

HOW DO YOU SCORE IN YOUR KNOWLEDGE OF CHILD LABOR LAWS?

Welcome to 2007! It seems that no matter what time of year it is, we always get a lot of questions about child labor law. And as with so many other employment issues, there is a lot of confusion here between myth and reality. The following questions are based upon calls we get from employers all year round, and we hope they clarify some of the important issues regarding the employment of minors in Oregon. And in keeping with the high school spirit, we're giving you the information in a quiz.

True or False?

1. Under Oregon's wage & hour laws, a "minor" is an individual who is younger than 18 years old.
2. An employee is not protected against employment discrimination until he turns 18 years old.
3. An "emancipated" minor is still subject to the child labor laws.
4. A minor needs to obtain a work permit before she can be employed.
5. Even if the employer has turned in an application to the Bureau of Labor & Industries (BOLI) for an Annual Employment Certificate, the employer cannot begin to employ the minor until BOLI has approved the certificate and returned it to the employer.
6. For minors working in agriculture, the employer never needs to apply to for an Annual Employment Certificate.
7. As long as a minor has a valid driver's license, he can legally drive on the job.
8. Minors who are 14 or 15 years old cannot work during school hours, and cannot work longer than three hours on days when school is in session.
9. A 14-year old can work on a construction site, as long as she is not working with any power-driven tools or machines.
10. Even though the minimum wage is going up to \$7.80 in January 2007, this change does not apply to minors.

Answers:

1. True. Different laws may have different definitions of "minor." Under state liquor laws, for example, an individual cannot serve alcohol until he or she is at least 21 years old. For general employment purposes, however, a minor is any individual who is younger than 18 years old.

2. False. Although the age discrimination laws don't kick in until an individual reaches 18 years old, all of the other discrimination laws still apply. Thus, a 17-year old employee could file a discrimination claim if he thought he was being treated differently because of his race, gender, national origin, etc .However, he would have to wait until he was 18 years old in order to file an age discrimination claim.

3. True. It does not matter what the legal status of a minor is - if she is 17 or younger, her employer is still subject to Oregon's child labor laws.

4. False. In prior years, minors were required to obtain individual work permits, and employers had to submit an individual employment certification for every minor they hired. But these unwieldy requirements have been eliminated, and today's employers who hire minors are required only to submit one "Annual Employment Certificate" application to BOLI for approval. That certificate can then be renewed for the next year.

5. True.

6.False. Agricultural employers who hire minors to work on power-driven farm machinery must still obtain an Annual Employment Certificate, and they must also assure that the minor is provided sufficient training to use the machinery.

7. False. As mentioned previously, different laws often define the same activity in different ways. Thus, even a minor who has a full-fledged driver's license and a perfect driving record cannot drive as part of the job, except under unusual circumstances. This would almost always prohibit routine delivery driving.

8. True.

9. False. Minors who are 14-15 may not be on a construction site or on any site where power-driven machinery is being utilized, regardless of whether they themselves would be operating the machinery.

10. False. There is no "junior minimum wage."

For more information on this and other important topics affecting Oregon employers, please visit our website at www.boli.state.or.us. You can also call us at 971-673-0824.

Happy New Year, and we'll see you at our seminars!