

***AGRICULTURAL
EMPLOYER'S
POCKET
GUIDE
ON
YOUTH
EMPLOYMENT***



***U. S. Department of Labor
Elaine L. Chao, Secretary***



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A Message from the Secretary of Labor



Elaine L. Chao

Every year, millions of teens work in part-time or summer jobs. Early work experiences can be rewarding for young workers - providing great opportunities for teens to learn important work skills. Today's youth will be the workforce of the 21st Century. One of my priorities for the U. S. Department of Labor is to assist America's youth in preparing to enter the workforce.

Through the **YouthRules!** initiative, the U. S. Department of Labor and its strategic partners seek to promote positive and safe work experiences for young workers. **YouthRules!** strives to educate teens, parents, educators, employers and the public on Federal and State rules regarding young workers. Components of the initiative include a website located at www.youthrules.dol.gov, printed materials like this guide, outreach events, training seminars and partnering activities.

This guide outlines what teens can and cannot do in agricultural jobs and when they can work. A separate guide exists for non-agricultural jobs. In addition to presenting proven tips that will help ensure teens learn the habit of good workplace safety, this guide also provides important information about accessing State youth employment standards and occupational safety and health provisions. **YouthRules!** helps all of us work together to ensure young workers have safe and rewarding employment experiences.

A Quick Look at the Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) youth employment provisions for agriculture are designed to protect young workers by limiting the types of jobs and the periods of time they may work. The provisions differ based on the age of the minor. Agriculture includes farming in all its branches when performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

The Federal youth employment provisions for agriculture are:

16 Years of Age

Once a youth reaches 16 years of age, he or she is no longer subject to the Federal agricultural youth employment provisions. Remember, in non-agriculture work a youth must be 18 to no longer be subject to the FLSA youth employment provisions.

14 and 15 Years of Age

14- and 15-year-olds may work outside of school hours in any agricultural occupation **except** those declared hazardous by the Secretary of Labor. See pages 5 and 6 for a listing of the hazardous jobs in agriculture.

12 and 13 Years of Age

12- and 13-year-olds may work outside of school hours in any non-hazardous agricultural job with written parental consent or on a farm that also employs their parent(s) or person standing in place of the parent(s).

12 is generally the minimum age for employment in agriculture however there are a few exceptions.

Employment on Small Farms

Youth under 12 years of age may be employed on small farms outside of school hours in any non-hazardous agricultural job, with parental consent.

Small farms are defined as those that did not utilize more than 500 "man days" of agricultural labor in any calendar quarter of the preceding calendar year. A "man day" is defined as any day during which an employee performs agricultural work for at least one hour.

Hazardous Occupations

Eleven hazardous farm jobs, as determined by the Secretary of Labor, are prohibited for young workers below the age of 16. Generally, youth may not work at jobs that involve:

1. Operating a tractor of over 20 Power Take Off (PTO) horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor; *+
2. Operating or working with a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, unloading mechanism of a nongravity-type self-unloading wagon or trailer, power post-hole digger, power post driver, or nonwalking-type rotary tiller; *+
3. Operating or working with a trencher or earthmoving equipment; fork lift; potato combine; or power-driven circular, band or chain saw; *

cont.

Hazardous Occupations, cont.

4. Working in a yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes; a sow with suckling pigs; or a cow with a newborn calf (with umbilical cord present); *
5. Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches; *
6. Working from a ladder or scaffold at a height of over 20 feet; *
7. Driving a bus, truck, or automobile to transport passengers, or riding on a tractor as a passenger or helper;
8. Working inside a fruit, forage, or grain storage designed to retain an oxygen-deficient or toxic atmosphere; an upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position; a manure pit; or a horizontal silo while operating a tractor for packing purposes;
9. Handling or applying toxic agricultural chemicals identified by the word "poison" or "warning," or identified by a "skull or crossbones" on the label;
10. Handling or using explosives;
11. Transporting, transferring, or applying anhydrous ammonia.

* *Limited exemptions are provided for Student-Learners under specified standards*

+ *Limited exemptions are provided for 14- and 15-year-old minors holding certificates of training under a 4-H Vocational Agriculture Training Program or U. S. Office of Education Vocational Agriculture Training Program.*

The prohibition of employment in hazardous occupations does not apply to youths employed on farms **owned** or **operated** by their parent(s) or persons standing in place of parent(s).

State Youth Employment Provisions

Every State has its own youth employment provisions and when these differ from the Federal provisions, employers must abide by the more protective standard. To find information about your State's youth employment provisions, visit the **YouthRules!** Website at www.youthrules.dol.gov.

Employer's Safety Checklist for Young Workers

To be sure, some tasks and tools present more of a hazard than others. Many hazardous activities are limited or prohibited for young people by the FLSA. (See pages 5 and 6 of this guide). But employers can take some simple steps to prevent injuries to working teens.

