Do You WORK?

Protect Your Health
Know Your Rights

A Guide for Working Teens

2007

Are You Working or Looking for a Job?

If you are like most young people the answer is probably "Yes." Work is a big part of life for many teenagers and while having a job can bring a lot of benefits there are also potential risks.

Every year, over 200,000 teenagers in the U.S. are injured on the job, and tragically, nearly 70 die from work-related injuries.

So how can you protect yourself? You can begin by…

- ◊ Knowing the Child Labor Laws
- ◊ Understanding Your Rights and Responsibilities
- ◊ Recognizing Workplace Hazards
- ◊ Getting Help When you Need It

In this guide, you will find useful information on all of these topics.

The Child Labor Laws*

The child labor laws are in place to protect you from working in dangerous jobs and to keep you from working too long, too late or too early.
On the next few pages you will find the prohibited jobs and hours restrictions (listed by age) as well as information on how to get your work permit.

Prohibited Jobs for 16 & 17 Year Olds

- Driving a vehicle or forklift (except golf carts in certain circumstances)
- Operating, cleaning or repairing power-driven meat slicers, grinders or choppers
- Operating, cleaning or repairing power-driven bakery machines
- Working 30 feet or more above ground or water
- Handling, serving, or selling alcoholic beverages
- Using circular or band saws, or guillotine shears
- Using power-driven woodworking machines
- Using hoisting machines
- Operating paper balers, paper box compactors, or other power-driven paper products machines
- Using power-driven metal-forming, punching, or shearing machines

*This is a compilation of the state and federal laws. The most protective laws are presented here and apply to all employers of teens in Massachusetts including those who employ their teenaged relatives. There are additional regulations and some exceptions for employers in agricultural industries and student learners participating in cooperative education programs.

- Using buffing or polishing equipment
- Manufacturing brick, tile, or kindred products
- Manufacturing or storing explosives
- Working in excavation, wrecking, demolition, or shipbreaking
- Working in logging, sawmilling, or mining
- Working slaughtering, packing, or processing meat
- Working in railway operations
- Working in roofing or on or about a roof
- Working in foundries or around blast furnaces
- Manufacturing phosphorus or phosphorus matches
- Working where they are exposed to radioactive substances
- Working as a firefighter or engineer on a boat
- Oiling or cleaning hazardous machinery in motion
- Work in any job requiring the possession or use of a firearm

The Child Labor Laws (continued)

Prohibited Jobs for 14 & 15 Year Olds

- Operating power-driven machinery (except office machines or machines in retail or food service not otherwise prohibited)
- Cooking (except on electric or gas grills that do not have open flames)
- Operating fryolators, rotisseries, NEICO broilers, or pressure cookers
- Operating, cleaning or repairing power-driven food slicers, grinders or choppers
- Performing any baking activities
- Operating microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140 degrees Fahrenheit)
- Cleaning kitchen surfaces that are hotter than 100 degrees Fahrenheit
- Filtering, transporting, or disposing of cooking oil or grease hotter than 100 degrees Fahrenheit
- Working in freezers or meat coolers
- Working in a manufacturing facility (e.g., a factory)
- Working on ladders or scaffolds
- Working in garages, except dispensing gas and oil
- Working in brick or lumber yards
- Working in amusement places (e.g., pool or billiard room, or bowling alley)
- Working in barber shops
- Working in construction, transportation, communications, or public utilities (except doing clerical work away from heavy machinery off the job-site)
- Working in warehouses (except doing clerical work)
- Loading or unloading trucks, railroad cars, or conveyors
- Washing windows in public or commercial buildings if the sill is more than 10 feet above the ground
- Doing laundry in a commercial laundry or dry cleaning establishment
- Working as a public messenger
- Working at processing operations (e.g., in meat, fish, or poultry processing or cracking nuts, bulk or mass mailing)
- Working around boilers or in engine rooms
- Doing industrial homework
- Working with dangerous electrical machinery or appliances
- Work that is determined by the Massachusetts Attorney General to be dangerous to the health and well-being of minors
- Work in any of the occupations or tasks prohibited for persons under age 18

Persons under 14 may not work!
There are a few exceptions to this such as babysitting, working as news carriers, on farms, and in entertainment (with a special permit).

The Child Labor Laws (continued)

Legal Work Hours
for 16 & 17 Year Olds

Work Hours
All year round:

- Only between 6 am and 10 pm on nights preceding a regularly scheduled school day.
- If the establishment stops serving customers at 10 pm, the minor may be employed until 10:15 pm.
- Only between 6 am and 11:30 pm on nights not preceding a regularly scheduled school day, except in restaurants and race tracks until midnight.

