

# Child Labor Laws & Human Trafficking

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# Department of Labor Data - 2022

Child Labor Civil Money Penalties	\$4,386,205
Cases With Child Labor Violations	835
Minors Employed In Violation	3,876
Minors Employed In Violation of Hazardous Occupation	688

# Work Permits

- **Must a minor have a permit before they may work in California?**
- To work in California, employees and employers must fill out and submit a permit form issued by the California Department of Education entitled “[Statement of Intent to Employ Minor and Request for Work Permit.](#)” These forms that are based on the work permit requirements may be obtained from and submitted to designated individuals who are authorized to issue permits to employ and work (listed below). [CA Education Code 49162](#)
- Before the notification of the intent to employ and work may be submitted, it must be signed by the parent or legal guardian of the youth the employer intends to employ. [CA Education Code 49163](#)

# Work Permit Exclusions

- **Are there any exclusions regarding the permit requirement?**
- high school graduates or minors who have been awarded a certificate of proficiency [CA Education Code 49101](#); [CA Labor Code 1286](#)
- parents or guardians who employ their children when public schools are not in session or not during school hours in agriculture, horticulture, viticulture, or domestic labor on or in connection with property the parent or guardian owns, operates, or controls [CA Labor Code 1394](#)
- minors who are irregularly employed in odd jobs in private homes, such as baby-sitting, lawn mowing, yard work, and leaf raking (18 Ops.Cal. Atty. Gen. 114, August 31, 1951)
- minors who are at least 14 years of age and employed to deliver newspapers to consumers [CA Education Code 49112\(d\)](#)
- [CA Education Code 49112\(d\)](#); [CA Education Code 49165](#); [CA Labor Code 1308\(b\)](#)

# Summary of California Child Labor Laws

## WHEN SCHOOL IS IN SESSION

### 16 and 17 year olds

- Must have completed 7<sup>th</sup> grade to work while school is in session. They may work 4 hours per day on any school day, 8 hours on any non-school day or any day preceding a non-school day, up to 48 hours per week, and between 5:00 a.m. and 10:00 p. m., except on evenings preceding non-school days, the minor may work until 12:30 a.m.

### 14 and 15 year olds

- Must have completed 7<sup>th</sup> grade to work while school is in session. Children who are 14 and 15 years of age, and they may work up to 3 hours on school days, 8 hours on non-school days, and up to 18 hours per week.

### 12 and 13 year olds

- 12 and 13-year-olds may be employed only during school holidays and weekends and may never be employed on any school day.

## WHEN SCHOOL IS NOT IN SESSION

### 16- and 17-year-olds

- 16 and 17-year-olds may work up to 8 hours a day, up to 48 hours a week, and between 7:00 a.m. and 12:30 a.m. on days that do not precede a school day.

### 12 through 15 year olds

- 12 through 15-year-olds may work up to 8 hours per day, up to 40 hours per week, and between 7:00 a.m. and 7:00 p.m., except that from June 1 through Labor Day, until 9:00 p.m.

<https://www.dir.ca.gov/dlse/minorssummarycharts.pdf>

# Prohibited Occupations for Children

- California prohibitions include all the occupations declared in federal regulations as hazardous for minors or detrimental to their health or well-being.
- California rules also prohibit minors under age 16 from servicing machinery, working in close proximity to moving machinery, or performing tasks that cause dust in hazardous quantities.
- State law now bars minors under 12 not only from working in but also from accompanying parents (guardians) employed in a job that has been declared hazardous for minors under 16 or in an agricultural zone of danger - on or about moving equipment, around unprotected chemicals, and around unprotected water hazards.

