

Alabama

○ WORKERS' COMPENSATION LAW (UNLAWFUL CHILD LABOR)

STATUTORY CITATION: Ala. Code 1975 § 25-5-34

GENERAL SUMMARY: In the case of the job-related injury of a minor employed in violation of or contrary to the state child labor law, the worker or the worker's beneficiaries are entitled to *twice* the amount of workers' compensation benefits otherwise payable if the worker had been legally employed.

PROVISIONS APPLICABLE TO AGRICULTURE: The workers' compensation law, and thus the double-compensation provision for unlawful child labor, **does not apply** to farm laborers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Workers' Compensation Division, Alabama Department of Labor, Montgomery, Alabama 36130.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Arizona

○ MINORS' MINIMUM WAGE LAW

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-311 – 23-329

GENERAL SUMMARY: In response to a petition signed by 20 or more workers engaged in a particular occupation, the state industrial commission is required to investigate the wages being paid to workers under the age of 18 (other than part-time workers who are students) employed in that occupation. If the state agency determines that a substantial number of such minors are receiving wages that are less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health, the agency must appoint a wage board to gather additional evidence and recommend minimum fair wage standards for minors in that occupation. The state agency is then authorized to publish an interim minimum fair wage order, which becomes mandatory if no appeal has been filed after 60 days.

With few exceptions, employers subject to such an order must pay no less than the prescribed minimum fair wage to employees under 18 years of age, and minors paid less than the minimum wage are entitled to recover three times full pay figured at the minimum wage, plus court costs and attorney's fees, less the wages actually paid by the employer.

PROVISIONS APPLICABLE TO AGRICULTURE: The authority of the administering agency to review and set minimum wage levels for minors **does not apply** to occupations in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Industrial Commission of Arizona, Phoenix, Arizona 85007.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● ARIZONA WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-901 – 23-1104

GENERAL SUMMARY: The Arizona workers' compensation statute declares the right of covered employees or their survivors to receive compensation for work-related injuries, illness or death, and defines the type and amount of benefits payable. In the case of an injured minor who is working at an age or at an occupation not legally permitted, the worker is entitled to additional compensation in an amount equal to 50 percent of the compensation the injured worker would otherwise receive.

PROVISIONS APPLICABLE TO AGRICULTURE: The provision requiring additional workers' compensation benefits for injured minors employed in violation of the state's child labor laws applies to agricultural workers and non-agricultural workers alike.

SPECIAL NOTES OR ADVISORIES

LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS — When a farm operator or other agricultural establishment procures work to be done by a contractor over whose work the farm operator retains supervision and control, the contractor and the workers in the contractor's crew are regarded under the workers' compensation law as employees of the farm operator, who is therefore the party liable for coverage.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Claims Division, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4661).* The Commission is responsible for monitoring, regulating and adjudicating claims for compensation for work-related injuries, illnesses and death, and for processing and paying claims against uninsured employers. This agency is also authorized to assure compliance by employers subject to the financial liability this law imposes.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Arkansas

● PUBLIC HEALTH AND WELFARE LAWS (*HAND HARVESTING BY CHILDREN*)

STATUTORY CITATION: Ark. Code § 20-20-303

GENERAL SUMMARY: Chapter 20 of Arkansas' public health and welfare statutes includes a provision relevant to the employment of children in agriculture, and which appears to constitute another exception to the state child labor laws outlined above.

SPECIFIC TERMS AND CONDITIONS: A child 12 years of age or older may be employed to hand-harvest a short-season crop in Arkansas, provided that (1) school is not in session, (2) the employer has obtained the consent of the child's parents, (3) the employer has obtained an employment certificate issued by the state labor department, (4) any pesticide or other agricultural chemical used on the crop has been approved by the state health department as safe for the occupational exposure of 12- and 13-year-old hand harvesters, (5) any re-entry period set for the chemical by the health department has expired before the child is allowed to work, and (6) the chemical has been applied in compliance with the worker protection standards prescribed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500)*. This agency is responsible for issuing youth employment certificates in Arkansas, and for enforcing other provisions in the state's child labor laws.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Arkansas Department of Health, Little Rock, Arkansas 72205 (501-661-2000)*. This agency is responsible for testing, approving and establishing safe re-entry periods for pesticide products used where 12- and 13-year-old children are to be employed in hand-harvest operations.

