



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations

Revised December 2016

This Fact Sheet provides general information about the Federal youth employment provisions applicable to nonagricultural occupations. Different standards apply to farm work.

The Department of Labor is committed to helping young workers find those positive and early employment experiences that can be so important to their development, but the work must be safe. The youth employment provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. Employers are subject to the youth employment provisions generally under the same coverage criteria as established for the other provisions of the FLSA.

It is an unfortunate fact that children do get injured, even killed, in the workplace. The National Institute for Occupational Safety and Health estimates that 160,000 American children suffer occupational injuries every year—and 54,800 of these injuries are serious enough to warrant emergency room treatment.

Both Federal and State laws govern the employment of young workers and when both are applicable, the law with the stricter standard must be obeyed.

The Federal youth employment provisions **do not**:

- require minors to obtain "working papers" or "work permits," though many States do;
- restrict the number of hours or times of day that workers 16 years of age and older may be employed, though many States do;
- apply where no FLSA employment relationship exists;
- regulate or require such things as breaks, meal periods, or fringe benefits;
- regulate such issues as discrimination, harassment, verbal or physical abuse, or morality, though other Federal and State laws may.

Minimum Age Standards For Employment

The FLSA and the youth employment regulations issued at 29 CFR, Part 570, establish both hours and occupational standards for youth. Children of any age are generally permitted to work for businesses entirely owned by their parents, except those under age 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous.

18 - Once a youth reaches 18 years of age, he or she is no longer subject to the Federal youth employment provisions.

16 - Basic minimum age for employment. Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.

14 - Young persons 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions.

Under 14 - Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA. Permissible employment for such children is limited to work that is exempt from the FLSA (such as delivering newspapers to the consumer and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting.

OCCUPATIONS BANNED FOR ALL MINORS UNDER THE AGE OF 18

The Hazardous Occupations Orders (HO)

The FLSA establishes an 18-year minimum age for those nonagricultural occupations that the Secretary of Labor finds and declares to be particularly hazardous for 16- and 17-year-old minors, or detrimental to their health or well-being. In addition, Child Labor Regulation No. 3 also bans 14- and 15-year-olds from performing any work proscribed by the HOs. There are currently 17 HOs which include a partial or total ban on the occupations or industries they cover.

HO 1. Manufacturing or storing explosives—bans minors working where explosives are manufactured or stored, but permits work in retail stores selling ammunition, gun shops, trap and skeet ranges, and police stations.

HO 2. Driving a motor vehicle or work as an outside helper on motor vehicles—bans operating motor vehicles on public roads and working as outside helpers on motor vehicles, except 17-year-olds may drive cars or small trucks during daylight hours for limited times and under strictly limited circumstances (see [Fact Sheet #34](#) in this series for information about on-the-job driving).

HO 3. Coal mining—bans most jobs in coal mining.

HO 4. Occupations in forest fire fighting, forest fire prevention, timber tract, forestry service, and occupations in logging and sawmilling operations—bans most jobs in: forest fire fighting; forest fire prevention that entails extinguishing an actual fire; timber tract management; forestry services; logging; and sawmills.

HO 5. Power-driven woodworking machines—bans the operation of most power-driven woodworking machines, including chain saws, nailing machines, and sanders.*

HO 6. Exposure to radioactive substances and ionizing radiation—bans employment of minors where they are exposed to radioactive materials.

HO 7. Power-driven hoisting apparatus—bans operating, riding on, and assisting in the operation of most power-driven hoisting apparatus such as forklifts, non-automatic elevators, skid-steers, skid-steer loaders, backhoes, manlifts, scissor lifts, cherry pickers, work-assist platforms, boom trucks, and cranes. Does not apply to chair-lifts at ski resorts or electric and pneumatic lifts used to raise cars in garages and gasoline service stations.

HO 8. Power-driven metal-forming, punching and shearing machines—bans the operation of certain power-driven metal-working machines but permits the use of most machine tools.*

HO 9. Mining, other than coal—bans most jobs in mining at metal mines, quarries, aggregate mines, and other mining sites including underground work in mines, work in or about open cut mines, open quarries, and sand and gravel operations.

HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants—bans the operation of power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including restaurants and delicatessens). Also prohibits minors from cleaning such equipment, including the hand-washing of the disassembled machine parts. This ban also includes the use of this machinery on items other than meat, such as cheese and vegetables. HO 10 also bans most jobs in meat and poultry slaughtering, processing, rendering, and packing establishments.*

HO 11. Power-driven bakery machines—bans the operation of power-driven bakery machines such as vertical dough and batter mixers; dough rollers, rounders, dividers, and sheeters; and cookie or cracker machines. Permits 16- and 17-year-olds to operate certain lightweight, small, portable, counter-top mixers and certain pizza dough rollers under certain conditions.

