

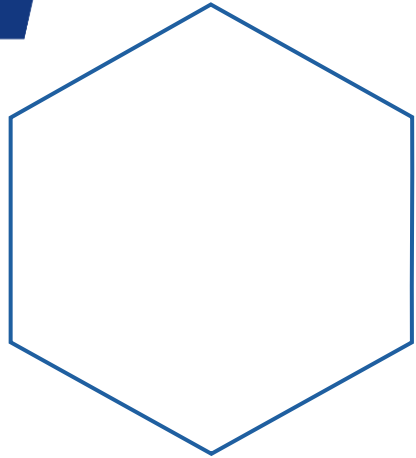


PENNSYLVANIA'S CHILD LABOR ACT

**Effective January 22, 2013
(43 P.S. §§ 40.1-40.14)**

*This presentation is intended as
general information and does not
carry the force of a legal opinion.*





Agenda





HISTORY

1849: Pennsylvania is among first states to address child labor by restricting work to 10 hours per day and 60 hours per week.

1879: Pennsylvania commenced imposing fines for employing children in dance halls, saloons, houses of prostitution and public exhibitions such as the circus.

1885: Pennsylvania law prohibiting boys under 14 and girls of any age from working inside a coal mine.

1887: Pennsylvania law prohibiting minors under 12 from working in coal mines, mills and factories.

1889: Office of Factory Inspection established to monitor industrial safety and child labor violations.





1895: Compulsory Education Act enacted mandating that children between 8 and 13 attend school for at least four months each year.

1915: Pennsylvania Child Act passed. Amended in 1935.

2013: Current Child Labor Act takes effect on January 22, 2013.





PENNSYLVANIA'S CHILD LABOR ACT COVERS:



Age Restrictions.
Work Permits.
Employer Duties.
Work Hour Limitations for Minors.
Prohibited Occupations.
Exceptions to the Act – Sports
Attendant Services.
Children in Entertainment.
Volunteer Emergency Service.
Enforcement.
Violations.
Penalties.



PENNSYLVANIA'S CHILD LABOR ACT DOES NOT COVER:

Agriculture work that is not covered under the federal Fair Labor Standards Act.

Domestic services in or about the parent's or guardian's home.

Babysitting.

Performance of minor chores in or about an employer's private home including lawn care, snow shoveling, and residential chores performed by minors on a casual or infrequent basis.





AGE RESTRICTIONS

General Rule

A minor must be at least 14 years old to legally work in Pennsylvania.

Exception

Newspaper delivery for minors who are at least 11 (delivery and street sale and not hauling newspapers to drop centers, newsstands or distribution centers)
Allowed between 5:00 am and 8:00 pm
(School vacation 9:00 pm)

Exception

Work permits not required for minors who are at least 16 employed in the distribution, sale, offering for sale of any newspaper.

Exception

Work permits are not required for any minor who can show that they are working independently of the newspaper publisher.





WORK PERMITS

Minors under 18 must have a wallet-size, transferable work permit *issued by an issuing officer.*



An *issuing officer* is a public school district superintendent, principal or secretary of the school district directors.

Issuing officers may refuse to issue or revoke a work permit because of inadequate academic achievement.

Issuing officers are required to cooperate with enforcement officers, such as Labor & Industry, with investigation and enforcement of the Child Labor Act.

Labor & Industry sets standards for **work permits**.

To obtain a work permit, minors must:

- Submit proof of age.
- Submit a written verification from their parent or legal guardian acknowledging their understanding of the duties and employment hours and granting permission to work (if the minor is under 16).
- Appear for inspection by issuing officer. (Virtual appearances are allowed).
- Labor & Industry issues Entertainment Permits.



EMPLOYER'S DUTIES

Before hiring, verify the work permit and receive the verified statement from parent or legal guardian.

