

● CHILD LABOR LAWS

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:2-21.1 – 34:2-21.64

RELATED REGULATIONS: N.J. Admin. Code 12:58

GENERAL SUMMARY: With some exceptions, the New Jersey child labor laws (1) set a minimum age of 14 for lawful employment in the state, (2) restrict the working hours of minors under 18, (3) prohibit child labor in specified hazardous occupations, (4) prescribe the issuance of an employment certificate as a precondition on youth employment, (5) impose recordkeeping duties on employers of children, and (6) provide certain other employment protections to minors in the state.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM AGE — In contrast to the 14-year age threshold for employment in most other industries, children as young as 12 may be employed in agricultural pursuits, subject to the limitations described below.

WORKING HOURS — No one under the age of 18 years may be employed or permitted to work in agriculture for more than 10 hours in any one day, or for more than 6 days or 60 hours in any one week. On any school day, the combined time in school and on the job may not exceed 8 hours. There are no time-of-day restrictions on minors employed in agriculture.

HAZARDOUS OCCUPATIONS — In both agricultural and non-agricultural sectors, minors under 16 are forbidden to work in, about or in connection with power-driven machinery, or injurious quantities of toxic or noxious dusts or fumes (which may include certain agricultural chemicals). In addition, the use of power field choppers, power hay balers or mechanical corn pickers has been declared hazardous to minors under the age of 18 by the state labor commissioner.

LUNCH PERIODS — No minor under 18 may be employed or allowed to work in any occupation for more than 5 continuous hours without an interval of at least 30 minutes for lunch. No break of less than 30 minutes is deemed to interrupt a continuous period of work.

EMPLOYMENT PERMITS — While employers in most other industries are barred from hiring anyone under the age of 18 without an employment certificate, a special agricultural employment permit is a prerequisite for farmwork only by workers under 16. A special permit authorizing agricultural employment by such a child may be issued by the local school district upon application by the child's parent or other custodian, and a finding by school officials that the work will not interfere with the child's health or standing in school. The application must show the exact character of the work and the hours, wages and special conditions under which the work will be performed.

EMPLOYER RECORDKEEPING — The requirement that most employers keep a record of the name, address, birth date, hours worked, wages paid and other information on each employed minor under the age of 19 **does not apply** to the employment of minors in agriculture.

POSTING — The statutory provision that generally obligates employers of minors to conspicuously post a summary of the child labor laws, a list of occupations prohibited to minors, a schedule of working hours and meal periods, and a list of each minor employed at the establishment, **does not apply** to agricultural workplaces.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2305)*. Inspectors and other authorized representatives of the Department may enter any workplace at any time to examine employment and age certificates, question workers, and conduct other enforcement-related activities under the state child labor laws. The Department is empowered to file and prosecute criminal complaints against any employer who employs a minor in violation of the child labor laws, and against any person who permits a minor in his or her control or custody to work in violation of those provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — School attendance officers and comparably authorized local officials may exercise the same inspection authority as agents of the Department of Labor in carrying out the child labor laws.