

Updating Child Labor Regulations for the 21st Century

On May 20, 2010, the Department of Labor's Wage and Hour Division published a Final Rule designed to protect working children from hazards in the workplace while also recognizing the value of safe work to children and their families. The Final Rule contains the most ambitious and far-reaching revisions to the child labor regulations in the last thirty years and marks another step forward in the Department's ongoing effort to promote positive, safe work experiences for young workers. The provisions of the Final Rule will become effective on July 19, 2010. This is the second update to the child labor rules since 2005.

Highlights of the new rule include:

- The Final Rule implements changes to seven non-agricultural hazardous occupation orders (HOs) and revisions to the rules for 14- and 15-year-olds. The Final Rule also incorporates into the regulations statutory changes regarding the assessment of child labor civil money penalties and the employment of youth by establishments that use machinery to process wood products.
- These changes stem from the Department's enforcement experience, two statutory changes, and the 2002 National Institute for Occupational Safety and Health (NIOSH) review of the child labor HOs. NIOSH recommended 35 modifications to the existing non-agricultural child labor HOs. The Department issued a Final Rule in December 2004 implementing six of the NIOSH recommendations. The current Final Rule addresses 25 of the remaining NIOSH non-agricultural HOs recommendations.
- The Final Rule strengthens child labor laws to protect against workplace hazards. Examples of new prohibitions impacting the employment of youth under the age of 18 years include:
 - Working at poultry slaughtering and packaging plants.
 - Riding on a forklift as a passenger,
 - Working in forest fire fighting, forestry services, and timber tract management,
 - Operating certain power-driven hoists and work assist vehicles,
 - Operating balers and compactors designed or used for non-paper products, and
 - Operating power-driven chain saws, wood chippers, reciprocating saws, and abrasive cutting discs.
- The rule expands youth workplace opportunities that have been judged to be safe for young workers. Examples include:
 - By removing a 40-year-old provision that generally limits the employment of 14- and 15-year-olds to jobs in retail, food service, and gasoline service establishments, the rule opens up safe and positive employment opportunities in industries such as advertising, banking, and information technology.
 - The Final Rule allows 14- and 15-year-olds to perform work of an intellectual or artistic nature in establishments that were previously prohibited. Such work includes computer programming, drawing, and teaching.

- The Final Rule also incorporates into the regulations two long standing Departmental enforcement positions that permit 16- and 17-year-olds to operate, under specified conditions, power-driven pizza-dough rollers and portable, countertop food mixers.
- The Final Rule also updates the child labor provisions to better reflect the modern workplace. These changes include:
 - It permits greater opportunities for the development of the technology-based skills that are increasingly in demand in a competitive 21st century labor market.
 - The Final Rule establishes a new work-study program for 14- and 15-year-old students who wish to use their school-supervised work experience as a means to realize their academic potential and obtain a college education.
 - It prohibits 14- and 15-year-olds from engaging in youth peddling activities or non-charitable door-to-door sales.
 - It clarifies the work hours and time-of-day limitations for 14- and 15-year-olds and defines the term *school hours* as it applies to nonagricultural employment.
 - It establishes a minimum age of 15 years for employment as a life guard at traditional swimming pools.

Where to Obtain Additional Information

For additional information, visit our Wage-Hour website: <http://www.wagehour.dol.gov> and/or call our Wage-Hour toll-free information and helpline, available 8am to 5pm in your time zone, 1-866-4USWAGE (1-866-487-9243).