



WISCONSIN CHILD LABOR LAWS YOUTH VOLUNTEERS

Reference Guide

1. What do child labor laws have to do with youth volunteers?

Wisconsin's child labor and street trades laws apply to persons under eighteen years of age who are employed or permitted to work at an employment or in any place of employment. The permitted to work language would apply to volunteers who perform work for which persons would normally be paid to perform. (For example, a food stand at a fair)

2. How are youth involved in community service or service learning affected by state child labor laws?

Wisconsin law attempts to ensure the health, safety and general welfare of minors in this state who work. That protection extends to persons performing community service or service learning. The law seeks to accomplish this goal in several ways. The law sets minimum age limits for minor to begin working. It permits this department to regulate the types of work a minor may perform to ensure minors don't perform hazardous work. The law also limits the number of hours per day and per week as well as the times of day that minors may work. All of these restrictions apply both to employees and the volunteers.

3. What are the specific restrictions/regulations governing youth that work in food stands and any non-profit organization?

Wisconsin breaks its child labor regulations into two areas: street trades and child labor. Street trades include things like newspaper delivery/sales, door-to-door sales and occupations normally performed on the street/sidewalk. Child labor includes almost every other type of work involving minors except for performers in public exhibitions (actors, musicians, etc.).

Street Trades: Minors must be at least 12 years old to work in a street trade except fund raising for a non-profit organization. These minors normally may not work prior to 7 a.m. (except for newspaper delivery at 5 a.m.) in the morning and may not work past 8 p.m. on nights preceding school days or 9 p.m. on other nights. Twelve through 15 year old minors may work up to four hours a day on school days and eight hours a day on other days with a total of 18 hours a week in school weeks and 40 hours a week in non-school weeks. Sixteen and 17 year old minors may work the same hours as those minors engaged in child labor.

Child Labor: Minors must be at least 14 years of age to work in child labor with several limited exceptions. Minors may work at 12 years of age in agriculture, domestic service around the home of the employer, work in the parent's business if a sole proprietorship. Minors 12-15 years of age may not work prior to 7 a.m. On school days these minors must complete work by 8 p.m. On non-school days, 12-13 year olds may work until 9:30 p.m. while 14-15 year olds may work until 11 p.m. Twelve to 15 year olds may work 4 hours on a school day and up to 8 hours on other days. During school weeks they may work up to 18 hours and up to 40 hours in non-school weeks.

Sixteen and 17 year old minors may work up to 5 hours on a school day and up to 26 hours during a school week. On school days they may work prior to 7 a.m. nor later than 11 p.m. During non-school weeks these minors may work up to 50 hours per week and any time day or night. If they work between 12:30 a.m. and 6 a.m., they must have direct adult supervision.

The department also regulates the types of work that minors perform. The regulations contained in DWD 270.06 Hazardous Employments. This section of the rules attempts to list those specific types of machines, work sites or activities that present a hazard to minors of various ages.

4. What age must a minor be to work as a volunteer at a food stand at a fair, church festival or street carnival for non-profit organizations like 4-H, scouts, or a church group?

The answer to this question depends upon whether the stand represents a street trade or a child labor situation. If a stand is in a permanent or semi-permanent location at the fair, for example, it would fall under the child labor regulations. Let's say the non-profit group leases the concession/kitchen area in a building at the fairgrounds. This clearly would be child labor. Minors working in this stand need to be at least 14 years of age.

If a stand is movable stand located on the fair grounds, at a carnival or a church festival, it would fall under the heading of street trade. The grounds represent a public site. Minors working in this stand need to be at least 12 years of age.

[Please see letter from Robert Anderson dated April 12, 1999 for clarification of this question in regards to those stands that are located on public grounds. This letter is attached to this document]

5. In a street trade type food stand, what types of work may a twelve or thirteen year old may perform?

These minors may wait on customers, cashier, clean tables and wash dishes. They can serve non-alcoholic beverages from coffee urns, soda machines, or soda hoses. They can do food preparation such as assemble sandwiches, remove food from warmers or put ingredients together. They may not cook food of any type, operate any power equipment (including a microwave oven) or operate any cutting slicing type of machinery. Under no circumstances may any minor serve, sell, or handle alcoholic beverages.

Volunteers are encouraged to review the products sold and operating procedures to develop policies in food stands to keep youth safe and to make foods sales a fun, educational experience. A strong adult to youth ratio for volunteers in food stands further insure safety and the educational value of these activities for youth.

6. Do youth who volunteer need a permit?

No

7. How are youth involved in fund raising affected by child labor laws?

The child labor and street regulations apply to these individuals with one exception. Individuals engaged in door-to-door sales for the purpose of fund raising for a non-profit organization may perform this work at any age. Minors under nine years of age must be accompanied by an individual sixteen years of age while on the street.

8. How do the child labor and street trades laws impact upon the following activities of a community service nature?

Leaf Raking: Volunteering to rake leaves for a neighbor, elderly or disabled person falls under the heading of domestic work around the home of the employer. The minor may be 12 years of age to perform this work. As long as they use only hand rakes the work would be okay. In order to use a power vacuum or blower, the minor would need to be 16 years of age.

