



## DOL Issues New Child Labor Regulations

By: Thomas R. Bagby, Thomas M. Winn, III

On May 20, 2010, the Department of Labor’s Wage and Hour Division published a Final Rule designed to protect working children from hazards in the workplace while also recognizing the value of safe work to children and their families. The Final Rule contains the most ambitious and far-reaching revisions to the child labor regulations in the last thirty years. The provisions of the Final Rule take effect on July 19, 2010. This is the second update to the child labor rules since 2005.

The Final Rule implements changes to seven (7) non-agricultural hazardous occupation orders (“HOs”) and revisions to the rules for 14- and 15-year-olds. The Final Rule also incorporates into the regulations statutory changes regarding the assessment of child labor civil money penalties and the employment of youth by establishments that use machinery to process wood products.

The Final Rule strengthens child labor laws to protect against workplace hazards. Examples of new prohibitions impacting the employment of youth under the age of 18 years include:

- Working at poultry slaughtering and packaging plants;
- Riding on a forklift as a passenger;
- Working in forest fire fighting, forestry services, and timber tract management;

- Operating certain power-driven hoists and work assist vehicles;
- Operating balers and compacters designed or used for non-paper products; and
- Operating power-driven chain saws, wood chippers, reciprocating saws, and abrasive cutting discs.

In addition, the new rules expand youth workplace opportunities that have been judged to be safe for young workers.

Examples include:

- By removing a 40-year-old provision that generally limits the employment of 14- and 15-year-olds to jobs in retail, food service, and gasoline service establishments, the rule opens up safe and positive employment opportunities in industries such as advertising, banking, and information technology.
- The Final Rule allows 14- and 15-year-olds to perform work of an intellectual or artistic nature in establishments that were previously prohibited. Such work includes computer programming, drawing, and teaching.

- The Final Rule also incorporates into the regulations two long standing Departmental enforcement positions that permit 16- and 17-year-olds to operate, under specified conditions, power-driven pizza-dough rollers and portable, countertop food mixers.

use their school-supervised work experience as a means to realize their academic potential and obtain a college education;

The Final Rule also updates the child labor provisions to better reflect the modern workplace. These changes include:

- Permitting greater opportunities for the development of the technology-based skills that are increasingly in demand in a competitive 21st century labor market;
- Establishing a new work-study program for 14- and 15-year-old students who wish to

- Prohibiting 14- and 15-year-olds from engaging in youth peddling activities or non-charitable door-to-door sales;
- Clarifying the work hours and time-of-day limitations for 14- and 15-year-olds and defining the term school hours as it applies to nonagricultural employment;
- Establishing a minimum age of 15 years for employment as a life guard at traditional swimming pools.

## SAVE THE DATE—29th Annual Labor & Employment Seminars

Danville—November 30, 2010—8:00 am—12:00 pm  
 Lynchburg—December 2, 2010—8:00 am—12:00 pm  
 Roanoke—December 14, 2010—8:00 am—4:00 pm

More details to follow...

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