

The Employment Of Minors In Agriculture

Wage and Hour: Child Labor

The state and federal child labor laws pose different requirements for different age groups of minors working in agriculture. Where state and federal laws address the same issue, the stricter standard applies. The following is a summary of some of the provisions of state and federal regulations pertaining to the employment of minors in agriculture. For more information, contact the U.S. Department of Labor, Wage and Hour Division at (503) 326-3057 or Bureau of Labor and Industries, Wage and Hour Division at (971) 673-0761.

DEFINITION OF AGRICULTURE

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. If a grower or processor handles goods grown by another farmer, they may no longer meet the definition of agriculture and might lose any agricultural exemptions under the law for that workweek.

MINIMUM AGE REQUIREMENTS

Minors age 16 and above may work at any time in jobs not declared hazardous by the Secretary of Labor (U.S.).

Minors ages 14 and 15 may work outside school hours in jobs not declared hazardous by the Secretary of Labor (U.S.). (See "[PROHIBITED WORK](#)")

Minors ages 12 and 13 may work in jobs not declared hazardous outside school hours either with written parental consent or on the same farm where their parents are employed.

Minors ages 9 through 11 may pick berries and beans outside school hours if the child has the written consent of his/her parents or guardians and **ONLY** if the farm has used less than 500 mandays of labor in all calendar quarters of the preceding year **OR** the produce is sold within the state **AND** the produce is not transported outside the state in any form. The container must be distinctly marked so as to prevent the product from entering interstate commerce.

Local minors ages 10 and 11 may hand harvest short-season crops outside

school hours for no more than 8 weeks between June 1 and October 15 **IF** their employers have obtained special waivers from the Secretary of Labor (U.S.).

Minors of any age may work in any job on a farm owned or operated by their parents.

HOURS LIMITATIONS FOR MINORS UNDER 16

Minors under age 16 may not work while school is in session. A maximum of three hours/day may be worked on school days; 10 hours/day on non-school days; and a maximum of 25 hours/week may be worked during school weeks. During the summer months or other school vacation periods of one week or more, a maximum of 10 hours/day and 60 hours/week may be worked unless a special permit is first obtained from the Wage and Hour Commission*. No more than six days/week may be worked.

Minors under age 16 employed to operate, assist in the operation of or ride in or on power-driven farm machinery may work a maximum of eight hours/day on non-school days; and 18 hours/week during school weeks. During the harvest season (summer months), a maximum of 10 hours/day and 60 hours/week may be worked unless a special permit is first obtained from the Wage and Hour Commission*. Outside the harvest season, a maximum of 44 hours/week is allowed without an emergency overtime permit.

There is no restriction on starting and quitting times for minors employed in agriculture, so long as the minor does not work when school is in session.

HOURS LIMITATIONS FOR MINORS OVER 16

Minors 16 and 17 years of age who are employed to operate, assist in the operation of or ride in or on power-driven farm machinery may work a maximum of 25 hours/week during school weeks and 60 hours/week during the harvest season unless a special permit is first obtained from the Wage and Hour Commission*.

*Emergency and special overtime permits may be obtained by applying to the Wage and Hour Commission in care of the Bureau of Labor and Industries.

PROHIBITED WORK

Minors under 16 may not be employed in feed mills, flour mills, grain warehouses, or any workplace where power-driven machinery is used in or incidental to adapting articles or goods for sale. No minor under age 18 may be employed to operate or assist in the operation of power-driven machinery, however, under certain circumstances, agricultural employers may employ 16 and 17 year olds to operate or assist in the operation of power-driven machinery in an agricultural warehouse. Youths employed on farms owned or operated by their parents may be employed in any occupation. Fourteen and 15 year old student learners enrolled in vocational agricultural programs are exempt from some of the hazardous occupations provisions when certain requirements are met. For a complete listing of prohibited/hazardous occupations or operations or for more information, contact the Bureau of Labor and Industries or U.S. Department of Labor.

POWER-DRIVEN FARM MACHINERY

Minors employed to operate, assist in operating or ride in or on power-driven farm machinery or conveyances connected to power-driven farm machinery must first complete training relating to the safe operation of the machinery. (For more information regarding specific training requirements, contact the Bureau of Labor and Industries.)

MINIMUM WAGE/OVERTIME/REST AND MEAL PERIOD REQUIREMENTS

The [minimum wage](#) is required to be paid to all employees employed in agriculture with the following exceptions:

- Agricultural employers who utilized less than 500 mandays or piece-rate work days of agricultural labor in all calendar quarters of the preceding calendar year;
- Agricultural employees who are immediate family members;
- Employees who are principally engaged in the range production of livestock;
- Local hand harvest laborers who:
 1. Commute daily from their permanent residence AND
 2. Are paid on a piece rate basis in traditionally piece rated occupations AND
 3. Were employed in agriculture less than 13 weeks the preceding year.
- Migrant hand harvest workers 16 years of age and younger who:
 1. Are employed on the same farm as their parents AND

2. Are paid on a piece rate basis which is the same as the piece rate paid to older workers

Agricultural employment is exempt from the overtime provisions of both state and federal law.

Meal periods of at least 30 minutes must be provided no later than five hours and one minute after the minor reports to work. Minors under 16 must be fully relieved of work duties during this time. Sixteen and 17 year-old employees may work during a meal period, but must be paid for their time. This is permissible only when the nature and circumstances of the work prevent the employee from being relieved of all duty.

Paid rest periods of at least 15 minutes must be provided to minor employees during each four hour period (or major portion) of work time. Rest periods may not be added to the meal period or deducted from the beginning or end of the work period in order to reduce the length of the work period.

EMPLOYMENT CERTIFICATES

Employers who employ minors to operate, assist in operating or ride in or on power-driven farm machinery are first required to obtain an annual employment certificate from BOLI. Agricultural employers who do not employ minors to operate power-driven farm machinery are not required to obtain an employment certificate.

This information sheet is meant to provide a summary reference guide to some of the laws pertaining to the employment of minors in agriculture. It is not a complete statement of the laws, but a simplified interpretation.