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Department of Labor Warns Employers to Know the Rules for Putting Minors to Work

Among employers' efforts to stay on top of numerous wage and hour issues, the rules surrounding child labor have long been considered irrelevant by many large employers because persons under age 18 did not make up a significant segment of their workforce. With acute labor shortages throughout the United States leading to more job openings than job seekers, particularly at the entry level, this is changing. On March 29, the U.S. Department of Labor (DOL) issued a [press release](#) to highlight some of its recent investigations and remind employers of regulations and limitations related to the employment of youth. Recently, the DOL issued penalties to employers where, for example, minors' work hours violated the rules of the Fair Labor Standards Act. Violations included youth working more than three hours on a school day; working past 7:00 p.m. (in non-summer months) or past 9:00 p.m. (in summer); and working more than 18 hours during a school week. In addition to detailed wage and hour regulations, the DOL also enforces occupational safety rules that can be surprisingly restrictive in terms of the kinds of tasks that workers under 18 can and cannot perform. All told, the DOL reports that its Southwest Division alone logged 117 investigations and found child labor violations resulting in almost \$300,000 in civil penalties. Of course, the DOL is not the only regulatory agency keeping an eye on the employment of minors. Laws and regulations vary among states, and some involve substantially more onerous requirements. California, for example, has robust child labor protections that are in addition to the requirements federal law imposes. Some of these requirements pertain to school attendance, hours of work, wages, and permits. These rules can vary depending on the age of the minor and the occupation and/or industry. As evidence of the complexity of this area of law, the California Department of Industrial Relations, Division of Labor Standards Enforcement (the DLSE) published a child labor law [booklet](#) that details the variety of issues employers should be aware of when employing minors. The DLSE also posted on its [website](#) a [table](#) that summarizes the various child labor law requirements and includes details about potential penalties for violating applicable laws. Given the impending labor shortages as well as the potential for costly penalties for violations, employers interested in hiring minors should familiarize themselves with the complex legal framework governing such employment. Employers with questions regarding employment of minors should consult with legal counsel to ensure compliance.

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