



# CHILD LABOR LAWS

Texas Workforce Commission  
Labor Law Section, Child Labor Enforcement  
U.S. Department of Labor  
Wage and Hour Division



For further information about Texas' child labor laws, call:

**1-800-832-9243**  
*(in Texas only)*  
**TDD 1-800-735-2989**

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 61, Texas Labor Code, governs the employment of children under Texas state law. **MINIMUM AGE FOR EMPLOYMENT IS 14**; however, state and federal laws provide for certain exceptions. Please call TWC's Labor Law Section for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local listings for the nearest office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243

## Additional prohibited occupations that apply only to 14- and 15-year-olds:

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) Mining.
- (2) Manufacturing.
- (3) The performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed.
- (4) The operation or tending of hoisting apparatus or any power-driven machinery other than office machines.
- (5) Operating a motor vehicle or service as helpers on such vehicles, including passenger-type vehicles.
- (6) Public messenger service.
- (7) Occupations in connection with:
  - A. Transportation of persons or property by rail, highway, air, water, pipeline, or other means. However, office or sales work is permitted except on vehicles and other transportation conveyances or at the actual construction site.
  - B. Warehousing and storage.
  - C. Communications and public utilities.
  - D. Construction including demolition and repair.
- (8) Any of the following occupations in a retail food service or gasoline service establishment:
  - A. Work performed in or about boiler or engine rooms.
  - B. Work in connection with maintenance or repair of the establishment, machines or equipment.
  - C. Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
  - D. Cooking (except under limited circumstances)
  - E. Baking.
  - F. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
  - G. Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).
  - H. Loading and unloading goods to and from trucks, railroad cars or conveyors.
- I. All occupations in warehouses, except office and clerical work.

## The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18); provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.
- (2) involving the driving of motor vehicles and outside helpers
  - A. on any public road or highway.
  - B. in or about any place where logging or sawmill operations are in progress, or
  - C. in excavations.
 (Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)
- (3) connected with coal mining.
- (4) including logging operations and sawmill occupations.
- (5) \*operating or assisting to operate power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations.
- (7) operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derrick, hoists, high-lift trucks.
- (8) \*operating or assisting to operate power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) \*operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering with the exception of the killing and processing of poultry, rabbits, or small game in areas separated from the killing floor.
- (11) operating or assisting to operate power-driven bakery machines.
- (12) \*Occupations involved in the operation of power-driven paper-products machines, scrap paper balers and paper box compactors. (Under certain conditions, loading a baler or compactor is NOT considered a hazardous occupation under state or federal law.)
- (13) manufacturing brick, tile, and kindred products.
- (14) \*operating or assisting to operate power-driven circular saws, band saws and guillotine shears, with the exception of machines equipped with full automatic feed and ejection.
- (15) wrecking, demolition, and ship-breaking operations.
- (16) \*occupations in roofing operations and on or about a roof.
- (17) \*connected with excavation operations.

## Work times for 14- and 15-year-olds

State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 46 hours in one week.
- (2) between the hours of 10 p.m. and 6 a.m. on a day that is followed by a school day or between the hours of midnight and 6 a.m. on a day that is not followed by a school day if the child is enrolled in school.
- (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment for children:

- (1) may not work during school hours
- (2) may not work more than eight hours on a non-school day or 40 hours during a non-school week.
- (3) may not work more than three hours on a school day or 18 hours during a school week.
- (4) Children may work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

## Certificate of Age/Child Actors

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

## PENALTIES:

State of Texas — An offense under Chapter 61, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/or criminal prosecution and fines.



