

## **DEPARTMENT OF LABOR AND INDUSTRY**

### **PROHIBITED OCCUPATIONS UNDER THE CHILD LABOR ACT**

(Act of October 24, 2012, P.L. 1209, no. 151, effective January 22, 2013)

This list of prohibited occupations is derived from three sources: (1) occupations and establishments expressly prohibited for minors under Section 4(a)(1) of the Child Labor Act (CLA), (2) any occupation or establishment designated as hazardous and otherwise prohibited for minors under the Federal Fair Labor Standards Act and regulations under that act, and (3) additional prohibited or hazardous occupations for establishments set forth in the Department's regulations. According to Section 29 of the CLA, the current regulations shall be those adopted under the former Child Labor Law until modified or deleted by the Department. Therefore, the list includes prohibited occupations and establishments contained in the Department's Child Labor regulations set forth at 34 Pa. Code §§ 11.1, 11.31 – 11.84.

#### **Prohibited Occupations for all Minors in Entertainment**

- An acrobatic act that is hazardous to the minor's safety or well-being, including high-wire or trapeze acts, working with partners hand to hand or head to head, and bicycle or unicycle acts. (Child Labor Act, §§ 5(b)(4)(iv), 5(k), 34 Pa. Code § 11.1)
- Use of/or exposure to dangerous weapons or pyrotechnical devices. (Child Labor Act, § 5(b)(4)(v))
- Activities that have a high level of inherent danger including activities involving speed, height, a high level of physical exertion and highly specialized gear or spectacular stunts. (Child Labor Act, § 5(b)(4)(iii))
- An act that constitutes sexual abuse or sexual exploitation of minors. (Child Labor Act, § 5(b)(4)(i))
- Boxing, sparring or wrestling, except for a bona fide athletic or recognized amateur competition or activity or non-contact portrayal. (Child Labor Act, § 5(b)(4)(ii))
- Assisting performers in animal act, conducting an animal into a ring or on stage, or riding an animal when the animal exceeds half the weight

of the child performer. This paragraph shall not necessarily apply to performances with trained seals. (34 Pa. Code § 11.1)

### **Prohibited Occupations for all Minors**

- **BRICKMAKER:** Manufacturing bricks, tile and kindred products. Working in the brick-making industry on horizontal or vertical pug mills (mixers) (34 Pa. Code § 11.54). Manufacturing of clay construction products – exception: may work in storage or shipping, in offices, laboratories and storerooms and in the drying departments of plants manufacturing sewer pipe. For silica brick and silica refractories, office work is permitted. Prohibition does not include non-structural bearing clay products: ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories, except silica refractories. (29 CFR § 570.64)
- **CRANE OPERATOR:** Operating, tending, riding upon, working from, repairing servicing, or disassembling cranes, hoists, derricks, high lift trucks including fork lifts, and elevators. (34 Pa. Code § 11.32, 29 CFR § 570.58)
- **ELECTRICAL WORKER:** Installing and removing electrical wiring.\* Installing, removing, reading and testing electric meters.\* (34 Pa. Code §§ 11.31, 11.35, 11.38)
- **ELEVATOR OPERATOR:** Operating, managing (34 Pa. Code § 11.32), tending, riding upon, working from, repairing, servicing or disassembling passenger or freight elevators, hoisting or lifting machinery. (34 Pa. Code § 11.32, 29 CFR § 570.58) Exception: riding inside unattended automatic operation passenger elevator, and 16 and 17 year old minors may ride upon a freight elevator operated by an assigned operator. (29 CFR § 570.58.)
- **EXCAVATOR:** Working within tunnels, shafts prior to completion of all driving, sinking and shoring operations and trenches more than four feet in depth.\* (34 Pa. Code § 11.66, 29 CFR § 570.68)
- **EXPLOSIVES MANUFACTURING:** Including handling or storing explosives. (34 Pa. Code § 11.43) Exception for retail establishments. (29 CFR § 570.51) Must be at least 360 feet from point of handling/storage of 200 pounds of explosives, amount of distance increases with greater pounds of explosives. (34 Pa. Code § 11.43)
- **FOREST FIREFIGHTING:** Including forest fire prevention activities.

