

Ag Help Wanted Update

What are the U.S. Regulations for Child Labor in Agriculture?

Youth are often hired by farmers, ranchers, and other agricultural producers to perform labor or services in return for wages or other remuneration. The federal child labor provisions, authorized by the Fair Labor Standards Act (FLSA) of 1938, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being, nor educational opportunities. The FLSA establishes minimum ages for covered employment in agriculture, unless a specific exemption applies.

Learn more via the recently completed 4-page, 4-color Ag Help Wanted UPDATE: *What are the U.S. Regulations for Child Labor in Agriculture?*

Several Ag Help Wanted updates were recently posted to the website companion for *Ag Help Wanted: Guidelines for Managing Agricultural Labor* and are available for download at: AgHelpWanted.org/updates.

UPDATE

What are the U.S. Regulations for Child Labor in Agriculture?

Business owners and operators commonly employ human resources to provide labor and services for their businesses. Many farmers, ranchers, and other agricultural producers often hire youth to perform labor or services in return for wages or other remuneration. "Hire" means the beginning of employment in exchange for wages or other compensation. "Remuneration" is anything of value given in exchange for labor or services, including food and lodging.

Child Labor Standards Act (FLSA)

The federal child labor provisions, authorized by the Fair Labor Standards Act (FLSA) of 1938, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being, nor educational opportunities. Employees of farms are subject to FLSA child labor provisions if they are individually engaged in interstate commerce or in the production of goods for interstate commerce. For example, if they are involved in producing, manufacturing, mining, handling, transporting, or otherwise working with such goods.

In addition, the employment of a farm is covered under the FLSA as an enterprise based on the annual gross volume of sales made or business done by the enterprise that serves the farm is not less than \$500,000. Such covered employers include workers employed directly by the farmer or by a contract contractor hired by the farmer, who cultivates the soil or grows or harvests crops, raises livestock, breeds, feeds, or handles animals, or performs other work which is incidental to the farming operations of that farm; work of the farm as employees of the farmer performing work which is incidental to the farming operations of that farm. For example, delivering produce to market by truck.

Minimum Age Standards for Agricultural Employment

The FLSA establishes minimum ages for covered employment in agriculture, unless a specific exemption applies. Youth of any age may work at any time in any job on a farm owned or operated by their parents.

- Youth ages 14 and above may work in any farm job at any time.
- Youth ages 14 and 17 may work outside school hours in jobs not declared hazardous by the Secretary of Labor.

Jeffrey E. Smith - Colorado State University and
Drew H. Smith - University of Wyoming

© Ag Help Wanted
April 2022

AG HELP WANTED

UPDATE

Youth are often hired by farmers, ranchers, and other agricultural producers to perform labor or services in return for wages or other remuneration.

The Fair Labor Standards Act and its several amendments - in compliance with state laws - is designed, in part, to protect youth from performing dangerous tasks and ensure they are paid a minimum wage. Youth are generally free from the child labor provisions of the FLSA. However, child labor and these tasks occurring during school hours. However, some youth directly related to a farm owned or operated by their parents.

Farmers and ranchers interested in hiring youth should be aware of other state laws. Also, they may find the resource "Ag Help Wanted" a helpful resource when hiring employees of all ages.

Page - 3



How Much Risk is Right for You and Your Operation? RightRisk.org



AG HELP WANTED

Guidelines for Managing Agricultural Labor

David A. Flanagan • David Carlson • Jeff E. Smith
Drew H. Smith • Jeff Flanagan • Jeff E. Smith • Drew H. Smith

AgHelpWanted.org