



SUPPORT!

HB 2363 Sponsor: Del. Leftwich (R-Chesapeake)

HB 1713 Sponsor: Del. Delaney (D-Centreville)

Prohibiting Discriminatory Actions against Employees Filing Wage Complaints

LIS Bill Summaries: Prohibits an employer from discharging or otherwise discriminating against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited discriminatory action. Available remedies include reinstatement of the employee, recovery of lost wages, and liquidated damages.

Workers can be fired for filing a wage complaint. Workers cannot be fired based on race, gender, ethnicity or other protected classes, but they can be fired for filing a complaint about not receiving all their wages. It makes little sense to have laws ensuring that workers get paid all their wages, if they can be fired for seeking to recover those wages. Workers who believe they have been cheated of their wages can call the Department of Labor and Industries (DOLI) and file a complaint. DOLI will investigate and initially will contact the employer. Although many employers resolve the problems immediately, not all do. An employer can then fire the employee for filing the complaint. This lack of protection completely undermines the value of the law for workers who are still employed. As a result, most workers will only file complaints after they leave a job and not while they are still employed at the firm. This means many workers do not receive their legally owed wages and good businesses are put at a competitive disadvantage. This harms workers, good employers and community businesses.

Federal wage laws protect workers against discriminatory actions. The Fair Labor Standards Act, the federal law that regulates minimum wage, overtime and child labor, protects workers against discriminatory actions when workers file complaints with the federal Department of Labor.

Other Virginia laws protect complainants against retaliation, but not in this instance.

- The **Virginia Workers Compensation** law makes it illegal to fire workers for filing for workers compensation.
- The **Virginia Occupational Safety and Health (VOSH)** law prohibits retaliation. The VOSH poster says, "It is illegal to retaliate against an employee for using any of their right under the law, including raising a safety or health concern with the employer or VOSH, or reporting a work-related injury or illness."

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