

Abstract: Spring has sprung — and summer isn't far off. For businesses that typically hire minors for summer jobs, it's a good idea to brush up on child labor laws. The U.S. Department of Labor's Wage and Hour Division recently announced that it's stepping up efforts to identify child labor violations in the Salt Lake City area. The news serves as a good reminder to companies nationwide about the many details involved in employing children.

Offering summer job opportunities? Double-check child labor laws

Summertime isn't far off. If you typically hire minors for summer jobs, it's a good idea to brush up on child labor laws before you hire.

In a March 2022 News Release (No. 22-546-DEN), the U.S. Department of Labor's Wage and Hour Division (WHD) announced that the department is stepping up efforts to identify child labor violations in the Salt Lake City area. The news serves as a good reminder to companies nationwide about the many details involved in employing children.

Finer points of the FLSA

The Labor Department is the sole federal agency that oversees child labor and child labor laws. The most sweeping federal law that governs the employment and abuse of child workers is the Fair Labor Standards Act (FLSA), enforced by the WHD.

The law restricts the hours that children under age 16 can work and lists hazardous occupations too dangerous for young workers to perform. Examples include the operation of power-driven woodworking machines and jobs that involve exposure to radioactive substances and ionizing radiators.

The FLSA allows 14- and 15-year-old children to work outside of school hours in various manufacturing, non-mining and non-hazardous jobs under certain conditions. Permissible work hours for this age group are:

- Three hours on school days,
- 18 hours in a school week,
- Eight hours on non-school days,
- 40 hours in a non-school week, and
- Between 7 a.m. and 7 p.m. (from June 1 through Labor Day, nighttime work hours are extended to 9 p.m.).

Just one example

The WHD news release reveals the results of three specific investigations. In them, the government found that employers had allowed minors to operate dangerous machinery and committed other violations.

For example, one restaurant allowed minors to operate or assist in operating a trash compactor and a manual fryer, which are prohibited tasks for 14- and 15-year-old workers. The employer also allowed minors to work:

- More than three hours on a school day,
- More than 18 hours in a school week,
- Past 7 p.m. from Labor Day through May 31,
- Past 9 p.m. from June 1 through Labor Day, and
- More than eight hours on a non-school day.

The WHD assessed the business \$17,159 in civil money penalties.

Letter of the law

In the news release, WHD Director Kevin Hunt states, “Early employment opportunities are meant to be valuable and safe learning experiences for young people and should never put them at risk of harm. Employers who fail to keep minor-aged workers safe and follow child labor regulations may struggle to find the young people they need to operate their businesses.” Employers may also face substantial financial penalties if they fail to follow the letter of the law.

Consult an employment attorney for further details on the FLSA. We can help you measure and manage your hiring and payroll costs, as well as tax responsibilities.

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