

● CHILD LABOR ACT

STATUTORY CITATION: 43 Pa. Stat. §§ 40.1 – 40.14

GENERAL SUMMARY: With some exceptions, Pennsylvania's Child Labor Act (1) forbids the employment of children under 14 years of age, (2) restricts the hours during which youth under the age of 18 may be employed, (3) requires minors to obtain a work permit as a prerequisite for employment, (4) gives minors the right to rest breaks during work, (5) prohibits employment of minors in establishments regarded as hazardous to health, safety or morals, and (6) imposes recordkeeping and other duties on employers using child labor.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM AGE — With only narrow exceptions, children under 14 may not be employed.

HOURS LIMITATIONS —

Children Age 14 and 15 — No child 14 or 15 years of age may be employed before 7:00 a.m. or after 7:00 p.m. (except during summer vacation periods, when work is allowed between 7:00 a.m. and 10:00 p.m.). Furthermore, 14- and 15-year-olds generally may not work more than 3 hours on a school day or 8 hours on a non-school day, more than 18 hours during a school week or 40 hours in a non-school week, or more than 6 consecutive days.

Children Age 16 and 17 — When school is in session, 16- and 17-year-olds are not permitted to work before 6:00 a.m. or after 12:00 midnight (except on nights preceding non-school days, when such minors may work until 1:00 a.m.), nor for more than 28 hours during a school week or for more than 8 hours in a single day. During school vacation periods, 16- and 17-year-olds may not be employed or permitted to work for more than 6 consecutive days, for more than 44 hours in a single week (or 48 hours, if agreed to voluntarily by the minor), or for more than 10 hours in a single day.

WORK PERMITS — Before anyone under 18 may be employed, the employer must obtain and keep on file a work permit, issued by the school district where the minor resides, upon application by the minor's parent or guardian.

REST BREAKS — No one under the age of 18 may work for more than 5 continuous hours (including any break time of less than a half-hour) without a rest break of at least 30 minutes.

PROHIBITED EMPLOYMENT — The only agriculturally related occupations statutorily closed to minors as detrimental to their well-being are stripping and sorting of tobacco. This restriction applies to workers under 16 years of age.

RECORDKEEPING — Employers must keep a list of all workers under the age of 18 who are employed in their establishments. The list must include a record of the hours worked by each minor each day and week, as well as their start- and end-times and the times allowed for breaks.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).* Representatives of the Department may enter any workplace where minors are or may be employed, to ascertain compliance with the child labor provisions. The Department is authorized to prosecute employers found in violation, in criminal proceedings before a magisterial district judge within the district where the offense was committed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — Apart from their role in the issuance of work permits, the local school districts are vested with the same inspection and prosecutorial powers as those exercised by the Department of Labor and Industry.