of the state Human Rights Act or corresponding federal laws.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — As an alternative to filing an administrative complaint with the Division of Human Rights, a worker may take civil action against an employer who violates the Act's employment discrimination provision, using a private attorney or public legal service provider. Such action must be filed no later than 300 days after the worker was unlawfully discharged; if the worker filed the complaint with the Division of Human Rights first, civil action must commence no later than 90 days after the date the Division has rendered a final disposition of the complaint. The court may award up to 12 months' back pay, with interest, plus attorney's fees.