FLSA & Child Labor

Non-Agricultural Child Labor

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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Presentation Topics

Non-Agricultural Child Labor FLSA Standards

- Child Labor Protections by Age
- Hours 14- and 15-year-olds can work
- Jobs 14- and 15-year-olds can work
- Hazardous Occupations Orders prohibited for *all* children under 18
- Additional Resources

Child Labor Protections by Age

- **Under 14:** limited to work that is exempt from the FLSA such as delivering newspapers to the consumer, acting, or casual baby-sitting
- **14 and 15:** may work outside school hours only for a limited number of hours per day and per week; restrictions on type of work; **any work not specifically permitted is prohibited**
- **16 and 17:** may be employed for unlimited hours, but may NOT work in any Hazardous Occupation Order
- **18**: no longer subject to Federal Child Labor Laws

Jobs for 14- and 15-year-olds

Work a 14- and 15-year-old generally CAN do:

- Most retail jobs – cashier, stocking, and advertising
- Some food service work – server/busser, dishwasher
- Creative work – singing, artwork, playing an instrument
- Intellectual work – teaching, tutoring, and computer programming
- Certified 15-year-olds may work as lifeguards at swimming pools and amusement parks

Any work not specifically permitted is prohibited.

Hours 14- and 15-year-olds Can Not Work

14- and 15-year-olds can work *only outside of school hours* and may not work:	More than 3 hours on a school day, including Friday
	More than 18 hours per week when school is in session
	More than 8 hours per day when school is not in session
	More than 40 hours per week when school is not in session
	Before 7:00 a.m. or after 7:00 p.m. on any day, except from June 1 through Labor Day, when nighttime work hours are extended to 9:00 p.m.

Hazardous Occupations Orders (HOs)

17 Hazardous Occupations Orders

- Explosives
- Exposure to radioactive materials
- Mining (including coal)
- Forestry
- Meat processing
- Woodworking machines
- Metal working & shearing
- Bakery machines
- Lifting Equipment (including forklift)
- Saws
- Driving
- Balers and compactors
- Demolition
- Roofing
- Excavation
- Bricks and tiles

Fact Sheet 43

Explosives and Radioactive Material

Children cannot:

- Work where explosives are manufactured or stored
- Work where they are exposed to radioactive materials

Driving

Children cannot:

- Drive motor vehicles or work outside the vehicle as a driver's helper to assist with tasks such as loading, unloading, or securing cargo

Note: 17-year-olds can drive cars or small trucks during daylight hours **for limited times** and **under strictly limited circumstances.**

Mining and Forestry Jobs

Children cannot:

- Work most jobs in mining, including coal mining
- Work most jobs in forest fire fighting, forest fire prevention, forestry services, logging, and sawmills

Lifting Equipment

Children cannot:

- Operate or ride on a power-driven hoisting apparatus (lifting equipment), like forklifts, non-automatic elevators, skid-steers loaders, backhoes, manlifts, scissor lifts, cherry pickers, work-assist platforms, boom trucks, or cranes

Meat Processing

Children cannot:

- Use or clean power-driven meat-processing machines, like meat slicers, saws and meat choppers
- Work most jobs in meat and poultry slaughtering, processing, rendering, and packing establishments

Power-Driven Machines: Bakery, Wood, and Metal

Children cannot:

- Use, set up, or clean power-driven bakery machines such as vertical dough mixers
- Use, set up, or clean power-driven woodworking machines, like circular saws, chain saws, nailing machines, and sanders
- Use, set up, or clean power-driven metal-working machines including metal-forming, punching and shearing machines

Compactors and Balers

Children cannot:

- Use balers, compactors, and power-driven paper-products machines.

Note: 16- and 17-year-olds can load (**but cannot operate or unload**) certain scrap paper balers and paper box compactors **only under very specific guidelines**.

Saws

Children cannot:

- Operate power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, woodchippers, and abrasive cutting discs
- Work as a helper on the above types of power-driven equipment, no matter what kind of items are being cut by the equipment

Demolition, Roofing, and Excavation

Children cannot:

- Be employed in wrecking and demolition work
- Be employed in roofing operations including work performed on the ground, removal of the old roof, and all work on or about a roof
- Work most jobs in the manufacture of brick, tile and similar products
- Work most jobs in trenching and excavation work, including working in a trench more than four feet deep

Special Exemptions and Exceptions

Apprentices and Student Learners - Ages 16 and 17

- The regulations provide a limited exemption from HOs 5, 8, 10, 12, 14, 16 and 17 for **bona fide** apprentices **and student-learners** who are at least 16 years of age and enrolled in approved programs
- WHD has the responsibility to ensure that apprentices and student-learners are working in a bona fide program and within the exemption requirements
- WHD does not approve apprenticeship or student-learner programs

Special Exemptions and Exceptions, continued

Apprentices and Student Learners - Ages 16 and 17

- DOL's Employment and Training Administration's Office of Apprenticeship oversees and approves registered apprenticeships
- State or local educational authorities oversee and approve student-learner programs