Maximum Hours
All year round:

48 hours per week
9 hours per day
6 days per week

Legal Work Hours
for 14 & 15 Year Olds

Work Hours
During the school year:

Only between 7 am & 7 pm
Not during school hours

During the summer
(July 1 - Labor Day):

Only between 7 am & 9 pm

Maximum Hours
When school IS in session:

18 hours per week
3 hours per day on school days
8 hours per day on weekends and holidays
6 days per week

When school IS NOT in session:

40 hours per week
8 hours per day
6 days per week

After 8 pm, all minors must be directly supervised by an adult who is located in the workplace and who is reasonably accessible (with the exception of minors who work at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8 pm until the mall is closed to the public).

The Child Labor Laws (continued)

If you are younger than 18 years of age, you must complete a work permit application and obtain a work permit before starting a new job.

Work Permits

Steps for getting a Work Permit:

1. First, you must have a job offer from an employer.
2. Next, download a work permit application from the Massachusetts Division of Occupational Safety's website: **www.mass.gov/dos/youth** *OR* pick one up at the Superintendent of Schools' Office in the school district where you live or where you attend school.
3. Bring the application to your employer and have him/her complete the section, "Promise of Employment."
4. **For 14 and 15 year-olds only (16 and 17 year-olds may skip this step):** Have your doctor complete the "Physician's Certificate of Health" section. **Note:** The Certificate of Health must be signed within the previous 12 months of the date that you submit your application for a work permit.

High school guidance counselors or job placement coordinators can help you figure out where to get an application.

5. You and your parent, guardian or custodian must sign the completed permit application.
6. Take the completed application and proof of your age (e.g., birth certificate, passport, or immigration record) to the Superintendent of Schools (or the person authorized to issue permits) in the school district where you live or where you attend school. The Superintendent or authorized person will then issue you a permit. **No one else may pick up your permit for you.**
7. Bring the signed work permit back to your employer who must keep it until you leave your job.

NOTE: If you are 17 years old and have documented proof of a high school diploma or the equivalent, you are entitled to a work permit without signature authorization from the Superintendent. You should still complete a work permit application and bring documentation of your high school diploma or the equivalent to the authorized school official. You will be issued an appropriate work permit at that time.

Rights and Responsibilities

Maintaining a safe work environment is a partnership between your employer and you. Below are some of the rights and responsibilities you have at work.

Your Rights

By law, your employer must:

- Provide a safe and healthful workplace
- Provide health and safety training, including information on harmful chemicals you might use
- Pay for medical care if you get hurt or sick because of your job (you may also be entitled to lost wages)
- Pay you at least the Massachusetts minimum wage*
- Pay you for all of the hours you worked
- Pay you 1.5 times your regular pay for each hour over 40 that you work in a week*

You also have a right to:

- Express your concerns about health and safety
- File a complaint with the Occupational Safety & Health Administration (OSHA) about health and safety problems
- Refuse to work if the job is immediately dangerous to your life or health
- Work without racial or sexual harassment
- Join or organize a union
- Retain tips you receive - either directly, or through a valid tip-pooling arrangement with your co-workers

Your Responsibilities

As a worker, you should:

- Know your rights
- Comply with workplace safety rules and instructions
- Know what to do in an emergency
- Report any health or safety hazards to your supervisor
- Use safety equipment (i.e., machine guards) and personal protective equipment (i.e., goggles, gloves) when required.

Your employer cannot LEGALLY fire you for speaking up or filing a health and safety complaint with OSHA.

*Some exceptions apply to wages and overtime pay. To find out more, contact the Massachusetts Division of Occupational Safety. See pages 18 and 19 for contact information.

Hazards in the Workplace

Many jobs have hazards that can hurt you or make you sick. It is important to be aware of them and to speak up if you have concerns. Here are some of the most common hazards you might find in typical teen jobs.

Physical Hazards

Lifting heavy objects
Standing for long periods
Excessive noise
Extreme temperatures
Poor lighting & ventilation
Repetitive movements
(e.g., scanning groceries)

Safety Hazards

Knives, razors, & case cutters
Hot grease, water & steam
Unguarded machinery
Slippery floors
Falling objects
Electrical hazards
Paper balers*
Motor vehicles*

Violence Hazards

Contact with angry customers
Access to cash
Unsecured working environment
Working late at night
Working alone

Stress Hazards

Dealing with the public
Fast-paced work
Pressure from the boss & co-workers
Working long hours
Low pay

* Use of this equipment by anyone under 18 is prohibited by law.

