

CHILD LABOR LAW



DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

BUREAU OF LABOR LAW COMPLIANCE

"CHILD LABOR LAW"
Act of 1915, P.L. 286, No. 177

AN ACT

To provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates or transferable work permits for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recoding of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith, further providing for entertainment, rehearsals, permits, applications and appeals; and providing for volunteer fire company activities. (Tit. amended Dec. 21, 1998, P.L. 1242, No. 158)

Section 1. Be it enacted, &c., That wherever the term "establishment" is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, to whomever payable: Provided, That this act shall not apply to children employed on the farm, or in domestic service in private homes.

The term "person," when used in this act, shall be construed to include any individual, firm, partnership, unincorporated association, corporation, or municipality.

The term "week," when used in this act, shall mean seven consecutive days which may begin on any day of a week.

The term "minor," when used in this act, shall mean any person under eighteen years of age. Wherever the singular is used in this act the plural shall be included, and wherever the masculine gender is used the feminine and neuter shall be included.

(1 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 2. No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation except that a minor between the ages of twelve and fourteen years may be employed as a caddy subject to the limitation that he or she carry not more than one golf bag at a time and for not more than eighteen holes of golf in any one day and except that a minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance: Provided, however, That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment.

(2 amended Oct. 4, 1978, P.L. 938, No. 182)

Section 3. (3 repealed July 19, 1935, P.L. 1335, No. 418)

Section 4. No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, That messengers employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: And provided further, That no minor under eighteen years of age, who is enrolled in regular day school and working outside school hours, shall be employed or permitted to work for more than twenty-eight hours during a school week.

No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day except during school vacation period from June to Labor Day when such minor may work between the hours of seven o'clock in the morning and ten o'clock in the evening nor shall such minor who is enrolled in school and working outside school hours be employed or permitted to work in, about, or in connection with, any establishment or in any occupation more than four hours on a school day, or more than eight hours on any other day, or more than eighteen hours during a school week: Provided, That, students fourteen years of age and over whose employment is part of a recognized school-work program, supervised by a recognized school authority, may be employed for hours which, combined with the hours spent in school, do not exceed eight a day: And further provided, That minors over the age of fourteen may be employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication for not more than fifty-one hours in any one week, or more than nine hours in any one day, and after six o'clock in the morning and before eight o'clock in the evening: And further provided, That a minor under sixteen years of age employed on a farm by a person other than the farmer in the hatching, raising or harvesting of poultry may be employed or permitted to work until 10 o'clock in the evening as long as the minor is not working in an agricultural occupation declared hazardous by the United States Secretary of Labor.

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment between the hours of twelve in the evening and six in the morning if such minor is enrolled in regular day school: Provided, That, minors sixteen and seventeen years of age may be employed until, but not after, one o'clock in the morning on Fridays and Saturdays, and on days preceding a school vacation occurring during the school year, excepting the last day of such vacation period.

Notwithstanding any other provision of this section, a minor who is sixteen or seventeen years of age who is employed during the months of June, July, August or September by a summer resident camp or a conference or retreat operated by a religious or scout organization shall receive one day of rest (twenty-four consecutive hours of rest) during every seven-day period: Provided, That this paragraph shall not apply to a minor employed primarily for general maintenance work or food service activities.

(4 amended Oct. 4, 1989, P.L. 584, No. 62)

Section 5. No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any manufacturing or mechanical occupation or process; nor on scaffolding; nor in heavy work in the building trades; nor in stripping or assorting tobacco; nor in any tunnel; nor upon any railroad, steam, electric or otherwise; nor upon any boat engaged in the transportation of passengers or merchandise; nor in operating motor-vehicles of any description; nor in any anthracite or bituminous coal-mine, or in any other mine.

