

Young Workers

OSHA Rules and Safety Training



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Wage and Hour Division

Basic Information

U.S. Department of Labor Employment Standards Administration

The U. S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish minimally acceptable standards for wages and working conditions in this country, regardless of immigration status.

Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) affects most private and public employment. The FLSA requires employers to pay covered employees who are not otherwise exempt at least the federal **minimum wage** and **overtime** pay for all hours worked over 40 in a workweek.

Covered employees must be paid for all hours worked in a workweek. In general, compensable hours worked include all time an employee is on duty or at a prescribed place of work and any time that an employee is suffered or permitted to work. This would generally include work performed at home, travel time, waiting time, training, and probationary periods.

- **Federal Minimum Wage = \$5.15 per hour**
- **Tipped employees may be paid \$2.13 per hour; if an employee's tips combined with cash wage does not equal \$5.15, the employer must make up the difference**
- **Overtime after 40 hours in a week = 1 ½ times an employee's regular rate of pay**

Youth Employment

The FLSA also regulates the employment of youth.

Jobs Youth Can Do:

- 13 or younger: baby-sit, deliver newspapers, or work as an actor or performer
- Ages 14-15: office work, grocery store, retail store, restaurant, movie theater, or amusement park
- Age 16-17: Any job not declared hazardous
- Age 18: No restrictions

Hours Youth Ages 14 and 15 Can Work:

- After 7 am and until 7 pm
- (Hours are extended to 9 pm June 1–Labor Day)
- Up to 3 hours on a school day
- Up to 18 hours in a school week
- Up to 8 hours on a non-school day
- Up to 40 hours in a non-school week

Note: Different rules apply to youth employed in agriculture. States also regulate the hours that youth under age 18 may work. To find State rules, log on to www.youthrules.dol.gov

Family and Medical Leave Act

The Family Medical Leave Act (FMLA) applies to employers who employ 50 or more employees and public agencies. Covered employers are required to provide eligible employees up to **12 weeks of unpaid leave each year for:**

- 1) The birth of a child
- 2) The placement of an adopted or foster child
- 3) To care for a child, spouse, or parent with a serious health condition
- 4) For the employee's own serious health condition

The FMLA also requires covered employers to continue health benefits coverage during the leave. After completion of the leave, the employee must be restored to the same or equivalent position.

Migrant and Seasonal Agricultural Worker Protection Act

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires farm labor contractors, agricultural employers, and agricultural associations who "employ" workers to:

- 1) Pay workers the wages owed when due
- 2) Comply with federal and state safety and health standards if they provide housing for migrant workers
- 3) Ensure that vehicles that they use to transport workers are properly insured, operated by licensed drivers and meet federal and state safety standards
- 4) Provide written disclosure of the terms and conditions of employment

Related Websites and Information

The Department of Labor (DOL) and WHD have developed the following tools to ensure that America's employers and workers have access to clear and accurate information and assistance – when and where they need it and in the format that suits them best.

elaws Advisors

www.dol.gov/elaws

The elaws Advisors (Employment Laws Assistance for Workers and Small Businesses) are Web-based, interactive tools that help individuals understand federal employment laws. Each elaws Advisor mimics the interaction an individual would have with a DOL employment law expert by asking the appropriate questions and then providing answers based on the individual's response.

Toll Free Information Service

1-866-4US-WAGE (TTY: 1-877-889-5627)

The Toll-Free Information Service is a central access point to information about employment standards that apply to workers in the U.S. This system is capable of assisting customers in any language through the use of outside contractors.

Wage and Hour Division Web site and DOL Website

www.wagehour.dol.gov and www.dol.gov

WHD and DOL's Web sites provide America's employers and workers with access to a wide range of services and employment and regulatory information around the clock. These Web sites provide multiple ways to get information on employment laws and DOL programs, prioritizes access to resources based on customer needs and enables users to find the information they need easily and quickly.

YouthRules! Website

www.youthrules.dol.gov

The **YouthRules!** Web site provides a gateway to information on the Internet about the hours young people can work, the jobs they can do, and how to ensure safe work experiences.

