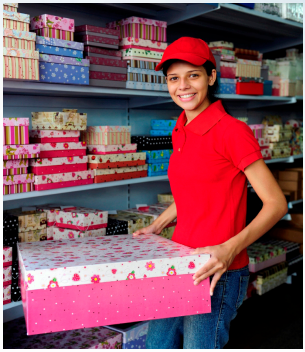
The Massachusetts guide for working teens

Protect Your **Health** | Know Your **Rights**



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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 in the US, approximately 180,000 teenagers are injured on the job and, tragically, nearly 37 die from work-related injuries.

Every year in Massachusetts, approximately 400 teens visit emergency departments for work-related injuries, and one young worker is fatally injured at work each year.

so how can you protect yourself?

You can begin by…

- Knowing the laws that cover youth employment
- 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.

youth employment laws

The youth employment laws are in place to protect you from dangers on the job. They also set limits on the hours that you can work. These laws were established to address a historical lack of rights and protections for teen workers on the job.

The Massachusetts Youth Employment Laws, also known as the Child Labor Laws, are found in Massachusetts General Laws, chapter 149, sections 56-105.

rights and responsibilities

Your employer is required to maintain a safe work environment. You have a role to play in your own safety as well. In this partnership, you have both rights and responsibilities.

your rights

By law, your employer must:

- Provide a safe and healthy 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 (in most cases, $10 per hour in 2016 and $11 per hour starting January 1, 2017).
- 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.

your employer cannot legally fire you for raising concerns about or filing a health and safety complaint with osha.

You also have a right to:

- Express your concerns about health and safety.
- File a complaint with 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-pool with your co-workers.
- Earn and use up to 40 hours of sick leave per year.

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.

work permits

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. High school guidance counselors or job placement coordinators can help you with this application process.

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 Department of Labor Standards website (www.mass.gov/dols/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.
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. Your employer is required to have your work permit on the premises at all times.

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 then be issued an appropriate work permit to provide to your employer.

legal work hours

for 14 and 15-year-olds

work hours

During the school year: Only between 7:00 a.m. and 7:00 p.m., and not during school hours.

During the summer (July 1 to Labor Day): Only between 7:00 a.m. and 9:00 p.m.

maximum hours

During the school year: 18 hours per week, 3 hours per day on school days, 8 hours per day on weekends and holidays, 6 days per week.

During the summer: 40 hours per week, 8 hours per day, 6 days per week

legal work hours

for 16 and 17-year-olds

work hours

Year-round: Between 6:00 a.m. and 10:00 p.m. on nights preceding a regularly scheduled school day. If the establishment stops serving customers at 10:00 p.m., the minor may be employed until 10:15 p.m.

Between 6:00 a.m. to 11:30 p.m. on nights not preceding a regularly scheduled school day. (Except in restaurants and racetracks, until midnight.)

maximum hours

Year-round: 48 hours per week, 9 hours per day, 6 days per week.

After 8:00 p.m., all teens, ages 14 through 17, 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 8:00 p.m. until the mall is closed to the public).

prohibited jobs for 14 & 15 year olds

- Operating, cleaning, or repairing power-driven machinery (except office machines or machines for retail, cleanup, or kitchen work 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, choppers, processors, cutters, and mixers
- Performing any baking activities
- Operating microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140˚ F)
- Cleaning kitchen surfaces that are hotter than 100˚ F
- Filtering, transporting, or disposing of cooking oil or grease hotter than 100˚F
- Working in freezers or meat coolers
- Working in a manufacturing facility or occupation (e.g., in a factory; as an assembler)
- Working on or using ladders, scaffolds, or their substitutes
- Working in garages, except dispensing gas and oil
- Working in brick or lumber yards
- Working around boilers or in engine rooms
- Loading or unloading trucks, railroad cars, or conveyors
- Working in amusement places (e.g., pool or billiard room, or bowling alley)
- Working in barber shops
- Work in door-to-door street sales, including work as a sign waiver (except directly outside of employer establishment)
- 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
- Riding in or on a motor vehicle (except in passenger seat if wearing a seatbelt)
- Working doing laundry in a commercial laundry or dry cleaning establishment
- Working as a public messenger
- Working at processing operations (e.g., in meat or fish, poultry processing. cooping, cracking nuts, bulk or mass mailing)
- 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 16 & 17 years old**

Tasks not specifically permitted by the US DOL Secretary of Labor, are prohibited.

prohibited jobs for 16 & 17 year olds

- Driving a vehicle, forklift, or work assist vehicle (except golf carts in certain circumstances)
- Riding as a passenger on a forklift
- Operating, cleaning, or repairing power-driven meat slicers, grinders or choppers
- Operating, cleaning, or repairing power-driven bakery machines (except for certain countertop models and pizza dough rollers)
- Working 30 feet or more above ground or water
- Handling, serving, or selling alcoholic beverages
- Using circular, chain, or band saws; guillotine shears; wood chippers; and abrasive cutting discs
- Using power-driven woodworking machines
- Using, servicing, driving, or working from hoisting machines
- Operating or loading power-driven balers, compactors, or paper-processing machines
- Using power-driven metal-forming, punching, or shearing machines
- Using buffing or polishing equipment
- Manufacturing brick, tile, or kindred products
- Manufacturing or storing explosives
- Working in excavation, wrecking, demolition, or shipbreaking
- Working in forest fire fighting, forest fire prevention, timber track operations, and forestry service
- Working in logging, sawmilling, or mining
- Working slaughtering, packing, or processing meat and poultry
- 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

persons under 14 may not work!