California

● WORKERS' COMPENSATION ACT (*ILLEGAL EMPLOYMENT OF MINORS*)

STATUTORY CITATION: Cal. Lab. Code § 4557

GENERAL SUMMARY: With respect to the on-the-job injury of an employee under 16 years of age who is illegally employed at the time of injury, the employer is generally liable for 150 percent of the total compensation otherwise recoverable under the Workers' Compensation Act, unless the employer relied in good faith on reasonable evidence presented by the worker indicating that the worker was over the age of 15 at the time of hiring.

PROVISIONS APPLICABLE TO AGRICULTURE: Agricultural employers are subject to the Act to the same extent as their counterparts in most non-agricultural industries. Hence, minors who are employed in farmwork in violation of the child labor laws at the time of an occupational injury are entitled to the additional compensation authorized by this provision.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Workers' Compensation, California Department of Industrial Relations, Oakland, California 94612 (510-286-7100)*. This agency is responsible for receiving and processing workers' compensation claims, adjudicating workers' compensation appeals, and overseeing the payment of workers' compensation benefits.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Florida

● WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: Fla. Stat. § 440.54

GENERAL SUMMARY: When a worker injured on the job is found to have been a minor employed in violation of the state child labor law at the time of the injury, the state agency that administers the Workers' Compensation Law is authorized to award up to *double* the amount of compensation benefits otherwise payable to the injured worker or the worker's beneficiaries. The employer alone, not the insurance carrier, is liable for the increased compensation or death benefits under this provision.

PROVISIONS APPLICABLE TO AGRICULTURE: Consistent with coverage provisions in the Workers' Compensation Law, injured minors unlawfully employed in agriculture at the time of injury are entitled to extra compensation only if they were employed by a farm operator that (1) employs 6 or more regular farm employees, (2) employs 12 or more seasonal farmworkers at any one time, (3) employs any group of seasonal farmworkers for a job lasting at least 30 days, or (4) employs seasonal farmworkers for a cumulative period of more than 45 days in a calendar year.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Workers' Compensation, Department of Financial Services, Tallahassee, Florida 32399 (850-413-1609)*. This agency is responsible for receiving job injury reports from employers, processing claims for workers' compensation benefits, and assuring the payment of benefits to eligible injured workers or their dependents.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Maryland

● MARYLAND WORKERS' COMPENSATION ACT (*ILLEGALLY EMPLOYED MINORS*)

STATUTORY CITATION: Md. Code, Lab. & Empl. § 9-606

GENERAL SUMMARY: At the discretion of the state agency responsible for administration of the Workers' Compensation Act, all compensation and death benefits payable under the Act may be *doubled* in the event of the job-related injury of a minor who was illegally employed under the state child labor laws at the time of the injury. The employer alone is liable for the increased amount of compensation or benefits, and any insurance policy provision purporting to relieve an employer of the additional liability is void.

PROVISIONS APPLICABLE TO AGRICULTURE: Inasmuch as Maryland's child labor laws contain only two limitations on the employment of minors in farmwork, the provision requiring employers to pay up to two times the normal amount of workers' compensation benefits for on-the-job injuries involving illegally employed youth would apply to farm operators and other farming establishments only if, at the time of the injury, the child was working during school hours or in an activity deemed hazardous.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Insurance, Reporting and Compliance Division, Maryland Workers' Compensation Commission, Baltimore, Maryland 21202 (410-864-5297).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Employment Standards Service, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357). This agency is responsible for investigating possible violations of the state child labor laws, which may include employment in occupations regarded as hazardous to minors.

Massachusetts

● WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: Mass. Gen. Laws Ch. 152, § 28

GENERAL SUMMARY: The employment of any minor in violation of the state child labor laws is generally deemed serious and willful misconduct under the Massachusetts workers' compensation law. If such a minor is injured in the course of the job, the employer is liable for *double* the amount of compensation otherwise payable for the injury. Moreover, the employer is responsible for reimbursing his or her insurer for any extra compensation paid by the insurer for a claim in any such case.

