



U.S. Department of Labor
 Employment Standards Administration
 Wage and Hour Division

Child Labor Laws in Net Fishing

The Fair Labor Standards Act of 1938 (FLSA or the Act) as amended, sets standards for child labor applicable to the net fishing industry.

Which Workers in the Net Fishing Industry Does the FLSA Apply?

The FLSA applies to employees, whose work involves catching fish, working on fishing boats and or the processing of fish that will leave the state directly or indirectly and become part of interstate commerce. It also applies where a minor may not actually be fishing or processing fish, but may work in an establishment for a company that has employees that fish or employees that process fish for interstate commerce. The FLSA also applies to fishing companies that have annual gross receipts of \$500,000 or more per year.

A Comparison of Federal Child Labor Laws and Alaska Child Labor Laws in Net Fishing:

The federal prohibition on the hours 14 and 15-year-old minors may be allowed to work is stricter than Alaska law. Due to this conflict, an employer of 14 or 15-year-old minors may find that they are in compliance with state law, but in violation of federal law. The same or opposite may be true for occupation restrictions for all minors as they may differ in state and federal law. The employer should keep in mind that the stricter standard applies.

Federal Law

Children 14 and 15 years old may only work:

- outside school hours;
- no more than 3 hours on a school day;
- no more than 8 hours on a non-school day;
- no more than 18 hours in any week when school is in session;
- no more than 40 hours in any one week when school is not in session;
- between 7 a.m. and 7 p.m. – except when the evening hour is extended to 9 p.m. between June 1st and Labor day.

Alaska State Law

Children 14 and 15 years old may work:

- a total of 9 hours of school and work combined in one day;
- only between the hours of 5 a.m. to 9 p.m.;
- no more than 23 hours per week outside of school hours (domestic work and babysitting excepted);
- no more than 6 days per week.

Children 16 and 17 years old may work:

- six days a week (may work seven if waived by the Commissioner of Labor).

What are the Hazardous Occupations In Net Fishing?

Federal Law

Minors under 18 may not:

- operate power driven hoisting apparatus;
- operate or feed, set up, adjust, repair, oil or clean power driven meat processing machines regardless of the product being processed by these machines (including seafood);
- operate circular saws, band saws, or guillotine shears;
- work in occupations in wrecking, demolition, ship-breaking (including clean-up and salvage work).

Minors under 16 may not:

- work in the operation or tending of hoisting apparatus;
- work in most processing occupations such as filleting fish;
- work in occupations in workrooms or workplaces where goods are manufactured or otherwise processed;
- operate or tend any power-driven machinery;
- work in any of the occupations determined to be hazardous by the Secretary of Labor;
- work in occupations in connection with the transportation of persons or property by rail, highway, air, on water, pipeline or other means – **this precludes the employment of minors under 16 years of age on or about vessels engaged in net fishing;**
- work in occupations in connection with warehousing and storage.

Alaska State Law

Minors under 18 may not work in occupations:

- involving the operation of elevators or other power-driven hoisting apparatus;
- involving slaughtering, meatpacking or processing, or rendering;
- involved in the operation and cleaning of circular saws, band saws and guillotine shears;
- involved in wrecking, demolition, and shipbreaking operations;
- determined by the Commissioner of Labor to be dangerous to the life or limb or injurious to the health of a minor.

Minors under 16 may not work in occupations:

- involved in operation of hoisting or power-driven machinery other than office machines.
- in manufacturing, mining, or processing, including work rooms or places where goods are manufactured, or otherwise processed.
- in or about canneries, seafood plants, including cutting, slicing, or butchering, or the operation of any floating plant and including loading or unloading.
- performed in or about boilers, engine rooms, or retorts.
- involved in maintenance or repair of the establishment's machines or equipment.
- involved in operating, setting up, adjusting, cleaning, oiling, or repair of power-driven food slicers, grinders, choppers; cutters, and work involving the use of sharpened tools.
- in freezers, meat coolers, or preparation of meat for sale.
- loading or unloading to and from trucks, railroad cars, or conveyors.
- in transportation of persons or property, warehousing and storage, construction (including demolition and repair) except office or sales work in these occupations.

Federal Laws

Parental Exemption:

Children under 16 years of age may be employed by their parents in occupations other than manufacturing or mining or occupations declared hazardous by the Secretary of Labor.

The prohibition on employing one's own children in hazardous occupations includes 16 and 17-year old minors.

Who Enforces the Federal Child Labor Laws?

The Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration enforces the laws. Employers may be fined up to a maximum of \$11,000 for each child labor violation.

The FLSA prohibits the shipment in interstate commerce of goods that were produced in violation of the Act's child labor provisions. The FLSA authorizes the Department of Labor to obtain injunctions to prohibit the movement of such **"hot goods"**. The FLSA also authorizes the Department of Labor to obtain injunctions against violators of the child labor provisions to compel their compliance with the law. Further violations could result in sanctions against such persons for contempt of court. Willful child labor violators may face criminal prosecution and be fined up to \$10,000 for each child labor violations. Under the current law, a second conviction may result in further fines and/or imprisonment.

Alaska State Laws

Parental Exemption:

Children under 18 years of age may work under the direct supervision of a parent in a business owned and operated by a parent or on a boat owned and operated by their parent.

Who Enforces the Alaska Child Labor Laws?

The State of Alaska, Department of Labor & Workforce Development, Wage & Hour Administration.

Any person who violates a provision of Alaska Statute 23.10.325-23.10.370 will be found guilty of a misdemeanor and can be subject to penalties of up to \$500 or imprisonment or both.

An authorization to work (work permit) is required for minors under the age of 17, except for those minors employed by their parents.

No minimum gross receipts or other standards are applied for coverage under State law. A net fisher operating in the State of Alaska is covered with regard to child labor laws.

Alaska law prohibits working minor children under 18 years of age for more than five (5) consecutive hours without an unpaid break of at least 30 minutes. (AS 23.10.350(c)).

Disclaimer:

This comparison is provided for general information only and does not carry the force of legal opinion. Please be aware that, while we try to be thorough, this information does not address every possible violation of child labor laws for this industry. The Federal Register, the Code of Federal Regulations and the Alaska State Statutes and Regulations (Alaska Administrative Code) remain the official source for regulatory information. Published regulatory requirements may be obtained from the U.S. Department of Labor or from the State of Alaska Department of Labor and Workforce Development. (Please see below.)

Where Can I Get More Information About Federal and Alaska State Labor Laws?

For further information, please contact the U. S. Department of Labor, Wage and Hour Division or the Alaska State Department of Labor & Workforce Development at the following locations:

U.S. Dept. of Labor, Wage and Hour Division
1111 Third Avenue, Suite #755
Seattle, Washington 98101
(206) 398-8039

For additional information,

visit our *Youth Rules!* website:

<http://www.youthrules.dol.gov>

or our Wage and Hour web site:

<http://www.dol.gov/esa/whd>

or phone toll free 1-866-4USWAGE or 1-(866) 487-9243.

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