



## Frequently Asked Questions: The Virginia Values Act

### What does the Virginia Values Act do?

The Virginia Values Act modernizes existing Virginia law to protect LGBTQ people from discrimination in their daily lives, including in housing and access to credit, and creates new protections for all Virginians in employment and public accommodations like restaurants, shops, and other public spaces. This critical update to Virginia law will send a message that the Commonwealth is a safe and welcoming place for all people and provide remedies for those who experience discrimination.

### Why is this law needed?

Virginia was previously one of only *five* states without meaningful protections in public accommodations for anyone, including LGBTQ people. The Virginia Values Act will bring Virginia into the 21st century by modernizing Virginia's existing human rights laws for all Virginians, including people of color, women, veterans, seniors, unmarried and divorced people, and people of faith. People with multiple marginalized identities will not need to figure out if an instance of discrimination was motivated by one particular identity, because all of their identities are now protected against discrimination.

### Which employers are covered by this new law?

Under the Virginia Values Act, private employers with 15 or more employees are prohibited from refusing to hire, discharging, or otherwise discriminating against any employee with respect to their compensation or the terms, conditions, or privileges of their employment because of the employee's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, status as a veteran, or national origin. (Disability discrimination is covered by a separate, existing law.)

Employers with 20 or more employees are prohibited from taking any of those actions against any employee because the employee is 40 years old or older.

In addition employers with 6-14 employees—which are currently barred from discharging (that is, firing or laying off) employees based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, and age—will continue to be barred from discharging employees on those grounds as well as, in addition, marital status, sexual orientation, gender identity, and status as a veteran.

In addition, all state government employees and school board employees will also be protected against such adverse employment actions, even if the agency they work for has fewer than six employees.

Discrimination by employment agencies, unions, and apprenticeship programs is also prohibited.

## **What workers are not covered by this law?**

Gig workers and independent contractors (who are not considered employees) of a company are not covered by the Virginia Values Act. Temporary employees are protected, however, since they are legally employees.

## **Can employers discriminate based on hairstyle?**

A separate law, the CROWN (Create a Respectful and Open Workplace for Natural Hair) Act, also passed in the 2020 General Assembly session, bans discrimination based on hairstyles historically associated with race, including hair texture, hair type, and protective styles such as braids, locks, and twists.

## **Why are public accommodations protections important?**

Protections in public spaces are critical to ensure that LGBTQ people are able to participate fully in their communities and, most importantly, go about their daily lives without the harms or fear of discrimination.

The Virginia Values Act defines a place of public accommodation as "all places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations." This includes restaurants, shops, doctors' offices, clinics, hospitals, educational institutions, banks, insurance companies, transportation services, shelters, food banks, child and elder care centers, funeral parlors, hair salons, gas stations, entertainment venues, on-line businesses, and government buildings.

Of course, these places can always not serve you if you are disruptive or don't follow basic guidelines like wearing a shirt and shoes.

## **Do these protections extend to schools?**

Yes, public schools are open to the public so all students should be protected from discrimination. Private schools that are open to the public, where anyone can apply, are also covered. Private schools limiting enrollment to people of their own faith are not subject to the law to the same degree. Schools can have reasonable restrictions on conduct but those must apply across the board and cannot single out or target students based on their identity.

## **What spaces are not covered under the Virginia Values Act?**

A place of public accommodation does not include private clubs, places owned or operated by religious organizations that are not in fact open to the public, or any other establishment that is not in fact open to the public. Bars and places that primarily serve alcohol are also allowed to deny entry to anyone under 21 years of age.

## **How does this law affect housing discrimination?**

This law updates Virginia's Fair Housing Act to add protections for renters and homebuyers against discrimination on the basis of sexual orientation, gender identity, or veteran's status. This protects individuals looking to buy a house, renters of a house or a building, and those interacting with real estate agent.

## **Are there any exemptions to the housing protections?**

This law did not change the pre-existing exemptions in the law. For example, the law does not generally cover a regular person selling or renting out a single family home they own without a real estate agent; religious nonprofits and private clubs restricting lodging to members of their own religion or club; or someone renting out a room or unit in the building where they live if there are living quarters for no more than four families living independently there. Additionally, certain institutions like schools and hospitals can limit dwellings to be single-sex spaces.