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines, in oiling or cleaning machinery, in motion; at switch-tending, at gate-tending, at track-repairing; as a brakeman, fireman, engineer, or motorman or conductor, upon a railroad or railway; as a pilot, fireman, or engineer upon any boat or vessel; in the manufacture of paints, colors or white lead in any capacity; in preparing compositions in which dangerous leads or acids are used; in the manufacture or use of dangerous or poisonous dyes; in any dangerous occupation in or about any mine; nor in or about any establishment wherein gunpowder, nitroglycerine, dynamite, or other high or dangerous explosive is manufactured or compounded: Provided, That minors age fourteen and over may operate power lawn mowing equipment: And provided further, That such minors may be employed in bowling centers as snack bar attendants, porters, control desk clerks and scorer attendants: And provided further, That such minors may work where such chemicals, compounds, dyes and acids are utilized in the course of experiments and testing procedures, in such circumstances and under such conditions and safeguards as may be specified by

rule or regulations of the Department of Labor and Industry. (Par. amended Oct. 4, 1989, P.L. 584, No. 62)

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold, or dispensed; nor in a pool or billiard room: Provided, That male or female minors sixteen years of age and over may be employed and permitted to work that part of a motel, restaurant, club or hotel in which liquor or malt or brewed beverages are not served: And, provided further, That minors sixteen years of age and over may be employed to serve food, clear tables and perform other duties, not to include the dispensing or serving of alcoholic beverages, in any licensed establishment whose sales of food and nonalcoholic beverages are equal to forty per cent or more of the combined gross sales of both food and alcoholic beverages. Before employing any minor sixteen years of age and over, any establishment licensed by the Liquor Control Board shall furnish to the school district official authorized to issue employment certificates a certification that, for a period of not less than ninety consecutive days during the twelve months immediately preceding the date of application, the sales of food and nonalcoholic beverages by the employer at the licensed premises were equal to or exceeded forty per cent of the combined gross sales of food, nonalcoholic and alcoholic beverages in conformity with the requirements set forth in Regulation 141 of the Liquor Control Board governing the sale of alcoholic beverages on Sunday. Nothing in this section should be construed as prohibiting minors fourteen and fifteen years of age to be employed at ski resorts, golf courses and amusement parks as long as they are not permitted to serve or handle alcoholic beverages and as long as they do not work in any room in which alcohol is being served or stored. (Par. amended Dec. 15, 1999, P.L. 946, No. 67)

No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed; nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors.

In addition to the foregoing, it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any occupation dangerous to the life or limb, or injurious to the health or morals, of the said minor, as such occupations shall, from time to time, after public hearing thereon, be determined and declared by the Industrial Board of the Department of Labor and Industry: Provided, That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this section.

(5 amended Aug. 23, 1961, P.L. 1107, No. 494)

Compiler's Note: Section 12(a) of Act 80 of 1988 provided that section 5 is repealed insofar as it is inconsistent with that act.

Compiler's Note: Section 3 of Act 83 of 1975 provided that section 5 is repealed insofar as it is inconsistent with that act.

Section 6. No minor shall be permitted to work as messenger for a telephone, telegraph, or messenger company, in the distribution, collection, transmission, or delivery of goods or messages, before six o'clock in the morning or after eight o'clock in the evening of any day.

Section 7. No minor under eleven years of age, shall distribute, sell, expose, or offer for sale any newspaper, magazine, periodical, or other publication, or any article of merchandise of any sort, in any street or public place. No minor under fourteen years of age, shall be suffered, employed, or permitted to work at any time as a scavenger, bootblack, or in any other trade or occupation performed in any street or public place. No minor under sixteen years of age, shall engage in any occupation mentioned in this section before five o'clock in the morning, or after eight o'clock in the evening, of any day.

(7 amended Dec. 16, 1992, P.L. 1202, No. 154)

Section 7.1.(a) The Department of Labor and Industry is hereby authorized to issue special permits for the

employment of minors seven and under eighteen years of age in theatrical productions, musical recitals or concerts, entertainment acts, modeling, radio, television, motion picture making, or in other similar forms or media of entertainment in Pennsylvania where the performance of such minor is not hazardous to his safety or well-being, except as follows:

- (1) No such minor shall be permitted to perform after the hour of eleven-thirty in the evening.
- (2) No such minor shall be permitted to perform in any place or establishment where alcoholic beverages are sold or dispensed.
- (3) No such minor shall be permitted to perform in a boxing, sparring or wrestling match or exhibition or in an acrobatic or other act, performance or exhibition hazardous to his safety or well-being.
- (4) No such minor shall appear in more than two performances in any one day nor in more than eight performances in any one week.