PROVISIONS APPLICABLE TO AGRICULTURE: To the same extent as employers in other sectors, agricultural employers who utilize unlawful child labor are subject to the double-compensation provision of the workers' compensation law, and any minor employed illegally in farmwork at the time of a work-related accident is generally entitled to *twice* the normal workers' compensation award for any compensable injury sustained.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Claims Administration, Massachusetts Department of Industrial Accidents, Boston, Massachusetts 02114 (617-727-4900; toll-free 800-323-3249).* The Department is responsible for assuring the payment of workers' compensation to employees who suffer compensable injury, including those minors who may be employed contrary to the child labor laws. In the event of a controversy over eligibility for compensation or the ongoing payment of benefits, the Department is charged with investigating the facts and rendering a final administrative decision, reviewable by the state courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Michigan

● STATE LABOR LAWS (*WORK AWAY FROM HOME LOCALITY*)

STATUTORY CITATION: Mich. Comp. Laws §§ 408.581 – 408.583

GENERAL SUMMARY: It is unlawful for any person or firm to offer inducements (including the promise of wages or other valuable consideration) to any child under 16 years of age to leave home for purposes of employment, without the prior written consent of the child's parents and the consent of the school attendance officer or comparable official at the home location. If such consent is obtained and the child accepts the recruitment offer, the child must be returned home safely upon the written request of his or her parents.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions apply to agricultural and non-agricultural employment without distinction.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Mississippi

○ WORKERS' COMPENSATION LAW (*MINORS ILLEGALLY EMPLOYED*)

STATUTORY CITATION: Miss. Code § 71-3-107

GENERAL SUMMARY: Under the Workers' Compensation Law, a worker who is under 18 years of age and employed in violation of the state child labor laws at the time of a compensable job-related injury is generally entitled to *double* the amount of compensation otherwise payable for such injury. Furthermore, the employer alone, not the insurance carrier, is liable for the increased compensation.

PROVISIONS APPLICABLE TO AGRICULTURE: Inasmuch as neither the child labor laws nor the Workers' Compensation Law is applicable to on-farm labor, the provision authorizing double compensation for unlawfully employed minors injured on the job **does not apply** to minors employed in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Mississippi Workers' Compensation Commission, Jackson, Mississippi 39216.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Missouri

○ WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: Mo. Rev. Stat. § 287.250.7

GENERAL SUMMARY: In any case in which a worker injured or killed on the job is found to have been a minor knowingly employed in violation of the state child labor laws at the time of the injury or death, the worker or the worker's beneficiaries are entitled to an additional 50 percent of the amount of workers' compensation benefits payable for the accident.

PROVISIONS APPLICABLE TO AGRICULTURE: Since the Workers' Compensation Law excludes farm labor from coverage, the provision authorizing 1½ times the normal benefit award in claims involving illegal child labor **does not apply** to minors employed as farmworkers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Workers' Compensation, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102.

New Jersey

● WORKERS' COMPENSATION LAW (*ILLEGALLY EMPLOYED MINORS*)

STATUTORY CITATION: N.J. Rev. Stat. § 34:15-10

GENERAL SUMMARY: With respect to a workers' compensation claim for a compensable injury or occupational disease of a minor under 14 years of age who was employed at the time of the injury or disease in violation of the child labor laws, or a minor between the ages of 14 and 18 who was employed or allowed to work without a required employment certificate or special permit or in an occupation prohibited at the minor's age by law, the child or the child's dependents are entitled to *twice* the dollar amount of compensation or death benefits that would normally be payable for such injury or disease under the workers' compensation law.

The employer alone, not the insurance carrier, is liable for the extra compensation payable in such cases.

PROVISIONS APPLICABLE TO AGRICULTURE: The provision requiring double compensation for a compensable injury of a minor employed in violation of the child labor laws applies to agricultural employment under the same terms as in other industries subject to the law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Workers' Compensation, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2515)*. The Division is responsible for assuring compliance with the workers' compensation law by subject employers. In case of a disagreement over a claim for compensation or payment of benefits, the worker or the worker's dependents must submit the claim to the Division, which is the appropriate forum for adjudicating disputes concerning questions of fact, the nature and effect of the injury, and the amount of compensation payable.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

New York

● WORKERS' COMPENSATION LAW (*ILLEGALLY EMPLOYED MINORS*)

STATUTORY CITATION: N.Y. Workers' Compensation Law § 14-A

GENERAL SUMMARY: Any minor who is injured in a job-related accident while employed in violation of the state child labor laws is entitled to receive *double* the amount of compensation benefits ordinarily payable under the Workers' Compensation Law. The first half of a double award is payable as a normal claim, but the second part must be paid personally by the employer, not the insurance carrier. Insurance to protect against the additional liability may not be purchased or sold.

