

CHILD LABOR LAWS

How Do Child Labor Laws Affect Teenagers?

Most teenagers would probably yell and scream if anyone called them a child, but when it comes to employment, that's how the law views anyone under 18. The laws aren't there to prevent young people from getting a job; in fact the laws recognize that many young people want to work. The main reason for child labor laws is to protect young people from hazardous jobs, and to make sure employers aren't asking them to work long hours, especially during the school year. Child labor laws are broken down into three age groups: *16 and 17-year-olds *14 and 15-year-olds *Under 14

16 and 17 Year Olds

The only job restrictions for 16 and 17-year-olds are hazardous occupations.

Jobs in this category include:

Working with explosives and radioactive materials.

Mining of any kind.

Logging and saw milling.

Manufacturing brick, tile or similar products.

Excavation, wrecking, demolition and salvage work.

Operating power-driven bakery machines, including dough mixers used in pizza restaurants.

Operating power-driven woodworking machines, including circular band saws and table saws.

Operating power-driven metal forming, punching or shearing machines.

Operating power-driven paper product machines, including paper balers.

Operating or riding on power-driven hoisting apparatus, including non-automatic elevators, fork lifts and cranes, and work that involves riding on a manlift or unattended freight elevator.

All jobs in roofing operations, except work on gutters and downspouts, or installing air conditioners or ventilation equipment.

Most jobs involved in slaughtering and meatpacking, and all jobs involved with operating meat slicing or processing machines.

Driving and/or delivery work (As of October 31, 1998, 16-year-olds are no longer permitted to perform on-the-job driving.

The minimum age to drive on public roadways as part of employment is now 17. Seventeen-year-olds are not prevented from occasionally using a vehicle to run an errand for an employer.

They may do so only during daylight hours, they must have completed a driver's education course, and they must wear seat belts).

Exemptions are provided in some of the hazardous occupations for apprentices and students in vocational education programs.

14 and 15 Year-Olds

Youth in this age group may work in various jobs outside school hours, but the types of jobs open to them are more restricted than 16 and 17-year-olds. Workers under 16 cannot use ladders or scaffolds, or work from windows sills washing outside windows. They cannot work in freezers or meat coolers or in meat preparation, except packaging it away from the prohibited areas. They may not operate most power-driven machinery. They may not load or unload goods from trucks, railroad cars or conveyors. They also may not work in warehouses or on construction sites.

The following types of employment are generally open to 14 and 15-year-olds:

They can perform office and clerical work.

They can cashier, sell, model, produce artwork and work in advertising departments.

They can bag and carry out customers orders.

They can price, mark and tag merchandise, as well as assemble, pack and shelf. They can perform grounds maintenance and clean-up work, including the use of a vacuum cleaner or floor waxer, but not a power driven mower or cutter.

They can wait on tables and work in kitchens including the use of dishwashers, toasters, popcorn poppers and blenders.

They can also prepare salads and other food, but only at lunch counters or diners where the work can be seen from the counter.

They can work at service stations pumping gasoline or oil, washing or vacuuming cars and providing other courtesy services.

They can perform errand and delivery work by foot, bicycle or using public transportation.

Under Age 14

Fourteen is the minimum age for employment outside of school hours, but there are some jobs open to those in the under 14 age group. They may work for their parents as long as it's not one of the hazardous occupations described in this article. They may also perform "independent contractor" services such as newspaper delivery, household cleaning, babysitting, snow shoveling or yard work. Exempt work also includes performing in theatrical, motion picture or broadcast productions.

Limitations on Hours Worked

The law limits the number of hours that children under 16 are allowed to work. They may not work during school hours except as part of a Work Experience or Career Exploration program. They may not work before 7:00 a.m. or after 7:00 p.m., except during the summer months when the evening hour is extended to 9:00 p.m. They may not work more than three hours a day on a school day and no more than 18 hours a week during a school week. They may not work more than eight hours a day on non-school days or more than 40 hours a week in non-school weeks.

Agricultural Employment is Different

A different set of laws applies to work performed on farms and ranches.

Generally speaking, there are no restrictions on agricultural employment for anyone 16 or older. Fourteen and 15-year-olds can work on a farm or ranch outside of school hours, as long as the job doesn't involve any hazardous work.

Jobs considered hazardous would involve:

Operating a tractor of over 20 PTO horsepower.

Operating any harvesting or hay cutting equipment or feed grinders.

Working around bulls, boars, stud horses, sows with suckling pigs or cows with newborn calves.

Working inside grain storage bins, silos within two weeks after silage has been added, or in manure pits.

Applying a chemicals or anhydrous ammonia, or handling or using a blasting agent.

There are a couple exceptions to these laws. The prohibition does not apply to youths employed on farms owned or operated by their parents. In addition, a 14 or 15-year-old may perform some hazardous farm work if they are enrolled in a vocational agricultural program, if there is a written training agreement with the employer and the student is closely supervised. They may also operate machinery if they have completed a 4-H or other approved tractor or machine operation program. There are some other exceptions to the agricultural employment laws. Youths 12 and 13 years old may work outside school hours on a farm with their parent's consent. In addition, local youth 10 and 11 years old may work outside school hours to hand harvest crops such as fruits and vegetables. Youths of any age may work at any time in any job on a farm owned or operated by their parents.

Minimum Wage for Children

The federal minimum wage is \$5.85 per hour effective July 24, 2007, \$6.55 per hour effective July 24, 2008, \$7.25 per hour effective July 24, 2009.

Summary

There are many regulations affecting the employment of children, and there are also a number of exceptions. Anyone who has a question about whether a particular job can be performed by someone under 18 should contact the South Dakota Division of Labor and Management at (605) 773-3682.