E-Mail Response Service

www.dol.gov/dol/contact/index.htm

DOL's coordinated e-mail response service allows employers and employees to ask questions about employment and regulatory issues electronically. By choosing among a list of topics or internal DOL agencies under the "Contact Us" section of the DOL Web site, users are ensured that their question will go to the appropriate office and that they will receive an answer in a timely manner.

Preventing Deaths, Injuries, and Illnesses of Young Workers

WARNING!

Many young workers die or are hospitalized each year from injuries at work. Many also suffer adverse health effects from hazardous exposures in the workplace.

Young workers

Young workers should take the following steps to protect themselves:

- **Know about and follow safe work practices:**
 - Recognize the potential for injury at work.
 - Follow safe work practices.
 - Seek information about safe work practices from employers, school counselors, parents, State labor departments, and the U.S. Department of Labor (DOL). Visit www.youthrules.dol.gov or call 1-866-4-USWAGE.
- **Ask about training:** Participate in training programs offered by your employer or request training if none is offered.
- **Ask about hazards:** Don't be afraid to ask questions if you are not sure about the task you are asked to do. Discuss your concerns with your supervisor or employer first.
- **Know your rights:** Be aware that you have the right to work in a safe and healthful work environment free of recognized hazards. Visit www.osha.gov/SLTC/teenworkers/index.html.
 - You have the right to refuse unsafe work tasks and conditions.

- You have the right to file complaints with the DOL when you feel your rights have been violated or your safety has been jeopardized.
 - You are entitled to workers' compensation for a work-related injury or illness.
- **Know the laws:** Before you start work, learn what jobs young workers are prohibited from doing. State laws may be more restrictive than Federal laws, and they vary considerably from State to State. Visit www.youthrules.dol.gov, or call 1-866-4-USWAGE.



Employers

Employers should take the following steps to protect young workers:

■ Recognize the hazards:

- Reduce the potential for injury or illness in young workers by assessing and eliminating hazards in the workplace.
- Make sure equipment used by young workers is safe and legal. Visit www.dol.gov/dol/topic/youthlabor/hazardousjobs.htm or call 1-866-4-USADOL.

■ Supervise young workers:

- Make sure that young workers are appropriately supervised.
- Make sure that supervisors and adult coworkers are aware of tasks young workers may or may not perform.
- Label equipment that young workers cannot use, or color-code uniforms of young workers so that others will know they cannot perform certain jobs.

■ Provide training:

- Provide training to ensure that young workers recognize hazards and are competent in safe work practices.
- Have young workers demonstrate that they can perform assigned tasks safely and correctly.
- Ask young workers for feedback about the training.

- **Know and comply with the laws:** Know and comply with child labor laws and occupational safety and health regulations that apply to your business. State laws may be more restrictive than Federal laws, and they vary considerably from State to State. Post these regulations for workers to read. For information about Federal child labor laws, visit www.dol.gov/dol/topic/youthlabor/index.htm or call 1-866-4-USADOL. For State laws, visit www.ilsa.net or www.youthrules.dol.gov/states.htm, or call 1-866-4-USWAGE. Information about OSHA



regulations that apply to all workers is available at www.osha.gov.

- **Develop an injury and illness prevention program:** Involve supervisors and experienced workers in developing a comprehensive safety program that includes an injury and illness prevention program and a process for identifying and solving safety and health problems. OSHA consultation programs are available in every State to help employers identify hazards and improve their safety and health management programs. Visit www.osha.gov/oshprogs/consult.html.

Educators

Educators should take the following steps to protect young workers:

- **Talk to students about work:** Talk to students about safety and health hazards in the workplace and students' rights and responsibilities as workers.
- **Ensure the safety of school-based work experience programs:** Ensure that vocational education programs, school-to-work, or Workforce Investment Act partnerships offer students work that is allowed by law and is in safe and healthful environments free of recognized hazards. All such programs should include safety and health training.

