



## Know Laws About Youth Farm Workers<sup>1</sup>

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The deaths of more than 300 children every year are attributed to agriculture. In 1992, nine deaths of Iowa children under the age of 16 were farm-related. According to the Iowa Department of Public Health, an additional 509 Iowans under age 16 suffered farm-related injuries. In the next age category -- 16 to under 19 years, when many Iowa youth begin working on farms -- there were an additional 170 farm-related injuries and four deaths.

These alarming injury and death rates have focused attention on the agriculture industry's child work force. As a result, child labor laws apply to farm owners and operators who employ persons under the age of 16 years. Compliance with the law is the employer's responsibility. Failure to comply can result in fines, legal liability, and a possible jail term.

### HAZARDOUS FARM JOBS

The United States Secretary of Labor defines some agricultural tasks "hazardous" to persons under the age of 16 years. These youths may not be employed at any time in these jobs, unless exempted by a training certificate or special classification. Child labor laws apply whether or not the youth is paid for work.

Hazardous farm tasks for minors include:

1. Operating a tractor larger than 20 horsepower, or connecting/disconnecting implements.
2. Operating or assisting with machines, including a corn picker, combine, hay mower, forage harvester, hay baler, feed grinder, crop dryer, forage blower, auger conveyor, wagon or trailer unloading mechanism (powered or self-unloading), powered posthole digger, post driver, non-walking rotary tiller, trencher or earth-moving equipment, fork lift, and a power-driven circular, band, or chain saw.
3. Working in a livestock yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes, and sow or cow with newborn offspring.
4. Working with timber.
5. Working from a ladder or scaffold above 20 feet, including tasks that require painting, tree-pruning, or fruit harvest.
6. Riding on a tractor or transporting passengers in a bus, truck, or automobile.
7. Working inside storage structures for fruit, forage, grain, or manure that might have an oxygen-deficient or toxic atmosphere, or working in an upright silo within two weeks after silage has been added or when top unloading device is operating, or packing a horizontal silo with a tractor.

## IOWA STATE UNIVERSITY

University Extension

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8. Handling or applying farm chemicals classified I or II by the Federal Insecticide, Fungicide and Rodenticide Act.
9. Handling or using a blasting agent.
10. Transporting, transferring or applying anhydrous ammonia.

### EXEMPTIONS

- Youth under 16 years of age may work on their parents' farm.

There are no legal restrictions for a child who works on a farm owned and operated by a parent or legal guardian. However, Iowa law requires the parent to have control of the day-to-day operations of the farm, and to be on the premises when the child is working. All legal restrictions apply for any other close relatives.

- Youth under 16 years of age may work as student learners.

Youth enrolled in a vocational agriculture program may perform any of the first six hazardous tasks. These tasks must be incidental to training, occur for short periods of time, and be under close supervision of a qualified person. The primary function of the work is to expand the student's educational experience. Special coordination between employer, employee, and the school is required.

- Youth under 16 years of age may work if they have completed a certified tractor or machine operation training course.

This exemption is part of the 4-H Federal Extension Service Training Program, which allows 14- and 15-year-olds to perform hazardous tasks in the first two categories (listed above). Most courses are available from local extension offices, generally in the spring, and require a course fee.

A similar course is offered through public school systems by the Vocational Agriculture Training Program. Information is available from the vocational agriculture teacher in the local school district.

- Youth under 16 years of age may detassel corn during summer months.

Iowa code exempts work in the production of seed, limited to removal of corn tassels and hand-pollination, during the months of June, July, and August. Youth can work from a detasseling machine, but they are not allowed to operate it.

### WORK HOURS

Youth under the age of 16 only can be employed part-time. According to Iowa Code, part-time is considered 4 hours per day not to exceed 28 hours in a seven-day period. Federal law states that youth may not work during school hours. An exemption is made in Iowa for detasseling work.

### PENALTIES

Each violation of federal child labor laws carries a civil monetary penalty of up to \$1,000. Within 15 days after receipt of the notice of violation, employers can request an exception to the law. Willful violation of these laws carry an additional fine of up to \$10,000. Second offenses, committed after conviction, can result in a \$10,000 fine or up to 6 months' imprisonment.

### RECORD-KEEPING

Farm operators can protect themselves from unintentional violation of child labor laws by keeping an employment or age certificate on file for every youth under the age of 16 employed in their operation. The following information is helpful: full name, home address, date of birth, and a certificate of training.

Iowa law requires employers to keep work permits on file for most minor employees. These are issued by the superintendent of the local school district or the Job Service Division of the Iowa Department of Employment Service. To get a permit, the youth worker must provide a written statement from an employer agreeing to employ the worker and describing work to be performed. The youth must provide proof of age, such as a certified copy of a birth certificate, passport, or record of baptism that includes a date, location, and certification by a local medical inspector.

Safer working conditions provided by state and federal child labor laws protect Iowa's youth, a valuable resource. By following these laws, farm operators also can reduce the number of Iowa youth who are injured and killed every year in farm-related tasks.

### FARM YOUTH SAFETY

#### How Much Do You Know?

1. How many Iowans under the age of 16 died in 1992 farm accidents?
  - a. three
  - b. six
  - c. nine

2. Willful violation of the Fair Labor Standards Act can result in a \$10,000 fine. True or false?
3. Youth who have had no training can operate only tractors that have
  - a. less than 10 horsepower.
  - b. less than 20 horsepower.
  - c. less than 50 horsepower.
  - d. less than 75 horsepower.
4. A maximum of four hours of work per day is considered part-time employment for persons under age 16. True or false?
5. Youth may be employed in "hazardous" jobs only by their parents on the family farm. True or false?
6. A 14-year-old girl legally can work on her grandparents' farm if she is not paid for her work. True or false?

See answers at the end of "What Can You Do?".

### What Can You Do?

- Search business records for required permits that allow you to employ youth.
- Examine various tasks that youth employees may be asked to perform, and determine whether they are within the limits of state and federal laws.
- Determine the type of work you will require from youth before you hire them, and appropriate work permits and forms.
- Check with legal counsel for an interpretation of the law regarding your operation.

### Answers to quiz:

1-c; 2-True; 3-b; 4-True; 5-True; 6-False

### FOR MORE INFORMATION

- For more details about federal laws, order the free *Child Labor Bulletin No. 102*, WH publication #1295, from the U.S. Department of Labor Employment Standards Administration, Wage and Hour Division, 210 Walnut St., Des Moines, Iowa 50309, (515) 284-4625.
- For more details and specific language in Iowa laws, see Chapter 32 in *Labor Laws of Iowa: Child Labor Statutes and Rules*, Iowa Division of Labor, 1989.
- Specific questions on Iowa laws may be answered by contacting the Iowa Division of Labor, 1000 E. Grand Ave., Des Moines, Iowa 50309, (515) 281-6306.
- This publication is not intended to take the place of a legal document. It is intended to point out various laws regarding youth workers that may apply in agricultural situations.