Exceptions for 16 and 17 year olds: as long as tasks are not performed in conjunction with/support of fire fighting efforts. May clear fire trails/roads, construct/maintain/patrol fire lines, pile/burn slash, maintain fire fighting equipment and act as fire lookout or fire patrolman. (29 CFR § 570.54)

- FOREST SERVICE/MILL WORKER:** Including timber tract management, logging, lath mill, shingle mill, cooperage stock mill and saw mill operations. Exceptions for 16-17 year olds: work in offices, repair/maintenance shops, living quarters, repair/maintenance of roads, railroads or flumes; work on telephone lines not involving the use of power-driven machinery, handling/use of explosives, felling/bucking of timber, and collecting or transporting of logs or work on trestles; work related to forest marketing/forest economics, feeding/care of animals, peeling fence posts, pulpwood, chemical wood, excelsior wood, cordwood, etc, when not done in conjunction or location with logging occupations. For permanent saw mill, lath mill, shingle mill or cooperage stock mill operations, 16 and 17 year olds may straighten/mark/tally/pull lumber on dry chain or dry drop sorter, clean-up lumber yard, piling/handling, shipping of cooperage stock, other than operating/assisting with power-driven equipment; clerical work; clean-up work outside shake and shingle mills, except when mill is operational; split shakes manually from precut/split blocks and pack shakes into bundles, except inside mill building/cover; manually loading bundles of shingles/shakes into trucks/railroad cars with doctor's note. (29 CFR § 570.54)
- MEAT PROCESSING:**\* Operation of power driven food chopping, meat grinding, slicing or processing machines, and any occupation on the killing floor, in curing/hide cellars. Except for 16 and 17 year old minors working as messengers, runners, and hand truckers, which require entering such workrooms infrequently and for short periods of time. All occupations in recovery of lard and oils, except packaging and shipping, all occupations involved in tankage or rendering of dead animals; boning, pushing or dropping of any suspended full, half or quarter carcass; hand lifting or hand carrying any full, half or quarter carcass of beef, horse, or buffalo; and, any hand lifting or hand carrying of full or half deer or pork carcass. Killing and processing of rabbits and small game in areas physically separated from killing floor permitted for 16 and 17 year olds. (34 Pa. Code § 11.65, 29 CFR § 570.61)
- MOTION PICTURE (FILM) PROJECTIONIST.** Exception, 17 year old minor may work as apprentice of a motion picture projectionist. (34 Pa.

Code § 11.45)

- MOTOR VEHICLE:** Driving a motor vehicle and being an outside helper on public roads/highways, in or about any mine, in or about excavation operations, and around sawmill/logging operations. Exception for occasional driving for licensed 17 year olds with state approved driver education course, if vehicle does not exceed 6,000 pounds and has restraining device, driving is during daylight, within 30 mile radius of employer, and limited to 2 trips per day away from employer location. May not drive for urgent, time-sensitive transporting and deliveries, including pizza delivery, may not tow, drive route deliveries/sales, may not provide transportation for hire of property/goods/passengers, limit of three passengers. Outside helper is any individual other than driver, whose work includes riding on a motor vehicle outside the cab for purpose of assisting in transporting/delivering goods. (29 CFR § 570.52)
- PAINT, ACIDS, AND POISON MANUFACTURER:** In any capacity in the manufacture of paint, color or white-lead, poisonous dyes, or compositions using dangerous lead or acids. (Child Labor Act, § 4(a)(3))
- ROOFER:** All occupations.\* (34 Pa. Code § 11.63; 29 CFR § 570.67)
- SPRAY COATER:** Spray coating with substances containing lead, benzol or ground siliceous material.\* (34 Pa. Code § 11.58)
- WELDER:** Acetylene or electric welding.\* (34 Pa. Code § 11.33)
- WOODWORKING:** Using power-driven woodworking machines, including supervising/controlling operation of machines, feeding/assisting with feeding materials into machines; setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines, off-bearing from circular saws and guillotine-action veneer clippers.\* Exception, 16-17 year olds may place material on moving chain/hopper for automatic feeding. (34 Pa. Code § 11.46; 29 CFR § 570.55)
- WRECKING AND/OR DEMOLITION WORKER:** All occupations, including shipbreaking. (34 Pa. Code § 11.64, 29 CFR § 570.33)

**All minors are also prohibited from working:**

- IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRODUCED, SOLD OR DISPENSED:** Except in part of establishment where alcohol is not served, or hotels, clubs, or restaurants where alcohol is served and the establishment has a Sunday sales license

issued by the Liquor Control Board, and minor is serving food, clearing tables and/or related duties, but minor may not serve or dispense alcohol. Performing arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code. (Child Labor Act, § 4(a)(1))

