

## Minimum Age to Permit a Minor to Perform Work:

Minors must be at least 14 years of age to be employed or permitted to work in **most** gainful occupations. However, Wisconsin law permits younger minors to be employed or permitted to work as follows:

### 12 years of age:

- Agriculture
- Street trades (delivering newspapers, selling products door-to-door or on the street)
- Work under direct supervision of minor's parent or guardian in connection with parent's or guardian's business, trade, or profession if minor would otherwise be permitted to work in the same job at age 14
- Caddies on golf courses (non-motorized carts)
- Domestic work in and around the home of the employer if not in connection with or part of a trade or business
- Sideline officials at high school football games
- Ball monitors at high school football games or practices (as young as 11 permitted)
- Official for athletic events sponsored by private, nonprofit organization in which the minor would be eligible to participate or in which the participates are the same age or younger than the minor
- Work in school lunch programs for the school attended by the minor

### Other

- Participation in a court ordered juvenile restitution project at any age
- Street trades for a private nonprofit organization or a private or public school at any age to perform fund raising
- Public Exhibition (theatrical performances, modeling, performing music, or singing) at any age
- Employment in domestic or farm work performed outside of school hours in connection with the minor's own home or the family farm at any age

## Work Permits

Most Wisconsin employers hiring or permitting minors between the ages of 12 and 17 to work must possess a valid work permit for each minor before work may be performed. The work permit establishes a minor's proof of age and ensures that the employer, parent/guardian, and minor are aware of the child labor laws and regulations.

Employers hiring married minors, high school graduates, minors living independently and minors working for their parents in the parents' business must also have work permits. The only exceptions to the permit requirement are:

- Minors employed in agriculture
- Minors working in or around a home and not in connection with the employer's business
- Volunteer work for a nonprofit organization, not as an employee
- Public entertainment or exhibition
- Street trades for fundraising for nonprofit organizations, private or public schools
- Apprentices under Wis. Stat. ch. 106.

Work permits may be obtained from one of the state's child labor permit officers, most of whom are located in school offices.

The permit officer will refuse to issue a work permit or street trades permit if the minor seems physically unable to do the work or if refusal seems to be in the best interest of the minor. A permit officer cannot issue a work permit for employment prohibited by state child labor regulations.

The following information must be provided to the permit officer before a work permit can be issued:

- Proof of age (Birth certificate, baptismal certificate, Wisconsin ID card or Wisconsin driver's license)
- Employer's written intent to hire, including job duties to be performed, and the hours and time of day to be worked

- Written consent of parent or guardian
- Social security card
- Payment of \$10.00 permit fee (Employer must reimburse for this cost no later than the minor's first paycheck)

### **Street Trade Permits:**

Persons who engage minors to sell, offer for sale, solicit, collect, display or distribute newspapers or magazines, or other products or services on any street, in any public place, or door-to-door, must obtain a street trades permit for each minor. These permits may be obtained from any work permit officer. Persons who engage minors in fundraising for nonprofit organizations, public or private schools need not obtain a street trades permit provided no employer-employee relationship exists between the parties.

### **Posting Requirement**

All employers of minors except those hiring minors for domestic service or agricultural work are required by law to display an informational poster, ERD 9212-P, entitled "Hours and Times of Day Minors May Work in Wisconsin" in places where minors are employed or permitted to work.

### **Employment Generally Prohibited To Minors**

State law prohibits the use of minors to perform hazardous work. A complete listing of the work listed as hazardous can be found in the Wisconsin Administrative Code, §§ DWD 270.12 – 270.13. In some instances the hazard involves the entire worksite while in other instances a particular machine or activity is prohibited. The following list contains some of the more common hazards:

#### **Hazardous to all minors:**

- Adult bookstores
- Use of bakery machines
- Erection of or operation of amusement rides at carnivals, amusement parks, ski hills, and traveling shows
- Any work with asbestos, actinolite, amosite, anthophyllite, chrysotile, crocidolite, or tremolite
- Work in any confined space
- Mining
- Operation, set-up, or cleaning of meat and food slicers
- Excavations involving a trench four feet deep or greater
- Any work in a facility that manufactures or stores explosives
- Selling, serving, dispensing or giving away liquor
- Set-up, operation, or cleaning of power driven metal forming; punching or shearing machinery
- Operation of motor vehicle on public roads as a regular job duty
- Any work with radioactive substances and ionizing radiations
- Operation of power driven circular saws, band saws, chain saws or guillotine shears
- Roofing operations
- Slaughtering, meat packing, processing or rendering
- Any work at an employer experiencing a strike or lockout or participating as a picketer in a strike or lockout
- Work in logging, including sawmill, lath mill, shingle mill or cooperage-stock mill operation
- Cleaning, set-up or operation of most power driven woodworking machines
- Any work involving wrecking, demolition or shipbreaking
- When 16- or 17-year-old minors work between the hours of 12:30 a.m. and 5:00 a.m., they must be under direct adult supervision.