Apprenticeship Programs

- You may obtain information concerning Apprenticeship programs from the Office of Apprenticeship, which is administered by the Department of Labor's Employment Training Administration
- Your State's Apprenticeship agency may also provide information

29 CFR 570.50

Exemption Requirements: Apprentices

1) The apprentice is employed in a craft recognized as an apprenticeable trade
2) The work of the apprentice in the occupations declared particularly hazardous is incidental to his/her training
3) Such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training
4) The apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards

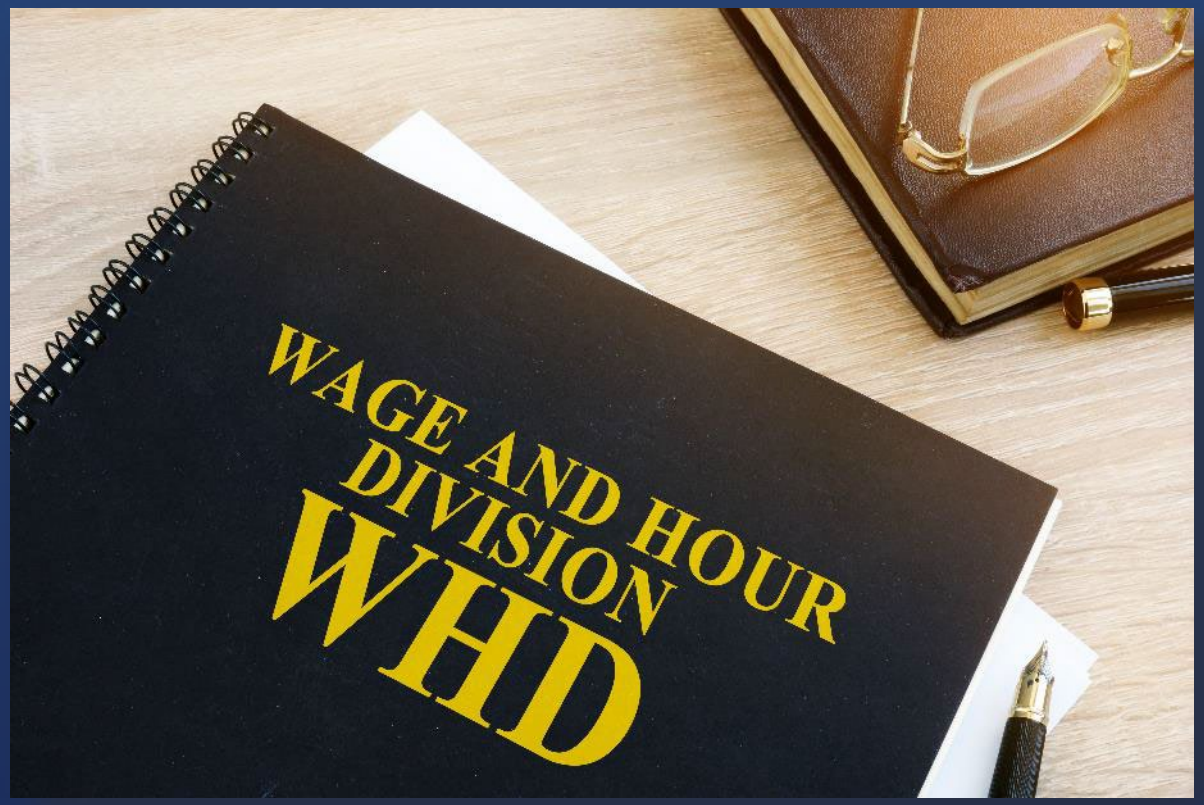
Exemption Requirements: Student-Learners

1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school
2) Such student-learner is employed under a written agreement which provides:
   a) the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his/her training
   b) such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person
   c) safety instructions shall be given by the school and correlated by the employer with on-the-job training
   d) a schedule of organized and progressive work processes to be performed on the job shall have been prepared

Wage and Hour Division

What we do:

- Enforcement
- Outreach and Education
- Compliance Assistance



Best Practices for Employers

- YouthRules!
- Seven Child Labor Best Practices for Employers
- Video Resources
- 29 CFR Part 570 Child Labor Regulations, Orders and Statements of Interpretation

Wage and Hour Investigation Process

1

Initial Conference

Our investigator holds an initial conference with the employer and/or the employer's representative and tours the employer's establishment.

2

Conducting Interviews

Our investigator interviews employees in private.

3

Reviewing Records

The WHD investigator reviews the employer's records to determine compliance.

4

Final Conference

We hold a final conference with the employer and/or the employer's representative to discuss any violations found and how to correct them. If back wages are owed to employees, the investigator will request payment of back wages.

Thank you!

Have questions later?

Please call us at 1-866-4US-WAGE
Or go to our website: dol.gov/whd

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