

the court shall award not more than \$10,000 per plaintiff per violation with respect to whom the court made the finding described in paragraph (1), (2), (3), or (4), except that multiple infractions of a single provision of this chapter shall constitute only one violation for purposes of determining the amount of statutory damages due to a plaintiff under this subsection and in the case of a class action, the court shall award not more than the lesser of up to \$10,000 per plaintiff or up to \$500,000 for all plaintiffs in such class action.

**(f) Tolling of statute of limitations**

If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of a migrant or seasonal agricultural worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (a) of this section shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for other actual damages, statutory damages, or equitable relief arising out of the same transaction or occurrence as the injury or death of the migrant or seasonal agricultural worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

(Pub. L. 97-470, title V, §504, Jan. 14, 1983, 96 Stat. 2597; Pub. L. 102-392, title III, §325(a), Oct. 6, 1992, 106 Stat. 1728; Pub. L. 104-49, §1(a)(2), 2(a), 3, Nov. 15, 1995, 109 Stat. 432, 433.)

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-49, §1(a)(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

“(d)(1) Notwithstanding any other provision of this chapter, where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this chapter in the case of bodily injury or death.

“(2) The exclusive remedy prescribed by paragraph (1) precludes the recovery under subsection (c) of this section of actual damages for loss from an injury or death but does not preclude recovery under subsection (c) of this section for statutory damages or an injunction.”

Subsec. (e). Pub. L. 104-49, §2(a), added subsec. (e).

Subsec. (f). Pub. L. 104-49, §3, added subsec. (f).

1992—Subsec. (d). Pub. L. 102-392 added subsec. (d).

EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-49, §1(b), Nov. 15, 1995, 109 Stat. 432, provided that: “The amendment made by subsection (a)(2) [amending this section] shall apply to all cases in which a final judgment has not been entered.”

Pub. L. 104-49, §2(b), Nov. 15, 1995, 109 Stat. 433, provided that: “The amendment made by subsection (a) [amending this section] shall apply to all cases in which a final judgment has not been entered.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-392, title III, §325(c), Oct. 6, 1992, 106 Stat. 1728, provided that the amendment of this section by section 325(a) of Pub. L. 102-392 would apply to actions commenced after Oct. 6, 1992, but not after the expiration of 9 months after such date, with waiver and extension provisions for certain actions, prior to repeal by Pub. L. 104-49, §1(a)(1), Nov. 15, 1995, 109 Stat. 432.

**§ 1855. Discrimination prohibited**

**(a) Prohibited activities**

No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any migrant or seasonal agricultural worker because such worker has, with just cause, filed any complaint or instituted, or caused to be instituted, any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, or because of the exercise, with just cause, by such worker on behalf of himself or others of any right or protection afforded by this chapter.

**(b) Proceedings for redress of violations**

A migrant or seasonal agricultural worker who believes, with just cause, that he has been discriminated against by any person in violation of this section may, within 180 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this section have been violated, the Secretary shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown, to restrain violation of subsection (a) of this section and order all appropriate relief, including rehiring or reinstatement of the worker, with back pay, or damages.

(Pub. L. 97-470, title V, §505, Jan. 14, 1983, 96 Stat. 2598.)

**§ 1856. Waiver of rights**

Agreements by employees purporting to waive or to modify their rights under this chapter shall be void as contrary to public policy, except that a waiver or modification of rights in favor of the Secretary shall be valid for purposes of enforcement of this chapter.

(Pub. L. 97-470, title V, §506, Jan. 14, 1983, 96 Stat. 2598.)

PART B—ADMINISTRATIVE PROVISIONS

**§ 1861. Rules and regulations**

The Secretary may issue such rules and regulations as are necessary to carry out this chapter, consistent with the requirements of chapter 5 of title 5.

(Pub. L. 97-470, title V, §511, Jan. 14, 1983, 96 Stat. 2598.)

**§ 1862. Authority to obtain information**

**(a) Investigation and inspection authority concerning places, records, etc.**

To carry out this chapter the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate, and in connection therewith, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this chapter, or regulations prescribed under this chapter.