



NATIONAL SAFETY COUNCIL

Position/Policy Statement

Young Worker Safety

POSITION / POLICY

The National Safety Council (NSC) believes safety sensitive jobs require employees with appropriate training, experience, and maturity to be done safely and prevent injury and illness to themselves, colleagues, and the public.¹ This training may include apprenticeships, other on-the-job training, education, certifications, and more. NSC supports the FLSA-established general working age of 16 years of age for nonhazardous occupations and 18 years of age for hazardous occupations.

Background

In the early 20th century, the U.S. Congress enacted the Fair Labor Standards Act (FLSA),² which, among other things, strengthens protections for children in the workplace. The FLSA establishes a general working age of 16 years old for nonhazardous occupations and a minimum of 18 years of age for hazardous occupations (HO) as determined by the Secretary of Labor. The FLSA child labor provisions are designed to prohibit harmful working conditions and protect educational opportunities for youth. These provisions vary significantly for the agricultural sector, in which the minimum age for nonhazardous work outside of school hours is 14 years old. Additionally, children working for parents in occupations other than manufacturing, mining or otherwise determined to be hazardous by the Secretary of Labor are exempt from FLSA protections, and these children are not subject to age requirements or hours of work. These regulations are largely defined as prohibiting “oppressive child labor,” as it is called in the FLSA.³

The following jobs are ones the U.S. Secretary of Labor has determined to be too dangerous for children to perform.

Nonagricultural jobs that children under 18 may not perform:

¹ “Safety Sensitive” refers to jobs that impact safety of the employee and the safety of others as a result of performing that job. For example, 49 CFR §382.107 defines safety sensitive for commercial motor vehicle operators.

² Public Law 75-718

³ 29 U.S.C. §212

- Hazardous Occupations (HO) 1 – Manufacturing and storing of explosives
- HO 2 – Motor-vehicle driving and outside helper on a motor vehicle
- HO 3 – Coal mining
- HO 4 – Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling
- HO 5 – Power-driven woodworking machines
- HO 6 – Exposure to radioactive substances
- HO 7 – Power-driven hoisting apparatus, including forklifts
- HO 8 – Power-driven metal-forming, punching, and shearing machines
- HO 9 – Mining, other than coal mining
- HO 10 – Operating power-driven meat processing equipment in retail establishments and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering
- HO 11 – Power-driven bakery machines including vertical dough or batter mixers
- HO 12 – Power-driven balers, compactors, and paper processing machines
- HO 13 – Manufacturing bricks, tile, and kindred products
- HO 14 – Power-driven circular saws, band-saws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs
- HO 15 – Wrecking, demolition, and shipbreaking operations
- HO 16 – Roofing operations and all work on or about a roof⁴
- HO 17 – Excavation operations⁵

Nonagricultural jobs that 14- and 15-year-old children may **not** perform:

- Manufacturing occupations
- Mining occupations
- Processing occupations
- Occupations requiring the performance of duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed
- Occupations declared to be hazardous by the Secretary of Labor under the Hazardous Orders
- Occupations that involve use of hoisting apparatus
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment
- Occupations that involve use of power-driven machinery
- Operation of motor vehicles or service as helpers on motor vehicles
- Riding on a motor vehicle inside or outside the passenger compartment
- Outside window washing that involves working from window sills
- Work requiring use of ladders, scaffolds, or their substitutes
- Baking and cooking activities
- Work in freezers and meat coolers and work that involves processing meat for sale
- Youth peddling

⁴ HO 16 also prohibits minors from performing any work on or about a roof or in close proximity of a roof, such as on a ladder or scaffold. NSC supports limits on working from heights for young workers as falls remain in the top three leading causes of preventable injury-related death on the job.

⁵ <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture>

- Loading and unloading goods or property onto or from motor vehicles, railroad cars, and conveyors
- Catching and cooping poultry in preparation for transport or for market
- Public messenger services
- Occupations in connection with transportation, warehousing, storage, communications, public utilities, and construction⁶

Standards set by Hazardous Occupations Orders for Agriculture (AgHOs) indicate jobs deemed by the U.S. Secretary of Labor to be too dangerous for workers under the age of 16 to perform.

