

## SURVIVOR STATE EMPLOYMENT GUIDE

# VIRGINIA

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

At the time of publication, Virginia law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under [Va. Code Ann. § 40.1-28.7:2](#), an employer cannot refuse to hire or employ, to bar or to discharge from employment, or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because the individual is a crime victim and leaves work to attend a criminal proceeding related to the crime.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Virginia has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

Under Virginia Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Time Off for Court:** Under Virginia law ([Va. Code Ann. § 18.2-465.1](#)), an employee who is summoned or subpoenaed to appear in court cannot be discharged from employment, nor have any adverse personnel action taken against them for missed work in order to respond to the summons/subpoena. The employee cannot be required to use sick leave or vacation time for the appearance. The employee must give notice.
- **Time Off for Crime Victims:** Under Virginia law ([Va. Code Ann. § 40.1-28.7:2](#)), every employer is required to allow an employee who is a victim of crime to take unpaid leave to be present at all criminal proceedings relating to a crime against that employee. The leave does not have to be paid. The employer may limit the leave if it creates an undue hardship for the employer. However, an employer cannot refuse to hire or employ, to bar or to discharge from employment, or to discriminate against, an individual in compensation or other terms, conditions, or privileges of employment because the individual leaves work to attend a criminal proceeding.

- Additionally, under Virginia law (**Va. Code Ann. § 19.2-11.01(A)(3)(a)**), victims and witnesses shall be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

At the time of publication, Virginia has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.