



Virginia Pay Equity

Statute

- [Equal Pay Irrespective of Sex, Va. Code Ann. § 40.1-28.6](#)

Classes protected

- Sex

Key language on pay discrimination

- “No employer having employees shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions[.]”

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- System which measures earnings by quantity or quality of production
- Differential based on any other factor other than sex

Prohibition on salary history inquiry (public employers)

- As part of the state Employment Equity Initiative, the Virginia Department of Human Resource Management has eliminated the salary history field from applications for state jobs.

Other key provisions

- Section does not apply to employers covered by the FLSA.

Key Contacts

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Pay Equity Team

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