In general, the Workers' Compensation Law applies to employers with one or more employees in any of 24 categories defined in the statute as hazardous.

PROVISIONS APPLICABLE TO AGRICULTURE: For the consecutive 12-month period beginning April 1 of any calendar year, a farm employer is subject to the Workers' Compensation Law, and is therefore liable for payment of double compensation for the injury or death of a child illegally employed, if the employer's expenditures for farm labor in the preceding year amounted to \$1,200 or more.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *New York State Workers' Compensation Board, Schenectady, New York 12305 (toll-free 866-298-7830).* The Board is solely responsible for administration and enforcement of the workers' compensation program. Any dispute between the worker and an insurance carrier or employer regarding a compensation claim, including liability for double benefits under the child labor provision, should be referred to the Board.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* The state labor department is responsible for enforcing the age, hours and related employment standards that apply to child workers (*see entry, New York — Child Labor — Age, Hours, and Related Standards*).

North Carolina

● **CRIMINAL LAWS (RECRUITING MINORS FOR OUT-OF-STATE EMPLOYMENT)**

STATUTORY CITATION: N.C. Gen. Stat. § 14-40

GENERAL SUMMARY: Anyone who induces a minor to leave North Carolina for the purpose of employment, or employs and transports a minor out of the state, without the written consent of the parent, guardian or other person having authority over the child, is guilty of a misdemeanor punishable by a fine of up to \$1,000, a jail sentence of up to 6 months, or both.

PROVISIONS APPLICABLE TO AGRICULTURE: This provision applies to all persons in the state and to all forms of employment, agricultural and non-agricultural alike.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by state and local law enforcement agencies, through prosecution in the criminal courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Ohio

● WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: Ohio Rev. Code § 4123.89

GENERAL SUMMARY: When an injury, occupational disease or death of a worker under the age of 18 is found to have been caused by a hazard encountered on a job in which the worker was illegally employed under the child labor laws, the worker or the worker's surviving dependents are entitled to an additional award of compensation, equal to 100 percent of the maximum award established by law for the injury involved, over and above the amount otherwise payable. The fact that the claimant was employed in violation of the child labor laws is irrelevant to determining the compensability of the injury and may entitle the worker to double benefits.

If benefits are paid from the state workers' compensation fund, the employer's insurance premiums will be increased by an appropriate amount for a fixed period of time, to assure that the additional award is fully recouped by the fund.

PROVISIONS APPLICABLE TO AGRICULTURE: The workers' compensation law applies to virtually all agricultural employers in Ohio, on the same terms as employers in other industries.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Ohio Bureau of Workers' Compensation, Columbus, Ohio 43215 (614-644-6292; toll-free 800-644-6292). Any minor who suffers a job-related injury, or disablement due to an occupational disease, may file a claim by mail, or online at www.bwc.ohio.gov/bwccommon/forms/froi/default.asp.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Oklahoma

○ ADMINISTRATIVE WORKERS' COMPENSATION ACT (*INJURY TO MINORS*)

STATUTORY CITATION: Okla. Stat. Title 85A, § 48

GENERAL SUMMARY: In the case of the job-related injury or death of a minor employed in violation of or contrary to the state child labor laws, the worker or the worker's beneficiaries are entitled to *twice* the amount of disability or death benefits otherwise payable if the worker had been legally employed.

PROVISIONS APPLICABLE TO AGRICULTURE: Other than employees who operate motorized machines for an employer with a gross annual farm payroll of \$100,000 or more, the Administrative Workers' Compensation Act — and hence the enhanced benefits for workers employed in violation of the child labor laws — **does not apply** to agricultural workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Oklahoma Workers' Compensation Commission, Oklahoma City, Oklahoma 73105.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Pennsylvania

● PUBLIC SCHOOL CODE OF 1949 (*EMPLOYMENT OF CHILDREN*)

STATUTORY CITATION: 24 Pa. Stat. §§ 13-1391 – 13-1394

GENERAL SUMMARY: The Public School Code includes provisions regulating the employment of children, generally without regard to industry or occupation.

SPECIFIC TERMS AND CONDITIONS

EMPLOYMENT CERTIFICATES AND PERMITS — No one may employ or accept services from any child under the age of 18 during the hours when the public schools are in session, unless the employer has on file a general employment certificate, or a farm or domestic service permit, issued by the local school district.

