

The Fair Labor Standards Act's Child Labor Provisions

Presented by the
U.S. Department of Labor
Wage and Hour Division



FLSA Wage Rights

- The minimum wage is \$7.25 per hour effective July 24, 2009
- Youth Minimum Wage of \$4.25 per hour permitted for the first calendar 90 days of employment
- Tipped ee's-\$2.13 /hr + tips= \$7.25
- No illegal deductions that drop wages below the minimum wage (property damage, cash register shortages, work tools=illegal deductions)
- Most training must be paid
- Overtime=time and a half the regular rate after 40 hrs worked

Federal Child Labor Rules

- **The Federal Child Labor Provisions were enacted to ensure that when young people work, the work is safe, positive, and complements the educational process**
- **These rules can serve as a platform from which young workers can explore—not entirely free from risk—the “World of Work”**

Federal Child Labor Rules

- Every year about **160,000** youth under **18** years of age are injured on the job in America
- About **1/3** of those, or **55,000**, suffer injuries serious enough to require emergency room treatment
- Sadly, in **2009**, **32** young workers died because of occupational injuries

Federal Child Labor Provisions Do Not:

- Require minors to obtain work permits
- Limit hours or restrict time worked for minors 16 years of age or older
- Require breaks or meal periods for minors





Hours that 14 and 15 Year-Olds May Work

- No more than 3 hours on a school day, **including Fridays**
- No more than 18 hours during a week when school is in session
- No more than 8 hours on a non-school day
- No more than 40 hours during a week when school is not in session

Times When 14- and 15-Year-Olds May Work

- **Between 7 AM and 7 PM; or**
- **Between 7 AM and 9 PM from June 1 through Labor Day; and**
- **Outside school hours**



Jobs 14- and 15-Year-Olds May Do

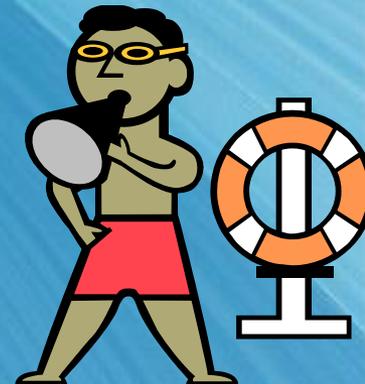
- Cashiering and selling
- Price marking, assembling orders, packing
- Office and clerical work
- Bagging groceries
- **Hand** washing cars



Retail & Service Jobs 14- and 15-Year-Olds May Do



- Work of an **intellectual or artistically creative nature**
- Cooking with electric or gas grills that does not entail cooking over an open flame
- Work as a **Lifeguard** or **Swimming Instructor** at a swimming pool if at least 15 years of age and properly certified.



14- and 15-Year-Olds



May Not perform work in occupations that involve:

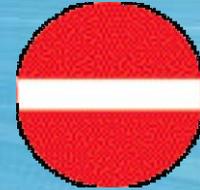
- Manufacturing and Mining
- The operation of power-driven equipment
- Transportation and Communications*
- Warehousing and storage*
- Most processing*
- Construction*



* Exceptions apply for office work

Work 14- and 15-Year-Olds

May Not

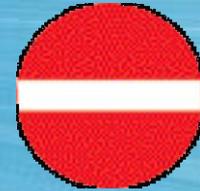


- Work in or about boiler or engine room
- Perform maintenance or repair of a building or equipment
- Perform **any** part of the baking process (no mixing, no weighing, no placing items on trays, no operating ovens including pizza ovens, no removing items from ovens, no finishing)
- Operate a deep fat fryer requiring the user to use his or her hands to raise and lower a basket into and out of oil or grease
- Work as a lifeguard at a beach or other natural environment like a pond, river, quarry, pier, or lake.



Work 14- and 15-Year-Olds

May Not

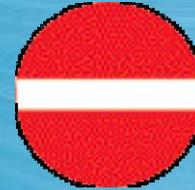


- Work in freezers and meat coolers, except they may momentarily enter a freezer to retrieve items on an occasional basis
- Perform outside window washing that involves working from windowsills
- Any work requiring the use of ladders, scaffolds or their substitutes
- Work as a poultry catcher, gathering poultry for slaughter or market

