

# FACT SHEET

## Discrimination Protections for Virginia Employees

### General Discrimination Policy

No employer can discriminate against their workers. The Virginia Values Act, an expansion of the Virginia Human Rights Act (VHRA), prohibits discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth (or related medical conditions), age, marital status, sexual orientation, gender identity, disability, or military status. This act protects workers against discrimination that occurs in the hiring and firing process, as well as in an employer's disciplining or general conduct.

### No Retaliation

Employers may not discriminate against employees for refusing to engage in unlawful practices, or because the employee has charged, assisted, testified, or participated in any legal action against an employer for some alleged violation. Retaliation might be getting fired, getting scheduled for inconvenient hours, being assigned disagreeable duties, or any other negative job consequence.

### Reasonable Accommodations

Employees are entitled to accommodations, unless they place an undue hardship on the employer. Upon requesting accommodation, the employer can provide the conditions the employee asks for or can suggest a sufficient alternative.

Employers are responsible for engaging in a "timely, good faith interactive process" with the employee to determine if the requested accommodation is truly reasonable, and if not, what alternatives may be sufficient.

Here are some examples of accommodations that would be provided for particular conditions:

#### *Disability (Mental/Physical):*

- Permitted leave
- Job restructuring/reassignment
- Modified work schedule
- Light duty assignments
- Improved accessibility through modifying office space or equipment

#### *Pregnancy*

- More frequent/longer bathroom breaks
- Temporary transfer to a less strenuous position
- Post-partum leave
- Breaks and access to a private location other than a bathroom to pump breast milk

### Filing a Complaint

A discrimination claim can be filed with either the Virginia Office of Civil Rights (OCR) or the federal Equal Employment Opportunity Commission (EEOC). The federal EEOC covers large workplaces with no less than fifteen employees, while the OCR generally covers smaller workplaces, between six and fifteen employees. **Complaints usually must be filed within 180 days of the discriminatory action.**

- To file a claim with the Virginia OCR, you can contact their office directly or find a list of online report forms [here](#).
- To file a claim with the EEOC, identify and contact your nearest field office [here](#), or call directly at (800) 669-4000 if there is no office in the immediate area.
- To get connected with an employment lawyer or share your story with us, visit [www.wagetheftva.org](http://www.wagetheftva.org).