

# Agriculture

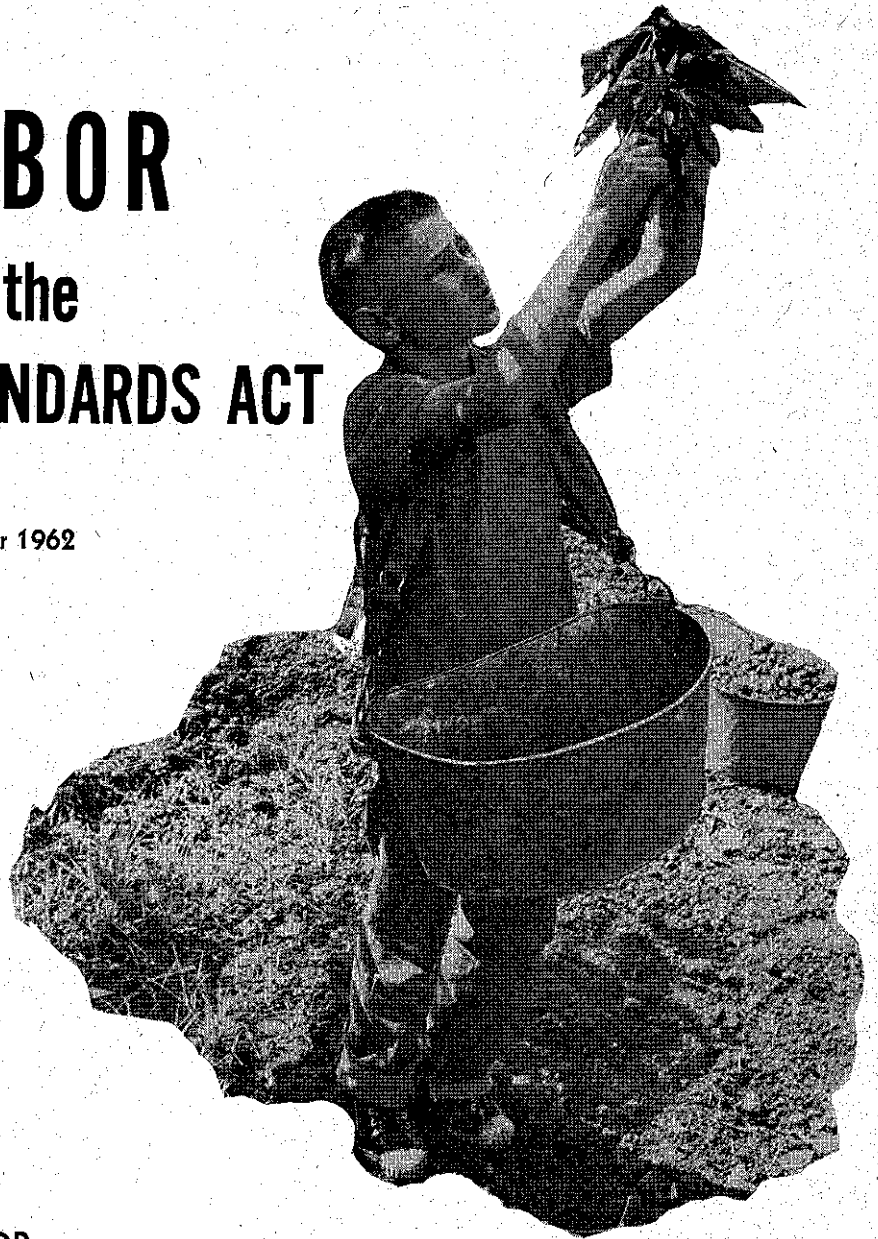
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# CHILD LABOR

## Requirements of the FAIR LABOR STANDARDS ACT

Child Labor Bulletin No. 102

Reprinted October 1962



U.S. DEPARTMENT OF LABOR

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WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

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# This Summary Is To Help Farmers Understand and Comply With the Child-Labor Requirements of the Federal Fair Labor Standards Act Which Apply in All States

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## 1. Do the child-labor requirements of the Fair Labor Standards Act apply to agriculture?

