

CHAPTER 181A

CHILD LABOR

<p>181A.01 Citation. 181A.02 Purpose. 181A.03 Definitions. 181A.04 Minimum age and maximum hours. 181A.05 Employment certificates. 181A.06 Age certificates.</p>	<p>181A.07 Exemptions. 181A.08 Powers and duties of the department. 181A.09 Power to make regulations. 181A.10 Judicial review. 181A.11 Agricultural employment. 181A.12 Penalties.</p>
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181A.01 CITATION.

Sections 181A.01 to 181A.12 may be cited as the "child labor standards act."

History: 1974 c 432 s 1

181A.02 PURPOSE.

The purpose of sections 181A.01 to 181A.12 is to aid in the economic, social and educational development of young people through employment. Work is an integral factor in providing a sense of purpose, direction, and self-esteem necessary to the overall physical and mental health of an individual. Young people, especially those who have completed high school or occupational training, should not be denied employment opportunities. Work, however, must be coordinated with schooling and safety considerations in order to serve the best interest of the young.

History: 1974 c 432 s 2

181A.03 DEFINITIONS.

Subdivision 1. As used in sections 181A.01 to 181A.12, the terms defined in this section shall have the following meanings.

Subd. 2. "Department" means the Minnesota department of labor and industry.

Subd. 3. "Division" means the division of labor standards within the department.

Subd. 4. "Commissioner" means the commissioner of the department or his designees.

Subd. 5. "Employment" means any occupation engaged in for compensation in money or other valuable consideration, whether paid to the minor or to some other person, including, but not limited to, occupation as a servant, agent, or independent contractor.

Subd. 6. "School days" means any day when normal classes are in session during the regular school year in the school district.

Subd. 7. "School hours" means that period during which the student is required to be in school in the school district.

History: 1974 c 432 s 3

181A.04 MINIMUM AGE AND MAXIMUM HOURS.

Subdivision 1. No minors under the age of 14 shall be permitted employment in this state except as authorized by section 181A.07.

Subd. 2. On school days, during school hours, no minor under the age of 16 years shall be permitted employment except as provided in section 181A.05.

Subd. 3. No minor under the age of 16 shall be permitted to work any day before 7 a.m. or after 9:30 p.m.

Subd. 4. No employer shall be permitted to work a minor under the age of 16 more than 40 hours a week or more than eight hours in any 24 hour period.

Subd. 5. No minor under the age of 18 shall be permitted to work in any occupation which the commissioner shall find to be particularly hazardous for the employment of children under 18 years of age or detrimental to their well-being. A list of such occupations shall be established and promulgated by regulation pursuant to section 181A.09.

History: 1974 c 432 s 4

181A.05 EMPLOYMENT CERTIFICATES.

Subdivision 1. Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, his agent, or some other person designated by the board of education. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:

(1) If a minor is to be employed in an occupation not prohibited by regulations promulgated under section 181A.09 and as evidence thereof presents a signed statement from his prospective employer; and

(2) If the parent or guardian of the minor consents to the employment; and

(3) If the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting him to work.

Subd. 2. The employment certificate shall show the name, address, date of birth and description of the minor, the name and address of the employer, the kind of work to be performed, the hours of exemption, and shall also require the signature of the parent or guardian and the minor in the presence of the issuing officer.

Subd. 3. If the issuing officer is in doubt about whether the proposed employment is in accordance with these provisions, he shall consult with the division before issuing the certificate.

Subd. 4. Upon termination for any reason of the employment authorized, the employer shall return the employment certificate directly to the issuing officer with a notation showing the date of termination.

Subd. 5. The issuing officer is authorized to cancel an employment certificate, if the issuing officer determines that such action would be in the best interest of the minor.

History: 1974 c 432 s 5

181A.06 AGE CERTIFICATES.

Subdivision 1. Every employer shall require proof of the age of any minor employee or prospective employee by requiring the minor to submit an age certificate, a copy of his birth certificate, or a copy of his driver's license. Upon the request of a minor, an age certificate shall be issued by or under the authority of the school superintendent of the district in which the applicant resides. Superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools.

Subd. 2. The age certificate shall show the age of the minor, the date of his birth, the date of issuance of the certificate, the name and position of the issuing officer, the name, address, and description of the minor, and what evidence was accepted as proof of age. The age certificate shall also show the name of the employer, the proposed occupation, and shall state that a separate employment

certificate is required for minors under 16 to work on regular school days during school hours. It shall be signed by the issuing officer and by the minor in his presence.

Subd. 3. An age certificate shall not be issued unless the minor's birth certificate or photocopy or extract thereof is exhibited to the issuing officer, or unless such evidence was previously examined by the school authorities and the information is shown on the school records. If a birth certificate is not available, other documentary evidence shall be accepted only as provided by the regulations or orders of the department.

Subd. 4. The employer shall keep an age certificate received by him for the duration of the minor's employment and shall keep on file all age certificates, copies of birth certificates or copies of drivers' licenses presented to the employer pursuant to subdivision 1, where they may be readily examined by an agent of the division of labor standards.

