

Minnesota Regulations for Hiring Farm Workers Under the Age of 16

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School's out and kids are looking for jobs. Based on the number of questions coming to our office, we know that many young people are looking for and getting jobs on farms. Farmers who hire someone under the age of 16 to operate a tractor or perform a wide variety of other farm jobs could be breaking the law. Code of Federal Regulation #29, Subpart E-1, prohibits hiring children under age 16 to do such tasks unless they are at least 14 and have completed a certification course covering safe operation of agricultural equipment. The following discussion applies only to agricultural workers in Minnesota; Wisconsin's regulations are slightly different.

We get a number of questions about what youth working on the farm can and cannot do. The regulations can be confusing. Following are the most commonly asked questions:

My 12 year old child is working for me on my farm. What is it legal for the child to do and what can't the child do?

Legally, there are no requirements in Minnesota for your own children working on your farm. This includes work in the field and operating machinery on the highway. However, parents need to carefully consider the appropriateness of children operating tractors and machinery. Our injury investigations show that a major cause of farm injuries to children is performance of

tasks beyond their developmental ability. For more information, contact your Minnesota county extension office and ask for Folder 6068, *Is Your Child Protected from Injury on the Farm?*

I'm considering hiring a teenager to work on my farm. What do I need to know?

There are a series of operations in agriculture that have been specified by the Federal government as being particularly hazardous for children below the age of 16. These include:

1. Operating tractors larger than 20 PTO horsepower, or connecting and disconnecting implements to such tractors.
2. Operating or assisting to operate a corn picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, the unloading mechanism of a self-unloading wagon or trailer, power post-hole digger, power post driver, or nonwalking type rotary mower.
3. Operating or assisting to operate a trencher or earth-moving equipment, fork lift, or a power-driven circular, band, or chain saw.
4. Working in a yard, pen, or stall, occupied by a bull, boar, or stud horse, a sow with suckling pigs, or a cow with newborn calf.
5. Felling, bucking, skidding, loading,

or unloading timber with a diameter of more than 6 in.

6. Working from a ladder or scaffold at a height over 20 ft.
7. Driving a bus, truck, or automobile transporting passengers, or riding on a tractor as a passenger or helper.
8. Working inside fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere, an upright silo within two weeks after silage has been added or when a top unloading device is in operating position, manure pit, horizontal silo while operating a tractor for packing purposes.
9. Handling or applying agricultural chemicals.
10. Handling or using a blasting agent.
11. Transporting, transferring, or applying anhydrous ammonia.

Kids under the age of 16 cannot legally perform these tasks off of their parents' farm. The only exception is for tasks 1 and 2 (listed above) if the person you hire is 14 or 15 years of age and has completed a tractor and machine operation certification course.

What are my responsibilities if I hire a kid to work on my farm?

- Pay a fair and just wage. Minimum wage for farm work in Minnesota as of July 1, 1996 is \$4.25 per hour for "large employers" (grossing \$362,500 or more during previous four quarters) and \$4.00 per hour for "small employers" (grossing less than \$362,500 during the previous four quarters). Individual farm workers under the age of 18 are exempt from the minimum wage

regulations unless they are field workers and their parents or guardians are also employed as field workers. Farm workers under the age of 18 are also exempt from overtime pay unless they are employed as corn detasslers or field workers working with a parent or guardian.

- Provide adequate training and supervision for every task the employee performs, regardless of age. Never make any assumptions about the employee's ability, and keep good employment records.
- Allow frequent food, water, and rest breaks. Provide clean, cool water and snacks. Be familiar with the signs of heat stress.
- Pay attention to workers, and if teenagers appear tired or ill, let them go home.

There are no state vehicle driver's license requirements for operating tractors and other farm implements in Minnesota. However, kids under 16 working off of their parents' farm must be certified to operate farm equipment on the highway or in the field. Also, remember that even though it may be legal to allow your 7 year-old to drive a tractor, allowing this activity puts the child (and other drivers on public roadways) in great danger.

Employment and payment of minors working on the farm is very complex. If you would like to see the Code of Federal Regulation #29, Subpart E-1, check with your local reference librarian. Better yet, find it and other safety and health links on our World Wide Web page at:

You may also contact the Department of Labor and Industry in St. Paul at (612) 296-2282 for further information. For more information about Wisconsin regulatory requirements e-mail Cheryl Skjolaas at .