Agricultural jobs that youth under 16 may **not** perform:

- HO 1 – Operating a tractor of over 20 power take-off (PTO) horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor
- HO 2 – Operating or assisting to operate any of the following machines: corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner or feed grinder, crop dryer, forage blower, auger conveyer, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer, power post hole diggers, power post driver, or nonwalking type rotary tiller
- HO 3 – Operating or assisting to operate any of the following machines: trencher or earthmoving equipment, forklift, potato combine, power-driven circular, band, or chain saw
- HO 4 – Working on a farm in a yard, pen, or stall occupied by any of the following animals: bull, boar, or stud horse maintained for breeding purposes or sow with suckling pigs, or a cow with a newborn calf
- HO 5 – Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches
- HO 6 – Working from a ladder or scaffold at a height of over 20 feet
- HO 7 – Driving a bus, truck, or automobile when transporting passengers or riding on a tractor as a passenger or helper
- HO 8 – Working inside any of the following structures: fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere or upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position or manure pit or horizontal silo while operating a tractor for packing purposes
- HO 9 – Handling or applying toxic agricultural chemicals identified by the word “poison,” or “warning,” or identified by a “skull and crossbones” on the label
- HO 10 – Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord
- HO 11 – Transporting, transferring, or applying anhydrous ammonia⁷

At the same time in history as these decisions were made on child labor, public schools were increasing in the U.S. and with it, requirements for children to attend school. Realization of the larger societal benefits of an educated population led to these requirements that today resulted in all states having school attendance laws requiring attendance up to 16, 17, 18, and 19 years

⁶ Ibid.

⁷ <https://www.dol.gov/agencies/whd/fact-sheets/40-child-labor-farms>

of age.⁸ School does not prohibit a young person from working, but it requires a balance of activities at a key point in the development of a person.

The FLSA limits the hours and the times of day that 14- and 15-year-olds in nonagricultural employment may work to:

- Outside school hours
- No more than 3 hours on a school day, including Fridays
- No more than 8 hours on a non-school day
- No more than 18 hours during a week when school is in session
- No more than 40 hours during a week when school is not in session
- Between 7 a.m. and 7 p.m. – except between June 1 and Labor Day when the evening hour is extended to 9 p.m.⁹

For agricultural jobs, minors under the age of 16 may not be employed during school hours unless employed by their parents. School hours are defined as those set by the official calendar for the school district in which a minor is living while employed in agriculture. Work before or after school, during weekends or on other days that the school does not assemble is considered outside school hours.¹⁰

Since the adoption of the FLSA, some states, such as Minnesota and California, have expanded the list of prohibited occupations or jobs for children under 18 years of age, and in some cases, under 16 years of age in an effort to provide more protections for young workers.¹¹ Recently, these expansions as well as the base level protections in the FLSA have been the target of legislative efforts to roll back child labor law protections.

Human Development

Informed decision-making and experience are key factors in ensuring safe job operation, particularly in safety-sensitive roles. Brains of teens and young adults continue to develop into the mid to late 20s.¹² The prefrontal cortex is one of the last parts of the brain to mature and that is the part of the brain responsible for risk assessment, decision-making, and problem solving.¹³ This age-related lack of development for a young person could result in fatal consequences to themselves and/or others in safety-sensitive jobs.

