



## **Fact Sheet # 75: Youth Peddling under the Federal Child Labor Provisions of Fair Labor Standards Act (FLSA)**

This fact sheet provides general information concerning youth peddling, also known as door-to-door sales, under the federal child labor provisions. For detailed information about the federal child labor provisions, please read Regulations, [29 CFR Part 570](#).

The Department of Labor is committed to helping young workers find positive, appropriate and safe employment experiences. The child labor provisions of the [FLSA](#) were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. The Wage and Hour Division (WHD) is responsible for administering and enforcing the FLSA.

### **Minimum Age for Youth Peddling**

Effective July 19, 2010 the federal child labor provisions establish a minimum age of 16 for employment as a youth peddler or a door-to-door salesperson.

*Youth peddling or door-to-door sales* entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners or public transportation stations. Prohibited activities associated with youth peddling not only include the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler in conjunction with his or her sales such as the loading and unloading of vans or other motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer, and the transportation of minors to and from the various sales areas by the employer.

The prohibitions on youth peddling include such promotion activities as the holding, wearing, or waiving of signs, merchandise, costumes, sandwich boards, or placards in order to attract potential customers, except when performed directly in front of an establishment providing the product, service, or event being advertised.

This provision does not prohibit a young salesperson from conducting sales for his or her employer on property controlled by the employer that is out of doors but may properly be considered part of the employer's establishment. Youth may conduct sales in such employer exterior facilities, whether temporary or permanent, as garden centers, sidewalk sales, and parking lot sales, when employed by that establishment.

This prohibition on youth peddling does not include the activities of persons who, as volunteers and without compensation, sell goods or services on behalf of eleemosynary organizations or public agencies, such as selling Girl Scout Cookies or performing fund raising activities of behalf of the youth's school or church.

***Common Problems:***

Occasionally, employers will attempt to circumvent the federal child labor provisions by erroneously calling their young sales staff *independent contractors*, *volunteers*, or *trainees*. WHD will use the same criteria to determine whether youth peddlers are employees under the FLSA as it uses for all other workers. (See Fact Sheet 13 in this series).

There are certain factors which are immaterial in determining whether there is an employment relationship. Such facts as the place where work is performed, the absence of a formal employment agreement, or whether an alleged independent contractor is licensed by State/local government are not considered to have a bearing on determinations as to whether there is an employment relationship. Additionally, the Supreme Court has held that the time or mode of pay does not control the determination of employee status. The employee-employer relationship under the FLSA is tested by the "economic reality" rather than "technical concepts."

**Where to Obtain Additional Information**

For more information on the FLSA child labor provisions, including a complete list of all hazardous occupation orders, visit the ***YouthRules!*** Web site at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

For additional information on the Fair Labor Standards Act, visit the Wage and Hour Division Web site: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

When state child labor laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at [http://www.dol.gov/whd/contacts/state\\_of.htm](http://www.dol.gov/whd/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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