# LEYES LABORALES DE MENORES

Comisión de Fuerza Laboral de Tejas  
Imposición de Leyes Laborales de Menores

Departamento de Trabajo de los EE.UU

Administración de Normas de Empleo, División de Horas y Sueldos



Para más información sobre las leyes laborales de menores de Tejas,  
llame al: 1-800-832-9243 (TDD 1-800-735-2989)

Este cartel le provee alguna guía a las leyes de Tejas sobre el empleo de menores, pero no está completo. Capítulo 61, Código Laboral de Tejas, gobierna el empleo de menores bajo las leyes estatales de Tejas. LA EDAD MÍNIMA PARA SER EMPLEADO ES 14; sin embargo, las leyes estatales y federales tienen en cuenta ciertas excepciones. Favor de llamar al departamento de TWC de las leyes laborales por una copia completa de las leyes o por respuestas a preguntas sobre las leyes laborales. La Ley de Normas Razonables de Trabajo (Fair Labor Standards Act (FLSA) en inglés) gobierna las leyes federales y las guías relacionadas con el empleo de menores. Para información concisa sobre las leyes laborales del empleo de menores, consulte a sus representantes locales para conseguir la oficina más cercana de la División de Horas y Sueldos del Departamento del Trabajo de los EE.UU o llame al 1-800-467-9243.

## Las siguientes son ocupaciones prohibidas para menores de 14 a 17 años de edad:

Las ocupaciones prohibidas son iguales tanto como las leyes federales que las estatales. La edad mínima aplica aunque el menor sea empleado por un padre o una persona sirviendo en lugar de un padre. Las ocupaciones peligrosas designadas por un asterisco (\*) tienen provisiones por el empleo de personas de menos de 18 años, con tal de que el aprendizaje aplicable o la certificación como estudiante-aprendiz haya sido obtenido. Personas que desean información específica sobre estas excepciones deben de ponerse en contacto con la oficina más cercana del Departamento del Trabajo de los EE.UU.

Las ocupaciones declaradas particularmente peligrosas o perjudiciales a la salud o al bienestar de todos los menores de 14 a 17 años de edad incluyen las ocupaciones:

- (1) en o cerca de fábricas o establecimientos en donde se fabriquen o guarden explosivos o artículos que contengan componentes explosivos aparte de establecimientos que vendan al por menor.
- (2) que envuelvan el manejo de vehículos motorizados y ayudantes externos.
  - A. en cualquier camino público o carretera.
  - B. en o cerca de cualquier lugar donde los funcionamiento de tala o aserradero estén en curso, o
  - C. en excavaciones.
 (Bajo ciertas circunstancias, en manejo de vehículos motorizados con propósito comercial, NO será considerado como trabajo peligroso en cuanto a las leyes estatales.)
- (3) en conexión con la minería del carbón.
- (4) del funcionamiento de tala y ocupaciones de aserradero.
- (5) \*del funcionamiento de maquinaria motorizada de carpintería.
- (6) que envuelvan la exposición a sustancias radiactivas y a radiaciones ionizadas.
- (7) del funcionamiento de aparatos motorizados de elevamiento tal como ascensores, grúas, torres, maniacargas, camiones de elevamiento.
- (8) \*del funcionamiento de maquinaria motorizada para formar, punchar y cortar metal.
  - (9) en conexión con la minería, aparte del carbón.
  - (10) \*del funcionamiento de maquinaria motorizada en el proceso de carne y ocupaciones incluyendo las de matanza, empaque, o proceso a excepción de la matanza y el proceso de aves del corral, conejos, o pequeñas aves o animales de caza en áreas separadas del lugar de matanza.
- (11) del funcionamiento de maquinaria motorizada de panadería.
- (12) \*operaciones de maquinaria motorizadas de productos de papel, empaquetadoras de papel despendido o compactadoras de papel. (Bajo ciertas circunstancias, cargando una empaquetadora o compactadora NO es considerado como trabajo peligroso en cuanto las leyes del estatales o federales.)
- (13) de la manufacturación de ladrillos, tejas y productos similares.
- (14) \*del funcionamiento de serruchos motorizados, serruchos de mano, ózalla de guillotina, a excepción de maquinaria equipada con avance y expulsión totalmente automáticas.
- (15) del funcionamiento de destruir, demoler, y desguazar.
- (16) \*ocupaciones en operaciones de techar y en o con respecto al techo.
- (17) \*en conexión con funcionamiento de excavaciones.