HO 12. Balers, compactors, and power-driven paper-products machines—bans the operation of all compactors and balers and certain power-driven paper products machines such as platen-type printing presses and envelope die cutting presses. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under very specific guidelines (see [Fact Sheet #57](#)).^{*}

HO 13. Manufacturing of brick, tile and related products—bans most jobs in the manufacture of brick, tile and similar products.

HO 14. Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs—bans the operation of, and working as a helper on, the named types of power-driven equipment, no matter what kind of items are being cut by the equipment.^{*}

HO 15. Wrecking, demolition, and ship-breaking operations—bans most jobs in wrecking, demolition, and ship-breaking operations, but does not apply to remodeling or repair work which is not extensive.

HO 16. Roofing operations and work performed on or about a roof—bans most jobs in roofing operations, including work performed on the ground and removal of the old roof, and all work on or about a roof^{*} (see [Fact Sheet #74](#)).

HO 17. Trenching and excavation operations—bans most jobs in trenching and excavation work, including working in a trench more than four feet deep.^{*}

^{*} The regulations provide a limited exemption from HOs 5, 8, 10, 12, 14, 16 and 17 for apprentices and student-learners who are at least 16 years of age and enrolled in approved programs.

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

HOURS OF WORK AND PERMITTED OCCUPATIONS FOR 14- AND 15-YEAR-OLDS IN NONAGRICULTURAL EMPLOYMENT

The Federal youth employment provisions limit the times of day, number of hours, and industries and occupations in which 14- and 15-year-olds may be employed.

Child Labor Regulation No. 3, 29 C.F.R. § 570.35, limits the hours and the times of day that 14- and 15-year-olds may work to:

- outside school hours;
- no more than 3 hours on a school day, including Fridays;
- no more than 8 hours on a nonschool day;
- no more than 18 hours during a week when school is in session;
- no more than 40 hours during a week when school is not in session;
- between 7 a.m. and 7 p.m.—except between June 1 and Labor day when the evening hour is extended to 9 p.m.

Child Labor Regulation No. 3, 29 C.F.R. §§ 570.33 lists some of the jobs that 14- and 15-year-olds may not hold. The following is just a sample of prohibited occupations:

- They are prohibited from working in any of the Hazardous Orders or in most occupations involving transportation, construction, warehousing, communications and public utilities.
- They may **not** work in processing, mining, in any workroom or workplace where goods are manufactured or processed, in freezers, or in meat coolers.
- They may not operate or tend any power-driven machinery, except office machines.
- They may not perform any baking operations.
- They may **not** be employed in youth peddling, sign waving, or door-to-door sales activities.
- They may **not** work from ladders, scaffolds, or their substitutes.
- They may **not** be employed to catch or coop poultry.

Child Labor Regulation No. 3, 29 C.F.R. §§ 570.34 lists those jobs that 14- and 15-year-olds may hold. WHAT IS NOT PERMITTED IS PROHIBITED:

- They may work in most office jobs and retail and food service establishments.
- They may be employed in occupations such as bagging groceries, office work, stocking shelves, and cashiering.
- They may work in intellectual or artistically creative occupations such as teacher, musician, artist, and performer.
- They may perform limited kitchen work involving the preparation of food and beverages.
- They may perform only limited cooking duties (see Fact Sheet #58). They may cook over electric or gas grills that do not involve cooking over an open flame and they may cook with deep fryers that are equipped with and utilize a device that automatically lowers the baskets into the hot oil or grease and automatically raised the baskets from the hot oil or grease.
- They may clean cooking equipment and surfaces (not otherwise prohibited), and filter, transport, and dispose of grease as long as the temperature of the surfaces, containers, and grease do not exceed 100°F.
- Properly certified 15-year-olds may work as lifeguards and swimming instructors at traditional swimming pools and water amusement parks.

Special Provisions Permitting the Employment of 15-year-olds, but not 14-year-olds, as Lifeguards at Traditional Swimming Pools and Water Amusement Parks

Regulations, 29 C.F.R. § 570.34(l) permits the employment of 15-year-olds as lifeguards at traditional swimming pools and water amusement parks when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety. The federal child labor provisions require that a 15-year-old must acquire additional certification if he or she is to be employed as a swim instructor.

A traditional swimming pool means a water-tight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith.

A water amusement park means an establishment that not only encompasses the features of a traditional swimming pool, but may also include such additional attractions as wave pools; lazy rivers; specialized activities areas such as baby pools, water falls, and sprinklers; and elevated water slides. Properly certified 15-year-olds would be permitted to be employed as lifeguards at most of these water park features, but not as attendants or dispatchers at the top of elevated water slides.

Not included in the definition of a traditional swimming pool or a water amusement park would be such natural environment swimming facilities as rivers, streams, lakes, reservoirs, wharfs, piers, canals, or oceanside beaches. Lifeguards must be at least 16 years of age to be employed at such natural environment facilities.

