

Fact Sheet #41: Fast Food, Full Service Restaurant, and Supermarket Industries Youth Employment Compliance Survey

Overview

During FY 2000, investigators from the Employment Standards Administration's Wage and Hour Division conducted 309 investigations of full service restaurant, fast food and supermarket establishments to determine the level of compliance with the youth employment provisions of the Fair Labor Standards Act (the FLSA). This initiative, undertaken pursuant to Wage and Hour's strategic goal to increase youth employment compliance, is a component of Wage and Hour's overall strategic plan under the Government Performance and Results Act.

Survey Approach

The compliance survey was designed to determine the overall level of youth employment compliance in each of these industries; measure the effectiveness of prior Wage and Hour interventions; and establish a baseline level of compliance from which future outreach and enforcement initiatives could be designed and their efficacy measured. A random sample of 68 firms was selected from Dun & Bradstreet data to determine the survey sample cases in each of the three industries. Another 40 firms from each of three industries were randomly selected using Wage and Hour's enforcement database of all firms investigated and found to have youth employment violations during the prior-five year period.

In each of the survey cases completed, Wage and Hour investigators visited the establishment; met with the employer or his/her representative; reviewed pertinent records; and, interviewed employees. The results were then analyzed to determine what, if any, particular patterns contributed to youth employment violations in each of the industries. Although Wage and Hour investigators report violations of State requirements to proper authorities, these survey findings do not reflect compliance with State youth employment provisions.

Survey Findings

Full Service Restaurants

- Seventy-eight percent (78%) of the full service restaurants in the baseline sample were found to be in youth employment compliance.
- Eighty-nine percent (89%) of the minors in these establishments were found to be employed in compliance.
- However, the percentage of 14 and 15-year-olds found working in violation of youth employment laws in full service restaurants was much higher than the baseline. For the two sample pay periods for which detailed information was collected, forty-seven percent (47%) of young workers were employed in violation of youth employment requirements.
- Hazardous occupations (HO) violations included the use of power-driven meat processing machines, mostly meat slicers, and power-driven bakery machines.
- Only fifty-two percent (52%) of all reinvestigated full service restaurants were in compliance (though all had prior violations).
- Ninety-three percent (93%) of the minors in the reinvestigated firms were found to be employed in compliance with youth employment requirements.

Fast Food Industry

Seventy percent (70%) of the fast food establishments in the baseline sample were in youth employment compliance.

- Ninety-five percent (95%) of the minors in these establishments were employed in compliance.
- However, the percentage of 14 and 15-year-olds found working in violation in fast food establishments was much higher than the baseline. For the two sample pay periods for which detailed information was collected, twenty-nine percent (29%) of young workers were employed in violation of youth employment requirements.
- Seventy-two percent (72%) of all reinvestigated fast food establishments were in compliance (though all have previous violations).
- Ninety-seven percent (97%) of the minors in the reinvestigated firms were found to be employed in compliance with youth employment requirements.

Supermarket Industry

- Eighty-two percent (82%) of the supermarkets in the baseline samples were in youth employment compliance.
- Ninety-eight percent (98%) of the minors in these establishments were employed in compliance.
- Hazardous occupations (HO) violations included the use of power-driven paper processing machines, mostly paper balers, and power-driven hoisting apparatus, mostly fork lifts.
- Seventy-two percent (72%) of all reinvestigated supermarkets were in compliance (though all had previous violations).
- Ninety-five percent (95%) of the minors in the reinvestigated firms were found to be employed in compliance with youth employment requirements.

Other Findings

Child Labor Regulations No. 3 Hours Violations

Reg 3 specifies the times of day and the number of hours that may be worked by 14 and 15-year-olds during school and non-school weeks. More than half of the violations for each of the surveyed industries involved failure to comply with Reg 3 hours and time of day standards.

- Eighty-seven percent (87%) of these violations involved youth working more than an hour past the time standard.
- The majority of youth worked in violation of Reg 3 hours and time limitations - fifty-five percent (55%) - worked more than two hours past the standard.
- About another third - thirty-two percent (32%) of the minors - worked between one and two hours past the standard.

Occupations - Many minors hired as cashiers and cooks in fast food establishments were employed in violation of the Reg 3 occupational prohibitions. Cashiers were found to be performing prohibited duties - such as cooking or cleaning kitchen equipment - in addition to their primary job duties.

Minimum Wage and Overtime - There was almost universal compliance in all three industries with the minimum wage and overtime provisions of the FLSA as they apply to young workers.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <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).

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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