## Adicionales Ocupaciones prohibidas que aplican solamente a menores de 14 a 15 años:

Ocupaciones declaradas particularmente peligrosas o perjudiciales a la salud o el bienestar de menores de 14-15 años incluirán:

- (1) La Minería.
- (2) La Manufactura.
- (3) El desempeño de cualquieres oficios en salas de trabajo o lugares de empleo donde se fabriquen, minen, o de otro modo procesen mercancía.
- (4) El funcionamiento o el cuidado de aparatos de azamiento o cualquier otra maquinaria motorizada, aparte de maquinaria de cocina.
- (5) Operando un vehículo motorizado o sirviendo como ayudantes en tales vehículos, incluyendo vehículos de pasajero.
- (6) Servicio público de mensajero.
- (7) Ocupaciones en conexión con:
  - A. El transporte de personas o propiedades en tren, por carretera, en avión, en barco, por línea o por otros medios. Sin embargo, trabajo de oficina o de venta se permitirá a excepción de vehículos y otros medios de transporte o en el verdadero sitio de construcción.
  - B. Almacenaje y depósito.
  - C. Comunicaciones y utilidades públicas.
  - D. Construcción incluyendo la demolición y la reparación.
- (8) Cualquiera de las siguientes ocupaciones en un mercado minorista de comestibles, o en un establecimiento de gasolinas:
  - A. Trabajo desempeñado en o cerca de cuartos de calderas o de motor.
  - B. Trabajo en conexión con el mantenimiento o la reparación del establecimiento, la maquinaria o el equipo.
  - C. El lavado de ventanas afuera que incluya trepando en alfileras, y todo trabajo que requiera el uso de escaleras, cadalecos o sustitutos.
  - D. El cocinar (aparte de circunstancias limitadas)
  - E. El hornear.
  - F. Ocupaciones que envuelvan el funcionamiento, establecimiento, ajustamiento, limpieza, lubricación, o la reparación de maquinaria motorizada de tabaquer comida y moladoras, picadoras de comida y conadoras, y mezcladoras como el tipo de panadería.
  - G. Trabajo en congeladoras y refrigeradoras de carne y todo trabajo envuelto en la preparación de carne para su venta (excepto el empaquetar, sellar, marcar, pesar, preciar, y almacenar cuando se desempeñe en otras áreas).
  - H. Carga y descarga de mercancía hacia y desde los camiones, vagones o transportadores.
  - I. Todas las ocupaciones en almacenes, excepto el trabajo de oficina.

## Horarios para los menores de 14 y 15 años de edad

Ley Estatal - Una persona cometerá una ofensa si tal persona permite que el niño(a) de 14 o 15 años de edad empleado por esa persona trabaje:

- (1) más de 8 horas en un día o más de 48 horas en una semana.
- (2) entre las horas de 10 p.m. y 5 a.m. cuando el día siguiente sea un día escolar o entre las horas de medianoche y 6 a.m. en un día que preceda un día escolar si el menor está inscrito en la escuela.
- (3) entre las horas de medianoche y 5 a.m. en cualquier día durante el tiempo en que la escuela entree en receso para el verano si el menor no está inscrito en la escuela.

Ley Federal - El FLSA en adición reglamenta las horas de empleo para menores:

- (1) no puedan trabajar durante horas de escolar
- (2) no más de ocho horas en un día no escolar o 40 horas durante una semana no escolar.
- (3) no más de tres horas en un día escolar, 18 horas durante una semana escolar.
- (4) Menores puedan trabajar solamente entre las 7 a.m. y las 7 p.m. durante el año escolar. Sin embargo, entre el primero de junio y el Día del Trabajador, pueden trabajar entre las 7 a.m. y las 9 p.m.