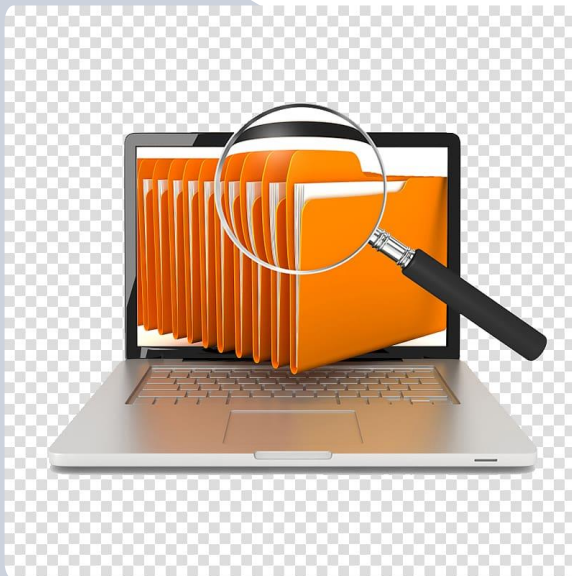
Provide notification to the issuing officer:

- Within 5 days of the beginning of employment, submit written notification containing the minor's normal work duties and hours, the minor's age and the permit number.
- Within 5 days of the minor's final day of employment, provide written notice that the minor is no longer employed.

Display Child Labor Act abstract poster in conspicuous place.

Keep records at the workplace:

- Copy of the minor's work permit, the original verified permission statement and copy of letter sent to issuing officer announcing minor's employment.
- A list of all minors employed at the workplace.
- A schedule of workhours for all minors containing the maximum hours each minor is permitted to work on each weekday, their weekly total, the daily hours for commencing and stopping work and the time allowed for meals.
- Records required under Pennsylvania's Minimum Wage Act including accurate records of the actual days, hours and times that minor worked including breaks.



HOURS



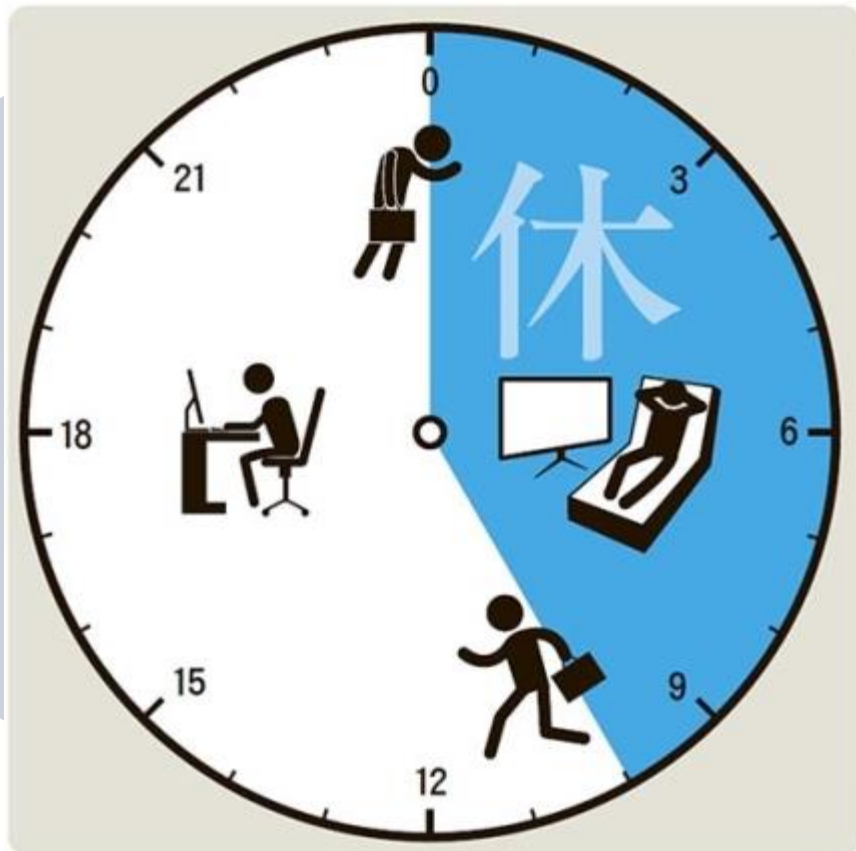
General Rules:

- Minors may not work for more than 5 continuous hours without a 30-minute break.
- A minor may not work for more than 6 consecutive days, except for newspaper delivery.
- A regular school week is Monday through Friday when school is in session.
- These hour rules do not govern entertainment permits issued by Labor & Industry.





