Indiana Child Labor Law

Both Indiana and federal law regulate employment of minors. Generally, the primary restrictions involve the ages at which minors may be employed, the hours during which they may work, and the types and nature of jobs they may perform, but there are various other requirements as well. A "minor" is defined for purposes of the minor employment laws as an individual who has yet to attain the age of 18. Many state and federal protections for minors overlap, but if they differ, the law that provides greater protection controls. Generally, minors may be employed beginning at age 14, but there are exceptions that allow minors under age 14 to work as newspaper carriers, golf caddies, domestic service workers, entertainers, and farm laborers.

Indiana law requires employers to obtain work permits for minors they employ. That requirement, however, doesn't apply to minors who have graduated from high school or received a general educational development diploma. The work permit typically is issued by a school officer.

Additionally, Indiana law requires employers that employ minors to post and keep posted in a conspicuous place or in places in which notices to employees customarily are posted, a printed notice that provides the maximum number of hours minors may be employed each day and week and the hours during which they're permitted to work. A form for providing such notice can be obtained from the Indiana Department of Labor.

Hours-of-Work Restrictions
A primary limitation on the employment of minors relates to the hours during which they may work. In general, all minors must have at least one day off per workweek. The hours-of-work restrictions vary depending on age.

Under age 14. As noted above, minors under age 14 may work as newspaper carriers, golf caddies, domestic service workers, entertainers, or farm laborers. Nonetheless for a variety of legal and practical reasons most employers are well advised not to employ anyone under age 14. Restrictions on hours of work generally don't apply to those occupations. No minors however, may be employed in any occupation during hours in which they are required to be in school (assumed to be 7:30 – 3:30 p.m.) unless their school issues a written exception.

Ages 14 and 15. During the school year, minors ages 14 and 15 may work up to three hours per school day and eight hours per non-school day. For purposes of the hours-of-work restrictions for minors, Indiana law defines a “school day” as a day that contains more than four hours of classroom instruction, a “school week” as a week that contains three or more school days, and a “non-school week” as a week that contains two or fewer school days. They may work a maximum of 18 hours in any school week and 40 hours in any non-school week (typically during the summer). They generally may not work before 7:00 a.m. or after 7:00 p.m. during the school year, though they may work until 9:00 p.m. from June 1 through Labor Day. Such minors must have at least one day off per workweek.

Age 16. Minors age 16 may work up to eight hours per day and 30 hours per week. They may not work more than six days in any one week and may not work before 6:00 a.m. or later than
10:00 p.m. on a day followed by a school day. With written parental permission, however, they may work up to 40 hours per school week, nine hours per non-school day, and 48 hours per non-school week. With such permission, they also may work until midnight on nights not followed by a school day.

**Age 17.** During school days and school weeks, minors age 17 may work up to eight hours per day and 30 hours per week. They may not work more than six days in any one week and may not work before 6:00 a.m. or after 10:00 p.m. on a day followed by a school day. With written parental permission, however, they may work up to 40 hours per school week and may work until 1:00 a.m. on nights followed by a school day; however, the nights followed by a school day on which they work later than 11:30 p.m. may not be consecutive and may not exceed two nights per week.

During non-school days and non-school weeks, minors age 17 may work up to eight hours per day and 30 hours per week. With parental permission, however, they may work up to nine hours per day and 48 hours per week. There are no limits on the times of day during which they may work on non-school days and during non-school weeks.

**Prohibited types of employment**
As a general rule, minors aren't permitted to work in hazardous occupations. The scope of work that's considered hazardous for purposes of the child labor laws is broad and varies depending on the age of the minor at issue.

**Ages 16 and 17.** With limited exceptions, employers may not employ minors ages 16 and 17 in any of the following occupations:

- occupations in or about plants or establishments that manufacture or store explosives
- motor vehicle driving and outside helper
- coal or other mining
- logging and all occupations in the operation of any sawmill, lathe mill, shingle mill, or cooperage-stock mill
- occupations involving the operation of power-driven woodworking machines
- occupations involving exposure to radioactive substances
- occupations involved in the operation of power driven metal-forming, punching, and shearing machines
- occupations in or about slaughtering and meat-packing establishments and rendering plants
- occupations involved in the operations of certain power-driven bakery machines
- occupations involved in the manufacturing of brick, tile, and kindred products
- occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears
- occupations involved in wrecking, demolition, and ship-making operations
- occupations in roofing operations and
- occupations in excavation operations.
There are however, certain exceptions for some of those occupations that allow students to work on properly guarded machines in a training/development situation under the personal supervision of an instructor. Employers are generally well advised to avoid employing such minors in those occupations, even under training/development situations.

**Ages 14 and 15.** Employers may not employ minors age 14 and 15 to engage in any of the following occupations:

- any manufacturing occupation
- any mining occupation
- processing occupations such as filleting fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries and dry cleaners (except in retail, food service, or gasoline service establishments and under the restrictions provide for those establishments)
- occupations requiring the performance of any duties in workrooms or workplaces in which goods are manufactured, mined, otherwise processed (except in retail, food service, or gasoline service establishments and under the restrictions provide for those establishments)
- public messenger services
- operation or tending of hoisting apparatus or any power-driven machinery (other than office machines and certain machines in retail, food service, or gasoline service establishments and under the restrictions provide for those establishments)
- any occupations found and declared to be hazardous
- occupations connected with (1) transportation of persons or property by rail, highway, or air, on water, by pipeline, or by other means; (2) warehousing and storage; (3) communications and public utilities; and (4) construction, including repair (except office or sales work in connection with those occupations when not performed in transportation media or at an actual construction site)
- any of the following occupations in retail, food service, or gasoline service establishments: (1) work performed in or about boiler or engine rooms; (2) work in connection with maintenance or repair of the establishment, machines, or equipment; (3) outside window washing that involves working from windowsills and all work requiring the use of ladders, scaffolds, or their equivalent; (4) cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking; (5) occupations that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers; (6) work in freezers and meat coolers in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas); (7) loading and unloading goods to and from trucks, railroad cars, or conveyors, and (8) all occupations in warehouses except office and clerical work.

**Rest Breaks**

Indiana law requires certain rest breaks for minors. Generally, minors who are scheduled to work at least six consecutive hours must be provided a rest break of at least 30 minutes during the time beginning three hours after and ending five hours after they begin their period of duty. There are exceptions, however, that the minor rest break requirement doesn’t apply to:
• minors over age 14 who perform farm labor or domestic services or act as caddies or newspaper carriers during hours in which they aren’t required to be in school;
• minors who work as actors or performers
• minors who have graduated from high school
• minors age 16 or older who have completed an approved or special education program
• minors age 16 or older who aren’t enrolled in a regular school term; and
• minors employed at camps or other facilities that provide opportunities for outdoor group living for all or any part of the day, provided recreational, health, educational, or sectarian-related activities, and are operated by a non-profit entity.

Penalties for violations

Federal penalties for violating child labor laws can be severe. For example, federal law authorized fines of up to $10,000 per violation and even established criminal penalties under certain circumstances. State law penalties generally are less severe. Under Indiana’s child labor laws, the Bureau of Child Labor assesses penalties for each violation that typically range from warning letters to fines of $50 to $400 per violation.