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CHILD LABOR LAWS



CHILD LABOR LAWS

Texas Workforce Commission
Labor Law Section, 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 Labor Law Section concerning 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 office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243

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

Prohibited occupations are the same for both federal and state law. 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 other than retail 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

Additional prohibited occupations that apply only to 14- and 15-year-old children:

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

- (1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed,
- (2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines,
- (3) work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides,
- (4) driving a motor vehicle or helping a driver,
- (5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means,
- (6) youth peddling, sign waving, or door-to-door sales,
- (7) poultry catching or cooping,
- (8) lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or water amusement park),
- (9) public messenger jobs,
- (10) communications and public utilities jobs,
- (11) construction including demolition and repair,
- (12) work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment,
- (13) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes,
- (14) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil,
- (15) baking and all activities involved in baking,
- (16) 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,
- (17) freezers or meat coolers work, except minors may occasionally enter a

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) in logging and sawmill occupations and occupations involving firefighting and timber tracts,
- (5) *in operating or assisting to operate power-driven woodworking machines,
- (6) involving exposure to radioactive substances and to ionizing radiations,
- (7) in operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks,
- (8) *in operating or assisting to operate power-driven metal forming, punching, and shearing machines,
- (9) in connection with mining, other than coal,
- (10) *in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,
- (11) in operating or assisting to operate power-driven bakery machines.
- (12) *involved in the operation of power-driven paper-products machines, balers and compactors,
- (13) in manufacturing brick, tile, and kindred products,
- (14) *in operating or assisting to operate power-driven circular saws, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers,
- (15) in wrecking, demolition, and ship-breaking operations,
- (16) *in roofing operations and on or about a roof, and
- (17) *in connection with excavation operations.

Additional prohibited occupations that apply under state law:

- (1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements.
- (2) Occupations in sexually oriented businesses by a child under 18 years of age.

- freezer for a short period of time to retrieve items,
- (18) meat processing and work in areas where meat is processed,
 - (19) loading and unloading goods to and from trucks, railroad cars or conveyors, and
 - (20) all occupations in warehouses and storage except office and clerical work.

Work times for 14- and 15-year-old children:

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, or
- (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. 14 and 15 year old children may not work:

- (1) during school hours,
- (2) more than eight hours on a non-school day or 40 hours during a non-school week,
- (3) more than three hours on a school day or 18 hours during a school week, and
- (4) between 7 p.m. and 7 a.m. during the school year, or
- (5) between 9 p.m. and 7 a.m. from June 1 and Labor Day.

Child Actors- state law

Child actor definition - a child under the age of 14 who is to be employed as an actor or other performer

Child actor extra definition – a child under the age of 14 who is employed as an extra without any speaking, singing, or dancing roles, usually in the background of the performance

Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texas Workforce Commission. Special authorization for child actors to be employed as extras is granted without the need for filing an application if the employer meets the Texas Workforce Commission's requirements. Contact 1-800-832-9243 for instruction.

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 \$11,000 per violation and/or criminal prosecution and fines.