(a.1) In addition to any permit authorized by subsection (a), the department shall be authorized to issue special permits for the temporary employment of minors as part of the performing cast in the production of a motion picture, if the department determines that adequate provision has been made for the educational instruction, supervision, health and welfare of the minor. Unless the department determines that more restrictive conditions are necessary, special permits authorized by this subsection shall authorize minors to work as part of the performing cast for forty-four hours in any one week and eight hours in any one day. Time spent on the set or on location while on call shall be excluded from any calculation of the maximum number of hours authorized by this subsection if the department determines that adequate provision has been made for the child's education, supervision and welfare during such intervals. The department may restrict the number of hours which may be spent on call by the minor. The department may waive, in whole or in part, restrictions contained in this act and in any other act, on the time of day or night allowed for engaging in the employment authorized by this subsection, if the department determines that such waiver is necessary to preserve the artistic integrity of the motion picture and further determines that such waiver will not impair the educational instruction, supervision, health and welfare of the minor. Special permits authorized by this subsection shall be valid for a period of time not to exceed six months. An issued permit shall state that no minor, allowed under the permit to be temporarily employed, may be allowed on a set during, or may otherwise watch, the filming or rehearsal for filming of any sexual act. Nothing in this section shall be construed to supersede or repeal in part 18 Pa.C.S. §5903 (relating to obscene and other sexual materials) or 6312 (relating to sexual abuse of children).

((a.1) amended Dec. 21, 1988, P.L. 1908, No. 192)

(a.2) A special permit shall not be required under this section for a minor who participates in a non-profit, educational, theatrical production if there is informed, written consent of a parent or guardian; if the participation is for a period of no more than fourteen consecutive days; if the participation is not during school hours; and if the minor receives no direct or indirect remuneration. All other existing limitations of this section shall remain applicable.

((a.2) added Dec. 21, 1998, P.L. 1242, No. 158)

(b) Rehearsals for performances as set forth in this section shall be permitted, providing the length of time and hours of starting and finishing such rehearsals added to performance duties are not such as to be injurious or harmful to the minor. Rehearsal time, if any, expected and the hours of starting and finishing same shall be set forth in the application as provided in this section, and the special permit issued shall state what rehearsal time is permissible.

(c) Nothing in this section shall be deemed to supersede or repeal any provisions of this act unless and until such special permit is issued for any such performance or series of performances.

(d) Application forms shall be in such form as shall be provided by the Department of Labor and

Industry. Such forms shall be signed by both the employer of the minor and the parent or guardian of the minor, and shall contain the seal of a notary public and a statement that the facts as set forth in the application are true and correct. The application shall state what provisions are in effect to provide for the minor's educational instruction, supervision, health and welfare and the safeguarding and conservation for the minor of the moneys derived from such performances. No special permit shall be issued for any performance where there is no adequate provision for such educational instruction, supervision, health and welfare and the safeguarding and conservation for the minor of the moneys derived from such performances.

(e) Appeals of any decision under this section made by the Department of Labor and Industry shall be to the Industrial Board which will hold a hearing on same.

((e) repealed in part Apr. 28, 1978. P.O. 202, No. 53)

(7.1 added Aug. 23, 1961, P.L. 1107, No. 494)

Compiler's Note: The acts of Jan. 6, 1970, 1969 P.L. 434, No. 185 and July 31, 1970, P.L. 673, No. 233, vested the jurisdiction of the courts named therein in the Commonwealth Court. The act of June 30, 1988, P.L. 475, No. 80 repealed this section insofar as it is inconsistent with that act.

Section 7.2. Any minor of the age of seventeen years who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district wherein he resides shall, for the purposes of this act, be deemed to be a minor of the age of eighteen years.

(7.2 added Apr. 25, 1968, P.L. 99, No. 49)

Section 7.3. Minor Volunteer Fire Company, Volunteer Ambulance Corps, Volunteer Rescue Squads and Volunteer Forest Fire Crew Member Activities.

(a) Minors who are members of a volunteer fire company and volunteer forest fire crew may participate in training and fire-fighting activities as follows:

(1) Drivers of trucks, ambulances or other official fire vehicles must be eighteen years of age.

(2) Minors sixteen and seventeen years of age who have successfully completed a course of training equal to the standards for basic fire-fighting established by the Department of Education and the Department of Environmental Resources, may engage in fire-fighting activities provided that such minors are under the direct supervision and control of the fire chief, an experienced line officer or a designated forest fire warden.

(3) No person under eighteen years of age shall be permitted to

(i) operate an aerial ladder, aerial platform or hydraulic jack,

(ii) use rubber electrical gloves, insulated wire gloves, insulated wire cutters, life nets or acetylene cutting units,

(iii) operate the pumps of any fire vehicle while at the scene of a fire, or

(iv) enter a burning structure.