Yes. They apply generally to **farmers whose crops or products go either directly or indirectly into interstate or foreign commerce**, as in the case of a farmer who sends his product outside the State or delivers his product to a canner, processor, or dealer who he knows or has reason to believe will send it outside the State, either in its original form or as an ingredient of another product. For example, tomato growers who send their tomatoes to a cannery within the same State are covered if the canned tomato product made from their tomatoes goes out of the State.

## 2. What are these requirements?

Farmers may not employ **children under 16** years of age in agriculture during **school hours**.

Farmers must also keep certain records required by regulations under the act regarding the minors they employ.

These requirements apply to the employment of migratory children as well as local resident children, but not to the employment of a farmer's own children by the farmer on his farm.

## 3. What is meant by "during school hours"?

During school hours means the hours when the school for the school district where the child is living while employed is in session.

"School hours for the school district where such employee is living while he is so employed" do not apply in the spring to a child from another school district if the school he last attended has closed for the school year. However, local school attendance laws may require that these children attend school even if the school they last attended in another district is closed.

## 4. How can a farmer be sure that the school the child last attended is closed?

A written statement signed by the school official of the school the child last attended would constitute satisfactory evidence. This statement should contain the name of the child, the name and address of the school, the date the school closed for the current year and the date the statement was signed. Employment before May 15 should be avoided.

## 5. How old must a child be to work on a farm outside school hours?

This act sets **no** minimum age for employment in agriculture **before** or **after** school hours on any school day, or at any time on school holidays, and during school vacations.

## 6. How can a farmer be sure that the young person he intends to hire during school hours is at least 16 years of age?

A certificate of age, while not required, will protect the farmer if it shows the young person to be at least 16 years of age, and if it has been issued by the U. S. Department of Labor or an accepted State system.

## 7. Where can such a certificate be obtained?

In most States the farmer **should have the young person apply for a certificate** to the official who issues employment and age certificates under the State child labor laws. This is usually a local school official, but in some States it is a representative of the State labor, welfare, or education department.

In Idaho, Mississippi, South Carolina, and Texas where there is no accepted State system in force, application should be made for a Federal certificate of age to the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor. (See last page for list of offices.)

**8. May a farmer's own children help him do agricultural work during school hours insofar as this law is concerned?**

Yes, if they are not in fact employed by someone else. However, the school attendance laws in most States require children under 16 to attend school.

**9. What records must be kept by farmers for minors working on their farms?**

Every farmer employing minors in agriculture (other than a parent or a person standing in the place of a parent employing his own child or a child in his custody) must keep records containing the following items for every such minor under 18 years of age who works on any day when school is in session for the school district where the minor is living while so employed:

(a) Name in full.

(b) Place where minor lives while employed. If minor's permanent home address is different, give both addresses.

(c) Date of birth.

It is not necessary that records be maintained in any particular order or form. They must be kept in a safe and accessible place and be open at any time to inspection and transcription by authorized representatives of the Secretary of Labor. These records must be preserved for at least three years.

**10. Is a farmer in violation of the Federal law if the under-age children working on his farm were not hired by him personally?**

A farmer is responsible for every under-age child working on his farm. This includes children hired either individually or as a part of a family group by labor contractors, processors, or others.

**11. What are the penalties for violation of the child-labor requirements of the Fair Labor Standards Act?**

The act provides, in case of willful violation, a fine up to \$10,000. For a second offense, committed after conviction for a similar offense, a fine of not more than \$10,000 or imprisonment of not more than 6 months, or both, may be imposed. The Secretary of Labor may ask a Federal district court to restrain future violations of the child-labor requirements of the act by injunction.

**12. What other Federal laws affect the employment of children in agriculture?**

The Sugar Act of 1948 contains certain provisions with which producers engaged in the production and harvesting of sugar beets or sugar cane must comply to obtain maximum benefit payments. These provisions include a minimum age of 14 years for employment and a maximum 8-hour day for children between 14 and 16 years of age. Members of the immediate family of the legal owner of at least 40 percent of the crop at the time the work is performed are exempted from these provisions. The 16-year minimum age set by the Fair Labor Standards Act would, however, apply to children who work on sugar beets or sugar cane during school hours unless they are the farmer's own children.