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SENATE BILL NO. 1025

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws

on February 1, 1995)

(Patron Prior to Substitute—Senator Benedetti)

A BILL to amend and reenact §§ 2.1-715 and 2.1-725 of the Code of Virginia, relating to the Virginia Human Rights Act .

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-715 and 2.1-725 of the Code of Virginia are amended as follows:

§ 2.1-715. Declaration of policy and intent.

Nullification of the Supreme Court of Virginia's decisions in Lockhart v. Commonwealth Education Systems Corp. and Wright v. Donelly & Co. It is the intention of the General Assembly of Virginia that the investigation and conciliation processes of the Virginia Human Rights Council and such rights and procedures as are provided by federal law shall be the exclusive means of resolving claims of employment discrimination and that public policies against discrimination in employment shall not be the basis for civil causes of action under Virginia law, whether in tort or in contract or based on a claim of public policy exception to the doctrine that employment is presumed to be at-will.

It is the policy of the Commonwealth of Virginia:

1. To safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, age, marital status or disability, in places of public accommodation, including educational institutions and in real estate transactions; in employment; to preserve the public safety, health and general welfare; and to further the interests, rights and privileges of individuals within the Commonwealth; and

2. To protect citizens of the Commonwealth against unfounded charges of unlawful discrimination; ; and

3. To resolve complaints of unlawful discrimination through investigation and conciliation by the Virginia Human Rights Council and hearings pursuant to the Virginia Administrative Process Act rather than through litigation.

§ 2.1-725. Causes of action not created.

Nothing in this chapter creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions. Nor shall the policies or provisions of this chapter be construed to allow tort actions to be instituted instead of or in addition to the current statutory actions for unlawful discrimination. Nor shall the provisions of this chapter or the public policies reflected herein be construed to allow civil actions, whether in tort or contract or based on express or implied public policy, to be instituted instead of or in addition to the current statutory actions for unlawful discrimination. Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures and remedies, if any, afforded by applicable federal civil rights statutes.