

## What construction contractors should know about child labor requirements under the Fair Labor Standards Act

The U.S. Department of Labor's [Wage and Hour Division](#) (WHD) prioritizes protecting minors from illegal employment in prohibited hazardous occupations and educating employers regarding federal [Child Labor requirements](#) to ensure youth workers find positive, safe employment experiences.

[The Fair Labor Standards Act](#) (FLSA) prohibits minors under age 18 years old from working in any occupation that it deems to be hazardous. Many of those occupations are common in the construction industry.

These occupations include:

- Operating motor vehicles
- Operating power-driven woodworking machines
- Operating power-driven hoisting apparatus (such as cranes, forklifts, construction elevators, loaders, and Bobcats);
- Operating power-driven saws;
- Operating guillotine shears;
- Operating abrasive cutting discs;
- Working in excavation or backfilling trenches;
- Working in roofing and any work performed on or about a roof, and
- Operating power-driven compactors or balers.

**Recently, we have seen a number of youth injuries and fatalities on the job.** The more educated employers and employees become about federal child labor restrictions, the better able employers are to operate in compliance, and ensure that young employees stay safe on the job. Employers need to be aware of special restrictions for 14 and 15 year old workers.

### **RESTRICTIONS FOR 14 and 15 YEAR OLD WORKERS:**

Although 14 and 15 year-olds may perform office and sales work for construction employers, these minors **must not be employed on the construction site**. These youth must be employed in compliance with regulations restricting the times of days and number of hours that employees under the age of sixteen may work.

Specifically:

- They may not work during school hours.
- They may work no more than three hours on a school day, eight on a non-school day, eighteen in a school week, and forty in a non-school week.
- They may work only between 7 a.m. and 7 p.m., except between June 1 through Labor Day when they may work as late as 9 p.m.

**14- and 15 year-olds are specifically prohibited from being employed in the following activities:**

- **vehicle loading and unloading,**
- **warehousing,**
- **operating power-driven machinery,**
- **performing maintenance and repair, storage, and**
- **working in boiler rooms**

Employers must fully understand what tasks youth may or may not legally perform as part of their employment. Employers are responsible for ensuring youth are not working on jobs or for hours that violate federal child labor requirements. ***WHD provides a wide variety of tools for to help employers understand their responsibilities and to keep young workers safe on the job. Resources include:***

- Youth Employment Compliance Assistance Toolkit – provides comprehensive compliance information electronically with just one click.
- [YouthRules!](#) — Describes the requirements of the child labor laws as they relate to teens, parents, educators and employers.
- [Child Labor Bulletin No. 101](#) — Describes in detail the occupational requirements and restrictions for nonagricultural employment.
- Posters, Stickers & Bookmarks — Provides access to the posters, stickers, bookmarks and other materials to raise awareness about child labor requirements.

Most states have child labor protections of their own. Employers subject to both state and federal laws must abide by the stricter standard to be in compliance with both. You can find links to your state labor department at: [www.dol.gov/whd/contacts/state\\_of.htm](http://www.dol.gov/whd/contacts/state_of.htm).

#### 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 more than \$13,000 for each minor employed in violation. Penalties for violations that cause the death or serious injury of a minor may be increased to more than \$59,000 and those penalties may be doubled (to more than \$118,000) 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 website: at <https://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).**