

● CHILD LABOR LAW

STATUTORY CITATION: N.Y. Labor Law §§ 130 – 145

RELATED REGULATIONS: N.Y. Comp. Codes R. & Regs. Title 12, § 190-9.2

GENERAL SUMMARY: The New York child labor law establishes a minimum age of 14 for most employment in the state, limits the types of work and the working hours of minors in discrete age groups below 18, and specifies certain trades and occupations that are deemed especially hazardous and therefore prohibited for most minors.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM AGE — An exception to the general ban on employment of children under 14 is made for the hand harvest of berries, fruits and vegetables, work in which 12- and 13-year-old youth may engage for up to 4 hours a day, between the hours of 9:00 a.m. and 4:00 p.m. (between 7:00 a.m. and 7:00 p.m. between June 21 and Labor Day), and at times when school is not in session. To be lawfully employed, however, each such minor (1) must have a farm work permit issued by the local school district, and (2) must be accompanied on the job by a parent, or present the employer with the written consent of the parent or guardian.

CHILDREN AGE 14 and 15 — On those days and during those hours when school attendance is not required, a minor 14 or 15 years of age may be employed in an agricultural job only if the child has a farm work permit issued by the school district and signed by the employer. The maximum hours and time-of-day restrictions generally applicable to this age category *do not apply* to farm labor.

CHILDREN AGE 16 and 17 — As long as school attendance is not required, minors 16 and 17 years of age may be employed without a work permit in agricultural occupations on a farm. The hours limitations otherwise applicable to 16-year-olds during school sessions *do not apply* to farm labor.

HAZARDOUS OCCUPATIONS — Among the farm-related occupations identified in the statute as hazardous and thus prohibited to minors of any age are (1) adjusting belt-driven machinery, and (2) work as a helper on a motor vehicle. Although the state labor commissioner is authorized to investigate particular agricultural activities that may be dangerous to minors or injurious to their health, no regulations prohibiting or limiting employment of minors in any such occupations have been adopted.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Through the agency's district offices, compliance officers of the Department may examine employment certificates and work permits of minors found employed in any workplace or on any job in the state. If anyone apparently under 18 years old is employed without authorization or otherwise contrary to the child labor laws, the Department may require the employer to cease employing the minor or file evidence within 10 days that the minor is employable. An employer who violates any of these provisions may be assessed a civil penalty of up to \$1,000 for a first violation, up to \$2,000 for a second violation, and up to \$3,000 for a third or subsequent violation. For violations that involve a minor who is seriously injured or dies, the penalty is *triple* the maximum otherwise allowable under these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*