

“Not Until You’re Older, Dear” Child Labor Laws Emphasize Workplace Safety

This is the second installment in our five-part series on child labor laws. In this article, we will summarize the different kinds of tasks that teenage employees cannot perform.

Q. I would like to hire a 15-year old to work on my construction site. Although I know that employees of his age cannot actually work on most power-driven machinery, I wouldn’t be assigning him to actually work on the equipment. Rather, he would just be sweeping, with hand tools, in the vicinity where the machines are located. Does the law allow this?

A. No, it does not. In most cases, 14 and 15-year olds may not work on power-driven machinery and may not even be in the same location where this kind of work is performed. Employees of that age also may not be employed on a construction site, in a warehouse, or any other place where power-driven machinery is used.

Q. Are 16 and 17-year olds subject to the same restrictions?

No, although there are a number of things that minors of this age are not allowed to do at work. These include:

Working with explosives,

Driving, except in very limited circumstances (see our website for more information),

Working in coal mines,

Working in logging and sawmilling operations,

Power Driven Woodworking Machine Occupations, including machines used for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or assembling, pressing or printing of wood or veneer,

Working with areas that contain radioactive substances and ionizing radiations,

Working with power driven hoisting apparatus, such as cranes, derricks, hoists, forklifts, high-lift trucks and freight elevators,

Working with power-driven metal working machine occupations, such as: metal forming, punching and shearing machines. However, this does not apply to milling function machines, lathes, planing function machines, borers, grinding function machines, drill press-reamers and honers,

Working in slaughtering, meat packing or processing or rendering,

Working with dough mixers, batter mixers, bread dividing, rounding or molding machines, dough brake, dough sheeters, bread slicing and wrapping machines and cake cutting band saws, or setting up or adjusting cookie or cracker machines,

Working with paper products machines, such as: arm type wire stitchers or staplers, cover cutters, circular or band saws, guillotine paper cutters, scrap paper balers, platen die cutting presses, platen printing presses and punch presses. However, many paper products machines MAY be used by 16- and 17-year-olds, including bag-making and box-making machines, gluing, gumming and folding machines and rotary printing presses,

Working in most establishments in which clay construction products are manufactured. This includes work in or about establishments in which silica brick or silica refractory products are manufactured. It does not include office work,

Working with circular saws, band saws and guillotine shears,

Working in wrecking, demolition and shipbreaking,

Working in roofing operations except for gutter and downspout work, which may be performed by 16- and 17-year-old employees,

Excavating, working in, or backfilling trenches exceeding four feet in depth. Excavating for buildings or working in such excavations. Working in tunnels or shafts prior to the completion of all driving, sinking and shoring operations,

Delivering messages or goods between the hours of 10:00 p.m. and 5:00 a.m.

Q. Is there any work that is excluded from the child labor regulations?

A. Yes. Minors delivering newspapers or performing domestic work (such as lawn-mowing or baby-sitting) in private residences are not covered by child labor laws.

Q. If a minor arrives for a scheduled shift but is not needed, must the employer still pay for part of the minor's scheduled hours?

A. Yes, the employer must pay either the amount the minor would have earned for half the shift, or one hour's wages, whichever is greater. There used to be a similar "show-up pay" requirement for adults, but that law was repealed in 1990.

For more information on this and other important issues affecting Oregon employers, please visit our website at www.oregon.org/boli/ta. You can also call us at 971-673-0824.