Employing children on the farm

Labor rules are often different for the farm compared to other industries. Many exemptions exist for agricultural-related jobs, but there are still labor laws setting the parameters of legality. Agriculture often hires youth to do many tasks, from driving tractors to loading hay bales on wagons.

The law treats farmers' children and grandchildren differently than non-related children working on the farm. A farmer's own child or grandchild can do any type of job, even those that are considered "hazardous" by labor laws. It does not matter whether the child is a stenchild, adopted or a foster child, as long as the farmer is the legal guardian.

The type of work that a youth other than a child or grandchild can do on a farm depends upon the youth's age. Other youth includes students, neighbor kids, friends, nieces and nephews. Types of work based on age are given below:

- 16- and 17-year-olds — May perform any type of farm job including agricultural jobs considered hazardous.
- 14- and 15-year-olds — May not perform any job listed as hazardous unless the child holds a 4-H or vocational agriculture certificate of completion for tractor operation or machine operation, and the employer keeps a copy of the certificate on file with the minor employee's record.
- 12- and 13-year-olds — May not perform hazardous jobs. May only perform non-hazardous jobs with written consent for employment from a parent or guardian, or if the child is working on a farm that also employs the child's parent or guardian.
- 11-year-olds and younger — May not perform hazardous jobs. May only perform non-hazardous farm work if a parent or guardian gives written consent and if the child will be working on a farm where employees are exempt from minimum wage requirements.

Ohio follows the federal government's definition of hazardous activities. Hazardous activities as defined by labor laws include:

- Operating a tractor with over 20 percent loss of power or engine power, or disconnecting an implement or any of its parts to or from such a tractor.
- Operating or helping operate a tractor operating a machine (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: grain combine, hay mower, forage harvester, hay baler, feed grinder, corn dryer, forage blower, auger conveyor, unloading mechanism of a large gravity-type self-unloading wagon, power post driver, non-walking type rotary tiller, trencher or earthmoving equipment, forklift, combine or power-driven circular, band, or chain saw. This is only a partial list.
- Working on a farm in a yard, pen, or stall occupied by a bull, boar or stud horse maintained for breeding purposes, a sow with suckling pigs, or a cow with a newborn calf with umbilical cord present.
- Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches.
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
- Driving a bus, truck or automobile when transporting passengers or riding on a tractor as a passenger or helper.
- Working inside fruit, forage, or grain silo area designed to retain an oxygen-deficient or toxic atmosphere; an upright silo within two weeks after silage has been added or when a top unloading device is in operating position; a manure pit; or a horizontal silo while operating a tractor for packing purposes.
- Transporting, transferring, or applying anhydrous ammonia.
- Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals with the toxicity signal word "warning" or "danger" on the label.
- Handling or using a blasting agent, including but not limited to dynamite, black powder, ammonium nitrate, blasting caps, and primer cord.

Farmers should take the following steps to ensure they do not violate labor regulations:

- Verify the child's age and keep records of your verification.
- Know the list of agricultural work that is considered hazardous.
- Remember that only immediate children or grandchildren are exempt from the hazardous jobs regulation.
- Ensure that your child employees know which jobs they may do and which jobs they may not perform.
- Review safety practices with your youth employees.

For 14- and 15-year-olds who have completed a 4-H or vocational agriculture tractor or machinery operation certificate, maintain a copy of the certificate with the employee's records.

This information was adapted from an article written by Ohio State University Extension's Agricultural & Resource Law Program specialists, Peggy Hall and Catherine Daniels.

More information on farm youth labor laws may be found at https://ohiosaflaw.wordpress.com/2013/06/10/youth-on-the-farm-what-type-of-farm-work-can-they-perform

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