Hours for 16- and 17-year-old



During school (including summer school):

- Between 6:00 am and 12:00 am.
- Eight hours maximum per day.
- 28 hour maximum per regular school week.

Vacations

- May be employed until 1:00 am.
- 10 hours maximum per day.
- 48 hours maximum per week but minor must agree to hours exceeding 44 hours.
- School vacation includes Saturdays and Sundays if a vacation day precedes a Saturday or follows a Sunday.
- Camp counselors, counselor-in-training or junior counselor during school vacations by a summer resident camp or a conference or retreat operated by a religious or scout or organization shall receive a 24-hour consecutive rest period every 7 days. This does not apply to general maintenance work or food service.
- These hour restrictions do not apply to sports attendants under Section 6 of the Child Labor Act.
- These restrictions do not apply to minors who graduated high school or who are exempt from public school attendance because they are regularly engaged in any useful and lawful employment or service during the time public school is in session and who holds an employment certificate.



HOURS for 14-and 15-year-olds:

During school year (including summer school):

- Between 7:00 am and 7:00 pm.
- Three hours maximum on school days.
- Eight hours maximum on Saturday and Sunday.
- 18 hours maximum for the regular Monday – Friday school week (including summer school).

School Vacations:

- Between 7:00 am and 9:00 pm.
- Eight- hour daily maximum.
- 40 hours maximum per week.
- School vacation includes Saturdays and Sundays if a vacation day precedes a Saturday or follows a Sunday.

Exceptions:

- May be employed until 10:00 pm on a farm by a non-farmer in the hatching, raising or harvesting of poultry if the agricultural occupation is not deemed hazardous by the U.S. Department of Labor.
- Separate rules for newspaper and periodical delivery.
- Employment is part of a recognized school-work program supervised by a recognized school authority if the work hours plus school hours do not exceed eight hours per day.
- Work hours do not apply to minors who provide sports-attendant services under Section 6 of the Child Labor Act.





PROHIBITED OCCUPATIONS



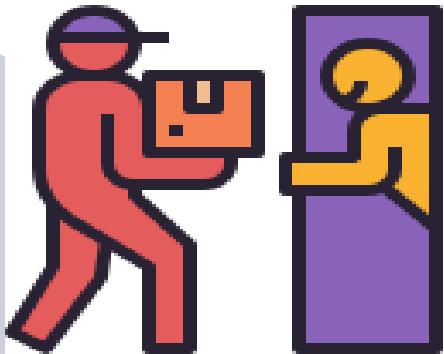
- Any occupation or establishment designated as hazardous and otherwise prohibited under the federal Fair Labor Standards Act and its regulations or the Pennsylvania Child Labor Act and its regulations.
- Violate the Child Labor Act's restrictions governing its entertainment permits. (43 P.S. § 40.5)
- At an establishment serving alcohol.
- Exceptions to alcohol restrictions:
 - A minor who is at least 16 may work in part of the establishment where alcohol is not served.
 - A minor at least 16 may serve food and clear tables in a hotel, club or restaurant that has a PLCB Sunday liquor license. Minor may not dispense or serve alcoholic beverages.
 - A minor under 16 may work at a ski resort, bowling alley, golf course, amusement park or recreational establishment if the minor is not working an area where alcohol is located or served.
 - Students receiving instruction in a performing art to perform an exhibition of the student is not compensated and is under proper supervision.

