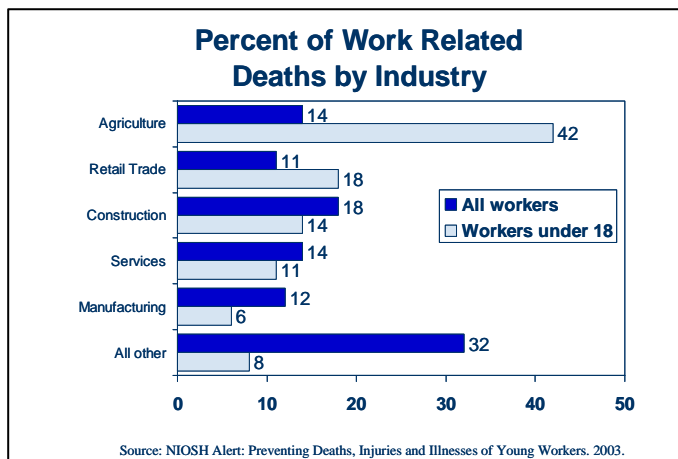


## CHILD LABOR IN TEXAS AGRICULTURE

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### CHILD ACCIDENTS ON THE FARM

Agriculture is the most dangerous industry for young workers, accounting for 42 percent of all work-related fatalities of young workers between 1992 and 2000 (see graph below). Agricultural workers over the age of 18 account for only 14 percent of all work fatalities. Children working in agriculture may be hired employees, labor contractor employees, or farm family members.



Farm operations are particularly hazardous to children, where they are exposed to machinery, confined spaces, animals and livestock, chemicals, respiratory irritants, toxic gases, and extreme environmental conditions.

Child labor laws exist to ensure that a child is not employed in an occupation or manner that is detrimental to the child's safety, health, or well being. However, child labor laws do not cover workers under the age of 16 who work on their parent's or guardian's farm.

The National Institute for Occupational Safety and Health reported that 76 percent of all fatalities involving agricultural workers under the age of 16 between 1992 and 2000 occurred in a family business.

This paper summarizes child labor restrictions specifically for the employment of minors in agriculture. Pertinent state and federal code include:

1. The *Federal Fair Labor Standards Act* provisions for child labor which specifies the ages at which minors can be employed;
2. *Hazardous Farm Jobs* as declared by the U.S. Secretary of Labor pertaining to the employment restrictions of minors; and
3. The Texas Workforce Commission, *Texas Labor Code, Chapter 51* which specifies age and hour restrictions, and general exemptions to these rules.

### AGRICULTURE EMPLOYMENT

One general exemption to Federal and Texas child labor restrictions applies to children employed in agriculture during a period when the child is not legally required to be attending school. According to Chapter 51, Texas Labor Code, "employment in agriculture "means engaged in producing crops or livestock and includes:

- Cultivating and tilling the soil;
- Producing, cultivating, growing, and harvesting an agricultural or horticultural commodity;
- Dairying; and
- Raising livestock, bees, fur-bearing animals, or poultry."

### HAZARDOUS FARM JOBS

The U.S. Department of Labor classifies certain farm tasks as hazardous. Children under the age of 16 may not perform the following jobs unless exempted by a special classification or training certificate. Tasks classified as hazardous include:

1. Operating tractors larger than 20 horsepower or connecting/disconnecting implements;
2. Operating or assisting with machines, including corn pickers, combines, hay mowers, forage harvesters, hay balers, feed grinders, crop dryers, forage blowers, auger conveyors, wagon or trailer unloading mechanisms (powered or self-unloading), powered post-hole diggers, post drivers, non-walking rotary tillers, trenchers or earth-moving equipment, fork lifts, or power-driven circular, band, or chain saws;
3. Working in a livestock yard, pen, or stall occupied by a bull, boar, sow, or cow with newborn offspring, or stud horse maintained for breeding purposes;
4. Working with timber;
5. Working from ladders or scaffolds above 20 feet, including performing tasks that require painting, tree-pruning, or fruit harvesting;
6. Riding on tractors or transporting passengers in buses, trucks, or automobiles;
7. Working inside potentially oxygen-deficient or toxic storage structures containing fruit, forage, grain, or manure; performing work in an upright silo two weeks after silage has been added, or when the top unloading device is operating; or packing a horizontal silo with a tractor;
8. Handling or application of farm chemicals that have a I or II classification by the Federal Insecticide, Fungicide and Rodenticide Act;
9. Handling or use of blasting agents; and
10. Transportation, transference, or application of anhydrous ammonia.

### **AGE AND HOUR RESTRICTIONS**

It is illegal to employ a child less than 14 years of age in agricultural employment unless the child is working on a farm owned or operated by the child's parent or legal guardian in a non-hazardous farm job.

Children under the age of 16 in agricultural employment cannot work during school hours. When school is in session, children can only work part-time, not to exceed 28 hours per week. Hour restrictions for children under the age of 16 employed in agriculture during the school year state that children cannot work:

- Between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day; and
- Between the hours of midnight and 5 a.m. on a day that is not followed by a school day.

### **EXEMPTIONS**

Children of any age may work on their parents' farm provided that 1) the parent has control of the day-to-day operations of the farm, and 2) the parent remains on the premises when the child is working.

Children under the age of 16 may work in any of the first six "hazardous farm jobs" if they are enrolled in a vocational agriculture program and the tasks are:

- Incidental to training;
- Occur for short periods of time; and
- Are closely supervised by a qualified and experienced instructor.

The 4-H Federal Extension Service Training Program allows 14- and 15-year olds to perform the first two "hazardous farm jobs" if they complete a certified tractor or machine operation training course. Vocational agriculture training programs may also provide these approved courses through the public school system. Contact your local county extension agent or school agriculture teachers for more information.

### **PENALTIES**

An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, with the exception of the offense of employing a child to sell or solicit, which is a Class A misdemeanor. Persons found in violation of Chapter 51 may be subject to monetary penalties not to exceed \$10,000 for each violation.

The Federal Fair Labor Standards Act prescribes a maximum fine of \$10,000 per violation and/or criminal prosecution and fines.

### **FOR MORE INFORMATION, CONTACT ...**

Texas Workforce Commission  
 Labor Law Enforcement Education and Regulation  
 Web site: <http://www.twc.state.tx.us>

U.S. Department of Labor  
 Employment Standards Administration  
 Wage and Hour Division  
 Web site: <http://www.dol.gov>

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All programs and information of Texas AgriLife Extension Service are available to everyone without regard to race, color, religion, sex, age, handicap or national origin.