- **Include worker safety and health in the school curriculum:** Incorporate occupational safety and health topics into high school and junior high curricula (e.g., safety and health regulations, how to recognize hazards, how to communicate safety concerns, where to go for help). Information is available from NIOSH at www.cdc.gov/niosh/pdfs/99-141.pdf [NIOSH 1999] or 1-800-35-NIOSH.
- **Know the laws:** If you are responsible for signing work permits or certificates, know the child labor laws. State laws may be more restrictive than Federal laws, and they vary considerably from State to State. Visit www.dol.gov/dol/topic/youthlabor/ResourceforEducators.htm (or call 1-866-4-USADOL), www.youthrules.dol.gov (or call 1-866-4-USWAGE), or visit www.osha.gov/SLTC/teenworkers/index.html.

Parents

Parents should take the following steps to protect young workers:

- **Take an active role in your child's employment:**
 - Know the name of your child's employer and your child's work address and phone number.
 - Ask your child about the types of work involved, work tasks, and equipment he or she uses at work.
 - Ask your child about training and supervision provided by the employer.
 - Be alert for signs of fatigue or stress as your child tries to balance demands of work, school, home, and extracurricular activities.
- **Know the laws:** Be familiar with child labor laws. State laws may be more restrictive than Federal laws, and they vary considerably from State to State. Don't assume that your child's employer knows about these laws. Visit www.dol.gov/dol/topic/youthlabor/ParentsofYoung.htm (or call 1-866-4-USADOL), www.youthrules.dol.gov (or call 1-866-4-USWAGE), or www.osha.gov/SLTC/teenworkers/index.html.



- **Be aware of young workers' rights:** Report unsafe working conditions or employment in violation of child labor laws to DOL. Young workers are eligible for workers' compensation benefits if injured on the job.
- **Share information with other parents:** Studies have shown that most young workers and parents are not aware of the laws and rights of young workers.

For additional information, see ***NIOSH Alert: Preventing Deaths, Injuries, and Illnesses of Young Workers*** [DHHS (NIOSH) Publication No. 2003-128]. Single copies of the Alert are available free from

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Telephone: **1-800-35-NIOSH**
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or visit the NIOSH Web site at
www.cdc.gov/niosh

Department of Health and Human Services
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health

NIOSH



U.S. Department of Labor Wage and Hour Division

TEEN DRIVING ON THE JOB

Employees 16 years of age and under **MAY NOT DRIVE** motor vehicles on public roads as part of their jobs - even if they possess a valid state drivers license.

Employees 17 years of age may drive cars and small trucks on public roads as part of their jobs **ONLY** in limited circumstances.

17 year-olds may drive on the job **ONLY** if all of the following requirements are met:

1. The driving is limited to daylight hours;
2. The 17 year-old holds a state license valid for the type of driving involved in the job performed;
3. The 17 year-old has successfully completed a State approved driver education course and has no record of any moving violation at the time of hire;
4. The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
5. The automobile or truck does not exceed 6,000 pounds gross vehicle weight; AND
6. Such driving is only occasional and incidental to the 17 year-old's employment. This means that the youth may spend no more than 1/3 of the work time in any workday and no more than 20% of the work time in any workweek driving.

Driving by 17 year-olds as part of their jobs **MAY NOT** involve:

- Towing vehicles
- Route deliveries or route sales
- Transportation for hire of property, goods, or passengers
- Urgent, time-sensitive deliveries (such as pizza deliveries)
- Transporting more than 3 passengers including employees of the employer
- Driving beyond a 30 mile radius of the teen's place of employment
- More than 2 trips away from the primary place of employment in any single day to deliver the employer's goods to a customer
- More than 2 trips away from the primary place of employment in any single day to transport passengers other than employees of the employer

Additional information about YouthRules! can be found at www.youthrules.dol.gov. For information about the laws administered by the Wage and Hour Division, log on to the Internet at www.wagehour.dol.gov or call the Department of Labor's toll-free help line at 1-866-4USWAGE.