

### **Minimum Age to Permit a Minor to Perform Work:**

Minors must be at least fourteen years of age to be employed or permitted to work in **most** gainful occupations. However, Wisconsin law permits younger minors to be employed or permitted to work as follows:

#### **12 years of age:**

- Agriculture
- Street trades (delivering newspapers, selling products door-to-door or on the street)
- Work in parents' business (business must be a sole proprietorship and wholly owned by one or both parents)
- Caddies on golf courses if they use a caddy cart (non-motorized)
- Domestic work in and around the home of the employer if not in connection with or part of a trade or Business
- Sideline officials or ball monitors at high school football games and practices
- Official for athletic events sponsored by private, nonprofit organization in which the minor would be eligible to participate or in which the participates are the same age or younger than the minor
- Work in school lunch programs for the school attended by the minor

#### **Other**

- Participation in a court ordered juvenile restitution project at any age
- Street trades for a private nonprofit organization or a private or public school at any age to perform fund raising
- Public Exhibition (theatrical performances, modeling, performing music, or singing) at any age
- Employment in domestic or farm work performed outside of school hours

### **Work Permits**

Most Wisconsin employers hiring or permitting minors' ages 12-17 years to work must possess a valid work permit for each minor before work may be performed. The work permit establishes a minor's proof of age and insures that the employer, parent/guardian, and minor are aware of the state child labor laws and regulations.

Employers hiring married minors, high school graduates, minors living independently and minors working for their parents in the parents business are not exempt from the child labor work permit requirement.

The only exceptions for obtaining a child labor permit for a minor are the following:

- Minors employed in agriculture
- Minors working in or around the home and not in connection with the employer's business
- Volunteer work for a nonprofit organization but not as an employee
- Public entertainment or exhibition
- Street trades for fund raising nonprofit organizations, private or public schools
- Apprentices under Chapter 106, Wisconsin Statute

Work permits may be obtained from one of the state child labor permit officers, most of whom are located in school offices.

The permit officer will refuse to issue a permit/street trade's permit if the minor seems physically unable to do the work or if such refusal would seem to be in the best interest of the minor. A permit officer can not issue a work permit for employment prohibited by the state child labor regulations.

The following information must be provided to the permit officer before a work permit/street trades can be issued:

- Proof of age (Birth certificate, baptismal certificate, Wisconsin ID card or driver's license)

- Employer's written intent to hire, including job duties to be performed, and the hours and time of day
- Parent/guardian written consent
- Social security **card**
- Payment of \$10.00 permit fee (Employer must reimburse for this cost no later than the minor's first paycheck)

### **Street Trade Permits**

Persons, who engage minors to sell or offer for sale, solicit, or collect, display or distribute newspapers or magazines, other products or services on any street, in any public or door-to-door must obtain a street trades permit for each minor. The permits may be obtained from any child labor work permit officers. Persons who engage minors in fund raising for nonprofit organizations, public or private schools need not obtain a street trades permit provided no an employer-employee relationship exists between the parties.

### **Posting Requirement**

All employers of minors except those hiring minors for domestic or agricultural work are required by law to display the Child Labor and Street Trades Information poster, ERD 9212-P, in places where minors are employed or are permitted to work.

### **Employment Generally Prohibited To Minors**

State law prohibits the use of minors to perform work hazardous to them selves, co-workers, or frequenters to those businesses. A complete listing of the work listed as hazardous can be found in the Wisconsin Administrative Code DWD 270.12. The regulations break the list of hazardous work into a list that applies to all minors and a second list that applies to persons under sixteen years of age. In some instances the hazard involves the entire work site while in other instances a particular machine or work activity is listed as the hazard. The following list contains some of the more common hazards.

#### **Hazardous to all minors:**

- Adult bookstores
- Use of Bakery machines
- Erection of or operation of amusement rides at carnivals, amusement parks, ski hills, and traveling shows
- Any work with Asbestos, Actinolite, amosite, Anthophyllite, Chrysotile, Crocidolite, Tremolite
- Work in any confined space
- Mining
- Operation, set-up, or cleaning of meat and food slicers
- Excavations involving a trench four feet deep or greater operations
- Any work in a facility that manufactures or stores explosives
- Selling, serving, sticking or dispensing liquor
- Set-up, operation, or cleaning of metal forming; punching and shearing machinery that are power-driven
- Operation of motor vehicle on public roads as a regular job duty
- Any work with radioactive substances and ionizing radiations
- Operation of power driven circular saws, band saw, chain saw, or guillotine shears
- Roofing operations
- Slaughtering, meat packing or processing or rendering
- Any work at an employer experiencing a strikes or lockouts or participating as a picketer in a strike or lockout
- Work in a logging, including sawmill, lath mill, shingle mill or cooperage stock mill operation
- Cleaning, set-up or operation of most power driven woodworking machines
- Any work involving wrecking, demolition or shipbreaking

#### **Hazardous for to minors under age 16 years of age:**

- Agriculture (certain power-driven equipment and some jobs are prohibited unless employed on own home farm outside school hours for parent/guardian, or on another farm with permission of parent/guardian if primarily for exchange purposes)
- Airports (in or about landing strip, taxi, or maintenance apron)
- Gun clubs (skeet and trap loaders)

- Operation of any power driven machines (other than office machines)
- Personal care of patients in hospitals and nursing homes
- Work in rooms where manufacturing, processing, storage, or warehousing takes place
- Communications and public utilities work (other than office work)
- Transportation of people or property by air, rail, or motor vehicle
- Street carnivals and traveling shows

### **Meal Periods**

Employers must provide minors working a shift in excess of six hours in length with a 30 minute duty free meal break. Meal periods should be near the usual times of 6 a.m., 12 noon, 6 p.m. and 12 midnight.

