

Editorial Notes**AMENDMENTS**

2011—Subsec. (a)(3). Pub. L. 112-10 struck out “and the employer does not offer a free choice voucher” after “Exchange”.

2010—Subsec. (a)(3). Pub. L. 111-148, §10108(i)(2), inserted “and the employer does not offer a free choice voucher” after “Exchange” and substituted “may lose” for “will lose”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2011 AMENDMENT**

Amendment by Pub. L. 112-10 effective as if included in the provisions of, and the amendments made by, the provisions of Pub. L. 111-148 to which it relates, see section 1858(d) of Pub. L. 112-10, set out as a note under section 36B of Title 26, Internal Revenue Code.

§ 218c. Protections for employees**(a) Prohibition**

No employer shall discharge or in any manner discriminate against any employee with respect to his or her compensation, terms, conditions, or other privileges of employment because the employee (or an individual acting at the request of the employee) has—

(1) received a credit under section 36B of title 26 or a subsidy under section 18071 of title 42;¹

(2) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of, any provision of this title¹ (or an amendment made by this title);¹

(3) testified or is about to testify in a proceeding concerning such violation;

(4) assisted or participated, or is about to assist or participate, in such a proceeding; or

(5) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this title¹ (or amendment), or any order, rule, regulation, standard, or ban under this title¹ (or amendment).

(b) Complaint procedure**(1) In general**

An employee who believes that he or she has been discharged or otherwise discriminated against by any employer in violation of this section may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 2087(b) of title 15.

(2) No limitation on rights

Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(June 25, 1938, ch. 676, §18C, as added Pub. L. 111-148, title I, §1558, Mar. 23, 2010, 124 Stat. 261.)

¹ See References in Text note below.

Editorial Notes**REFERENCES IN TEXT**

Section 18071 of title 42, referred to in subsec. (a)(1), was in the original “section 1402 of this Act”, and was translated as meaning section 1402 of the Patient Protection and Affordable Care Act, which is classified to section 18071 of title 42, to reflect the probable intent of Congress.

This title, referred to in subsec. (a)(2), (5), probably means title I of Pub. L. 111-148, Mar. 23, 2011, 124 Stat. 130. For complete classification of title I to the Code, see Tables.

Section 2087(b) of title 15, referred to in subsec. (b)(1), was in the original “section 2807(b) of title 15”, and probably should have read “section 40(b) of the Consumer Product Safety Act”, which is classified to section 2087(b) of Title 15, Commerce and Trade.

§ 218d. Breastfeeding accommodations in the workplace**(a) In general**

An employer shall provide—

(1) a reasonable break time for an employee to express breast milk for such employee’s nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and

(2) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(b) Compensation**(1) In general**

Subject to paragraph (2), an employer shall not be required to compensate an employee receiving reasonable break time under subsection (a)(1) for any time spent during the workday for such purpose unless otherwise required by Federal or State law or municipal ordinance.

(2) Relief from duties

Break time provided under subsection (a)(1) shall be considered hours worked if the employee is not completely relieved from duty during the entirety of such break.

(c) Exemption for small employers

An employer that employs less than 50 employees shall not be subject to the requirements of this section, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.

(d) Exemption for crewmembers of air carriers**(1) In general**

An employer that is an air carrier shall not be subject to the requirements of this section with respect to an employee of such air carrier who is a crewmember¹

(2) Definitions

In this subsection:

(A) Air carrier

The term “air carrier” has the meaning given such term in section 40102 of title 49.

¹ So in original. Probably should be followed by a period.