- ON BOATS:** Pilot, fireman or engineer on any boat or vessel. (Child Labor Act, § 4(a)(1))
- ON MACHINERY:** Including repairing, cleaning or oiling machinery in motion (34 Pa. Code § 11.46; 29 CFR § 570.65), and operating or assisting in the operation of the following: emery wheels,\*\* metal plate bending (34 Pa. Code §§ 11.51, 11.55), forming, punching, hammering, bending, rolling and shearing machines\* (29 CFR § 570.59), punch presses\*\* (34 Pa. Code § 11.49, 29 CFR § 570.59), wire-stitching, stapling machines\* (34 Pa. Code §§ 11.34, 11.46, 29 CFR § 570.59), circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.\* (29 CFR § 570.65)
- ON BAKING MACHINERY:** Operating, assisting, setting up, adjusting, repairing, oiling or cleaning dough/batter mixer, bread dividing, rounding or molding machine, dough brake, dough sheeter, bread slicer/wrapper machine or cake cutting band saw, and setting up/adjusting cookie or cracker machine. Except for 16 and 17 year olds setting up, adjusting, repairing, oiling and cleaning lightweight, small capacity, portable counter-top power-driven food mixers comparable to models intended for household use. Except for 16 and 17 year olds operating pizza-dough rollers constructed with safeguards to prevent fingers, hands, clothing from being caught on the in-running point of rollers, which have completely enclosed gears, and have microswitches that disengage machinery if the backs/sides of rollers removed. Exception does not apply to setting up, adjusting, repairing, oiling or cleaning of pizza-dough rollers. (29 CFR § 570.62; 34 Pa. Code § 11.47)
- IN METAL INDUSTRIES:** Working in rolling mills\* (34 Pa. Code § 11.37; 29 CFR § 570.59), handling bull ladles (34 Pa. Code § 11.56) and working around furnaces. (34 Pa. Code § 11.53)
- IN MINES:** Dangerous occupations in or around any mine, including all work performed in any underground working, open-pit, or surface part of any coal-mining plant, that contribute to the extraction, grading, cleaning or other handling of coal. Exceptions for 16-17 year olds: slate/refuse picking at picking table/chute in a tipple or breaker at a coal mine, work in office or repair/maintenance shops on the

surface. (34 Pa. Code § 11.59; 29 CFR § 570.53) For other mines all occupations prohibited, except may work in above-ground office, warehouse, supply house, change house, laboratory, repair/maintenance shops, in living quarters, outside mine in surveying, repair/maintenance of roads, general clean-up, track crew work for sections of railroad track when mining activities not being performed, work in or about surface placer mining operations other than place dredging operations and hydraulic placer mining operations. At metal mills other than in mercury-recovery mills or mills using cyanide process may operate jigs, sludge tables flotation cells, drier-filters, may perform hand-sorting at picking table/belt, general clean up. (29 CFR § 570.60) Exception, 14 and 15 year old minors may work in office and perform clerical duties. (29 CFR § 570.34)

- **IN QUARRIES:** Most occupations, including drilling, shot firing or assisting in loading or tamping holes, face cleaning, attaching blocks to chains for cable hoisting, assisting/operating steam, air or electric shovels. (34 Pa. Code § 11.37)
- **IN THE PRINTING AND PAPER INDUSTRY:** Operating or assisting with balers, compactors, and power-driven paper-products machines. Operating power driven paper cutters, circular or band saws, corner cutter/mitering machine, corrugating and single/double facing machine, envelope die-cutting press, guillotine paper cutter/shearer, horizontal bar scorer, laminating/combing machine, sheeting machine, scrap paper baler, paper box compactor, vertical slotter, platen die-cutting press, platen printing press, punch press involving hand feeding of machine, operating or assisting with any compactor designed or used to process materials other than paper.\* Exception for 16 and 17 year olds loading materials into scrap paper balers and paper box compactor which cannot be operated while being loaded, machine must meet applicable ANSI standard, there is an on-off switch with key-lock or other system and control maintained by employee over 18, on-off switch in off position when machine not in operation and employer posted notice. (29 CFR § 570.63.)
- **AROUND RADIOACTIVE SUBSTANCES:** In all occupations involving exposure to radioactive substances,\*\*\* or ionizing radiation.\*\*\* (34 Pa. Code § 11.62; 29 CFR § 570.57)
- **ON RAILROADS AND RAILWAYS:** Section hand (34 Pa. Code § 11.41), track repairing, gate-tending, switch-tending, brakeman, fireman, engineer, motorman, or conductor. (Child Labor Act, § 4(a)(1))
- **ON RIVETS:** Heating and passing rivets, except for 16 and 17 year old minors 10 feet or less from ground or on a scaffold equipped with guardrails and board in accordance with Chapter 47, Subchapter G (34

Pa. Code §§ 47.221 et seq). (34 Pa. Code § 11.52)

- IN TANNERIES:** All occupations in the tanning process. (34 Pa. Code § 11.40)

\* EXCEPT APPRENTICES, STUDENT LEARNERS, AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

\*\* EXCEPT APPRENTICES, STUDENT LEARNERS, LABORATORY STUDENT AIDES AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

\*\*\* EXCEPT LABORATORY STUDENT AIDES AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