REPORTING — Twice each year, every person, firm, association or corporation employing a child between the ages of 14 and 18 must submit to the school district where the child resides a written report showing the child's name, age, and place of residence, and the name of the child's parent or guardian.

POSTING — Anyone who employs a minor 14 to 18 years old during public school hours, and during the period of compulsory attendance in the local school district, must publicly post at the workplace a list of all such children, giving each child's name, age, place of residence, the name of the child's parent or guardian, the date of issuance of the employment certificate, and the name of the issuing party.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by the local school districts, officials of which are authorized to demand and inspect employment certificates and work permits held by employers utilizing child labor, and to examine the lists of employed minors required by law to be maintained at each workplace where minors are employed during school hours. The Public School Code prescribes criminal penalties for violation of these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● WORKERS' COMPENSATION ACT (*MINORS ILLEGALLY EMPLOYED*)

STATUTORY CITATION: 77 Pa. Stat. § 672

GENERAL SUMMARY: The Workers' Compensation Act entitles any worker who, at the time of a compensable on-the-job injury, was under 18 years of age and was employed or permitted to work in violation of the state child labor laws, to collect 150 percent of the amount of compensation that would otherwise be payable if the minor had been legally employed. The employer and not the insurance carrier is liable for the additional compensation, and any provision in a workers' compensation policy undertaking to relieve an employer from such liability is void.

PROVISIONS APPLICABLE TO AGRICULTURE: A farm operator or other agricultural establishment which (1) pays at least \$1,200 to any one worker during the calendar year for agricultural labor, or (2) employs any one worker for at least 30 days of farm labor during the year, must protect all its employees with workers' compensation coverage and hence is liable for additional compensation for the injury or death of any minor unlawfully employed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-886-9035; toll-free 800-482-2383).* In its administering and enforcement roles under the Act, the Department must respond to the petition of any worker (including a minor employed contrary to the child labor laws) who requests a hearing and determination regarding workers' compensation which has not been paid in accordance with the law.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Puerto Rico

● **COMPENSATION SYSTEM FOR WORK-RELATED ACCIDENTS ACT (*RIGHTS OF MINORS*)**

STATUTORY CITATION: 11 Laws P.R. Ann. § 3(g)

GENERAL SUMMARY: In the case of a worker under 18 years of age who is employed in violation of the child labor laws and who suffers a compensable injury or contracts a compensable occupational disease, the Compensation System for Work-Related Accidents Act requires the payment of *double* the amount of compensation payable to a worker legally employed under otherwise identical circumstances. Furthermore, the employer rather than the State Insurance Fund is responsible for paying the additional compensation, the amount of which constitutes a lien against the employer's property.

PROVISIONS APPLICABLE TO AGRICULTURE: Minors unlawfully employed in agriculture at the time of an on-the-job injury are entitled to double compensation under this provision, on the same terms as similarly situated workers in other industries.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *State Insurance Fund Corporation, San Juan, Puerto Rico 00936 (787-793-5959)*. Irrespective of the legality of the employment under the child labor laws, injury to a minor while employed should be reported to the employer, who is responsible for appropriate medical treatment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Industrial Commission of Puerto Rico, San Juan, Puerto Rico 00936 (787-781-0545)*. In response to an appeal, the Industrial Commission is authorized to review any decision by the State Insurance Fund which adversely affects a workers' compensation claimant.

Rhode Island

● WORKERS' COMPENSATION ACT (*ILLEGAL CHILD LABOR*)

STATUTORY CITATION: 28 R.I. Gen. Laws § 28-33-22

GENERAL SUMMARY: Under the Workers' Compensation Act, an employee who is injured in a job-related accident, and who at the time of the injury was a minor employed in violation of a state or federal child labor provision, is entitled to *3 times* the amount of compensation which would have been payable if the worker had been legally employed.

PROVISIONS APPLICABLE TO AGRICULTURE: Farmers and other agricultural employers who employ 25 or more farmworkers for 13 or more consecutive weeks are generally required to provide workers' compensation coverage to their employees, and thus would be subject to the requirement to pay triple compensation in connection with the job-related injury or death of a minor employed in violation of federal child labor laws. (As noted above, the state child labor provisions do not apply to minors employed in agricultural pursuits.)

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Workers' Compensation, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.