Engage PEO Client Alert:

Virginia: Values Act - Expanded State Protections Concerning Discrimination

As of July 1, 2020, The Virginia Values Act ("VVA") amended the Virginia Human Rights Act ("VHRA") to add more protected classes and greater access to legal remedies. Before, the VHRA only covered employers who had between five and fifteen employees and prohibited discriminatory terminations based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, and age. It was intended to cover employers who were too small to be covered by federal anti-discrimination statutes. Remedies were limited to 12 months of back pay and attorney's fees of no more than 25% of the back-pay award. See additional provisions, below.

New Accommodations for Pregnant Employees

- The General Assembly also passed new legislation that amends the VHRA to (1) specifically **prohibit discrimination based on pregnancy**, childbirth, or related medical conditions and (2) to require that employers **engage in an interactive process** to determine reasonable accommodations for limitations based on these protected categories, as long as such accommodation does not cause an undue hardship on the employer. An example would be more frequent or longer breaks for lactation.
- The law specifically **prohibits employers from requiring an employee to take leave if another reasonable accommodation is available**.
- It also **prohibits employers from retaliating against an employee** for exercising her rights under the law. An employee alleging a violation of this law may sue in court without filing an administrative complaint.
- The law also requires employers to **post information regarding these rights** in a conspicuous location (the Virginia Department of Labor and Industry ("DOLI") expects to have posters ready by October), include such information in their employee handbook, and provide the information to (1) new employees, (2) any employee who informs the employer she is pregnant within 10 days of receiving the information, and (3) all current employees **by October 29, 2020**.

If you have questions, please contact your Engage HR Consultant.