Chemical & Biological Hazards

Cleaning products
Solvents & acids
Gasoline
Pesticides
Bacteria & viruses (e.g. Hepatitis B)
Mold & dust mites

Hazards in the Workplace (continued)

Below are some steps you can take to reduce your risk of being hurt by workplace hazards.

- Participate in training programs or request training if none is offered.
- Use proper safety techniques when performing tasks.
- Read labels and follow instructions when using chemicals.
- Ask questions if you are unsure about something.
- Keep your work area clean and neat.
- Try to keep your cool around angry customers and call on your supervisor if you feel threatened.
- Ask for help from a responsible adult such as a co-worker, parent or teacher if you need help talking to your boss.
- Call OSHA if your employer does not fix a safety problem.

Here are some important questions to ask your employer before beginning a new job:

1. What are the hazards I should be aware of in this job?
2. Will I receive health and safety training?
3. Will I need to wear any safety gear?
4. Do you have an emergency plan in place and will I be trained in emergency procedures?
5. Do you have safety meetings?

Remember...you have the legal right to refuse to do any task that you feel threatens your immediate safety!!

If you are ever injured at work, you should take the following steps right away:

1. Tell your supervisor no matter what the injury is or how serious you think it is.
2. If necessary, get medical treatment - even if it means leaving work to do so.
3. Tell your parent or guardian about your injury.

Workers' Compensation

When you become hurt or sick because of your job, you have a right to benefits under the state's workers' compensation system. You are entitled to these rights:

- Regardless of your age or the number of hours you work per week
- No matter who or what caused your work-related injury or illness
- Even if your employer has no workers' compensation insurance
- No matter what payment method your employer uses
- Even if you are a citizen of another country

Under the Workers' Compensation Law you are entitled to:

Get medical treatment and have it paid for by your employer (whether or not you lose time at work). It is illegal for your employer to ask you to use your own health insurance to pay your medical bills.

Choose your own doctor, however, if you seek medical treatment when you first get injured, your employer has the right to send you to a doctor or hospital of their own choosing.

Know the name of your employer's workers' compensation insurer and the policy number. Your employer should have a poster with this information displayed in the workplace.

File a claim with your employer's workers' compensation insurer if your employer does not do so. You can directly contact the insurer or call the Department of Industrial Accidents for help with this. If you were injured while employed under conditions that violate the child labor laws you may claim for double compensation.

Be paid a portion of your lost wages if you are unable to work for 5 or more calendar days because of a work-related injury or illness. The first 5 days DO NOT have to be in a row.

Receive other benefits if you become permanently disabled. For example, you may receive compensation for loss of a body part or be given training to learn a new job.

Return to work after you have recovered. Your employer cannot legally fire you for getting hurt at work or for missing work because of a work-related injury or illness.

Do I Need a Lawyer?

You do not need a lawyer to file a workers' compensation claim. If your employer's workers' compensation insurer denies or contests your claim, then you and/or your parent or guardian should talk to a lawyer who has experience handling workers' compensation cases.

The information above applies to most situations. Some rules and exceptions not covered here may apply to you and affect your situation. To learn more, or to get help filing a claim, contact the Massachusetts Department of Industrial Accidents. See pages 18 and 19 for contact information.

Some Helpful Resources

When work-related problems or questions arise, there are many people you can go to for help. The organizations listed here can help with questions on the following topics.

Child Labor Laws & Wages:

Massachusetts Attorney General's Office
Fair Labor and Business Practices Division
617-727-3465
www.ago.state.ma.us

US Department of Labor
Wage and Hour Division
617-624-6700
www.dol.gov/esa/whd

Work Permits:

Massachusetts Department of Labor
Division of Occupational Safety
617-727-3452 ext. 108
www.mass.gov/dos/youth

Workers' Compensation:

Massachusetts Department of Labor
Department of Industrial Accidents
800-323-3249 ext. 470
www.mass.gov/dia

Health & Safety:

US Department of Labor
Occupational Safety & Health Administration (OSHA)
Methuen - 617-565-8110
Braintree - 617-565-6924
Springfield - 413-785-0123
www.osha.gov

Massachusetts Department of Labor
Division of Occupational Safety
Occupational Hygiene/Indoor Air Quality Program
617-727-3452 ext. 108
www.mass.gov/dos

Massachusetts Department of Public Health
Teens at Work Injury Surveillance and Prevention Project
617-624-5632
www.mass.gov/dph/ohsp

Discrimination at Work:

Massachusetts Commission Against Discrimination
617-727-3990
www.mass.gov/mcad/

US Equal Employment Opportunity Commission
Boston Area Office
800-669-4000
www.eeoc.gov/boston

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