(b) The activities of minors under sixteen years of age shall be limited to:

(1) Training.

(2) First aid.

(3) Clean-up service at the scene of a fire, outside the structure, after the fire has been declared by the fire official in charge to be under control.

(4) Coffee wagon and food services.

(c) In no case, however, shall minors under sixteen years of age be permitted to:

(1) Operate high pressure hose lines, except during training activities;

(2) Ascend ladders, except during training activities; or

(3) Enter a burning structure.

(d) All other activities by minors who are members of a volunteer fire company or a volunteer forest fire crewman shall be permissible unless specifically prohibited by this act.

(e) No rule or regulation of any State agency concerning minor volunteer firemen shall be adopted or promulgated except by amendment to this act.

(f) All other existing provisions of this act and the regulations promulgated thereunder affecting the employment of minors shall be applicable in all cases, including the requirements for employment certificates and the limitations on hours of employment: Provided, That a minor sixteen or seventeen years of age who is a member of a volunteer fire company who answers a fire call while lawfully employed and continues in such service until excused by the one acting as chief of that fire company shall not be considered in violation of this act for any part of the period so occupied: And further provided, That a minor who is fourteen or fifteen years of age, who is a member of a volunteer fire company and who performs the training or fire-fighting activities permitted for such minor under the provisions of this act between the hours of seven o'clock in the evening and ten o'clock in the evening before a day of school with written parental consent shall not be considered in violation of this act.

(g) Any minor who is a member of a volunteer ambulance corps or rescue squad may participate in training and any other activity as provided by regulations adopted by the Department of Labor and Industry but in any case, drivers of all ambulances or other official ambulance corps or rescue squad vehicles must be eighteen years of age.

(7.3 amended Dec. 21, 1998, P.L. 1242, No. 158)

Section 7.4. No minor under fourteen years of age may be employed on a farm by a person other than the farmer.

(7.4 added Oct. 4, 1989, P.L. 584, No. 62)

Section 8. (a) Before any minor under eighteen years of age shall be employed, permitted or suffered to work in, about, or in connection with, any establishment, or in any occupation, the person employing such minor shall procure and keep on file, and accessible to any attendance officer, deputy factory inspector, or other authorized inspector or officer charged with the enforcement of this act, an employment certificate as hereinafter provided, issued for said minor.

(b) Any minor who has reached the age of sixteen may receive a transferable work permit instead of an employment certificate from the appropriate issuing official. All transferable work permits shall be valid for the entire period the minor is eligible for work and is under the age of eighteen. The employer shall ensure that the minors have valid transferable work permits in accordance with sections 17 and 17.1.

(8 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 9. Employment certificates shall be issued only by the following officials, for children residing

within their respective public school districts: In public school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no district superintendent or supervising principal, by the secretary of the board of school directors of that district: Provided, That any district superintendent, supervising principal, or secretary of the board of school directors, hereby authorized to issue such certificates or transferable work permits, may authorize and deputize, in writing, any other school official to act in his stead for the purpose of issuing such certificates.

(9 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 10. Application for the employment certificate must be made by the parent, guardian, or legal custodian of the minor for whom such employment certificate or transferable work permit is requested; or, if said minor have no parent, guardian, or legal custodian, then by the next friend, who must be over eighteen years of age. In lieu of the personal appearance of the parent, guardian, legal custodian, or next friend of the minor, such person may execute a statement before a notary public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application on a form prescribed by the Department of Education, which statement shall be attached to the application. No employment certificate shall be issued until the said minor has personally appeared before, and been examined by, the officer issuing the certificate, except that where the applicant is a graduate of an accredited high school and exhibits official proof of such graduation, no personal appearance or countersigned application shall be required.

(10 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 11. Employment certificates shall be of two classes: general employment certificates and vacation employment certificates. General employment certificates shall entitle a minor, sixteen to eighteen years of age, to work during the entire year. Vacation employment certificates shall entitle a minor, twelve to fourteen years of age to work as a caddy and a minor, fourteen to eighteen years of age to work, as herein provided, on any day, except at such times, on such days as such minor is required to attend school, under the provisions of the laws now in force or hereafter enacted: Provided, however, That any minor over sixteen years of age employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication, shall not be required to procure an employment certificate or transferable work permit under this act.