Furthermore, teens and young adults require good and consistent sleep in order for their brains and physical health to thrive. A well-rested worker helps support being a safe worker too. The NSC Fatigue Risk Management Systems policy position includes several recommendations for employers to ensure all workers are well-rested and ready to work.¹⁴

⁸ https://nces.ed.gov/programs/statereform/tab5_1.asp

⁹ <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture#:~:text=no%20more%20than%208%20hours,is%20extended%20to%209%20p.m.>

¹⁰ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf>

¹¹ <https://www.dir.ca.gov/dlse/childlaborlawpamphlet.pdf>

¹² <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know>

¹³ https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

¹⁴ <https://www.nsc.org/getattachment/7e820f4a-8097-45d7-ad3f-d4214581a293/w-fatigue-risk-management-systems-145>

NSC has previously recognized that some jobs are not appropriate for young workers. NSC supports maintaining the requirement that interstate commercial motor vehicle drivers be at least 21 years old.¹⁵ This is due to the fact that younger drivers lack the experience and maturity necessary for operating a vehicle. Crashes are the leading cause of preventable death for U.S. teens, resulting in more than 8 deaths every day.¹⁶

Enforcement and Data

Federal enforcement of the FLSA child labor provisions falls to the Department of Labor Wage and Hour Division. Employers found to be in violation may be subject to monetary penalties, civil fines, and criminal penalties.¹⁷

In addition to the FLSA, state laws also govern the employment of workers under the age of 18. State laws may provide more protection than the federal standards, but not less. In instances where standards set by the state are weaker than those outlined in the FLSA, federal law supersedes the state law, and where state law is stronger than federal law, the state law takes precedence.¹⁸ States may require age verification and/or work permits to allow some young workers to be employed. These laws vary, and employers should be aware of the laws in states in which they operate. Employers must also follow the law that provides the most protection for children who work.¹⁹ State labor departments may also conduct investigations and issue violations.

At least 14 states from 2021 to 2023 have introduced legislation or enacted laws weakening work requirements for children. Eight of those measures have been signed into law. The recent movement in state legislative activity to weaken child labor laws comes in various forms, but several trends have emerged:

- Elimination of age verification and parent/guardian permission requirements
- Elimination of work certificate requirements
- Extended work hours
- Subminimum wage for youth

In addition, some states have proposed or lifted restrictions on youth performing hazardous work, directly conflicting with the standards of FLSA. These new laws allow:

- Elimination of youth work permits²⁰
- Allowing workers as young as 14 to perform FLSA prohibited hazardous jobs
- Allowing workers as young as 15 to perform light assembly work

¹⁵ <https://www.nsc.org/getattachment/b198f93d-972a-471a-a7ce-32affc418f69/T-Minimum-Licensure-Age-CMV-Drivers-127>

¹⁶ <https://injuryfacts.nsc.org/motor-vehicle/road-users/teen-drivers/>

¹⁷ 29 USC 216

¹⁸ Section 18 FLSA

¹⁹ <https://www.dol.gov/agencies/whd/state/age-certificates>

²⁰ Federal law does not require minors to obtain a youth employment certificate in order to hold a job, however most states do.

Simultaneously, child labor violations have been on the rise since 2015 after declining for years, increasing 283% since then.²¹ Since 2019, the Department of Labor reported an 88 percent increase in the number of children employed illegally by companies.²² According to the Department, nearly 5,800 children were employed in violation of federal labor laws during the federal fiscal year, which ended September 30, 2023 – representing a 49 percent increase from the same period the previous year.²³ As of September, 2023, the Wage and Hour Division has over 800 child labor investigations underway.²⁴

Apprenticeships

Apprenticeships are an effective model for reducing workplace injuries, and these programs can help train young and/or inexperienced workers on how to perform jobs safely. One study shows that plumbers who complete apprenticeships experience fewer work injuries throughout their career compared with plumbers with no apprenticeship participation.²⁵ Both through the training of individual workers and engagement with employers, apprenticeship programs promote workplace safety.²⁶ These apprenticeship programs can serve as a talent pipeline into the workforce for young workers and employers with a strong commitment to safety preferentially hire apprentice graduates.²⁷

Justification

The FLSA establishes a floor for protection of young workers. Any employer can go above and beyond its requirements. In July 2022, there were 21 million workers aged 24 and under representing a labor force participation rate of 60.4 percent.²⁸ Like adult workers, young workers encounter physically hazardous work, experience work-related injuries and illnesses, and participate in efforts to protect the safety and health of themselves and others. However, unlike their adult counterparts, young workers often face greater obstacles in understanding and accessing protections typically provided by employment systems, such as the right to know about physical and chemical hazards or the right to refuse dangerous work.²⁹ Young workers often have low awareness of risk, a lack of safety and health training, and inadequate introduction to job duties.³⁰ Because of factors like these, young workers are consistently over-represented in workplace injury statistics. Occupational exposures and injuries can be detrimental not only to a young worker's immediate health and safety but also to their long-term development and ability to work through adulthood.³¹