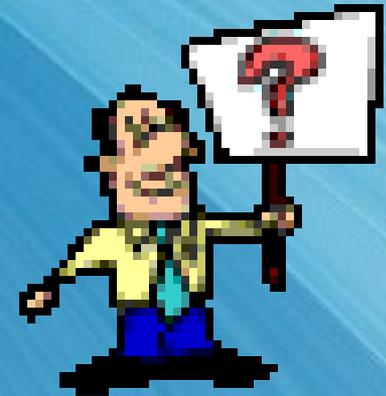


14- and 15-Year-Olds

May Not



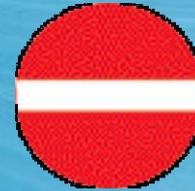
- Perform door-to-door or street sales (but may voluntarily sell items for fund-raising campaigns by their schools or such charities as the Girl Scouts of America)
- Perform “sign waving”



14- and 15-Year-Olds

May Not

- Work in a job requiring the use of power-driven food slicers and grinders, choppers or cutters and bakery mixers
- Load and unload goods to and from trucks, railcars, or conveyors
- Perform most work in areas where meats are prepared for sale
- Cook with Rotisseries
- Work in any occupations declared to be hazardous for 16- and 17-year-olds



Hazardous Orders

- **Manufacturing or storing explosives**
- **Driving a motor vehicle and being an outside helper**
- **Mining**
- **Logging and sawmilling, forest fire fighting and fire prevention, timber tract management and forestry services**
- **Power-driven wood working machines; power-driven metal forming, punching, and shearing machines; power-driven hoisting apparatus, including forklifts; bakery machines, including vertical dough mixers; circular saws, band saws, chain saws, reciprocating saws, wood chippers, abrasive cutting discs, and guillotine shears; and paper products machines, including balers and compactors.**
- **Exposure to radioactive substances and to ionizing radiation**
- **Meat and poultry packing or processing, including power-driven meat slicers**
- **Manufacturing brick, tile, and related products**
- **Wrecking, demolition, and ship-breaking operations**
- **Roofing operations and all work on or about a roof**
- **Excavating operations**



Hazardous Orders (HO) Most Teens Encounter



- HO 2- Driving a motor vehicle and being an outside helper
- HO 5- Power-driven wood working machines
- HO 7- Power-driven hoisting apparatus including forklifts, backhoes, skid-steer loaders, Bobcat loaders, front-end loaders, cherry pickers, boom trucks, scissor lifts, and work assist platforms.
- HO 8- Power-driven metal forming, punching, and shearing machines
- HO 10- Meat and poultry packing or processing, including operating and cleaning power-driven meat slicers
- HO 11- Power-driven bakery machines, including vertical dough mixers
- HO 12- Compactors, Balers, and power-driven paper products processing machines
- HO 14- Power-driven circular saws, band saws, chain saws, reciprocating saws, wood chippers abrasive cutting discs and guillotine shears
- HO 15- Wrecking, demolition, and ship-breaking operations
- HO 16- Roofing operations and all work on or about a roof
- HO 17- Excavating operations

“Operation” Means

The term "*operation*" as used in HOs 5, 8, 10, 11, 12, and 14 generally includes the tasks of setting up, adjusting, repairing, oiling, and cleaning the equipment

HO 2 Driving or Outside Helper on Motor Vehicles

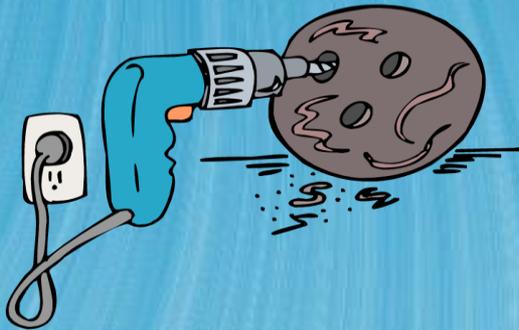


- **No employee under 17 may drive motor vehicles on public roads**
- **17 year olds may drive under limited circumstances. (daylight/less than 20% of job hrs/seat belts/drivers education class etc.)**
- **Bans driving of cars and trucks for delivery work.**
- **Bans the driving of cars for route sales**
- **Bans driving that involves towing**
- **Bans driving of golf carts, ATVs, and motorcycles on public roads**
- **Prohibits the transportation of people, (cannot work as a bus driver)**
- **Bans working as an outside helper on motor vehicles. An outside helper is anyone, other than the driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods**



HO 5 Power-Driven Woodworking Machines

Bans the operation of most power-driven woodworking machines, including saws, stapling machines, nailing machines, and sanders





HO 7 Power-Driven Hoisting Apparatus

Bans operating and riding on most power-driven hoisting apparatus such as freight elevators, Bobcat loaders, cherry pickers, boom trucks, cranes, scissor lifts, and most high lift trucks, including FORKLIFTS.