(11 amended Sept. 27, 1984, P.L. 714, No. 152)

Section 12. The official authorized to issue a general or a vacation employment certificate or transferable work permit shall not issue such certificate or transferable work permit until he has received, examined, approved, and filed the following papers, namely:

(a) For a general employment certificate or vacation employment certificate, a statement signed by the prospective employer, or by someone duly authorized on his behalf, stating that he expects to give such minor present employment, and setting forth the character of the same, and the number of hours per day and per week which said minor will be employed: Provided, That the requirements of this subsection are not applicable to transferable work permits;

(b) A certificate of physical fitness, as hereinafter provided;

(c) Proof of age as hereinafter provided, except that when such proof of age is an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, it need not be filed if the officer issuing the certificate or transferable work permit shall record such information as may be necessary to enable the document or record to be located at the place where it is filed. When proof of age is other than an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, a photostatic copy thereof may be filed in lieu of the original: Provided, however, That such photostatic copy shall be certified to by the officer issuing the employment certificate or transferable work permit.

(12 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 13. (13 repealed July 19, 1935, P.L. 1335, No. 418)

Section 14. The certificate of physical fitness required by this act shall state that the minor has been thoroughly examined by the said examining physician, certified nurse practitioner, or certified registered nurse practitioner at the time of the application for an employment certificate or within the previous three hundred sixty-five days, and is physically qualified for employment subject only to any limitations on duties as may be specified by the examiner on the certificate. In any case where the said physician, certified nurse practitioner, or certified registered nurse practitioner shall deem it advisable, he may issue a certificate of physical fitness for the limited time; at the expiration of which time the holder shall again appear, and submit to a new examination before being permitted to continue at work. Except as hereinafter provided, in a school district of the first, second, or third class the physical examination of a minor provided for by this act shall be made by a physician, certified nurse practitioner, or certified registered nurse practitioner employed by the board of school directors of the school district in which such minor resides, and in a district of the fourth class by a physician, certified nurse practitioner, or certified registered nurse practitioner appointed by the State Department of Health and the certificate of physical fitness provided for by this act shall be signed by said physician, certified nurse practitioner, or certified registered nurse practitioner, and no fee or other compensation for such service shall be required to be paid by such minor or by his parent or guardian: Provided, however, That any minor may, at his own expense, have the physical examination provided for by this act made and the certificate of physical fitness signed by his family physician, as defined in section 1401 of the Public School Code of 1949, and its amendments. Any physical examination required by this act to be accomplished as a condition of employment which would be equal to or more comprehensive than the standard examination given by the school physician, certified nurse practitioner, or certified registered nurse practitioner or family physician will be deemed to meet the requirements of this section, and the certificate of physical fitness may be signed by the physician designated by the prospective employer to perform such examination. For the purposes of this section, "certified nurse practitioner" shall mean a certified school nurse who is a graduate of a nurse practitioner program which has been approved by the Department of Health School Nurse Advisory Committee, or a certified registered nurse practitioner who has been approved by the State Board of Nurse Examiners of the Department of State.

(14 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 15. The evidence of age required by section twelve of this act shall consist of one of the following proofs of age, which shall be required in the order herein designated:

(a) A duly attested transcript of the birth certificate, filed according to law with a register of vital statistics, or other officer charged with the duty of recording birth; or,

(b) A baptismal certificate or transcript of the record of baptism, duly certified, and showing the date of birth; or,

(c) A passport showing the age of the immigrant; or,

(d) In case none of the aforesaid proofs of age shall be obtainable, and only in such case, the issuing officer may accept, in lieu thereof, any other documentary record of age (other than a school record or an affidavit of age), or transcript thereof, duly certified, which shall appear to the satisfaction of the issuing officer to be good and sufficient evidence of age; or,

(e) In case none of the aforesaid proofs of age shall be obtainable, and only in such cases, the issuing officer may accept, in lieu thereof, the signed statement of the physician, approved by the Board of School Directors, stating that, after examination, it is the opinion of such physician that the minor has attained the age required by law for the occupation in which he expects to engage. Such statement shall be accompanied by an affidavit, signed by the minor's parent, guardian, or custodian, or, in case he shall have no parent, guardian, or custodian, by his next friend, certifying to the name, date, and place of birth of the minor, and that the parent, guardian, custodian, or next friend, signing such statement, is unable to produce any of the proofs of age specified in the preceding subdivisions of this section.

