

VIRGINIA ANTI-RETALIATION LAW FOR
NON-PAYMENT OF WAGE CLAIMS IS IN EFFECT

On July 1, 2020, a new law went into effect that grants employees new rights in disputes with their employers over payment of wage issues.

VA Code § 40.1-33.2 makes it illegal for an employer to discharge or “in any other manner discriminate against an employee” because the employee filed a complaint or initiated a proceeding alleging that the employer has violated Virginia’s prohibition against nonpayment of wages (VA Code § 40.1-29). The law also prevents retaliation against an employee who has testified or assisted in an investigation of nonpayment of wage claims.

If an employee is discharged or otherwise punished for filing a nonpayment of wage complaint, they may file a complaint with the Commissioner, who may initiate proceedings on behalf of the employee with the employees consent. The remedies for such a proceeding may include reinstatement of the employee, recovering lost wages, and liquidated damages equaling the amount of lost wages.

If you have any questions or believe that you were retaliated against for filing a complaint for nonpayment of wage, please contact the please contact Compliance Officer Steve Harlow with the Anti-Retaliation Unit at (804) 371-4995.

**VIRGINIA ANTI-RETALIATION LAW FOR
MISCLASSIFICATION CLAIMS IS IN EFFECT**

On July 1, 2020, a new law went into effect in Virginia that grants employees new rights in disputes with their employers regarding disputes pertaining to their classification as an employee or independent contractor.

VA Code § 40.1-33.1 makes it illegal for an employer to “discharge, discipline, threaten, discriminate against, or penalize” an employee or independent contractor for:

- reporting in good faith that an employer has misclassified an employee as an independent contractor when they believe they are in fact an employee, or
- participating in an investigation, hearing, or inquiry by an appropriate authority.

Any employee who believes that their employer has violated this law may file a complaint with the Commissioner, who may then, with the employee’s consent, institute proceedings against the employer for either lost wages, reinstatement of the employee, or both, and any other appropriate remedies. Employers who are found in violation of the law will be subject to a civil penalty up to the amount of any lost earnings (including the value of any lost benefits) resulting from the violation.

If you have any questions or believe that you were retaliated against for filing a complaint for misclassification, please contact Compliance Officer Steve Harlow with the Anti-Retaliation Unit at (540) 248-9280, ext. 15.