

Farm Employee Management: Farm Safety and Hiring Youth on the Farm

File C1-79

Many farm and other agribusiness operations consider hiring youth for summer employment. This article will outline a few guidelines, and also provide some web-based resources with answers to other questions.

We sometimes see tragic accidents – deaths and serious injuries – involving young farm workers. These kinds of deaths and injuries to young people served as the impetus for regulators to propose strengthening child labor rules related to farm employment in 2011. However, the US Department of Labor (“DOL”) abandoned proposed regulations in favor of increased farm safety programs.

The proposed regulations **would not** have applied to children working on farms owned by their parents under what is known as the “parental exemption” which allows children of any age who are employed by their parent, or a person standing in the place of a parent, to perform any job on a farm owned or operated by their parent or such person standing in the place of a parent. However, the proposals **would** have had other impacts in non-family farm employment situations, such as prohibiting youth (in all employment) from using cellphones or other electronic devices while operating power-driven equipment. Children under the age of 16 would have been prohibited from operating almost all power-driven equipment with limited exemptions for student learners. After taking input, the DOL issued a statement regarding withdrawal of the proposals noting that the “administration is firmly committed to promoting family farmers and respecting the rural way of life, especially the role that parents and other family members play in passing those traditions down through the generations.” Rather than adopting the proposed regulations, the DOL sought to work with rural stakeholders to develop educational programs to reduce accidents to young workers and promote safer agricultural working practices.

The need for continued vigilance and enhanced farm safety programs is undisputed. In the meantime – and particularly because of significant media attention given to this issue – farm producers have questions regarding the current rules for youth employment in farm and other ag-related occupations.

The basic guidelines include the following:

- Youths of any age may work at any time in any job on a farm owned or operated by their parents.
- Youths ages 16 and above may work in any farm job at any time.
- Youths aged 14 and 15 may work outside school hours in jobs not declared hazardous by the DOL.
- Youths 12 and 13 years of age may work outside of school hours in non-hazardous jobs on farms that also employ their parent(s) or with written parental consent.
- Youths under 12 years of age may work outside of school hours in non-hazardous jobs with parental consent, but only on farms where none of the employees are subject to the minimum wage requirements of the FLSA – meaning small farms.
- Local youths aged 10 and 11 may hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 if the employer has obtained special waivers from the DOL.

Again, minors under the age of 16 may not work in **hazardous** occupations in agriculture unless the youth is employed on a farm **owned or operated** by the parents. Also, 14- and 15-year old student learners enrolled in vocational agricultural programs are exempt from certain hazardous occupation prohibitions when certain requirements are met; and minors aged 14 and 15 who hold

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certificates of completion of training under a 4-H or vocational agriculture training program may work outside school hours on certain equipment for which they have been trained.

Hazardous occupations in agriculture would include the following particular examples:

- Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor;
- Operating or working with a corn picker, grain combine, hay mower, forage harvester, hay baler, potato digger, feed grinder, crop dryer, forage blower, auger conveyor, unloading mechanism of a nongravity-type self-unloading wagon or trailer, power post-hole digger, power post driver, or nonwalking-type rotary tiller;
- Operating or working with a trencher or earthmoving equipment, fork lift, potato combine, or power-driven circular, band or chain saw;
- Working 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, buckling, skidding, loading, or unloading timber with a butt diameter or more than 6 inches;
- Working from a ladder or scaffold at a height of over 20 feet;
- Driving a bus, truck or automobile to transport passengers, or riding on a tractor as a passenger or helper;
- Working inside a fruit, forage, or grain storage designed to retain an oxygen-deficient or toxic atmosphere; an upright silo within 2 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;

- Handling or applying toxic agricultural chemical identified by the words “danger,” “poison,” or “warning” or a skull and crossbones on the label;
- handling or using explosives; and
- transporting, transferring, or applying anhydrous ammonia.

The examples summarized above are based on federal regulations, but there may also be applicable state rules. Depending on the state where the youth employment takes place, those state rules should be consulted, and the law setting the most stringent standard (either state or federal) must be observed.

It is impossible to over-emphasize farm safety for all workers, both youth and adults. Producers should conduct farm safety audits and institute an on-going farm safety education program. Additionally, producers should consult with their own legal counsel for specific advice on any employment or liability questions that may arise, and consult with their insurance professionals to assure that adequate liability coverage is maintained for the operation.

Finally, here are some web-based resources with more information about hiring youth on the farm:

Child Labor Requirements In Agricultural Occupations Under the Fair Labor Standards Act (Child Labor Bulletin 102) (revised June 2007) -
www.dol.gov/whd/regs/compliance/childlabor102.pdf

Federal Youth Employment Laws in Farm Jobs (Fact Sheet #40, US Department of Labor, Wage and Hour Division) -
www.dol.gov/whd/regs/compliance/whdfs40.pdf

Iowa child labor laws and guidelines -
www.youthforiowa.org/laborlaws.html

Finally, the Practical Farmers of Iowa have a Frequently-Asked-Questions page regarding farm employment that includes information about wages for youth on the farm:

practicalfarmers.org/member-priorities/beginning-farmers/farm-employment-faq/

Farm Employee Management Series Articles

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C1-73 - Assembly of Farm Job Descriptions

C1-74 - Put Job Descriptions to Work on Your Farm

C1-75 - Evaluation and Selection of Job Candidates

C1-76 - Getting the New Employee Off to a Good Start on Day One

C1-77 - Employment Eligibility Verification – The Basics of Form I-9 Compliance

C1-78 - New Employee Orientation

C1-79 - Farm Safety and Hiring Youth on the Farm

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