Section 16. (16 repealed July 19, 1935, P.L. 1335, No. 418)

Section 17. (a) All employers shall require the minor to have a valid employment certificate or transferable work permit prior to the commencement of employment. A transferable work permit shall remain in the custody of the minor.

(b) It shall be the duty of every person who shall employ any minor possessing a general or vacation employment certificate to acknowledge, in writing, to the official issuing the same, the receipt of the employment certificate of said minor, within five days after the beginning of such employment. On termination of the employment of any such minor the general employment certificate or vacation employment certificate issued for such minor shall be returned by mail, by the employer, to the official issuing the same, immediately upon demand of the minor for whom the certificate was issued, or otherwise, within five days after termination of said employment. The official to whom said certificate is so returned shall file said certificate and preserve the same. Any minor whose employment certificate has been returned, as above provided, shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer, as hereinabove provided.

(17 amended Dec. 21, 1988, P.L. 1908, No. 192)

Section 17.1. (a) Any employer employing a minor having a transferable work permit shall, within five days of commencement of such employment, provide the school district issuing that permit with the following information in writing:

- (1) The permit number.
- (2) The name and age of the minor employe hired.
- (3) The number of hours per day and week such minor employe will be employed.
- (4) The character of the employment.

(b) An employer employing minors having transferable work permits shall maintain a record of minors at the work site which contains, for each minor, the name of school district issuing the permit, the minor's birthday, the date of issue of the permit, the permit number, and the occupation in which the minor is engaged. A photocopy of the transferable work permit may be used as a record for the information contained on that permit: Provided, however, That the employer record the occupation in which the minor is engaged on such photocopy.

(c) In addition, upon termination of the employment of such minor, the employer shall, within five days, notify in writing the issuing school district of the fact employment has been terminated.

(d) The school district shall maintain for two years the records required to be filed by employers under subsection (a).

(17.1 amended Dec. 2, 1988, P.L. 1908, No. 192)

Section 18. (a) All employment certificates shall be issued on forms supplied by the Secretary of Education, and shall contain the name, sex, date, and place of birth, place of residence, color of hair and eyes, and any distinguishing physical characteristics or physical limitations of the minor for whom it shall be issued. It shall certify that the minor named has personally appeared before the issuing officer, and has been examined; and that all the papers required by law have been duly examined, approved and filed; and that all the conditions and requirements for issuing an employment certificate have been fulfilled. Every certificate shall be signed, in the presence of the issuing officer, by the minor for whom it shall be issued. The certificate shall bear a number, shall show the date of its issue, and shall be signed by the issuing officer. Vacation employment certificates shall be of a color different from the general employment certificates, and shall bear across their face the legend "Vacation Employment Certificate."

(b) All transferable work permits shall be issued on wallet sized forms supplied by the Secretary of Education and shall state the name, sex, date and place of birth, place of residence, color of hair and eyes, and any distinguishing physical characteristics or physical limitations of the minor for whom it shall be issued. It shall certify that the minor named has personally appeared before the issuing officer and has been examined; and that all the papers required by law have been duly examined, approved and filed; and that all the conditions and requirements for issuing a transferable work permit have been fulfilled. Every transferable work permit shall be signed, in the presence of the issuing officer, by the minor for whom it shall be issued. The transferable work permit shall bear a number, shall show the date of its issue and shall be signed by the issuing officer. Transferable work permits shall be of a color different from general and vacation employment certificates and shall bear across their face the legend "Transferable Work Permit."

(18 amended Dec. 21, 1988, P.L. 1908., No. 192)

Section 18.1. The Department of Labor and Industry shall have the power to prescribe rules and regulations to carry out the intent of this act. Such rules and regulations shall be approved by the Industrial Board.

(18.1 added Aug. 23, 1961, P.L. 1107, No. 494)

Compiler's Note: The act of June 30, 1988, P.L. 475, No. 80 repealed this section insofar as it is inconsistent with that act.

Section 19. (19 repealed July 19, 1935, P.L. 1335, No. 418)

Section 20. Whenever the State Superintendent of Public Instruction cannot secure effective enforcement of the foregoing provisions of this act, in any school district, he is hereby authorized and required to secure such enforcement by appointing attendance officers in such districts. The salary and expenses of such attendance officers shall be a charge against said district where said attendance officers are actually employed, and shall be deducted from any State moneys apportioned to said district for school purposes.

