Youth labor on farm restricted

It is currently a tight labor market for all industries. Farmers have the need for seasonal labor at planting and harvest and for miscellaneous work the rest of the year. Youth have often assisted with the miscellaneous activities. However, there are legal restrictions on what youth can do during the school year.

Ohio law restricts the time of day and number of hours that youth under the age of 18 can work on the farm. The law varies according to the age of the youth, and in some situations will require written parental consent.

Peggy Hall, Ohio State University Extension agr law field specialist, recently listed some of these rules for youth labor during the school year:

Restrictions for those 16 and 17 years old:
- Cannot work before 7 a.m. on school days, with the exception that they can work starting at 6 a.m. if they were not working past 8 p.m. the night before.
- Cannot work after 11 p.m. on a school night, which means a night when the minor has school the next day.
- No daily or weekly limits on the number of hours the youth can work.

Restrictions for those 14 and 15 years old:
- Cannot work during school hours while school is in session.
- Cannot work before 7 a.m. or after 7 p.m., but can work until 9 p.m. from June 1 to Sept. 1 or during any school holiday or break lasting more than five weekdays.
- Cannot work more than three hours during a school day or more than eight hours during a non-school day.
- Cannot work more than 18 hours in a week while school is in session, unless the job is part of a work education program such as vocational training or work study.
- Restrictions for those 12 and 13 years old:
  - The same time restrictions and daily and weekly hour limits as 14- and 15-year-olds, but there is no exception to the 18-hour weekly limit for vocational training or work study programs.
  - Employer must obtain written parental consent for the youth to be working, unless the youth's parent or legal guardian also works on the same farm.

Restrictions for those under 12:
- Can only work on a farm where employees are exempt from the federal minimum wage, which includes farms of an immediate family member or a "small farm" that used fewer than 500 “man days” of agricultural labor in any calendar quarter the preceding year.
- A "man day" is a day during which an employee performs agricultural work for at least one hour.
- Exception: local youths 10 and 11 may hand harvest short-season crops outside school hours for no more than eight weeks between June 1 and Oct. 15 if their employers have obtained special waivers from the U.S. secretary of labor.
- The same daily time restrictions and daily and weekly hour limits for 14- and 15-year-olds apply to youth under 12 years old, but there is no exception to the 18-hour weekly limit for vocational training or work study programs.
- Employer must obtain written parental consent for the youth to be working.

The other labor laws that typically apply to youth doing agricultural work on a farm continue to apply throughout the school year.

For example, employers must maintain records for youth employees, provide a written agreement of compensation and a statement of earnings on payday, and a 30-minute rest period if the youth works more than five consecutive hours.

An employer can’t assign any youth under the age of 16 to a “hazardous” job or task unless the youth is 14 or 15 and has a certificate of completion for tractor or machine operation.

Ohio follows the federal government’s definition of hazardous activities. Some hazardous activities as defined by labor laws include:
- Operating a tractor with over 20 power take-off (PTO) horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
- Operating or assisting to operate any of the following machines: grain combine, hay mower, forage harvester, hay baler, feed grinder, crop dryer, forage blower, auger conveyor, 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.
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.

Further information about these and other laws that apply to youth under 18 working on a farm is in our new law bulletin, “Youth Labor on the Farm: Laws Farmers Need to Know,” available here:
https://farmoffice.osu.edu/sites/aglaw/files/site-library/YouthLabor.pdf

by Peggy Kirk Hall, associate professor, agricultural and resource law.

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Lentz is extension educator for agriculture and natural resources for the Ohio State University Extension Service in Hancock County. He can be reached at 419-422-3851 or via email at lentz.38@osu.edu.

Lentz can be heard with Vaun Wickerham on weekdays at 6:35 a.m. on WFIN, at 5:43 a.m. on WAGK-AM, and at 5:28 a.m. at 106.3 The Fox.