



WORKER RIGHTS · VIRGINIA

Your Rights as a Worker in Virginia

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Virginia employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

You Can Be Fired for Almost Any Reason, but Not an Illegal One

- Virginia is an “at-will” state. Your employer can let you go for a good reason, a bad reason, or no reason at all. But they cannot fire you for:
- Your race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy (including lactation), age (40 or older), disability, military status, or national origin — Virginia’s Human Rights Act covers employers with 5 or more employees
- Filing a wage claim or reporting wage theft
- Discussing or comparing your pay with coworkers — that conversation is legally protected
- Refusing to commit an illegal act

If you were fired for one of these reasons, consider talking to an employment lawyer.

Your Paycheck Is Protected

Virginia's Payment of Wage Act sets the rules, and wage theft carries real penalties here:

- Minimum wage: \$12.77/hour for 2026. It's already scheduled to rise to \$13.75 on January 1, 2027 and \$15.00 on January 1, 2028.
- Overtime: 1.5x your rate for hours past 40 in a week.
- Final paycheck: Everything you're owed is due by the next regular payday after your employment ends.
- Pay stubs: Every payday you must receive an itemized statement showing your hours, your rate, and every deduction.
- Deductions: Your employer cannot deduct anything from your pay — shortages, breakage, uniforms, anything — without your signed written authorization (taxes and court-ordered deductions are the exceptions).
- If your employer knowingly doesn't pay you, Virginia law allows triple damages, and larger-scale wage theft can be charged as a crime.

You have 3 years to bring a wage claim. File with the Virginia Department of Labor and Industry (DOLI) — which, since July 2026, can also investigate overtime claims — or consider talking to an employment lawyer.

If You Earn Tips

- Your employer can pay a cash wage of \$2.13/hour, but your tips must bring you to \$12.77/hour. If they don't, your employer owes you the difference.
- Your tips are yours. Managers and supervisors can never keep any part of them. Tip pooling follows federal rules — it can only include workers who customarily receive tips, unless everyone in the pool is paid the full minimum wage without a tip credit.

Vacation, PTO, and Sick Leave

- Virginia does not require employers to offer vacation — and no law requires your accrued vacation or PTO to be paid out when you leave. It all depends on your employer's written policy, so get it and keep a copy. DOLI does not enforce vacation or PTO disputes; a promise that's broken is a matter for a civil lawsuit.
- Paid sick leave: As of today, Virginia's paid sick leave law covers home health workers. In 2026 the state passed an expansion covering most workers, but it phases in starting July 1, 2027 — it does not cover most hospitality workers yet. Until then, sick leave is whatever your employer offers (federal family and medical leave aside).

Breaks

- Virginia does not require meal or rest breaks for adult workers. If your employer offers a break, that's their policy — though federal law says a short break (20 minutes or less) must be paid, and a meal break is unpaid only if you're fully off duty. Workers under 16 must get a 30-minute break after 5 consecutive hours.

If You're Under 18

- Workers under 16 need an employment certificate (work permit) and have strict limits on hours and job types.
- You must be 18 to serve alcohol and 21 to bartend (mix drinks).

Non-Compete Agreements

- Virginia bans non-competes for “low-wage employees” — and the definition is broader than it sounds. In 2026 it covers anyone earning under \$1,507.01 a week (about \$78,365 a year) — which includes most hospitality managers — and anyone who is eligible for overtime pay, at any salary. If that's you, a non-compete you signed generally cannot be enforced. New in 2026: a non-compete also can't be enforced against an employee who was fired and received no severance pay. If you signed one and you're not sure where you stand, talk to an employment lawyer before you make a move.

Pay Transparency — New in 2026

Since July 1, 2026, Virginia employers must:

- Include the wage or salary range in every job posting — public or internal, any size employer.
- Never ask about your salary history or use it to set your pay.

A posting with no pay range is breaking Virginia law, and you can report it.

What Virginia Does NOT Require

- No meal or rest breaks for adults (see above).
- No payout of accrued vacation or PTO unless the employer's policy promises it.
- No written notice of your pay rate at hiring (your per-payday statement is what's required).
- No right to inspect your personnel file.
- Virginia is a right-to-work state: you can't be required to join a union or pay union fees as a condition of employment.

If Your Rights Were Violated

- Wage issues (unpaid wages, overtime, illegal deductions, late final pay): Virginia Department of Labor and Industry (DOLI) — wage claims are due within 3 years.
- Discrimination: Virginia Office of Civil Rights — file within 2 years — or the U.S. Equal Employment Opportunity Commission (EEOC), where the deadline is 300 days.
- Unsafe working conditions: VOSH — Virginia runs its own OSHA-approved safety program covering private employers.

Deadlines apply to many claims, so don't wait. And when in doubt, consider talking to an employment lawyer — many offer free consultations.