- ▶ Understand and comply with the Federal and State youth employment and occupational safety and health rules.
- ▶ Stress safety, particularly among first-line supervisors who have the greatest opportunity to influence youth and their work habits. They are important role models. Make sure that young workers are appropriately trained and supervised to prevent injuries and hazardous exposures.
- ▶ Work with supervisors and experienced workers to develop an injury and illness prevention program and to help identify and solve safety and health problems. Many injuries can be prevented through simple work redesign.
- ▶ Train young workers to recognize hazards and to use safe work practices. This is especially important since young people often have little work experience and new workers are at a disproportionate risk of injury.
- ▶ Make sure young workers know the Federal and State youth employment rules and frequently remind them that they must be obeyed. Let them know safety is a priority.

Preparing Young Workers to Work Safely

Young workers want to do a good job but they need help to work safely. Their inexperience works against them and they may not feel comfortable asking questions. Employers should take the following four steps to help prepare youth to work safely. What they learn, they will take with them throughout their working lives.

1. Double Check Tasks

Supervisors and co-workers can help compensate for inexperience by showing teens how to do the job correctly. What may be obvious to an experienced employee may not be clear to a teen tackling a task for the first time. Time spent showing a young worker the best way to handle a job will be paid back three-fold through work done right and without harm to products or injury to the worker. Training youth to work safely is a multi-step process:

- ▶ Give them clear instructions and tell them what safety precautions to take.
- ▶ Ask them to repeat your instructions and give them an opportunity to ask questions.
- ▶ Show them how to perform the task.
- ▶ Then watch them as they do it, correcting any mistakes.
- ▶ Finally, ask if they have any additional questions.

Once young workers know what to do and have demonstrated that they can do the job right, check again later to be sure they are continuing to do the task correctly. Don't let them take short cuts with safety. Be sure, too, that supervisors and co-workers set a good example by following all the appropriate rules as well.

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2. Show Them How to Use Safety Equipment

The FLSA prohibits young workers from doing tasks identified as particularly hazardous (See pages 5 and 6 of this guide). This does not eliminate every hazard, however, and some youth may still need to wear personal protective equipment (PPE) such as safety shoes, hard hats, or gloves, depending on the nature of the work. Be sure that the teens know when they need to wear protective gear, where to find it, how to use it, and how to care for it.

3. Prepare Teens for Emergencies

Every worker needs to be ready to handle an emergency. You should prepare your young workers to face any risks that may affect your business. Youths also need to know who to go to if an injury should occur and they need first aid or medical care.

4. Set up a Safety and Health Program

A strong safety and health program involving every worker at your business is your best defense against workplace injuries. Let everyone know you are serious about complying with all youth employment provisions.

Good Ideas from Other Employers

Take advantage of others' experiences. Here are some examples of compliance tips that are being used successfully by employers across the country.

- ▶ One employer issues teens a laminated, pocket-sized "Minor Policy Card" on the first day of work. The card explains the firm's policy and requirements for complying with the youth employment rules. A sample card for non-agricultural work is available on the **YouthRules!** website at **www.youthrules.dol.gov**.
- ▶ Employers have found that by supplying a safe area with supervised activities (for children of agricultural workers who accompany their parents to the farm but are too young to work legally) they reduce the risk of "suffering or permitting" underage children to work and reduce the risk of injuries.
- ▶ Some employers place special "Warning Stickers" on equipment that young workers may not legally operate or clean. As part of **YouthRules!**, the Department of Labor is making these stickers available to employers while supplies last. In addition, these stickers can be downloaded at **www.youthrules.dol.gov**.
- ▶ Employers have also found that by having a supervisory presence in the field at all times, parents may not be as likely to bring underage children into the field with them.

Resources to Tap

For information about employment standards that apply to young workers or about **YouthRules!**, contact the Department of Labor's Wage and Hour Division toll free at (866) 4USWAGE or (866) 487-9343. TTY/TDD callers may call (877) 889-567 toll-free.

You can also obtain both general and detailed information about the youth employment provisions by visiting our **YouthRules!** Website at **www.youthrules.dol.gov**. State youth employment rules can also be accessed through this Website. In addition, this website provides links to several departmental sites including:

- ▶ **Wage and Hour Division (WHD)**
(<http://www.dol.gov/esa/whd/>) , which enforces Federal minimum wage, overtime pay, recordkeeping and youth employment provisions of the FLSA. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, and the Family and Medical Leave Act.

- ▶ **Occupational Safety and Health Administration (OSHA)**
(<http://www.osha.gov>) which provides detailed information on safety standards, technical advisors, compliance assistance, and many other materials.

You may also wish to visit the following sites (which are not Department of Labor Websites):

- ▶ **United States Department of Agriculture**
(<http://www.ree.usda.gov/pas/AGSYS/FARMSAFE-/Farmsafe.htm>) whose Farm Safety Program provides information on Youth Farm Safety Education and Certification Programs.

- ▶ **National Institute for Occupational Safety and Health (NIOSH)**
(<http://www.cdc.gov/niosh>) which provides detailed information about the prevention of work-related disease and injury.

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