

● MISCELLANEOUS AGRICULTURAL LAWS (*BERRY HARVESTING BY MINORS*)

STATUTORY CITATION: Wash. Rev. Code §§ 15.04.150 – 15.04.160

GENERAL SUMMARY: Chapter 15.04 of the state statutes contains an exception to the child labor regulations, permitting the use of children younger than 12 years of age in the harvesting of berries under certain conditions. These restrictions *do not apply* to any employer who is not subject to the federal Fair Labor Standards Act (*see entry, U.S. — Wages & Hours — Minimum Wage*).

SPECIFIC TERMS AND CONDITIONS: A child under the age of 12 may be employed to pick berries in Washington outside local school hours, provided that all of these conditions are met:

- (1) Employment is with the consent of the child's parent or person standing in the place of the parent.
- (2) The berries involved are for sale within the state only and not for out-of-state shipment in any form.
- (3) There are not sufficient workers available in the immediate area to harvest the crop without the labor of workers under 12.
- (4) The employer pays all of the workers engaged in the berry harvest at the same wage rate.

Each basket, package or other container holding berries or berry products picked by an employee under 12 years of age must be distinctively marked to ensure that the berries do not enter interstate commerce.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321). The Department has both the power and the duty to enforce all state laws relating to employment, including the special child labor provisions for the harvest of berries. Representatives of the Department may enter any place of employment for the purpose of inspecting working conditions and investigating reported or suspected violations of the labor laws.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — None.