

CLIENT ALERT: Attorney General's Office Issues Initiative For Raising Awareness Of And Implementing Child Labor Laws

On May 25, 2016, with summer approaching and minors set to enter the workforce, Massachusetts Attorney General ("AG") Maura Healey issued a bulletin concerning the launch of her "Child Labor Awareness Initiative." The Initiative is intended to educate employers, parents, and minors about applicable child labor laws that impact both minors and employers.

Generally, the work of minors is restricted by both state and federal laws with respect to three main areas: minimum age, hours, and occupations. AG Healey, through the Fair Labor Division, enforces these laws and regulations, which include, among others: (1) the Massachusetts minimum wage law, which requires all workers, including minors, to receive wages of no less than \$10 per hour or \$3.35 per hour for service workers; (2) the preclusion of children under the age of 14 from working in any capacity, with exceptions for babysitting, newspaper delivery, farm work, and the entertainment industry; (3) the requirement of work permits for all workers under the age of 18, to be filled out by the minor's parent or guardian, the minor, and the minor's employer; (4) the preclusion of minors from performing certain kinds of hazardous work and operating various types of heavy machinery; and (5) restrictions on both the number of hours minors may work in a workweek and certain time periods during which minors may work.

Pursuant to state and federal law, minors age 14 to 15 may not work earlier than 7:00 a.m. or past 9:00 p.m. from July 1 through Labor Day, more than 8 hours per day, more than 40 hours per week, or more than 6 days per week. Minors age 16 to 17 may not work earlier than 6:00 a.m. or past 11:30 p.m. during the summer, more than 9 hours per day, more than 48 hours per week, or more than 6 days per week. These laws also require onsite adult supervision for minors who work past 8:00 p.m. The laws restricting hours for minors become much more limiting during the school year. The AG's office strictly enforces all of these laws, and it is important for all employers to be aware of and comply with them. Through the first quarter of 2016, the Fair Labor Division has already cited and fined various Massachusetts employers for employing minors without a work permit, allowing minors to work earlier or later than permitted, and allowing minors to work unsupervised past 8:00 p.m.

As part of AG Healey's Initiative, her office is collaborating with public school superintendents and the Massachusetts Municipal Association to provide information about obtaining work permits and complying with child labor laws. In addition, more information about youth employment laws, work permits, and legal work hours for minors may be found at www.mass.gov/ago/youthemployment and www.laborlowdown.com.

Daniel S. Field and Jeffrey S. McAllister are attorneys at Morgan, Brown & Joy, LLP. Dan or Jeff may be reached at 617-523-6666 or at dfield@morganbrown.com and jmcallister@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

This alert was originally published on June 9, 2016.

This publication, which may be considered advertising under the ethical rules of certain jurisdictions, should not be construed as legal advice or a legal opinion on any specific facts or circumstances by Morgan, Brown & Joy, LLP and its attorneys. This newsletter is intended for general information purposes only and you should consult an attorney concerning any specific legal questions you may have.