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HOUSE BILL NO. 675
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Governor
on April 13, 2026)

(Patron Prior to Substitute—Delegate Maldonado)

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12, relating to protection of employees; discrimination, coercion, threats, etc., by employer; civil penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12 as follows:

§ 40.1-28.7:12. Anti-retaliation; civil penalty.

A. As used in this section:

"Coercion" means a threat to compel or induce a person to engage in conduct that the person has a legal right to abstain from or to abstain from conduct that the person has a legal right to engage in.

"Threat" means any implicit or explicit communication specifically pertaining to an employee or an employee's family member that is made by an employer to deter an employee from engaging in protected activities or exercising a right under this chapter or any rules issued by the Department pursuant to this chapter.

B. No employer shall discharge, discipline, penalize, discriminate against, use coercion, or issue a threat to an employee in furtherance of committing a violation of any provision of Chapter 3 (§ 40.1-22 et seq.) or Chapter 5 (§ 40.1-78 et seq.), including rules issued by the Department.

C. An employee who believes that he was subject to a violation of this section may file a complaint with the Commissioner within 90 days of the alleged coercive action or threat.

D. The Commissioner may initiate an investigation (i) upon the receipt of a complaint from an employee, (ii) upon the receipt of a complaint from an interested third party, or (iii) at the Commissioner's discretion. The Commissioner shall not disclose a complainant's identity unless such complainant consents to disclosure. In conducting investigations, the Commissioner may (a) require individuals to submit a statement or report in writing under oath that contains all necessary information, (b) examine under oath any person alleged to have participated in or to have knowledge of the violation, and (c) issue subpoenas.

E. If the Commissioner determines the employer has violated this section, the Commissioner shall assess a civil penalty for each act in the following amounts:

1. For the first violation, a civil penalty not to exceed \$5,000;
2. For the second violation, a civil penalty not to exceed \$9,000; and
3. For any subsequent violation, a civil penalty not to exceed \$12,000.

Each act against each affected employee shall constitute a separate violation of this section. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. Civil penalties assessed under this section shall be paid to the Commissioner for deposit into the general fund.

F. Unless otherwise resolved, the Commissioner may commence administrative or judicial proceedings under the process set forth in § 40.1-29 based on the good faith belief that a violation of this section has occurred.

G. In any action by the Commissioner, the employer shall be liable for any legal and equitable relief, including preliminary injunctive relief, as may be appropriate to effectuate the purposes of this section. Such appropriate relief includes reinstatement and payment of lost wages.

H. Nothing in this section shall be construed to reduce the rights or remedies otherwise available under this title, including under § 40.1-27.3, to an individual, the Commissioner, or the Attorney General.

HOUSE SUBSTITUTE

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