

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 40.1-27.3, relating to protection of*
3 *employees from retaliatory actions by their employer.*

4 [H 798]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 40.1-27.3 as follows:**8 **§ 40.1-27.3. Retaliatory action against employee prohibited.**9 *A. An employer shall not discharge, discipline, threaten, discriminate against, or penalize an*
10 *employee, or take other retaliatory action regarding an employee's compensation, terms, conditions,*
11 *location, or privileges of employment, because the employee:*12 *1. Or a person acting on behalf of the employee in good faith reports a violation of any federal or*
13 *state law or regulation to a supervisor or to any governmental body or law-enforcement official;*14 *2. Is requested by a governmental body or law-enforcement official to participate in an investigation,*
15 *hearing, or inquiry;*16 *3. Refuses to engage in a criminal act that would subject the employee to criminal liability;*17 *4. Refuses an employer's order to perform an action that violates any federal or state law or*
18 *regulation and the employee informs the employer that the order is being refused for that reason; or*19 *5. Provides information to or testifies before any governmental body or law-enforcement official*
20 *conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or*
21 *state law or regulation.*22 *B. This section does not:*23 *1. Authorize an employee to make a disclosure of data otherwise protected by law or any legal*
24 *privilege;*25 *2. Permit an employee to make statements or disclosures knowing that they are false or that they are*
26 *in reckless disregard of the truth; or*27 *3. Permit disclosures that would violate federal or state law or diminish or impair the rights of any*
28 *person to the continued protection of confidentiality of communications provided by common law.*29 *C. A person who alleges a violation of this section may bring a civil action in a court of competent*
30 *jurisdiction within one year of the employer's prohibited retaliatory action. The court may order as a*
31 *remedy to the employee (i) an injunction to restrain continued violation of this section, (ii) the*
32 *reinstatement of the employee to the same position held before the retaliatory action or to an equivalent*
33 *position, and (iii) compensation for lost wages, benefits, and other remuneration, together with interest*
34 *thereon, as well as reasonable attorney fees and costs.*

ENROLLED

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