#### **Hazardous to minors under age 16:**

- Agriculture (certain power-driven equipment and some jobs are prohibited unless employed on own home farm outside school hours for parent or guardian, or on another farm with permission of parent or guardian if primarily for exchange purposes)
- Airports (in or about landing strip, taxi, or maintenance apron)
- Gun clubs (skeet and trap loaders)
- Operation of any power driven machines (other than office machines)

- Personal care of patients in hospitals and nursing homes
- Work in rooms where manufacturing, processing, storage, or warehousing takes place
- Communications and public utilities work (other than office work)
- Transportation of people or property by air, rail, or motor vehicle
- Street carnivals and traveling shows

## **Meal Periods**

Minors are not permitted to work more than 6 consecutive hours without a 30-minute duty free meal break. Meal periods should be near the usual times of 6 a.m., 12 a.m., 6 p.m. and 12 p.m.

## **Employment-Related Injury**

Employers who employ minors without a work permit may be assessed an amount equal to the workers compensation settlement for any work-related injury the minor experiences. If the minor was injured while performing prohibited work, the employer may be required to pay the minor an amount equal to twice the workers compensation settlement in addition to the settlement.

## **Penalties**

An employer who commits one of the following acts may be required to forfeit not less than \$25 nor more than \$1,000 for each day of the first offense:

- Employing or permitting a minor to work in a job in violation of a department order
- Hindering or delaying the department or school attendance officers in the performance of their duties
- Refusing to admit or locking out the officer from any place required to be inspected.

For the second or subsequent violations within 5 years, the employer may be fined not less than \$250 nor more than \$5,000 for each day of the second or subsequent offense, or imprisoned not more than 30 days, or both.

An employer who employs a minor in violation of the hours or time of day limitations set by department regulation shall be liable for an amount equal to twice the regular rate of pay for all hours worked in violation per day or per week, whichever is greater.

A parent or guardian permitting a minor under his or her responsibility to be employed or to work in violation of any order of the department may be required to forfeit not less than \$10 nor more than \$250 for each day of the first offense. For a second or subsequent violation within 5 years, the offender may be required to forfeit not less than \$25 or more than \$1,000 for each day.

**This pamphlet highlights portions of the Wisconsin's child labor laws and regulations in effect on the publication date. The complete child labor regulations are in Wisconsin Administrative Rules Chapter DWD 270. Additional information on the employment of workers, including minors is contained in "A Summary of Wisconsin's Labor Standards".**

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# Hours and Times of Day Minors May Work in Wisconsin

State and federal laws do not limit the hours that minors 16 years of age or over may work, except that they may not be employed or permitted to work during hours of required school attendance under Wis. Stat. § 118.15.

State and federal laws also permit minors under 16 to work up to seven days per week in the delivery of newspapers and agriculture. In most other types of labor, minors under 16 may only work six days a week.

Most employers must obtain work permits for minors *before* permitting them to work. For further information, see the Wisconsin Employment of Minors Guide (ERD-4758-P).

Maximum Hours of Work for 14 & 15 year-old minors	After Labor Day through May 31	June 1 through Labor Day
<b><u>Daily Hours</u></b>		
<b>Non-School Days</b>	8 hours	8 hours
<b>School Days</b>	3 hours	3 hours
<b>Weekly Hours</b>	18 hours	40 hours
<b>Permitted Time of Day</b>	7am-7pm	7am-9pm

**Employers** subject to both federal and state laws must comply with the more stringent section of the two laws.

**State** child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs operated by the school.

**Minors under 16 years of age** are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day or week.

**Minors under 18 years of age** may not work more than 6 consecutive hours without having a 30-minute, duty free meal period.

**Minors 16 & 17 years of age** who are employed after 11:00 pm must have 8 hours of rest between the end of one shift and the start of the next shift.

**Minimum Wage** for minors is \$7.25 per hour. Employers may pay an "Opportunity Wage" of \$5.90 per hour for the first 90 days of employment. On the 91<sup>st</sup> day, the wage must increase to \$7.25 per hour.

**For further information** about the federal child labor laws call (608) 441-5221, or write to U.S. Department of Labor, Wage & Hour, 740 Regent Street, Suite 102, Madison, WI 53715.

**For further information** about the state child labor laws, call the Equal Rights Division in Madison (608) 266-6860 or Milwaukee (414) 227-4384.

## DEPARTMENT OF WORKFORCE DEVELOPMENT - EQUAL RIGHTS DIVISION

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