

# We're not kidding around

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## **What fast-food restaurant owners should know about child labor requirements under the Fair Labor Standards Act**

If you operate a fast-food restaurant, as the end of the school year approaches you may experience a spike in the number of teenagers approaching your business looking for work as they seek opportunities to make their summer vacations profitable. While this swell in the available workforce may provide welcome relief to any human capital shortages your business faces, you should be aware of what you must do to comply with federal child labor regulations and to keep minor employees safe on the job.

The U.S. Department of Labor, Wage and Hour Division, enforces the Fair Labor Standards Act, the federal law that establishes minimum wage, overtime, child labor, and recordkeeping requirements for covered employers in the U.S. The child labor 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.

The Wage and Hour Division (WHD) finds violations of the child labor regulations at fast food locations nationwide. Some of the problem areas seen in this industry include minors:

- Operating or cleaning meat slicers
- Operating or cleaning commercial mixers
- Loading, operating, or unloading balers or compactors
- Driving motor vehicles on the job
- Baking at 14 or 15 years old (example: using bread ovens common in restaurants that bake bread onsite)
- Working outside of allowable hours (for 14 & 15-year-olds)

### **KNOW THE RULES:**

Rules vary depending upon the age of the employee.

- Once an employee is 18 years old, child labor rules no longer apply.
- Many [states](#) have enacted child labor laws as well. When federal and state laws are different, the rules that provide the most protection to young workers will apply.

## WHEN AND HOW MANY HOURS CAN MINORS WORK?

Under the FLSA, the minimum age for employment in non-agricultural jobs is **14**. Hours worked by 14- and 15-year-olds are limited to:

- Non-school hours;
- 3 hours in a school day;
- 18 hours in a school week;
- 8 hours on a non-school day;
- 40 hours on a non-school week; and
- Hours between 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when evening hours are extended to 9 p.m.)

The FLSA does not limit the number of hours or times of day for workers **16 years and older**.

## WHAT KINDS OF WORK CAN MINORS DO?

Sixteen- and 17-year-olds may work unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor. Examples of occupations declared hazardous that are commonly found in food service establishments include using the following:

**Power-driven meat processing machines** (meat slicers, meat saws, patty forming machines, meat grinders, and meat choppers). Employees less than 18 years of age may not operate, feed, set-up, adjust, repair, or clean any of these machines or their disassembled parts.

**Power-driven bakery machines** (dough and batter mixers; dough rollers, rounders, dividers, and sheeters; and cookie or cracker machines). Employees 16- and 17-years old may operate certain lightweight, small, portable, counter-top mixers and certain pizza dough rollers under certain conditions.

**Balers and Compactors.** Minors less than 18 years of age generally may not load, operate, or unload balers or compactors. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under certain specific circumstances .

**Motor Vehicles.** Generally, no employee less than 18 years of age may drive on the job or serve as an outside helper on a motor vehicle on a public road, but 17-year-olds who meet certain specific requirements may drive cars and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job. See WHD's Fact Sheet #34 for more details.

## SPECIAL RULES FOR 14 AND 15-YEAR-OLDS

Fourteen- and 15- year-olds may be employed in restaurants and quick-service establishments outside school hours in a variety of jobs for limited periods of time and under specified conditions.

#### **14 & 15 YEAR-OLD WORKERS MAY:**

- Perform cashiering, table service and "busing," and cleanup work, including the use of vacuum cleaners and floor waxers.
- Perform kitchen work and other work involved in preparing food and beverages, including the operation of devices used in such work, such as dishwashers, toasters, milk shake blenders, warming lamps, and coffee grinders.
- Perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame.
- Dispense food from cafeteria lines and steam tables and heat food in microwave ovens that do not have the capacity to heat food over 140° F.
- Clean kitchen surfaces and non-power-driven equipment, and filter, transport and dispose of cooking oil, but only when the temperature of the surface and oils do not exceed 100° F.

#### **14 & 15-YEAR-OLD WORKERS MAY NOT:**

- Perform any of the jobs prohibited for 16 and 17 year old employees, as described above.
- Perform ***any part of the baking process***, such as weighing and mixing ingredients; placing or assembling products in pans or on trays; operating ovens, including convection ovens, toaster ovens, pizza ovens, automatic feeding ovens, and microwave ovens (except those microwave ovens used for warming food, as described above); removing items from ovens; placing items on cooling trays; and finishing baked products. ***This ban includes using the ovens commonly found in fast food restaurants that bake bread onsite.***
- Work in freezers or meat coolers, but they may occasionally enter a freezer momentarily to retrieve items.

For more information on the FLSA youth employment provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! website at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

#### **ENFORCEMENT**

Child labor protections continue to be a priority for the Department of Labor. Accordingly, strong enforcement of these regulations includes a penalty structure designed to encourage employers to take compliance, and the safety of young employees, seriously. Violators of the youth employment provisions may be subject to a civil money penalty of up to \$11,000 for each minor employed in violation. Penalties for violations that cause the death or serious injury of a minor may be increased to as much as \$50,000 and those penalties may be doubled (up to \$100,000) when the violations are determined to be willful or repeated.

**For additional information on the Fair Labor Standards Act, visit the Wage and Hour Division Web site: at [www.dol.gov/whd](http://www.dol.gov/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).**