There are a few exceptions to this such as babysitting and working as news carriers, on farms, and in entertainment (with a special permit).

The information contained on pages 5-7 is a combination of the state and federal laws. The most protective laws are presented here and apply to all employers of teens in Massachusetts including family members 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.

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.

As a teen, it may be difficult for you to speak up in the workplace. If so, speak with a parent or other trusted adult if you feel that there are any conditions at work that are unsafe.

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 and ventilation
- Repetitive movements (e.g., scanning groceries)

chemical & biological hazards

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

safety hazards

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

violence hazards

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

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

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 the United States Occupational Safety & Health Administration (OSHA) if your employer does not fix a safety problem.

before beginning a new job, ask your employer:

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! Staff at OSHA, the Massachusetts Attorney General's Office, and other state and federal agencies listed at the back of this pamphlet can provide information to you or your parent/guardian.

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

The Massachusetts Workers' Compensation system is in place to make sure that workers are protected by insurance if they are injured on the job or contract a work-related illness. Under this system, employers are required by law to provide workers' compensation insurance coverage to all their employees. 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

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 may want to talk to a lawyer who has experience handling workers' compensation cases.

You may represent yourself or be represented by anyone you delegate, including an attorney. If you do get an attorney, the law requires that the insurer pay the attorney's fee if you win your case. In certain cases the insurer can reduce your payments to help pay for your legal representation. If you lose, the attorney can charge you only for very specific expenses.

under the workers' compensation law you are entitled to:

- Get medical treatment for a work-related injury 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 its 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 contact the insurer directly 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 make a 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 scheduled 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.

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 (www.mass.gov/dia).

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

Youth Employment Laws
www.laborlowdown.com

Massachusetts Attorney General's Office, Fair Labor Division
(617) 727-3465
www.mass.gov/ago/youthemployment

U.S. Department of Labor
Wage and Hour Division
(617) 624-6700
www.dol.gov/whd

discrimination at work

Massachusetts Attorney General's Office, Civil Rights Division
(617) 963-2917

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

U.S. Equal Employment Opportunity Commission (EEOC)
(800) 669-4000 Boston Area Office
www.eeoc.gov

work permits

Massachusetts Department of Labor Standards
Youth Employment Information
(617) 969-7177
www.mass.gov/dols/youth

health and safety

U.S. Department of Labor
Occupational Safety and Health Administration (OSHA)
(978) 837-4460 Andover Office
(617) 565-6924 Braintree Office
(413) 785-0123 Springfield Office
www.osha.gov

Massachusetts Department of Labor Standards
Workplace Safety and Health Program
(617) 969-7177
www.mass.gov/dols

Massachusetts Department of Public Health (DPH)
Young Workers: Injury Surveillance and Prevention Project
(617) 624-5632
www.mass.gov/dph/teensatwork

workers' compensation

Massachusetts Department of Industrial Accidents
(800) 323-3249
www.mass.gov/dia

additional resources

These organizations and agencies have websites with many resources and tools on workplace health and safety that you may find helpful.

- National Institute for Occupational Safety and Health (NIOSH)
  - Workplace Safety & Health Topics:
    www.cdc.gov/niosh/topics/youth
  - Youth @ Work: Talking Safety (curriculum):
    www.cdc.gov/niosh/talkingsafety
- U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)
  - Safety and health topics website:
    www.osha.gov/SLTC
  - Teen workers website:
    www.osha.gov/SLTC/teenworkers
  - Teen worker safety in restaurants eTool:
    www.osha.gov/SLTC/youth/restaurant
  - Youth in agriculture eTool:
    www.osha.gov/SLTC/youth/agriculture
- U.S. Department of Labor, Wage and Hour Division
  - Fact sheet index website:
    www.dol.gov/fact-sheets-index.htm
  - YouthRules! website:
    www.youthrules.dol.gov
- National Young Worker Safety Resource Center:
  www.youngworkers.org

Office of the Massachusetts Attorney General

www.mass.gov/ago
www.mass.gov/ago/youthemployment
www.laborlowdown.com

Massachusetts Department of Public Health
Young Workers: Injury Surveillance and Prevention Project

teens.atwork@state.ma.us
www.mass.gov/dph/teensatwork