

1
2
3
4
5
6
7
8
9
10
11
12
13

14
15
16
17
18
19
20

H.85

Introduced by Representatives Stevens of Waterbury, Anthony of Barre City,
Bluemle of Burlington, Cina of Burlington, Cordes of Lincoln,
Hooper of Burlington, Killacky of South Burlington, Patt of
Worcester, Satcowitz of Randolph, Sims of Craftsbury,
Stebbins of Burlington, Suprenant of Barnard, Townsend of
South Burlington, Wood of Waterbury, and Yantachka of
Charlotte

Referred to Committee on

Date:

Subject: Labor; employment conditions; breaks

Statement of purpose of bill as introduced: This bill proposes to require
employers to provide employees with breaks for meals and rest.

An act relating to requiring employment breaks

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 304 is amended to read:

§ 304. EMPLOYMENT CONDITIONS

(a)(1) An employer shall provide an employee with reasonable
opportunities during work periods to eat and to use toilet facilities in order to
protect the health and hygiene of the employee.

1 (2) During any shift or workday totaling six or more hours of work, an
2 employer shall offer an employee paid or unpaid breaks from work totaling at
3 least 30 minutes to eat, rest, and use toilet facilities. If a break from work
4 would pose a threat to property, life, public safety, or public health, the
5 employer may offer a shorter break or reschedule the time that the break may
6 be taken.

7 (3) This subsection does not apply to any place of employment where
8 fewer than three employees are on duty at any one time and the nature of the
9 work done by the employees allows them frequent breaks during their work
10 day.

11 (b) An employer may adopt an employment break policy that is more
12 generous than the rights provided by this section.

13 (c)(1) Nothing in this section shall be construed to diminish an employer's
14 obligation to comply with any collective bargaining agreement or employment
15 policy that provides employees with greater break rights than are provided by
16 this section.

17 (2) A collective bargaining agreement or employment benefit program
18 or plan may not diminish the rights provided by this section.

19 (d) An employer shall not retaliate or discriminate against an employee
20 who exercises or attempts to exercise the rights provided under this section.

1 The provisions against retaliation in subdivision 495(a)(8) of this title shall
2 apply to this section.

3 (e)(1) The penalty and enforcement provisions of section 495b of this title
4 shall apply to this section.

5 (2) In lieu of an enforcement action through the Judicial Bureau, the
6 Attorney General or a State's Attorney may enforce the provisions of this
7 section by restraining prohibited acts, seeking civil penalties, obtaining
8 assurances of discontinuance, and conducting civil investigations as provided
9 pursuant to subsection 495b(a) of this title. An employer complained against
10 shall have all the rights and remedies provided pursuant to that subsection.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2021.