



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Child Labor Laws in Georgia

Child labor laws restrict the types of work and hours in which children can be employed. Employers in Georgia are subject to both federal and state child labor laws. If both federal and state law address the same issue, the law affording the child greater protection will govern. Georgia requires employers of children to comply with an employment certificate system.

Federal Law

The Fair Labor Standards Act (FLSA) provides federal child labor laws. In general, the child labor provisions of the FLSA are designed to protect the safety, health, well-being and educational opportunities of minors. The FLSA prohibits employing “oppressive” child labor in any enterprise related to commerce, which includes most jobs. Whether child labor is “oppressive” depends on the age of the child, the type of work, and other factors.

Children Age 16 or 17. Children age 16 or 17 may not work in any job declared to be particularly hazardous. Currently, occupations involving the following are considered particularly hazardous:

- manufacturing or storing explosives;
- driving a motor vehicle or working as an outside helper on motor vehicles;
- coal mining;
- other types of mining;
- logging and sawmilling;
- power-driven woodworking machines;
- exposure to radioactive substances and ionizing radiation;
- power-driven hoisting apparatus;
- power-driven metal-forming, punching and shearing machines;
- power-driven meat-processing machines, slaughtering and meat packing plants;
- power-driven bakery machines;
- power-driven paper-products machines;
- manufacturing of brick, tile and related products;
- power-driven circular saws, band saws and guillotine shears;
- wrecking, demolition, and ship-breaking operations;
- roofing operations; or
- trenching and excavation operations.

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In occupations where children age 16 or 17 may work, there are no special hour or time restrictions.

Children Age 14 or 15. The employment of children under the age of 16 is generally prohibited, unless otherwise authorized (see below). Specifically, children under 16 are prohibited from working in the mining or manufacturing industries, in any of the particularly hazardous occupations above, and in occupations involving:

- power-driven machinery or hoisting apparatus other than typical office machines;
- boiler or engine room work, whether in or about;
- operating motor vehicles, the loading or unloading of motor vehicles, or riding in vehicles, with certain exceptions;
- outside window washing, or work standing on a window sill, ladder, scaffold or similar equipment;
- baking or cooking, except at electric or gas grills which do not have an open flame and fryers that automatically lower the basket;
- work in freezers or meat coolers or the preparation of meat for sale;
- youth-peddling of goods or services to residences or places of business, with certain exceptions;
- loading or unloading goods on or off trucks, railcars, or conveyors;
- catching or cooping of poultry;
- public messenger service;
- transporting people or property;
- communications or public utilities jobs;
- workrooms where products are manufactured, mined, or processed; or
- construction or repair jobs.

Children age 14 or 15 **can**, however, when not related to occupations or industries specifically prohibited above, be employed in occupations involving the following:

- office and clerical work, including the operation of office machines;
- work of an intellectual or artistic nature;
- cashiering, selling, modeling, art work, advertising, window trimming, or comparative shopping;
- pricing and tagging goods, assembling orders, packing or shelving;
- bagging and carrying out customers' orders;
- delivery work by foot, bicycle, or public transportation;
- clean-up work and grounds maintenance, including the use of vacuums and floor waxers, but not power-driven mowers, cutters, and trimmers;
- kitchen work and other work involved in preparing and serving food and drink, but not cooking or baking;
- cleaning fruits and vegetables;
- wrapping, weighing, pricing, or stocking any goods as long as it is in an area separate from where meat is being prepared and does not involve work in freezers or coolers;

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- loading and unloading of light, non-power driven tools and personal equipment from vehicles that the minor will use as part of his employment at the work site;
- lifeguarding at pools and water amusement parks;
- inside or outside places where machinery is used to process wood when certain conditions are met; or
- pumping gas, cleaning and polishing cars and trucks, but not car repair, using a garage lifting rack, working in pits, or inflation of any tire mounted on a rim with a removable retaining ring.

In occupations where children age 14 or 15 can work, there are restrictions on hours and times of day. Employment must be:

- outside of school hours (when school is in session);
- not more than 40 hours in any 1 week when school is not in session;
- not more than 18 hours in any 1 week when school is in session;
- not more than 8 hours in any 1 day when school is not in session;
- not more than 3 hours in any 1 day when school is in session, including Fridays; and
- between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour is extended to 9 p.m.

