



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #2A: Child Labor Rules for Employing Youth in Restaurants and Quick-Service Establishments Under the Fair Labor Standards Act (FLSA)

Revised July 2010

This fact sheet provides general information concerning the application of the federal child labor provisions to restaurants and quick-service establishments that employ workers who are less than 18 years of age. For detailed information about the federal youth provisions, please read Regulations, [29 CFR Part 570](#).

The Department of Labor is committed to helping young workers find positive, appropriate, and safe employment experiences. The child labor provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being, or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults. For information about the minimum wage and overtime requirements in the restaurant and quick-service industries, please see [Fact Sheet 2](#) in this series, *Restaurants and Quick Service Establishment under the Fair Labor Standards Act*.

Minimum Age Standards for Employment

The FLSA and the child labor regulations, issued at [29 CFR Part 570](#), establish both hours and occupational standards for youth. Youth of any age are generally permitted to work for businesses entirely owned by their parents, except those under 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous.

18 Years of Age

Once a youth reaches 18 years of age, he or she is no longer subject to the federal child labor provisions.

16 & 17 Years of Age

Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor. Examples of equipment declared hazardous in food service establishments include:

Power-driven meat and poultry processing machines

(meat slicers, meat saws, patty forming machines, meat grinders, and meat choppers), commercial mixers and certain power-driven bakery machines. Employees under 18 years of age are not permitted to operate, feed, set-up, adjust, repair, or clean any of these machines or their disassembled parts.

Motor Vehicles

Generally, no employee under 18 years of age may drive on the job or serve as an outside helper on a motor vehicle on a public road, but 17-year-olds who meet certain specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job. Such minors are, however, prohibited from making time sensitive deliveries (such as pizza deliveries or other trips where time is of the essence) and from driving at night. (See [Fact Sheet #34: Child Labor Provision and the Driving of Automobiles and Trucks under the Fair Labor Standard Act](#).)

Balers and Compactors

Minors under 18 years of age may not load, operate, or unload balers or compactors. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under certain specific circumstances. ([See Fact Sheet #57](#), in this series, Hazardous Occupations Order No. 12. Hazardous Occupations Order No. 12, *Rules for Employing Youth and the Loading, Operating, and Loading of Power-Driven Balers and Compactors under the Fair Labor Standards Act (FLSA)*).

14 & 15 Years of Age

Fourteen- and 15- year-olds may be employed in restaurants and quick-service establishments outside school hours in a variety of jobs for limited periods of time and under specified conditions. Child Labor Regulations No. 3, 29 C.F.R. 570, Subpart C limits both the time of day and number of hours this age group may be employed as well as the types of jobs they may perform.

- outside school hours;
- no more than 3 hours on a school day, including Fridays;
- no more than 8 hours on a nonschool 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.
- They may perform cashiering, table service and "busing," and clean up work, including the use of vacuum cleaners and floor waxers.
- They may perform kitchen work and other work involved in preparing food and beverages, including the operation of devices used in such work, such as dish-washers, toasters, milk shake blenders, warming lamps, and coffee grinders.
- They may perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook with deep fat fryers that are equipped with and utilize devices that automatically raise and lower the "baskets" into and out of the hot grease of oil. They may not operate NEICO broilers, rotisseries, pressure cookers, fryolators, high-speed ovens, or rapid toasters.
- They may not perform any baking activities.
- They may dispense food from cafeteria lines and steam tables and heat food in microwave ovens that do not have the capacity to heat food over 140° F.
- They may not operate, clean, set up, adjust, repair or oil power driven machines including food slicers, grinders, processors, or mixers.
- They may clean kitchen surfaces and non-power-driven equipment, and filter, transport and dispose of cooking oil, but only when the temperature of the surface and oils do not exceed 100° F.
- They may not operate power-driven lawn mowers or cutters, or load or unload goods to or from trucks or conveyors.
- They may not work in freezers or meat coolers, but they may occasionally enter a freezer momentarily to retrieve items.
- They are prohibited from working in any of the Hazardous Orders (discussed above for 16- and 17-year-olds)

Under 14 Years of Age

Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA, including food service establishments. Permissible employment for such children is limited to work that is exempt from the FLSA (such as delivering newspapers to the consumer and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting

Work Experience and Career Exploration Program (WECEP)

WECEP is a program designed to provide a carefully planned work experience and career exploration program for 14- and 15-year-old youths who can benefit from a career oriented educational program designed to meet the participants' needs, interests and abilities. The program is aimed at helping youths to become reoriented and motivated toward education and to prepare them for the world of work

State Departments of Education are granted approval to operate a WECEP by the Administrator of the Wage and Hour Division for a 2-year period. Certain provisions of child labor provisions are modified for 14- and 15-year-old participants during the school term.

Students enrolled in an authorized WECEP:

- They may work during school hours.
- They may work up to 3 hours on a school day; and as many as 23 hours in a school week.
- May work in some occupations that would otherwise be prohibited under a variance issued by the Administrator, but they may not work in manufacturing, mining or any of the 17 Hazardous Occupations.

Individual employers may partner with participating local school districts in those states authorized to operate WECEPs

Work-Study Program (WSP)

WSP is a program designed to help academically oriented students enrolled in a college preparatory high school curriculum pursue their college diplomas. Some of the hours standards provisions of Child Labor Regulation No. 3 are varied for certain 14- and 15-year-old students participating in a Department of Labor approved and school-supervised and administered WSP. Participating students must be enrolled in a college preparatory curriculum and identified by authoritative personnel of the school as being able to benefit from the WSP.

Students enrolled in an authorized WSP:

- May work no more than 18 hours in any one week when school is in session, a portion of which may be during school hours, in accordance with the following formula that is based upon a continuous four-week cycle.
 - In three of the four weeks, the participant is permitted to work during school hours on only one day per week, and for no more than for eight hours on that day.
 - During the remaining week of the four-week cycle, such minor is permitted to work during school hours on no more than two days, and for no more than for eight hours on each of those two days
 - The employment of such minors would still be subject to the remaining time of day and number of hours standards contained Child Labor Regulation No. 3 and discussed earlier in this fact sheet.
- Are held to all the occupation standards established by Child Labor Regulation No. 3

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website:

<http://www.dol.gov/agencies/whd> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.



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