Labor & Industry website:

https://www.dli.pa.gov/Individuals/Labor-Management-Relations/Ilc/Documents/child_labor_law_prohibitions.pdf



MORE PROHIBITED OCCUPATIONS



All ages:

- Pilot, fireman or engineer upon a boat or vessel.
- On a railroad or railway as a track repairman, gate-tender, switch-tender brakeman, fireman, engineer, motorman or conductor.
- In the manufacture of paint, color or white-lead, poisonous dyes or compositions using dangerous leads or acids.

Minors under 16 may not engage in *youth peddling*:

- Selling goods and services to customers other than minor-employer's establishment such as customer residences or place of business or public places such and street corners and public transportation stations.

Minors under 16 may not:

- Strip or sort tobacco.
- Work on a scaffold.
- Work in a tunnel.



Sports Attendant Services

Special exemption from Pennsylvania's hour and time restrictions.

Applies to minors employed to perform sport-attendant services at professional sporting events:

- Pregame and postgame or practice setup of balls, items and equipment.
- Supplying and retrieving balls, items and equipment during a sporting event.
- Clearing the field or court of debris and moisture during play.
- Providing ice, drinks, and towels to players during play.
- Running errands for trainers, managers, coaches and players before, during and after a sporting event.
- Returning or storing balls, items and equipment in clubhouse or locker rooms after a sporting event.



ENTERTAINMENT PERMITS



Issued and enforced only by Labor & Industry:

- Section 5 of the Pennsylvania Child Labor Act contains extensive requirements, restrictions and prohibitions.

Governs a minor engaged in a performance:

- Rendering artistic or creative expression in a live performance, on the radio, on television, in a movie, over the internet, in a publication or through any other broadcast medium that may be transmitted to an audience and any person receives remuneration for the performance. Includes rehearsals.
- *Reality* or documentary program that expressly depends upon the minor's participation, their participation is *substantial*, and any person receives remuneration.
 - *Substantial* means the minor is a principal subject of the reality or documentary program or the minor participates in the reality or documentary program for 10 or more days in a 30-day period.
 - A *reality program* is a genre of program that principally presents actual events and generally features ordinary people and not professional actors.

Special entertainment permits governing professional acrobatic performances.





VOLUNTEER EMERGENCY SERVICE ORGANIZATIONS



An individual who is at least 14 and older may participate in training and emergency service activities for a *volunteer emergency service organization*:

- A volunteer fire company.
- Volunteer ambulance organization.
- Volunteer rescue organization.
- Volunteer forest firefighting organization.
- Volunteer organization of emergency service personnel who are expected to respond to medical emergencies or large-scale disasters.

GENERAL PROHIBITIONS

Volunteer Emergency Services



All minors under 18 *may not*:

- Operate a truck, ambulance or other emergency vehicles.
- Operate an aerial ladder, aerial platform or hydraulic jack.
- Use rubber electric gloves, insulated wire gloves, insulated wire cutters, life nets or acetylene cutting units.
- Operate the pump of a fire vehicle while at the scene of the fire.
- Engage in forest fighting and forest fire prevention. (Fair Labor Standards Act Regulation, 29 CFR § 57.54(a)).
- Enter a burning structure under any circumstance including a training exercise, *except as allowed under Act 155* (effective Jan. 4, 2023).

Act 155:

- Allows junior firefighters who are at least 17 on the first day of class to participate in an interior firefighting module with live burns.
- Requires permission from the fire chief and the minor's parent or guardian.
- Requires supervision of a credentialed Pennsylvania State Fire Academy Instructor.
- This Act 155 exception does not apply to any other firefighting training.



14- and 15-year-old Emergency Volunteers

May engage in the following:

- Training.
- First Aid.
- Cleanup services at the scene of the fire, outside the structure and after the fire was declared under control by the fire official in charge.