²¹ <https://www.dol.gov/agencies/whd/data/charts/child-labor>

²² <https://blog.dol.gov/2023/10/19/wage-and-hour-division-working-to-keep-kids-safe>

²³ Ibid.

²⁴ Ibid.

²⁵ Sara Wuellner, David Bonauto. Are plumbing apprentice graduates safer than their non-apprentice peers? Workers' compensation claims among journey level plumbers by apprenticeship participation, *Journal of Safety Research*, Volume 83, 2022, Pages 349-356, ISSN 0022-4375, <https://doi.org/10.1016/j.jsr.2022.09.009>.

²⁶ Ibid.

²⁷ Ibid.

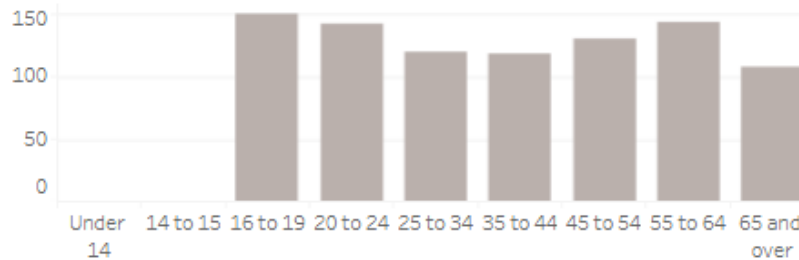
²⁸ <https://www.bls.gov/news.release/pdf/youth.pdf>

²⁹ Turner N, Deng C, Granger S, Wingate TG, Shafqat R, Dueck PM. Young workers and safety: A critical review and future research agenda. *J Safety Res.* 2022 Dec;83:79-95. doi: 10.1016/j.jsr.2022.08.006. Epub 2022 Aug 18. PMID: 36481039.

³⁰ <https://www.sciencedirect.com/science/article/pii/S2093791114000444>

³¹ [Prioritize Industries of High Risk for Oregon Young Workers](#)

Workplace Non-Fatal Injury Rate by Age



In 2020, 352 young workers under the age of 25 died from work-related injuries, including 26 under the age of 18.³² While workers over the age of 25 experience higher fatalities on the job, young workers experience a higher rate of preventable work injuries compared to their adult counterparts. Studies of young workers show between 15 and 41 percent report an injury at work.³³ In 2020, the incidence rate for non-fatal injuries for workers ages 16-19 was 149.8 per 10,000 full-time employees (FTE) and 141.8 per 10,000 FTE for workers ages 20-24.³⁴ In the same year, the rate of work-related injuries treated in emergency departments for workers 15-24 was 1.5 times greater than the rate for workers 25 years of age and older.³⁵ Compared to all age groups, workers aged 16-19 experience:

- Higher contact with object and equipment injury rates
- Higher rates of injuries and illnesses involving both upper and lower extremities
- Higher cut, laceration, and puncture injury rates³⁶

There are several contributing factors to increased injury among young workers, including but not limited to:

- Age, gender, minority status, language barriers and job characteristics
- Lack of experience
- Biological and psychological development
- Managerial attitudes about young workers
- Limited safety training³⁷

³²

<https://www.cdc.gov/niosh/topics/youth/default.html#:~:text=In%202020%2C%20352%20workers%20under,%2C%20ages%2020%E2%80%93243>

³³ <https://nsc-org.app.box.com/file/1227927008378>

³⁴

<https://www.cdc.gov/niosh/topics/youth/default.html#:~:text=In%202020%2C%20352%20workers%20under,%2C%20ages%2020%E2%80%93243>

³⁵

<https://www.cdc.gov/niosh/topics/youth/default.html#:~:text=In%202020%2C%20352%20workers%20under,%2C%20ages%2020%E2%80%93243>

³⁶ <https://injuryfacts.nsc.org/work/industry-incidence-rates/work-injuries-and-illnesses-by-age/>

³⁷ <https://www.sciencedirect.com/science/article/abs/pii/S0022437522001116?via%3DIhub>

All of these factors can contribute to higher risk of injury on the job and should be top of mind for all employers.