Roadside clean-up: A 12 year old minor may volunteer to perform this work since it constitutes a street trade.

Performing in a nursing home: By performing, I assume you mean acting, singing, playing a musical instrument or doing some type of performing of that nature. These activities fall under the heading of a public exhibition. A minor of any age may engage in these activities.

If “performing” means working at the nursing home cleaning or performing other duties in the nursing home, the minimum age would be 14 years of age. Beyond the age limit, however, no minor may volunteer to work for free to perform work that normally would be performed by a paid employee.

Playing BINGO with senior citizens: I would consider this to be a public exhibition since the principal purpose is to entertain the seniors. Minors of any age could perform this activity.

9. What specific regulations apply to minors volunteering to work in agricultural types of jobs?

First of all, let’s distinguish between agricultural types of jobs and agriculture. Driving a tractor on a farm is agriculture. Driving a tractor for a landscaping business isn’t agriculture but might be consider an agricultural type of job. Persons performing agricultural work must be at least 12 years of age and may work unlimited hours during peak seasons. By contrast, agricultural type employments fall under the regular child labor regulations. That would mean a minor must be 14 years of age.

10. How are potential violations reported and investigated?

Anyone may file a complaint with the department alleging a business, organization or private individual may have violated state child labor, street trades or public exhibitions laws. The Labor Standards Bureau within the department then would assign an investigator to gather information concerning the allegation, document any violations and seek compliance. Seeking compliance may involve seek voluntary compliance or it may involve litigation to assess statutory penalties for violation of the law. Individuals who permit minors to work in violation of the law may be fined up to \$5,000 for each violation. Each day each minor is permitted to work in violation of the statute represents a separate violation.

11. How can youth or adults impact and provide input legislation on youth volunteerism?

People need to communicate their concerns to their elected state representative or state senator. Legislators like to tell an old joke that has a lot of truth in it. If one person contacts a legislator about a perceived problem, the legislator listens but doesn’t get to excited about it. If two people contact a legislator about the same problem, it becomes a problem to the legislator. If several people contact a legislator about a problem, that issue becomes a crisis in the legislator’s view. You decide what is important to your legislator. If you aren’t satisfied with the way the current laws deal with the use of youth volunteers, you need to communicate your concerns to your elected representatives.

When you contact your representative, be positive. State what you perceive to be the problem and why you regard it as a problem. Offer the representative an idea of what you believe would be an appropriate resolution to the problem. For example, a legislator might agree with you that world hunger is a terrible tragedy. If you don’t have some concrete steps that you would like to pursue to address the problem, nothing with happen. The proposed steps also need be realistic. Sending every starving person in the world \$200.00 might end hunger such a proposal will not pass the Legislature.

12. Who can we contact if we have additional questions about volunteering and child labor laws?

If you have questions about the law as it applies to volunteers, you can call either our Milwaukee office at 414-227-4384 or our Madison office at 608-266-6860. If you want to discuss a specific proposal for changing the current law with someone in the department, you may call me.

Sincerely,
Labor Standards Bureau

Robert S. Anderson
Director
608-266-3345



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April 12, 1999

LINDA KUSTKA
UW-EXTENSION
328 LOWELL HALL
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Dear Ms. Kustka:

In recent months you and I have had several communications concerning the department's policy on the use of minors at food stands at fairgrounds and other similar public places. The department normally treated minors working at temporary or movable stands to be covered by Wisconsin's Street Trades law. Minors who work at fixed or permanent stands on the fairgrounds or other public place were considered covered under Wisconsin's Child Labor law. Consequently there might be two similar stands on the fairgrounds located near each other that were covered by different laws. This situation creates confusion for employers and volunteer groups who operate these stands.

After reviewing this problem, the department has decided to adopt the following enforcement policy with respect to food stands and booths at fairgrounds, public parks, public festivals and similar public places. The department will treat all food stands and booths located on public grounds to be covered by Wisconsin Street Trades law regardless of whether the stand or booth itself is temporary, movable, fixed or permanent in nature. For enforcement purposes of this policy the department will consider "public grounds" to include publicly owned land which is open to the public (fairgrounds, schools, parks, ball parks and government buildings) and privately owned property which is open to the public (common areas of shopping malls, private lands open to the public for festivals by church or other non-profit groups. The department hereby adopts this policy effective May 1, 1999.

With respect to volunteer groups such as 4-H clubs, this means the club may utilize minors of all ages in the booth or food stand for the purpose of fundraising for the club.' The minors may perform common types of work like cashiering, waiting on customers and serving food. Persons under eighteen years of age may not operate meat slicers or grinders and other hazardous pieces of equipment. If individuals under nine years of age are utilized, an individual sixteen years of age or older must accompany the individual while they work.

I hope this change in policy helps to simplify compliance with Wisconsin child labor laws for the groups you represent.

Sincerely,
Labor Standards Bureau

Robert S. Anderson
Director