

**Wage and Hour Law Well-Check:
Child Labor and an Ounce of Prevention
By Dylan Morgan
Program Coordinator, Technical Assistance for Employers**

The employment of minors is heavily regulated – and with good reason. The relative inexperience of minor employees can leave them less able to recognize workplace hazards and more likely to ignore unsafe conditions. By regulating working hours and conditions, as well as prohibiting several hazardous occupations, child labor laws provide one of the first lines of defense for Oregon's youngest workers. With the end of the school year in sight and seasonal positions coming open, now is the time to brush up on child labor laws. Feel free to check out some of our more frequently asked questions: A good grasp of the rules should help you create a more positive experience for young workers and steer clear of compliance problems.

Q: Who does the law consider to be a minor?

A: A minor employee is any employee under the age of 18. In general, a minor must be at least 14 years old to work in Oregon, though certain exceptions are provided for employment in agriculture or under special permits issued by the Child Labor Unit of the Bureau of Labor and Industries Wage and Hour Division. Newspaper carriers/vendors and minors performing domestic work or work in private residences are exempt from child labor laws, but do keep in mind that other laws, including minimum wage, overtime, working conditions and wage collection laws still apply.

Q: Where do minors apply for an work permit?

A: Minors over 14 years old are no longer required to obtain work permits. However, employers must obtain and post an annual employment certificate before they may put a child between the ages of 14 and 17 to work. Employers also need to maintain a list of any minors employed and documentation that they verified the age of the minor employee. See BOLI's Child Labor webpage at <http://www.oregon.gov/BOLI/WHD/CLU/index.shtml> for more information. Employer Certificate applications are also available online.

Q: What kinds of work may minors perform?

A: Both state and federal laws divide child labor regulations into two tiers: regulations pertaining to 14 and 15 year-olds and regulations pertaining to 16 and 17 year-olds. Minors ages 14 and 15 may be employed to perform a number of tasks in settings such as: offices, wholesale and retail stores, restaurants and hotels, car washes and service stations, theaters, parks, nursing homes and hospital, daycare centers, kennels, farms and in certain entertainment productions. While 16 and 17 year-olds may do many more jobs than 14 and 15 year-olds, several types of work are completely prohibited for minors. These prohibited occupations include the operation of most power-driven machinery, including hoisting, woodworking and cutting/slicing equipment. Tasks which involve

exposure to dangerous worksites like mines, rooftops or areas containing radioactive or explosive materials are likewise prohibited. A complete listing of prohibited occupations is available from U.S. Department of Labor online at: <http://www.dol.gov/whd/regs/compliance/childlabor101.pdf> or you may call the Portland office at 503-326-3057.

Q: What limitations on the hours of work apply to minors?

A: There are limitations placed on the number of hours a minor employee may work each day and during a given week. Minors ages 16 and 17 may work any number of hours during the day, but are limited to 44 hours in a given week. Minors ages 14 and 15 may not work during school hours and may only work three hours on school days. On non-school days, 14 and 15 year-olds may work up to 8 hours, but the work must take place between 7 AM and 7 PM, and there is an 18 hour weekly maximum while school is in session. Once school is out, (June 1 through Labor Day) 14 and 15 year-olds may work up to 8 hours per day and 40 hours per week and the period during which they may work extends from 7 AM to 9 PM.

Q: May I pay minors a “training” wage that is less than the minimum wage?

A: No. Minors are generally protected by the same laws as their adult counterparts, meaning that they, too, must receive at least minimum wage for all hours worked. Minor employees are also covered by the state’s overtime laws and laws regulating paydays, final paychecks and deductions from wages. Minor employees are not covered by Oregon’s age discrimination law, but they are otherwise covered by the same anti-discrimination laws as adults. There are two areas, however, in which child labor laws differ from those which apply to adults: (1) rest breaks for minors must be 15 minutes paid time rather than 10, and (2) minors must be compensated for at least half their regularly scheduled shift or an hour’s wages, whichever is greater, when a minor reports for work and is sent home for lack of work.

Q: Are there different laws for minors who work in agriculture?

A: Yes, different rules do apply to minors working in agriculture. For example, minors as young as 12 years old may pick crops on a farm where their parents are employed, or if their parents provide written consent, and minors of any age may work in any job on a farm owned or operated by their parents. For details, please refer to our online information sheet at www.oregon.gov/BOLI/WHD/CLU/W_CLU_Whminag.shtml.

Keep in mind that violations of child labor laws may result in civil penalties of up to \$1,000 per violation and the revocation of your ability to employ minors in the future. For additional information on this and many other topics of interest to Oregon employers, please visit our website at www.oregon.gov/boli/ta or consider attending one of our upcoming seminars. You can also contact us by phone at 971-673-0824.