## Certificado de Edad/Menores Actores

El Código Laboral de Tejas no requiere un certificado de edad. No obstante, aplicaciones para los certificados están disponibles llamando el número 1-800 arriba o a petición de la oficina local de la Comisión de Fuerza Laboral de Tejas.

- (1) Un(a) niño(a) que tenga por lo menos 14 años de edad puede solicitar a la Comisión de Fuerza Laboral de Tejas por un certificado de edad.
- (2) La TWC puede autorizar el empleo de un(a) niño(a) más joven de 14 como actor o intérprete en una película o en una producción teatral, en la radio o la televisión.

### Multas:

Estado de Tejas - Una ofensa bajo el Capítulo 61, el Código Laboral de Tejas, es un delito menor de Clase B, excepto la ofensa de emplear a un menor de 14 años para vender o servir, el cual es un delito menor de Clase A. Si la Comisión determina que una persona haya violado esta Acta en el empleo de un menor, o una regla adoptada bajo esta Acta, la Comisión podrá iniciar una multa administrativa contra tal persona de una cantidad no más de \$10,000 por cada violación. El Ministro de Justicia (Attorney General) podrá procurar auxilio injuntivo en la corte del distrito contra un empleador que viole repetidamente los requerimientos establecidos por esta Acta referente al empleo de menores.

Federal - El FLSA prescribe una máxima multa administrativa de \$14,000 por violación (no proceso criminal) y multas.



## PERMITTED OCCUPATIONS FOR 14 AND 15 YEAR OLDS

### Summary of 29 CFR 570.34

The following occupations are permitted for the employment of minors aged 14 and 15:

- (a) Office and clerical work, including the operation of office machines.
- (b) Work of an intellectual or artistically creative nature such as, computer programming, writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, the playing of a musical instrument, and drawing. See 29CFR 570.34 for additional details.
- (c) Cooking with electric or gas grills which does not involve cooking over an open flame. Cooking is also permitted with deep fryers that are equipped with and utilize a device which automatically lowers the baskets into the hot oil or grease and automatically raises the baskets from the hot oil or grease.
- (d) Cashiering, selling, modeling, art work, window trimming, and comparative shopping.
- (e) Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- (f) Bagging and carrying out customers' orders.
- (g) Errand and delivery work by foot, bicycle, and public transportation.
- (h) Cleanup work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- (i) Kitchen work and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. See 29CFR 570.34 for examples and details.
- (j) Cleaning vegetables and fruits, wrapping, sealing, labeling, weighing, pricing, and stocking of items, when performed in areas physically separate from a freezer or meat cooler.
- (k) Loading and unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site.
- (l) Lifeguard. The employment of 15-year-olds (but not 14-year-olds) is allowed to perform permitted lifeguard duties at traditional swimming pools and water amusement parks. See 29CFR 570.34 for details and definitions.
- (m) Work inside and outside a place of business processing wood products, for a 14 or 15 year old exempt from compulsory school attendance for certain religious orders. See 29 CFR 570.34 for description and details.
- (n) Dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; but not including work involving the use of pits, racks, or lifting apparatus, or inflating split ring tires.
- (o) Riding inside passenger compartments of motor vehicles except as prohibited by Sec. 570.33(f) or (j), or when performing work in connection with the transporting of persons or property. See 29CFR 570.34 for details.