History: 1974 c 432 s 6

181A.07 EXEMPTIONS.

Subdivision 1. Minors employed in corn detasseling operations and other agricultural operations, with the permission of their parents or guardian, shall be exempt from the provisions of section 181A.04, subdivision 4. Such minors 12 years of age or older are exempt from the age provision of section 181A.04, subdivision 1.

Subd. 2. Any minor employed as an actor, model, or performer shall be exempt from the minimum age provisions of section 181A.04, subdivision 1.

Subd. 3. Newspaper carriers shall be exempt from the minimum age provision of section 181A.04, subdivisions 1 and 3. Such carriers shall be at least 11 years of age.

Subd. 4. Any minor employed to do home chores, to babysit or employed by his parents shall be exempt from all provisions of sections 181A.01 to 181A.12.

Subd. 5. The commissioner may grant exemptions from any provisions of sections 181A.01 to 181A.12 for an individual minor if he finds that such an exemption would be in the best interest of the minor involved. Such exemptions shall be granted only in accordance with the established regulations of the department.

Subd. 6. Any minor's parent or guardian, school official, or youth employment specialist may request an exemption as provided in subdivision 5.

History: 1974 c 432 s 7; 1975 c 204 s 78; 1976 c 2 s 72

181A.08 POWERS AND DUTIES OF THE DEPARTMENT.

Subdivision 1. The commissioner, his authorized representative, or any truant officer may enter and inspect the place of business or employment and may interview any employees, of any employer of employees in any occupation in the state, all for the purpose of ascertaining whether any minors are employed contrary to the provisions of sections 181A.01 to 181A.12. Such authorized persons may require that employment certificates, age certificates, and lists of minors employed shall be produced for their inspection.

Subd. 2. The commissioner or his authorized representative may issue an order requiring an employer to comply with the provisions of sections 181A.01 to 181A.12 or with any regulations promulgated under the provisions of section 181A.09. Any such order shall be served by the department upon the employer or his authorized representative in person or by certified mail at the employers place of business. If an employer wishes to contest the order for any reason, he shall

file written notice of his objection with the commissioner within ten days after service of said order upon said employer. Thereafter, a public hearing shall be held in accordance with the provisions of sections 14.57 to 14.70, and such regulations consistent therewith as the commissioner shall make.

Subd. 3. The commissioner or his authorized representative may apply to any court of competent jurisdiction for an order restraining the violation of an order issued by the commissioner pursuant to subdivision 2, or for an order enjoining and restraining violations of this chapter or regulations adopted pursuant to section 181A.09.

History: 1974 c 432 s 8; 1979 c 202 s 1; 1982 c 424 s 130

181A.09 POWER TO MAKE REGULATIONS.

Subdivision 1. The commissioner shall make, revise and promulgate such regulations, including definitions of terms, as he shall deem appropriate to carry out the purposes of sections 181A.01 to 181A.12 and to prevent the circumvention or evasion thereof.

Subd. 2. The commissioner shall, by regulation, establish a list of those occupations which he finds to be particularly hazardous for the employment of children, or detrimental to their health or well-being.

Subd. 3. Regulations shall be adopted by the department only after a public hearing held upon due publication of notice, at which any interested person may be heard and of which a record shall be made. Regulations shall be published by the department and shall take effect upon publication and filing with the secretary of state and the department of administration. Such regulations shall have the force and effect of law upon filing as provided herein.

History: 1974 c 432 s 9

181A.10 JUDICIAL REVIEW.

Subdivision 1. Any person who may be aggrieved by any administrative regulation issued pursuant to section 181A.09 may obtain a review thereof in the district court for Ramsey county, by filing in such court a written petition for declaratory judgment praying that the regulation be modified or set aside. A copy of such petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the regulation is in accordance with law.

If the court determines that such regulation is not in accordance with law, it shall remand the case to the department with directions to modify or revoke such regulation. If application is made to the court by any aggrieved party for leave to adduce additional evidence, such party shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence before the department. If the court finds that such evidence is material and that reasonable grounds exist for the failure to the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the department with directions that such additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of such additional evidence.

Subd. 2. Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgement and decree shall be final except that the same shall be subject to review on appeal to the supreme court.

Subd. 3. The commencement of proceedings under subdivision 1 shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued pursuant to section 181A.09.

History: 1974 c 432 s 10

181A.11 AGRICULTURAL EMPLOYMENT.

Nothing in sections 181A.01 to 181A.12 shall prohibit a person from employing a child in any agricultural pursuit permitted under the United States Code, Title 29, Section 213(c)(2).

History: 1974 c 432 s 11

181A.12 PENALTIES.

Subdivision 1. Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12 or refuses to admit the commissioner or his authorized representative to any place of employment or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12 or any regulations issued pursuant thereto shall, upon conviction therefor, be guilty of a gross misdemeanor.

Subd. 2. Any other person violating any provision of sections 181A.01 to 181A.12 or any regulations issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor.

History: 1974 c 432 s 12