### **Employment-Related Injury**

Employers who employ minors employees without a work permit required by state law may be assessed an amount equal to workers compensation settlement for any work relates injury the minor experiences. If the minor was performing a task for the employer prohibited by state law when the injury occurred, the employer may be asked to pay the minor an amount equal to twice the workers compensation settlement in addition to the settlement.

### **Penalties**

An employer who commits one of the following acts may be required to forfeit not less than \$25 or more than \$1,000 for each day of the first offense:

- Employs or permits a minor to work in a job in violation of a department order
- Who hinders or delays the department or school attendance officers in the performance of their duties
- Who refuses to admit or locks out the officer from any place required to be inspected.

For the second or subsequent violation within 5 years the employer may be fined not less than \$250 or more than \$5,000 for each day of the 2nd or subsequent offense, or imprisoned not more than 30 days, or both.

An employer who employs a minor in violation of the department rules shall be liable for the wages paid and for an amount equal to twice the regular rate of pay for all hours worked in violation per day or per week, whichever is greater.

A parent/guardian permitting a minor under their responsibility to be employed or to work in violation of any order of the department may be required to forfeit not less than \$10 nor more than \$250 for each day of the first offense. For a second or subsequent violation within 5 years the offender may be required to forfeit not less than \$25 or more than \$1,000 for each day.

**This pamphlet highlights portions of the Wisconsin's child labor laws and regulations in effect on the publication date. The complete child labor regulations are in Wisconsin Administrative Rules Chapter DWD 270. Additional information on the employment of workers, including minors is contained in "A Summary of Wisconsin's Labor Standards".**

### **EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE ROOM A300  
 PO BOX 8928  
 MADISON WI 53708  
 (608) 266-6860  
 TTY (608)264-8752

819 N 6<sup>th</sup> St  
 Room 255  
 MILWAUKEE WI 53203  
 (414) 227-4384  
 TTY (414) 227-4081

Website: <http://dwd.wisconsin.gov/er/>

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## Hours and Times of Day Minors May Work in Wisconsin

State and federal laws permit minors to work up to seven days per week in agriculture and newspaper delivery. In most other types of labor, minors may only work six days a week.

	After Labor Day through May 31				June 1 through Labor Day			
	14 – 15 years olds		16-17 year olds		14 – 15 year olds		16 –17 year olds	
<b>Maximum Hours of Work</b>	<b>Federal</b>	<b>State</b>	<b>Federal</b>	<b>State</b>	<b>Federal</b>	<b>State</b>	<b>Federal</b>	<b>State</b>
Daily Hours								
Days in Non-School Week	8 hours	8 hours	Unlimited	Unlimited	8 hours	8 hours	Unlimited	Unlimited
Non-School Days in School Week	8 hours	8 hours	Unlimited	8 hours	8 hours	8 hours	Unlimited	8 hours
School Days except Last School Day of Week	3 hours	4 hours	Unlimited	5 hours	3 hours	4 hours	Unlimited	5 hours
Last School Day of the Week	3 hours	8 hours	Unlimited	8 hours	3 hours	8 hours	Unlimited	8 hours
Weekly								
Non-School Week	40 hours	40 hours	Unlimited	50 hours	40 hours	40 hours	Unlimited	50 hours
Full School Week	18 hours	18 hours	Unlimited	26 hours	18 hours	18 hours	Unlimited	26 hours
Partial School Week	18 hours	24 hours	Unlimited	32 hours	18 hours	24 hours	Unlimited	32 hours
<b>Permitted Time of Day</b>								
Days in Non-School Week	7am-7pm	7am–11pm	Unlimited	Unlimited	7am-9pm	7am-11pm	Unlimited	Unlimited
Non-School Days in School Week	7am–7pm	7am-11pm	Unlimited	5am-12:30am	7am-9pm	7am-11pm	Unlimited	5am-12:30am
Non-School Day that Precedes a School Day	7am-7pm	7am-8pm	Unlimited	5am-11pm	7am-9pm	7am-8pm	Unlimited	5am-11pm
School Day except Last School Day of Week	7am-7pm	7am-8pm	Unlimited	7am-11pm	7am-9pm	7am-8pm	Unlimited	7am-11pm
Last School Day of Week	7am-7pm	7am-11pm	Unlimited	7am-12:30am	7am-9pm	7am-11pm	Unlimited	7am-12:30am

**Employers** subject to both federal and state laws must comply with the more stringent section of the two laws.

**State** child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs operated by the school.

**Minors** are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day or week.

**For** further information about the Federal child labor laws call (608) 441-5221, or write to U.S. D.O.L., Wage & Hour, 740 Regent St, Suite 102, Madison, WI 53715.

**For** further information about the State child labor laws, call Madison (608) 266-6860 or Milwaukee (414) 227-4384

\* Ages 16 & 17 must be paid time and one-half for work in excess of 10 hours per day or 40 hours per week, whichever is greater. Minors 14-17 working in agriculture, must be paid time and one-half for work over 50 hours per week during peak periods.

\* Following the end of work, 8 hours of rest is required before the start of work the next day. Work must be directly supervised by an adult between the hours of 12:30am –5am.

\* Minors age 16 & 17 who are Emancipated, Living Independently, Head of Household, Enrolled in a GED Program at a Vocational or Technical College, may work 40 hours per week when public schools are in session, and up to 50 hours per week during non-school weeks. The daily hours and time of day restrictions do not apply.

\* Minors age 16 & 17 who are enrolled in Home School may only work 26 hours per week when public schools are in session, 32 hours if less than 5 days of school, and up to 50 hours per week during non-school weeks. The daily hours and time of day restrictions do not apply