

THE VIRGINIA HUMAN RIGHTS ACT'S PROTECTIONS FOR TRANSGENDER AND NONBINARY VIRGINIANS

Last Updated October 30, 2026

KNOWING YOUR RIGHTS

The Virginia Human Rights Act (VHRA) is one of the Commonwealth's pillar nondiscrimination laws. It addresses employment and public accommodations, and covers:

- Employers with five or more employees
- Any place or business that offers services to the general public, including, healthcare providers, public schools, government buildings, and hotels or other lodgings.

In 2020, the VHRA was expanded to explicitly protect against discrimination on the basis of “gender identity” and “sexual orientation.”

This means a Virginia employer cannot fire, refuse to hire, or otherwise discriminate against you because you are LGBTQ+, and a public accommodation cannot refuse to serve or otherwise discriminate against you because you're LGBTQ+.

For example, under the VHRA, you should be able access restrooms aligned with your gender identity, and you and your partner should receive all the services offered to other couples.

The VHRA also protects against discrimination based on race, color, religion, ethnic or national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or military status.

ENFORCING YOUR RIGHTS

If you believe you have been discriminated against, the first step is filing a complaint with Virginia Office of Civil Rights (OCR), located within the Virginia Attorney General's Office .

How do I file a complaint?

When: You must file the complaint within two years of the discrimination

How: You can file a complaint with OCR online, via email, or by mail.

- [Online submission form](#)
- [PDF Form \(for email or mail submission\)](#)
 - Mailing address: 202 North Ninth Street, Richmond, VA 23219
 - Email: CivilRights@oag.state.va.us

Include:

- Name, address, and telephone number of the person making the complaint
- Name and address of the person against whom the complaint is made
- Statement of the facts
- Include any supporting documents

- Don't forget to **SIGN IT!**

You do not need a lawyer to file a complaint with OCR, but it may be helpful to consult with one.

What happens to my complaint once I've filed it?

OCR alone does not have the power to force someone violating the VHRA to change their behavior or to compensate the person they harmed. But if you file a complaint with OCR, here's what you can expect:

1. First, OCR will investigate your allegations. This may include interviewing witnesses, requesting relevant documents, and/or engaging in site visits.
2. Then, at the conclusion of the investigation, considering all of the facts and the law, OCR will decide whether there is reasonable cause to believe you were discriminated against.
 - **If OCR does not find reasonable cause to believe the VHRA was violated:**
 - OCR will issue a Notice of Right to Sue that allows you to file a lawsuit in court.
 - **If OCR does find reasonable cause to believe the VHRA was violated:**
 - OCR will attempt to resolve your issue by reaching an agreement with the person you filed the complaint against. OCR alone does not have the power to force the person violating the VHRA to change their behavior or to compensate you.
 - If a voluntary resolution cannot be reached, OCR will issue a Notice of Right to Sue that allows you to file a lawsuit in court.

There's one more possible path for your complaint. The Virginia Attorney General's Office can also choose to sue about the issues raised in your complaint if:

- The employer or public accommodation you're complaining about is engaged in a pattern or practice of violating the VHRA, or
- Your complaint raises what the Virginia Attorney General's Office considers to be issues of "general public importance."

When the Virginia Attorney General's Office files a lawsuit to enforce the VHRA, it can ask the court for any or all of three things:

- to order the employer or public accommodation to stop violating the VHRA;
- to pay civil penalties to the state;
- or to award any other appropriate relief to those harmed by the discrimination (including money damages).

How is my privacy protected when I submit a VHRA complaint?

OCR is prohibited by law from publicly releasing information related to an investigation if it would identify any party or person who provided information. Complaints to OCR are also exempt from disclosure under Virginia's public records law, meaning that if someone files a Freedom of Information Act, they won't be able to get access to your complaint.

OCR must share your identity with the party you have filed the complaint about. However, the identity of any witnesses will be kept confidential.

Can I take my case to court?

The Virginia Court of Appeals has found that individual people CANNOT enforce the VHRA against governmental actors, such as public schools, public universities, and state and local governments. To fix this, the General Assembly would need to pass a bill waiving sovereign immunity under the VHRA. Currently, only the Virginia Attorney General can sue public schools and universities or state and local governments for violating the VHRA.

For all other violations by employers or public accommodations, individual people must have a Notice of Rights to Sue in order to file a lawsuit in court.

180 days after you submit your complaint, you can request a Notice of Right to Sue from the OCR (if it has not already been issued, as described above), even if the OCR's investigation is still ongoing.

After the Notice is issued, you have 90 days to file your case in court.

If the court finds your rights under the VHRA have been violated, it can order the employer or public accommodation to:

- Pay you money damages and/or
- Change its behavior and stop discriminating.

GETTING HELP

The ACLU-VA and Equality Virginia want to hear from you.

If you would like assistance in submitting a VHRA complaint to the Office of Civil Rights, email ACLU of Virginia at intake@acluva.org.



If you would like to share your VHRA complaint to help us understand patterns and identify issues affecting LGBTQ+ Virginians, please scan the QR code to [Equality Virginia's Virginia Human Rights Act Discrimination Complaint Tracker](#).