

# OVERVIEW OF THE MINNESOTA CHILD LABOR ACT

## Minimum Age

A minor under 14 years of age may not be employed, except:

- + as a newspaper carrier;
- + in agriculture, if at least 12 years of age with parent or guardian consent;
- + as an actor/actress or model; or
- + as a youth athletic program referee.

## Proof of Age

The proof of age must be maintained as part of the payroll records. Acceptable proof is one of the following: a copy of a birth certificate, a copy of a driver's license or permit or an age certificate issued by the school.

## Hours of Work

All employers in the state are covered by state law, but those employers that do \$500,000 or more a year in sales or gross revenue are also covered by federal law.

For employers covered by both state and federal requirements, the law that is more strict prevails. (For example, federal law convening hours of work for 14- or 15-year olds is more restrictive than Minnesota law, so employers covered by both laws must follow the federal guidelines.)

## Minors under 16 may not work:

**State law** (all employers)

- + before 7 a.m. or after 9 p.m. with the exception of a newspaper carrier;
- + for more than 40 hours a week or more than eight hours per 24-hour period, except in agricultural operations;
- + during school hours on school days without an employment certificate issued by the appropriate school officials.

**Federal law** (employers with annual sales or revenue of \$500,000 or more)

- + during the school year:
  - later than 7 p.m.;
  - more than three hours a day;
  - more than 18 hours a week.

## 16- and 17-year-olds may not work:

**State law** (all employers)

- + later than 11 p.m. on evenings before school days or before 5 a.m. on school days. With written permission from a parent or guardian, these hours may be expanded to 11:30 p.m. and 4:30 a.m.

**Federal law** (employers with annual sales or revenue of \$500,000 or more)

- + no special restrictions on 16- and 17-year-olds concerning hours of work.

## Prohibited Occupations

The commissioner of Labor and Industry has established as hazardous or detrimental to the well-being of minors the following occupations:

Minors under the age of 18 may not be employed:

### Liquor

- + To serve, dispense or handle intoxicating liquors that are consumed on the premises;

+ to work in rooms where liquor is served or consumed, with the following exceptions: 17-year-olds may perform bussing or dishwashing services in a restaurant and 16- and 17-year-olds may provide musical entertainment at a restaurant. Note: Public safety/liquor control laws prohibit the serving or selling of intoxicating liquor by minors under 18 years of age in a retail intoxicating-liquor establishment.

## Hazardous Materials

- + Where chemicals or other substances are present at excessive temperatures or in injurious, explosive, toxic or flammable quantities.
- + Where explosives or fireworks are manufactured, stored, handled or fired.

## Hazardous Operations

- + In or about logging or lumbering operations, paper mills, saw mills, lathe mills or shingle mills; mines, quarries and sand or gravel pits; construction or building projects; ice harvesting operations.
- + In building maintenance or repair higher than 12 feet above ground or floor level.
- + In oxy-acetylene or oxy-hydrogen welding.

## Transportation

- + On boats or vessels used for commercial purposes, except if performing guide or other non-operational services.
- + As a driver for hire: driving buses, cabs or other passenger-carrying vehicles.
- + In certain railway occupations.

## Machinery

- + Operating or assisting in the operation of power-driven machinery such as:
  - industrial trucks (forklifts);
  - meat saws or grinders, milling machines
  - punch presses, press brakes and shears;
- + woodworking machinery (circular or radial saws, jointers and shaping machines).
- + Operating any non-automatic elevator, lift or hoisting machine.
- + Operating, erecting or dismantling rides or machinery in an amusement park, street carnivals or traveling shows, or in the loading or unloading of passengers on rides.

## Other

- + In aerial or other acrobatic acts.
- + As a lifeguard, except for a minor with a Red Cross life-saving certificate (or equivalent) who works under uninterrupted adult supervision.
- + In any occupation or activity, or on any site, which is hazardous or dangerous to life, limb or health.

*In addition to the prohibitions listed, minors under the age of 16 may not be employed in these areas:*

## Machinery

- To operate or assist in the operation of machinery, such as:
  - + farm-type tractors and other self-propelled vehicles, except for equipment permitted by a certificate of training under either the 4-H Federal Extension Service or the U.S. Office of Education

- Vocational Agricultural Training Program;
- + laundry, rug cleaning or dry cleaning equipment;
- + drill presses, milling machines, grinders, lathes and such portable power-driven machinery as drills, sanders and polishing and scrubbing equipment for floor maintenance;
- + meat slicers, textile-making machines or bakery machinery;
- + in oiling, cleaning or maintaining any power-driven machinery;
- + in work using pits, racks or lifting apparatus at service stations or in mounting tires on rims;
- + in a car wash to attach to or detach car from mechanized conveyor lines or to operate or contact the car while it is connected to the conveyor.

## Agriculture

- + In any agricultural operations declared by the U.S. Secretary of Labor to be particularly hazardous for employment of children below the age of 16.

## Transportation

- + In or about an airport landing strip and taxi or maintenance aprons.
- + As an outside helper on a motor vehicle.

## Operations

- + To do welding of any kind.
- + As a loader of launcher for skeet or trap shooting
- + In any manufacturing or commercial warehouse.
- + in processing plants.

## Other

- + To lift or carry, or otherwise personally care for, patients in hospitals or nursing homes.
- + In walk-in meat freezers or meat coolers, except for occasional entrance.

## Exceptions to the above:

- + a 17-year-old high school graduate; or
- + a minor employed by a business that is solely owned and daily supervised by one or both parents. A minor may be employed at tasks away from or outside of the area of hazardous operation, equipment or materials.

## Penalties / Fines

An employer who fails to comply with provisions of the Minnesota Child Labor Act may be subject to fines. An employer who repeatedly violates the Act's provisions or any other regulation issued pursuant thereto shall, upon conviction, be guilty of a gross misdemeanor.

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*(Editor's Note: This overview is not to be considered a substitute for the statutes and regulations. The same criteria used to determine coverage for the minimum wage and overtime laws are used to determine coverage of child labor laws. For more information, contact the Minnesota Department of Labor and Industry, Labor Standards, 443 Lafayette Road N., St. Paul, MN 55155-4307, or by phone at 1-800-342-5354 or 651-284-5005. Minnesota child labor laws can be found at [www.doli.state.mn.us/laborlaw.html](http://www.doli.state.mn.us/laborlaw.html). Wisconsin child labor laws can be found at [http://www.dwd.state.wi.us/er/labor\\_standards\\_bureau/child\\_labor\\_laws.htm](http://www.dwd.state.wi.us/er/labor_standards_bureau/child_labor_laws.htm).)*