### **Additional Prohibited Occupations for Minors Under 16**

- AMUSEMENT PARK RIDE ATTENDANT, OPERATOR, OR DISPATCHER.** (29 CFR §570.33(e); U.S. DEP'T OF LABOR, WAGE AND HOUR DIV., FACT SHEET No. 7)
- BAKER.** (29 CFR § 570.33(h))
- BOILER OR ENGINE ROOM WORKER:** Including work in connection with maintenance/repair of establishment, machines or equipment. (29 CFR § 570.33(d))
- COOK:** Except with gas and electric grills that do not involve cooking over an open flame and with deep fat fryers that automatically lower and raise the baskets. (29 CFR §§ 570.33(h), 570.34(c))
- CHICKEN CATCHER:** Catching and cooping of poultry in preparation for transport or for market. (29 CFR § 570.33(l))
- CONSTRUCTION WORKER:** In any capacity. Also includes repairs and maintenance of a building or its equipment. (29 CFR § 570.33(n)(4))
- HOISTING APPARATUS:** Operating, tending, setting up, adjusting, cleaning, oiling, or repairing. (34 Pa. Code § 11.32; 29 CFR § 570.33(c))
- INDUSTRIAL HOMEWORKER:** Manufacturing in a home of any materials or articles for an employer, a representative contractor, or a contractor. (34 Pa. Code § 11.84; 43 P.S. § 491-3(f))
- LIFEGUARD:** At a natural environment such as a lake, river, ocean beach, quarry, and/or pond. Exception for minors at least 15 years old and certified to be a lifeguard: may work at a traditional swimming pool

- or water amusement park. (29 CFR § 570.34(l))
- PUBLIC MESSENGER:** In any capacity. (29 CFR § 570.33(m))
  - STRIKES OR LOCKOUTS:** Prohibited to work in an establishment where a strike or lockout is in progress, unless the minor was legally certified to work in an establishment prior to the declaration of a strike or lockout. (34 Pa. Code § 11.60)
  - SWITCHBOARD OPERATOR:** In a telephone exchange. (29 CFR § 570.33(n)(3), 570.34(a); U.S. DEP'T OF LABOR, WAGE AND HOUR DIV., FIELD OPERATIONS HANDBOOK, 33b08)
  - TOBACCO STRIPPER OR SORTER.** (Child Labor Act, § 4(a)(1))
  - TRANSPORTING:** Transportation of persons/property by rail, highway, air, water, pipeline, or other means. (29 CFR § 570.33(n)(1))
  - WINDOW CLEANER:** At outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes. (34 Pa. Code § 11.61; 29 CFR § 570.33(g))
  - YOUTH PEDDLING:** Selling goods and services and promotional activities, except at the employer's place of business. (Child Labor Act, § 4(a)(4); 29 CFR § 570.33(j))

**Minors Under 16 are also Prohibited from Working:**

- IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRODUCED, SOLD OR DISPENSED:** Except for continuing-care retirement homes, ski resorts, bowling alleys, golf courses, amusement parks and other similar recreational establishments where alcoholic beverages are served as long as the minor is not handling or serving alcohol, and not working in an area where alcohol is served or stored. Performing Arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code. (Child Labor Act, § 4(a)(1))
- ON COAL DREDGES:** Any work on coal dredges. (34 Pa. Code § 11.50)
- IN FREEZER OR MEAT COOLERS:** In any capacity, except to enter freezer momentarily to retrieve items for kitchen work. (29 CFR § 570.33(i))
- ON HIGHWAYS:** Sections of highways open to the public for vehicular travel. (34 Pa. Code § 11.41a)
- IN MANUFACTURING:** Any manufacturing or mechanical process. (29 CFR § 570.33(a))
- ON MACHINERY:** Any operating, tending, setting up, adjusting,

cleaning, oiling, or repairing any power-driven machinery, including, but not limited to, lawn mowers, golf carts, all terrain vehicles, trimmers, cutters, weed eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. May operate office equipment, vacuum cleaners and floor waxers. (29 CFR § 570.33(e))

- IN PATTERN MAKING SHOPS:** In any capacity. (34 Pa. Code § 11.68)
- IN THE PRINTING INDUSTRY:** On blueprint machines. (34 Pa. Code § 11.69)
- FOR PUBLIC UTILITIES:** In any capacity, except office work such as filing, typing and the cleaning and dusting of an office. (29 CFR §§ 570.33(n)(3), 570.34(a))
- ON SCAFFOLDING.** All work requiring the use of ladders, scaffolds, or their substitutes. (Child Labor Act, § 4(a)(3); 34 Pa. Code § 11.61; 29 CFR § 570.33(g))
- ON TRUCKS, RAILCARS, AND CONVEYORS:** Loading or unloading goods, except for loading/unloading of personal non-power driven hand tools and personal protective equipment that minor will use as part of employment; and personal items to and from motor vehicles. (29 CFR § 570.33(k))
- IN TUNNELS:** In any capacity. (Child Labor Act, § 4(a)(3))
- IN WAREHOUSING AND STORAGE:** In any capacity. (29 CFR § 570.33(n)(2))