(20 amended Aug. 13, 1963, P.L. 688, No. 366)

Section 21. It shall be the duty of every person who shall employ any minor, under the age of eighteen years, to post and keep posted, in a conspicuous place in every establishment wherein said minor is employed, permitted or suffered to work, a printed abstract of the sections of this act relating to the hours of labor, and a list or lists of all minors employed under the age of eighteen years and a schedule of the hours of labor of such minors. The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work, the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week, the hours for commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule, but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule: Provided, however, That in the case of messengers employed by telegraph companies, such schedule may be varied in accordance with business on hand so long as a minor is not employed a greater number of hours per day or per week than permitted by this act. Such copies of the abstracts of this act and blanks for compliance with its provisions shall be prepared by the Department of Labor and Industry, and be furnished by it on application of such employer. Every person employing minors under eighteen years of age shall furnish the employment certificates or transferable work permits and lists provided for in this act, for inspection, to attendance officers, factory inspectors, or other authorized inspectors or officers charged with the enforcement of this act.

(21 amended Sept. 27, 1984, P.L. 714, No. 152)

Section 22. Whenever any minor shall be employed or permitted to work in any establishment or at any occupation, who, in the judgment of any officer charged with the enforcement of this act, is under the legal age for such work, or is working at a time forbidden by law for such minor; or whenever any minor shall be employed or permitted to work in, or in connection with, any establishment, who, in the judgment of any

officer charged with the enforcement of this act, is under eighteen years of age, and for whom the person employing or permitting such minor to work shall not have on file an employment certificate or transferable work permit; such officer may demand from the person employing or permitting such minor to work that he shall either furnish to such officer, within ten days, evidence of age, as defined in section fifteen of this act, that such minor is in fact of legal age for the work in which he is engaged, or over, or eighteen years of age or over, as the case shall be, or shall cease to employ or permit such minor to work as aforesaid: Provided, That such person, by thus ceasing to employ or permit such minor to work, shall not be relieved from any of the fines or penalties provided in this act for the employment or work of a minor contrary to law. In case such person shall fail to furnish to said officer, within ten days after the making of such demand, the required evidence of age, and shall thereafter employ such minor or permit him to work as aforesaid, proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such minor, in any prosecution brought therefor.

(22 amended Sept. 27, 1984, P.L. 714, No. 152)

Section 23. Any person, or any agent or manager for any person, who shall violate any of the provisions of this act, or who shall compel or permit any minor to violate any of the provisions of this act, or who shall hinder or delay any officer in the performance of his duty in the enforcement of this act, shall, upon conviction thereof, be sentenced to pay a fine, for a first offense, of not less than two hundred (\$200.00) dollars nor more than four hundred (\$400.00) dollars, and, on a subsequent offense, to pay a fine of not less than seven hundred fifty (\$750.00) dollars nor more than one thousand five hundred (\$1,500.00) dollars, or to undergo an imprisonment of not more than ten days, or both, at the discretion of the court.

(23 amended Dec. 15, 1999, P.L. 946, No. 67)

Section 24. It shall be the duty of the Secretary of Labor and Industry, the chief school administrators, home and school visitors, attendance officers, and secretaries of boards of school directors of the various school districts or joint school systems, and the police of the various cities, boroughs, and townships of this Commonwealth, to enforce the provisions of this act. Prosecutions for violations of this act may be instituted by any duly authorized representative of the Department of Labor and Industry, chief school administrator, home school visitor, attendance officer, secretary of a board of school directors, or police officer, upon oath or affirmation. All prosecutions for violations of this act shall be in the form of summary criminal proceedings, instituted before a magistrate, alderman, or justice of the peace within the county wherein the offense was committed. Upon conviction, after a hearing, the sentences provided in this act shall be imposed. All fines collected under this act shall be paid into the State Treasury, for the use of the Commonwealth.

(24 amended Aug. 23, 1961, P.L. 1107, No. 494)

Section 24.1. This act shall be known and may be cited as the "Child Labor Law."

(24.1 added Aug. 23, 1961, P.L. 1107, No. 494)

Section 25. All acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Section 26. This act shall take effect on the first day of January, Anno Domini nineteen hundred and sixteen (1916).