



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

Child Labor Laws

July 2012

Pre-teens and teenagers often want to work to make some extra spending money. Unfortunately, there are individuals who take advantage of children whom they lure with promises of employment. This newsletter sets forth the laws that protect children who work and provides guidance to young people and their parents when weighing an employment offer.

OVERVIEW OF LAWS:

California extends significant protections to minors who are under 18 years of age. The labor laws regarding minors apply to both minors in school and emancipated minors. Children must attend school full time until age 15. Minors 16 and 17 years old may attend school part-time.

All minors employed in California must have a permit to work even if the work is during hours that school is not in

session. These permits are issued by the minor's school and generally also require a parent's signature. The permit indicates the maximum number of hours a minor may work in a day and week, the range of hours the minor may work and any limitations. School officials can cancel permits at any time when conditions change.

There is an exception to the permit requirement for minors who graduate from high school; those doing irregular employment like babysitting, minors selling newspapers or magazines; and other specific types of jobs.

WAGES & HOURS:

Minors must be paid at least the minimum wage which is currently \$8/hour, and overtime pay when appropriate. There is an exception for some employers. To verify if an employer must pay minimum wage, please contact the

California Dept. of Labor Standards Enforcement (DLSE) at (888) 924-9757 or www.dir.ca.gov/dlse.

The number of hours that minors may work depends on their ages. With some exceptions, these are:

- 12 and 13 year olds may only work on days when school is not in session and can work 8 hours/day and 40 hours/week during non-school periods (e.g. summer vacation);
- 14 and 15 year olds may work 8 hours/day and 40 hours/week when school is not in session, and 3 hours/day and 18 hours/week on school days;
- 16 and 17 year olds may work 8 hours/day and 40 hours/week on school days; and 4 hours/day when school is in session;

There are also limitations on which hours of the day a minor may work based upon his/her age.

RESTRICTIONS ON TYPES OF JOBS:

All minors are prohibited from working in hazardous occupations, including:

- Establishments such as saloons, gambling houses, houses of prostitution or where the minor is exhibited in any obscene, indecent, or immoral purpose;
- Establishments manufacturing or storing explosives or articles containing explosive components;
- Occupations of motor vehicle driver and outside helper;
- Occupations involving the operation of power-driven woodworking machines, circular saws, band saws, and guillotine shears;
- Occupations involving operating elevators, cranes, derricks, hoists, riggers, or high-lift trucks;
- Occupations in the operation of power-driven meat-processing machines;
- Occupations involved in the operation of bakery machines;
- Occupations involved in the manufacture of brick or tile;
- Occupations involving wrecking, demolition, roofing, or excavation; and

- Occupations involving exposure to radioactive substances.

Minors under age 16 are prohibited from doing a variety of jobs, including:

- Working in or around boiler or engine rooms;
- Work requiring the use of ladders or scaffolds;
- Cooking except where the cooking is performed in plain sight of customers and is not the minor's only duty;
- Baking;
- Loading and unloading goods to and from trucks, railroad cars, or conveyors;
- Working in warehouses, except in the office;
- Public messenger services;
- Any building or construction work;
- Delivering goods from motor vehicles (except newspapers);
- Operating farm machinery; and
- Door-to-door sales (unless certain requirements are met).

DOOR TO DOOR SALES:

We are all accustomed to children soliciting us at our door selling candy, cookie dough, cookies, popcorn, or newspapers for a civic organization, school, or sports association. These solicitations are charitable in purpose and the children are not employed to sell the items. Therefore, the child labor laws do not apply to their activities.

There has been a troubling development, however, where children are **hired** to sell items door-to-door by for-profit businesses. Usually, these are one-person businesses that purchase candy and give it to children they employ to sell at a significantly increased price door-to-door. These "businesspeople" advertise the jobs to children at their schools, pick them up at school, and transport them to neighborhoods with which the children are unfamiliar.

The children are left unsupervised and the "employer" picks them up at the end of the evening. The employer gets the majority of the profits from the sales and pays each child a set "commission" price for each item that is sold, usually a dollar or two per item. These children do not receive minimum wage for their work.

These businesses are illegal. In fact, they are dangerous for children. These businesses do not comply with the legal requirements for door-to-door sales which are set forth below.

If a legitimate business wishes to hire minors to conduct door-to-door sales for profit, in addition to obtaining a work permit for each child; paying minimum wage, and observing the rules regarding times of employment, the employer must do all of the following:

- Minors must be at least 16 years old;
- Minors must work in pairs, as a team, on the

