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HOUSE BILL NO. 45

Offered January 8, 2020

Prefiled November 22, 2019

A *BILL to amend and reenact § 65.2-308 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; discharging employees for exercising rights.*

Patrons—Carter, Jenkins, Kory, Levine, Rasoul and Samirah

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:**1. That § 65.2-308 of the Code of Virginia is amended and reenacted as follows:****§ 65.2-308. Discharge of employee for exercising rights prohibited; civil action; relief.**

A. No employer or *other* person shall discharge an employee ~~solely because~~ *if such discharge is motivated to any extent by knowledge or belief that* the employee intends to file or has filed a claim under this title or has testified or is about to testify in any proceeding under this title. The discharge of a person who has filed a fraudulent claim is not a violation of this section.

B. The employee may bring an action in a circuit court having jurisdiction over the employer or *other* person who allegedly discharged the employee in violation of this section. The court shall have jurisdiction, for cause shown, to restrain violations and order appropriate relief, including actual damages and ~~attorney's attorney~~ fees to successful claimants and the rehiring or reinstatement of the employee, with back pay plus interest at the judgment rate as provided in § 6.2-302.

INTRODUCED

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