For more information about these provisions, please read [Fact Sheet # 60: Application of the Federal Youth Employment Provisions of the Fair Labor Standards Act \(FLSA\) to the Employment of Lifeguards](#).

Special Provisions Permitting the Employment of Certain Minors in Places of Business that Use Machinery to Process Wood Products

Section 13(c)(7) of the FLSA permits the employment of certain minors between the ages of 14 and 18 inside and outside of places of businesses where machinery is used to process wood products. This exemption applies only to a minor who is:

1. exempt from compulsory school attendance beyond the eighth grade either by statute or judicial order, **and**,
2. is supervised in the work place by an adult relative or adult member of the same religious sect or division as the minor.

Although a minor meeting these requirements may be employed inside and outside of places of businesses that use machinery to process wood products—activities normally prohibited by Child Labor Regulation No. 3 and HO 4—the minor is still prohibited from operating, or assisting to operate, any power-driven woodworking machines. This prohibition includes the starting and stopping of the machines and the feeding of materials into the machines as well as the off-bearing of materials from the machines. Such

minors are also prohibited from cleaning, oiling, setting-up, adjusting and maintaining the machines. In addition, such minors must be protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation. The minor is also required to use personal protective equipment to prevent exposure to excessive levels of noise and sawdust (see [Fact Sheet No. 55](#) in this series for more information about this exemption).

Work Experience and Career Exploration Program (WECEP)

This program is designed to provide a carefully planned work experience and career exploration program for 14- and 15-year-old youths who can benefit from a career-oriented educational program designed to meet the participants' needs, interests and abilities. The program is aimed at helping youths to become reoriented and motivated toward education and to prepare them for the world of work.

State Departments of Education are granted approval to operate a WECEP by the Administrator of the Wage and Hour Division for a 2-year period. Certain provisions of CL Reg. 3 are modified for 14- and 15-year-old participants during the school term.

- They may work during school hours.
- They may work up to 3 hours on a school day; and as many as 23 hours in a school week.
- They also may work in some occupations that would otherwise be prohibited under a variance issued by the Administrator, but they may not work in manufacturing, mining or any of the 17 Hazardous Occupations.

Work-Study Programs (WSP)

Some of the provisions of Child Labor Regulation No. 3 are varied for 14- and 15-year-old participants in approved school-administered WSPs. A WSP participant must be 14 or 15 years of age, enrolled in a college preparatory curriculum, and be identified by authoritative personnel from his or her school as being able to benefit from a work-study program.

Employment of participants in WSPs shall be confined to not more than 18 hours in any one week when school is in session, a portion of which may be during school hours in accordance with the following formula that is based upon a continuous four-week cycle:

- In three of the four weeks, the participant is permitted to work during school hours on only one day per week, and for no more than for eight hours on that day.
- During the remaining week of the four-week cycle, the participant is permitted to work during school hours on no more than two days, and for no more than for eight hours on each of those two days.

The employment of WSP participants is still subject to the time of day and number of hours standards contained in 29 C.F.R. §§ 570.35(a)(2), (a)(3), (a)(4), and (a)(6). The superintendent of the public or private school system wishing to supervise and administer a WSP as discussed in this section must first receive permission from the Administrator of the Wage and Hour Division.

Enforcement and Penalties

Investigators of the Wage and Hour Division who are stationed across the U.S. enforce the youth employment provisions of the FLSA. As the Secretary of Labor's representatives, they have the authority to conduct investigations and gather data on wages, hours, and other employment conditions or practices in order to assess compliance with all the provisions of the FLSA.

An employer that violates the youth employment provisions may be subject to civil money penalties (CMPs). The amount of the CMP assessment, which may not exceed a cap set by statute, depends upon the application of statutory and regulatory factors to the specific circumstances of the case.

- As a general matter, child labor CMP assessments will be higher if the violation contributed to the injury or death of the youth involved in the violation. The severity of any such injury will be taken into account in determining the amount of a CMP.
- CMP assessments may be decreased based on the size of the business.
- CMP assessments will reflect the gravity of the violation and may be doubled if the violation is determined to be willful or repeated.

A CMP assessment for a violation that causes the death or serious injury of a minor is subject to a higher statutory cap.

- An injury qualifies as a “serious injury” for this purpose if it involves permanent or substantial harm. Both the significance of the injury and the duration of recovery are relevant in determining whether an injury is serious.
- If more than one violation caused a single death or serious injury, more than one CMP may be assessed.
- CMP assessments based on the death or serious injury of a minor may be doubled up to a higher statutory cap if the violation is determined to be willful or repeated.

For current maximum CMP amounts, please visit <https://www.dol.gov/agencies/whd/flsa>.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website:

<http://www.dol.gov/agencies/whd> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

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