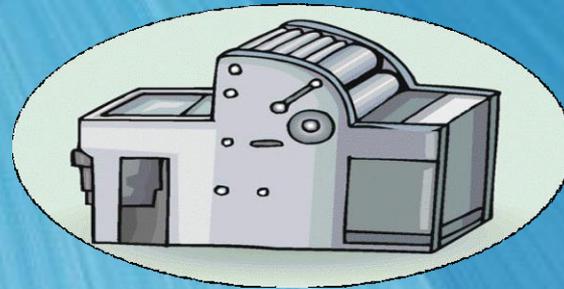
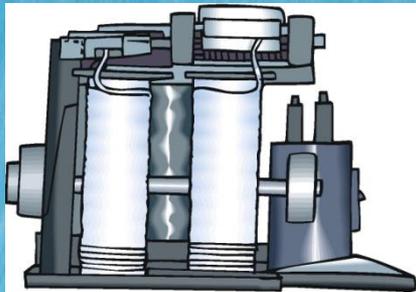
HO 7 Power-Driven Hoisting Apparatus

Also bans operating and riding on smaller hoists, such as those used for lifting patients in nursing homes and hospitals.



HO 8 Power-Driven Metal-Forming, Punching and Shearing Machines

Bans the operation of certain power-driven metal-working machines





HO 10 Power-Driven Meat Processing Machines

Bans the operation of power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including restaurants and delicatessens)

Minors may not use a meat slicing machine even on items other than meat, such as cheese and vegetables

Also bans almost all occupations in meat and poultry slaughtering, processing, and packing

HO 11

Power-Driven Bakery Machines

Bans the operation of power-driven bakery machines such as vertical doughmixers, battermixers (except small, portable countertop models), dough rollers and doughsheeters



HO 12 Balers, Compactors and Power-Driven Paper-Products Machines

Bans the operation of balers, compactors, power driven paper-products machines. There is a limited exemption that allows 16- and 17-year-olds to load, but not operate or unload, certain scrap paper balers and paper box compactors under very strict conditions

Balers



A



B



C



D

Compactors



A



B



D



C



E



F

HO 14 Power-Driven Band Saws, Circular Saws,
Guillotine Shears, Chain Saws, Reciprocating Saws,
Wood Chippers and Abrasive Cutting Discs

**Bans the operation of specific
types of power-driven equipment
regardless of the items being
processed.**

HO 14 Power-Driven Band Saws, Circular Saws, Guillotine Shears, Chain Saws, Reciprocating Saws, Wood Chippers and Abrasive Cutting Discs



HO 15 Wrecking, Demolition, and Ship Breaking Operations

- All work performed at the site of a total or partial building demolition **(including clean up and salvage work)**
- Dismantling of a building, bridge, steeple, tower chimney, or other structure
- Dismantling of a ship





HO 16 Roofing Occupations and All Work On or About a Roof

Bans all jobs in roofing operations including work performed on the ground and

All work performed on or about a roof (in close proximity)

HO 17 Occupations in Excavation

- **Bans most jobs in trenching and excavation work, including working in a trench more than four feet deep**



Exceptions and Exemptions

- Casual babysitting, newspaper delivery, modeling and acting
- Parental exception
- Apprentices
- Student Learners



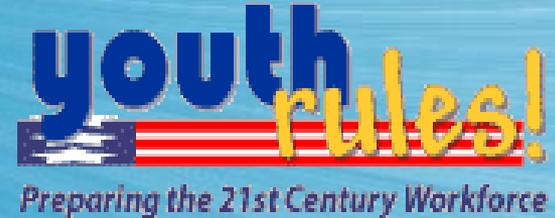


Tips for Young Workers

Stay Safe!

- Know what you legally may and may not do
- Know when you legally may and may not work
- Be aware of your surroundings
- Politely say “no” when asked to do something that is not allowed or something you do not feel you can safely do

Additional Information



- www.youthrules.dol.gov
- Visit the WHD homepage at: www.wagehour.dol.gov
- Call the WHD toll-free information and helpline at 1-866-487-9243
- Use the DOL interactive advisor system - *ELAWS* (Employment Laws Assistance for Workers and Small Businesses) at: www.dol.gov/elaws
- **Contact** the nearest Wage and Hour Division Office



www.youthrules.dol.gov
1-866-4US-WAGE



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