

Virginia Human Rights Act

The Law

The [Virginia Human Rights Act](#), found in Chapter 39 of the Virginia Code () makes it illegal for an employer or labor organization to discriminate against someone on the basis of sex.

The Virginia statute against discrimination in the workplace applies only to employers with six or more employees, while Title VII only applies to employers with 15+ employees.

The Virginia Human Rights Act specifically covers employment discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

Filing A Complaint

The Virginia Council on Human Rights investigates complaints filed with it free of charge. Complaints under state law must be filed within 180 days of the date you became aware you were being discriminated against or the date of the alleged illegal act. You may file a complaint with the Commission by calling (804) 225-2292, visiting the office at 900 E. Main Street on the 4th Floor of the Pocahontas Building, or filling out a Complaint Questionnaire and mailing it to P.O. Box 717, Richmond, Virginia 23206.

Once you file a complaint with the Commission, the Commission will send your employer a letter and a copy of your complaint, stating that you believe you were/are being discriminated against. The employer will have an opportunity to respond to this complaint.

A Compliance Officer will be assigned to your case, who will investigate the allegations and act as a neutral decision-maker to determine whether there is reasonable cause to believe you have been discriminated against and your rights violated. A Basis for Determination report will be issued by the Compliance Officer, subject to review and approval by the Assistant Attorney General.

If reasonable cause is found, you and your employer will be asked to attempt to negotiate a settlement through the Commission's conciliation proceedings. If settlement negotiations fail, a public hearing will be held before a Hearing Officer. Council members will review the findings and vote whether to affirm or refute the Hearing Officer's decision. If the Hearing Officer's decision is not accepted, then either the Hearing Officer will have to reconsider the decision or a new Hearing Officer will be chosen.

You may decide to go through the federal court process instead of the Commission's investigative process. You must first file with the EEOC and request a Notice of Right to Sue in order to file in federal court. The attorney you hire will explain this process to you. Section 2.2-2639 of the Human Rights Act says that no private right of action is created for claims under the Act unless an individual is discharged on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or of age if the employee is forty years old or older. This means that only the Virginia Council on Human Rights may file other discrimination claims in court. Many Virginia attorneys thus choose to file employment discrimination claims in federal court under federal law.

For more information and a more detailed explanation of the complaint process, please visit the [Virginia Council on Human Rights website](#) .