## **How does this law affect discrimination in accessing credit?**

Many Virginians need to access credit to get a mortgage for their home, buy a car, or simply get a credit card. This law updates existing credit protections so LGBTQ people cannot be discriminated against in accessing credit, which could include being denied credit because of your identity, being charged discriminatory interest rates or having discriminatory payment schedules due to your identity, and being asked invasive, inappropriate questions about a previous legal name due to being transgender.

## **How will this new law be enforced?**

The [Virginia Division of Human Rights](#) is currently tasked with helping to enforce the Fair Housing Act in Virginia. The Virginia Values Act similarly empowers the Division of Human Rights to conduct investigations and issue recommendations when a person files a discrimination complaint with them. They can file suit on behalf of someone who complains. In addition, after filing a complaint with the Division of Human Rights, an individual can file suit against those who discriminated against them. In such a suit, they can obtain an order prohibiting the person sued from engaging in further discrimination or requiring other action, as well as compensatory and punitive damages, and attorney fees and costs. Government employees may need to go through an employment grievance process.

## **What should someone do if they experience discrimination?**

Keep a contemporaneous written record in a secure place (not at work) regarding what happened, what was said, who witnessed it, and what the consequences were, along with copies of any written or electronic documents relating to the discrimination. Promptly contact an attorney.

If you would like to file a complaint of discrimination with the Virginia Division of Human Rights, [you can use this form](#). For more information about the complaint process, [click here](#).

## **What if I can't afford a lawyer?**

Most lawyers that handle employment discrimination cases are willing to do so on a 'contingency' basis, where the client does not need to pay attorney's fees up front or as the case progresses and the attorney instead receives a share of any recovery as compensation for the attorney's work. For a list of LGBTQ-friendly lawyers, [click here](#).

## **Does this law mean discrimination will go away eventually in Virginia?**

As we've seen with other civil rights laws prohibiting race, sex, and disability discrimination, legal protections are an important tool in fighting back against discrimination, but they will not stop it altogether. What the law will do is put employees, organizations, landlords, schools, real estate agent, and others on notice that Virginia will not tolerate discrimination against any of our residents and, in addition, provide legal mechanisms to provide remedies when discrimination does happen to make the victim of discrimination whole and deter future discriminatory acts. It will be crucial to continue to work to change hearts and minds and bring about societal change to eliminate unjust discrimination.

## **How does this law affect people of faith and religious organizations?**

This law adds additional protections from discrimination for people of faith in private employment and in public spaces (religious discrimination was already protected in housing and credit). Further, Non-profit organizations that have missions rooted in faith and carry out faith work in their operations have important protections under the First Amendment, including the ability to hire, fire, and set the conditions of employment for their employees who teach or preach about their religion. Religious organizations also are allowed to only hire, or to prefer, members of their religion. This does not affect for-profit organizations or non-profit organizations that are not doing religious-based work, like hospitals. Religious organizations have ample protections to assure their First Amendment rights are undisturbed.

## **About the Virginia Values Coalition**

The Virginia Values Coalition was founded on the shared belief that discrimination is wrong and that we are called to treat others as we want to be treated. Members include national and regional organizations, faith leaders, parents, veterans and people of all political ideologies who are committed to protecting their LGBTQ neighbors from discrimination.

## **About Equality Virginia**

Equality Virginia (EV) is the leading advocacy organization in Virginia seeking equality for lesbian, gay, bisexual, and transgender people. EV believes in a truly inclusive Commonwealth where all are equally valued, regardless of sexual orientation or gender identity, and a Virginia that is a safe, welcoming, and equal place for lesbian, gay, bisexual, and transgender individuals and their families to live, work, and play.

More information will be coming soon, check out [www.equalityvirginia.org](http://www.equalityvirginia.org) or reach out to [info@equalityvirginia.org](mailto:info@equalityvirginia.org).

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