Children Under Age 14. Subject to limited exemptions, employment of children under the age of 14 is prohibited.

Exemptions. The FLSA provides certain exemptions for employment of children in agricultural occupations, as actors or performers, in newspaper delivery, or by their parents. For agricultural occupations, employment of children age 14 or older outside of school hours is generally permitted.

Penalties. Violations of the child labor provisions of the FLSA can result in a fine of up to \$11,000 per child employed. If a violation causes the death or serious injury of a child, the fine is \$50,000.

Georgia Law

The Georgia child labor laws also provide restrictions based on the age of the child and the type of work. In addition, Georgia requires compliance with an employee certificate system.

Children Under Age 16. Children under the age of 16 cannot be employed in any mill, factory, laundry, manufacturing establishment, workshop, or any occupation designated as hazardous. Currently, the occupations deemed hazardous are those connected with:

- certain machinery (power-driven machinery and equipment driven by electric, steam, or other energy);
- motor vehicles;

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- certain equipment (hand or powered portable tools and equipment identified with the building and trades industry);
- food process;
- certain fixtures (including open boilers, deep fat fryers, electric powered fans, guns, and knives);
- railroads;
- conveyors;
- unguarded gears;
- vessels or boats;
- use of dangerous or poisonous gases or acids;
- scaffolding or construction;
- communication or public utilities;
- freezers or meat coolers;
- loading and unloading goods to or from trucks, railroad cars, conveyors, etc.;
- warehouses;
- explosives;
- logging and sawmilling;
- radio active substances;
- wrecking, shipbreaking, roofing, and/or demolition;
- excavations and/or tunneling; or
- mine, coke breaker, coke oven or quarry.

In occupations where children under the age of 16 can work, there are restrictions on hours and times of day. Employment must be:

- outside of school hours (when school is in session);
- not more than 40 hours in any 1 week;
- not more than 8 hours on any 1 day when school is not in session;
- not more than 4 hours on any 1 day when school is in session (weekends excluded); and
- between 6 a.m. and 9 p.m.

Children Age 14 or Older. Children age 14 or older may be employed during the months of vacation from school in the care and maintenance of lawns, gardens, and shrubbery owned or leased by the employer, provided that the minor is covered by an accident and sickness insurance plan or a workers' compensation insurance policy or plan provided by the employer.

Children Under Age 12. Subject to limited exemptions, employment of children under the age of 12 is prohibited.

Employment Certificates. All children, including those age 16 and 17, must submit an employment certificate (also known as a "work permit") to the employer prior to being employed. The employment certificate shows the age of the child and verifies that he or she is physically fit to engage in the employment sought to be obtained. It is issued by

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the child's school or school superintendent or, if the child is at a private school, by the principal administrative officer of the school (or a designated member of the staff).

For a child to receive an employment certificate, he or she must present to the issuing officer:

- 1) A certified copy of a birth certificate or birth registration card; and
- 2) A statement from the prospective employer that, if it were furnished with an employment certificate, it could employ the child immediately. The statement must also describe the type of employment offered. It shall be understood that the prospective employer, by furnishing such statement, does not undertake to employ the minor for any specific period of time.

If the minor seeking employment is age 16 or 17, the issuing officer shall also issue a certificate showing that the minor is fully 16 years old in order to qualify the minor to work between the hours of 9pm and 6am and to be employed in any of those jobs listed above under "**Children Under Age 16.**"

The child should provide the certificate to the employer along with a letter from the child's school indicating that the child is enrolled in school full-time and has an attendance record in good standing. The letter must be updated in January of each year until the minor reaches age 18 or receives a high school diploma, a GED, a special education diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school.

Upon termination of employment of a child between the ages of 12 and 16 or if the child fails to appear for work for 30 days, the employer must return the employment certificate to the issuing officer within 5 days.

An employment certificate is not required if the child is not getting paid or receiving compensation for his or her service.

Penalty. An employer who violates these terms will be guilty of a misdemeanor and subject to a fine of not more than \$1,000 and/or up to 12 months imprisonment for each violation.

Steps for Obtaining an Employment Certificate:

Minors and their prospective employers can now begin the process of obtaining the required employment certificate online.

Visit http://www.dol.state.ga.us/em/cl_certificate.htm for further instructions.

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