May not engage in the following:

- Firefighting activities.
- Operate high pressure hose lines except during training exercises. This is any water hose used for fire suppression with a pressure greater than 100 psi and any hydraulic hose use for rescuer tools with a pressure greater than 1,000 psi.
- Ascend ladders except during training exercises.





Hours for Volunteer Firefighters

A minor who is at least 16 may continue serving in answer to a fire call until excused by the individual acting as chief of the fire company if

- The minor is a member of a fire company.
- Answers a fire call while lawfully employed, and;
- The call was received before midnight during a school week or 1:00 am during vacations.

A minor who is 14 or 15 may engage in permitted training or firefighting activities until 10:00 pm before a school day if the minor:

- Is a member of a volunteer fire company, and;
- Has the written consent of their parent or legal guardian.





ENFORCEMENT

The Bureau of Labor Law Compliance investigates alleged violations and compliance with Pennsylvania's Child Labor Act:

- Investigative subpoenas.
- Entering and inspecting an establishment at any reasonable time to ascertain working conditions.
- Interviewing workers.
- Inspecting and obtaining copies of any records, documents or information in any medium.
- Prosecuting alleged violations.

Other Enforcement Officers:

- Chief school administrator.
- School attendance officer.
- Issuing officer.
- Law Enforcement.





ENFORCEMENT OFFICERS

If an enforcement officer has reason to believe that a minor is working without a permit or engaged in work that violates the Child Labor Act's age restrictions, the enforcement officer:

- Shall demand that the employer furnish proof of age within 10 days.
- Demand, within 10 days, that the employer cease permitting or employing the minor.

A person's failure to comply with either of these demands constitutes, on its face, evidence of a Child Labor Act violation.





Child Labor Act Violations

- Violating any provision of the Child Labor Act.
- Interfering with enforcement officer's duties.
- Compelling or allowing a minor to violate the Child Labor Act.
- Failure to provide records to Labor & Industry.
- Falsification of records.





Penalties:

Administrative Penalties:

- Up to \$5,000 per violation.
- Order corrective action necessary to address the violation.
- Right to hearing before neutral hearing examiner and appeal to Commonwealth Court.

Criminal Penalties:

- A \$500 fine per violation for the first conviction.
- A \$1,500 fine and/or 10 days imprisonment for subsequent convictions.



Pennsylvania Department of Labor & Industry, Bureau of Labor Law Compliance:



Altoona Regional Office:

1130 Twelfth Avenue, Suite 200
Altoona, PA 16601-3486
Telephone: 1-877-792-3486 or 814-940-6225

Harrisburg Regional Office:

1301 L&I Building
651 Boas Street
Harrisburg, PA 17120-0019
Telephone: 717-787-4671 or 1-800-932-0665

Philadelphia Regional Office:

110 North 8th Street, Suite 203
Philadelphia, PA 19130-4064
Telephone: 215-560-1858

Pittsburgh Regional Office:

301 5th Avenue
Room 350
Pittsburgh, PA 15222
Telephone: 1-877-504-8354 or 412-565-5300

Scranton Regional Office:

201-B State Office Building
100 Lackawanna Avenue
Scranton, PA 18503-1923
Telephone: 570-963-4577 or 1-877-214-3962





**Bureau of Labor Law Compliance
Website:**

[https://www.dli.pa.gov/Individuals/
Labor-Management-
Relations/llc/child-
labor/Pages/default.aspx](https://www.dli.pa.gov/Individuals/Labor-Management-Relations/llc/child-labor/Pages/default.aspx)

- Child Labor Act information.
- Prohibited occupations.
- Complaint forms.
- Other laws and information on Pennsylvania's labor standards.

Pennsylvania State Fire Commissioner:

<https://www.osfc.pa.gov/Pages/default.aspx>

Pennsylvania Department of Education:

[https://www.education.pa.gov/Pages/Codes
%20and%20Regulations/Child-Labor-
Law.aspx](https://www.education.pa.gov/Pages/Codes%20and%20Regulations/Child-Labor-Law.aspx)