



# CHILD LABOR LAWS

## Texas Workforce Commission

Tax and Labor Law Dept., Child Labor Enforcement

## U.S. Department of Labor

## Wage and Hour Division



For further information about Texas' child labor laws, call:

**1-800-832-9243**

**(in Texas only)**

**TDD 1-800-735-2989**

***This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Tax and Labor Law department for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child-labor laws, consult your local listings for the nearest office of the U.S. Department of Labor, Wage and Hour Division.***

### ***The following are prohibited occupations for 14- through 17-year-old children:***

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.
- (2) involving the driving of motor vehicles and outside helpers
  - A. on any public road or highway,
  - B. in or about any place where logging or sawmill operations are in progress, or
  - C. in excavations.
 (Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)
- (3) connected with coal mining.
- (4) including logging operations and sawmill occupations.
- (5) \*operating or assisting to operate power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations.
- (7) operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks.
- (8) \*operating or assisting to operate power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) \*operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering with the exception of the killing and processing of poultry, rabbits, or small game in areas separated from the killing floor.
- (11) operating or assisting to operate power-driven bakery machines.
- (12) \*Occupations involved in the operation of power-driven paper-products machines, scrap paper balers and paper box compactors.
 (Under certain conditions, loading a baler or compactor is NOT considered a hazardous occupation under state or federal law.)
- (13) manufacturing brick, tile, and kindred products.
- (14) \*operating or assisting to operate power-driven circular saws, band saws and guillotine shears, with the exception of machines equipped with full automatic feed and ejection.
- (15) wrecking, demolition, and ship-breaking operations.
- (16) \*occupations in roofing operations and on or about a roof.
- (17) \*connected with excavation operations.

### ***Additional prohibited occupations that apply only to 14- and 15-year-olds:***

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) Mining.
- (2) Manufacturing.
- (3) The performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed.
- (4) The operation or tending of hoisting apparatus or any power-driven machinery other than office machines.
- (5) Operating a motor vehicle or service as helpers on such vehicles, including passenger-type vehicles.
- (6) Public messenger service.
- (7) Occupations in connection with:
  - A. Transportation of persons or property by rail, highway, air, water, pipeline, or other means. However, office or sales work is permitted except on vehicles and other transportation conveyances or at the actual construction site.
  - B. Warehousing and storage.
  - C. Communications and public utilities.
  - D. Construction including demolition and repair.
- (8) Any of the following occupations in a retail food service or gasoline service establishment:
  - A. Work performed in or about boiler or engine rooms.
  - B. Work in connection with maintenance or repair of the establishment, machines or equipment.
  - C. Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
  - D. Cooking (except under limited circumstances)
  - E. Baking.
  - F. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
  - G. Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).
  - H. Loading and unloading goods to and from trucks, railroad cars or conveyors.
  - I. All occupations in warehouses, except office and clerical work.

### ***Work times for 14- and 15-year-olds***

**State Law** — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 48 hours in one week.
- (2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school.
- (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

**Federal Law** — The FLSA further regulates hours of employment for children:

- (1) no more than eight hours on a non-school day or 40 hours during a non-school week.
- (2) no more than three hours on a school day, 18 hours during a school week.
- (3) Children may work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

### ***Certificate of Age/Child Actors***

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

### **PENALTIES:**

**State of Texas** — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

**Federal** — The FLSA prescribes a maximum administrative penalty of \$50,000 per violation and/or criminal prosecution and fines.