For more information about this and other Child Labor Laws, please contact the Child Labor Law Unit of the Texas Workforce Commission at:

1-800-832-9243

Or visit our website

[www.twc.state.tx.us/ui/lablaw](http://www.twc.state.tx.us/ui/lablaw)

**CHILD LABOR FINAL RULE, NONAGRICULTURAL EMPLOYMENT  
 16- AND 17-YEAR-OLDS—MAJOR CHANGES**

<p><b><u>CURRENT RULE</u></b>  <b>Hazardous Occupations</b>  <b>29 CFR Part 570, Subpart E</b>  <b>Prior to July 19, 2010</b></p>	<p><b><u>FINAL RULE</u></b>  <b>Hazardous Occupations</b>  <b>29 CFR Part 570, Subpart E</b>  <b>Effective on July 19, 2010</b></p>
<p><b><u>HO 4 (Logging and Sawmilling)</u></b>—            Currently bans most work in logging and in the operation of a sawmill.</p>	<p><b><u>HO 4</u></b> Expands prohibitions to include most work in: forest fire fighting; forest fire prevention that is performed in conjunction with extinguishing an actual fire; forestry services, including forest economics and marketing; and timber tract management. Also incorporates into the HO the provisions of FLSA section 13(c)(7), which allows certain youths to work, under specified conditions, inside and outside of businesses that use power-driven equipment to process wood products.</p>
<p><b><u>HO 7 (Power-Driven Hoisting Equipment)</u></b>—Prohibit minors from operating power-driven hoisting devices such as cranes, derricks, hoists, high-lift trucks, manlifts, and freight elevators.</p>	<p><b><u>HO 7</u></b> Expands current hazardous-order-to-prohibit youth from tending, riding upon, working from, repairing, servicing, or disassembling an elevator, crane, derrick, manlift, hoist, or high-lift truck. Expands definition of high-lift trucks to include backhoes, front-end loaders, skid loaders, skid-steer loaders, Bobcat loaders, and stacking trucks. Expands definition of manlift to prohibit use of truck- or equipment-mounted aerial platforms known as scissor lifts, boom-type mobile elevating work platforms, work assist vehicles, cherry pickers, basket hoists, and bucket trucks. Removes previous exception that allowed youth to operate certain hoists of less than one ton capacity.</p>
<p><b><u>HO 10 (Meat Processing and Power-Driven Meat Processing Machines)</u></b>—Currently prohibits employment in slaughtering, meat processing, and rendering occupations. Also prohibits the operation of most power-driven meat processing equipment, such as meat slicers, in all types of establishments.</p>	<p><b><u>HO 10</u></b> Expands the prohibitions to include work in poultry slaughtering establishments as well as in establishments that manufacture or process meat or poultry products. Clarifies that minors under 18 may not clean power-driven meat processing equipment, or the parts of such equipment, even when the equipment is assembled and disassembled by an adult.</p>



# Texas Workforce Commission

Child Labor Law 1-800-832-9243

## TEEN DRIVING ON THE JOB

### Hazardous Order #2:

Employees, 16 years of age, **MAY NOT DRIVE** motor vehicles on public roads as part of their jobs - even if they possess a valid state drivers license.

Employees, 17 years of age **MAY DRIVE** cars and small trucks on public roads as part of their jobs **ONLY** in limited circumstances.

17 year-olds may drive on the job **ONLY** if all of the following requirements are met:

1. The driving is limited to daylight hours;
2. The 17 year-old holds a state license valid for the type of driving involved in the job performed;
3. The 17 year-old has successfully completed a state approved driver education course and has no record of any moving violation at the time of hire;
4. The automobile or truck does is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
5. The automobile or truck does not exceed 6,000 pounds gross weight; AND
6. Such driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than 1/3 of the work time in any workday and no more than 20 percent of the work time in any workweek driving.

Driving by 17 year-olds as part of their jobs **MAY NOT** involve:

- ▶ Towing vehicles
- ▶ Route deliveries or route sales
- ▶ Transportation for hire of property, goods, or passengers
- ▶ Urgent, time-sensitive deliveries (such as pizza deliveries)
- ▶ Transporting more than 3 passengers including employees of the employer
- ▶ Driving beyond a 30 mile radius of the teen's place of employment
- ▶ More than 2 trips away from the primary place of employment in any single day to deliver the employer's goods to a customer
- ▶ More than 2 trips away from the primary place of employment in any single day to transport passengers other than employees of the employer