NSC believes provisions of the FLSA, including the hazardous occupations, should remain in place, implemented, and enforced nationwide. These protections should apply regardless of citizenship status. NSC also understands the nature of work has changed since the FLSA was enacted, and there may be other safety-sensitive jobs for which this policy position may apply.

Recommendations

Ensuring young workers are safe and healthy in workplaces requires a multifaceted approach.

Employers should recognize the potential risk of serious injury, illness, or death when hiring young workers and create a safe and healthy work environment by taking the following actions:

- Train all employees in workplace hazard recognition and control including how to report hazards when identified
- Comply with federal, state and local regulations associated with youth employment and ensure prioritization of the strongest laws and/or regulations
- Use multiple layers of verification for determining the age of workers
- Ensure parental understanding of and approval for all workers under 18 in a safety sensitive position
- Comply with federal, state, and local regulations associated with youth employment and ensuring prioritization of the strongest laws and/or regulations
- Ensure all employees – especially young workers and their supervisors – are aware of relevant federal, state and local regulations and rights pertaining to youth labor, including the right to refuse dangerous work
- Encourage all workers, especially young workers, to report any safety or health concerns without suffering retaliation and provide the ability to submit reports anonymously
- Understand cultural learnings that may teach people not to challenge authority and how to address it regarding safety situations
- Provide employee resources in multiple formats and languages of workers and contractors and ensure training in additional languages is as thorough as English language training
- Ensure young workers demonstrate an ability to safely perform legal job duties as assigned
- Ensure young workers have appropriate oversight and supervisors are appropriately trained
- Check for work permits for young workers
- Create industry specific checklist for work permit workers to include items like training requirements, comprehension checks and other key prerequisites to ensure proper training
- Label all equipment with a minimum operating age
- Identify ways to highlight for all workers the age of an employee when they are a minor, for example, have a different color badge
- Identify, correct and eliminate hazards
- Seek information about safe work practices for young workers from resources like the U.S. Wage and Hour Division or state regulators

- Hold contractors, dual or joint employers, multi-employers and temporary staffing providers to the same standards
- Ensure appropriately fitting personal protective equipment in youth sizing is available and worn to minimize exposure to hazards that could cause serious injuries and illnesses

Federal and State Policymakers should:

- Follow provisions of the FLSA and state child labor laws to keep young workers safe.
- Continue enforcement of FLSA and state child labor laws to keep young workers safe, including setting an appropriate minimum age based on the work.
- Maintain robust age verification of workers and/or state-mandated permits to employ and work, including minimum age requirements for specific types of work.
- Maintain appropriate work hours for young workers so that they can receive adequate rest and attend school. Research shows 7-9 hours of sleep each night is optimal.
- Maintain equal wages for young workers and in accordance with state and federal laws.
- Support policies to increase education, training, and restrictions for young people on workplace safety and health.
- Require employers to provide the same safety and hazard information to the parents and/or legal guardian of the young worker that was provided to the young worker. This should include the planned and potential work duties to which the young worker may be assigned.
- Conduct outreach, training, and education regarding the FLSA and child labor laws in communities to raise awareness and help identify potential violations.
- Promote and expand protections for young workers who are victims of labor trafficking and human trafficking under existing federal and state laws.
- Support requests to bolster funding for enforcement of child labor laws, including but not limited to increasing money appropriated to the U.S. Department of Labor Wage and Hour Division.
- Support increased penalties on employers who violate FLSA.
- Support policies to expand FLSA authority to include contractors and subcontractors.

This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.

Adopted by the National Safety Council, December 2023