# Child Farm Workers

- The Association of Farmworker Opportunity Programs based on figures gathered by the Department of labor estimates that “there are approximately 500,000 child farm workers in the United States”, with some starting as young as eight years old. *Child Labor in the United States*, American Federation of Teachers (2021), <https://www.aft.org/community/child-labor-united-states>



# Agricultural Workers Under 16

- In California, you must be at least 12 years old to be hired as a farm worker. NOTE: Youth of any age may work at any time in any job on a farm owned or operated by their parents.
- Is It OK To Do Any Kind of Farm Work? In California no worker under 16 may:
  - Handle or apply pesticides
  - Drive, ride, or assist in operating a tractor or forklift
  - Drive any vehicle for transporting passengers
  - Use powered equipment such as a chain saw, hay mower, hay baler, or cotton picker
  - Work on a ladder over 20 feet  Work inside a silo
- Also, no one under 12 may accompany a family member to work near:
  - Moving farm equipment
  - Pesticides or other chemicals
  - Water hazards such as an irrigation canal



# Agricultural Workers – 16 & 17

- **Work Hours – 16 & 17 Year Olds**
- **When School Is In Session**
  - Not before 5 am or after 10 pm on school nights
  - • Not before 5 am or after 12:30 am when there is no school the next day
  - 48 hours a week, but not over:
    - 4 hours a day Monday–Thursday
    - 8 hours a day Friday–Sunday and holidays
    - 10 hours a day in agricultural packing plants during peak harvest season Saturday–Sunday and holiday
- **When School Is Not in Session**
  - • 48 hours a week • 8 hours a day
  - 10 hours a day in agricultural packing plants during peak harvest season

# Hours Teens Can Work in Agriculture

- Work Hours 12 – 15 Year Olds
- Maximum Hours When School Is in Session
- 18 hours a week, but not over:
  - 3 hours a day on school days
  - 8 hours a day Saturday–Sunday and holiday
- Not before 7 am or after 7 pm during the school year
- Maximum Hours When School Is Not in Session
- 40 hours a week • 8 hours a day
- 7 am–9 pm during the summer

# Citations & Penalties

- **Are there any citations or penalties for violating California child labor laws?**
- When the California Department of Industrial Relations conducts an investigation and determines an employer has violated California child labor laws, it will issue a citation to the employer explaining the nature of the violation and whether the violation is a Class A or Class B violation. [CA Labor Code 1287-88](#)
- An employer may contest a citation within 15 business days after receiving the citation by requesting a formal hearing from the office of the Labor Commissioner that appears on the citation. [CA Labor Code 1289](#) Citations may also be issued to anyone who owns or controls the real property on which the youth works if the youth works for the person who owns or controls the property and the person has knowingly permitted the violation. [CA Labor Code 1301](#)

# Civil Penalties

- "Class A violations" include employing a minor under 16 in a dangerous occupation, acting unlawfully so as to present an imminent danger to a minor of any age, and violating the permit or hours requirements for a third time or more. The minimum civil money penalty for these offenses has been raised from \$1,000 to \$5,000, the maximum from \$5,000 to \$10,000.
- Class B violations," infractions of work permit or hours requirements, have increased from the former \$100-\$500 range to the federal level of \$500 minimum and \$1,000 maximum per occurrence.
- [CA Labor Code 1288\(b\)](#)

# Criminal Penalties

## • Criminal charges

- Employers who violate California child labor laws may be found guilty of criminal penalties including a misdemeanor punishable by a fine of not less than \$1,000 and no more than \$5,000 and/or six months of imprisonment in the county jail. Employers who willfully violate the child labor laws may be subject to a fine of no more than \$10,000 and/or six (6) months in the county jail. An individual may only be sentenced to time in jail if they have previously violated California child labor laws. [CA Labor Code 1303, 1308](#)

# Bay Area Child Labor Violations

- According to a Labor Commission and an OSHA complaint against Popeye's in Oakland, a worker started working at Popeyes when she was 13 years old, and she worked 6 days a week including until midnight on school nights. Under California law, 12 and 13 years old are not allowed to work on school days and can't work more than 8 hours on non-school days.
- Two 17 year old teens had been working longer than is legally permitted for minors, including as late as 11:30 p.m. on school nights; denied required rest breaks; and subjected to sexual harassment at work. Their employer knew their age and that they were high school students when they were hired, according to the labor complaint.
- They said they have been late to class or even called during school hours to work.
- They were also subjected to sexual harassment. The 17 year olds were called prostitutes because they were standing around the store and asked questions about male genitalia and their own genitalia. A worker was assaulted by a customer, and a security guard pepper sprayed customers and workers.

# Subway Violated Child Labor Laws

- The U.S. Department of Labor has obtained a preliminary federal court injunction forbidding the operator of 14 San Francisco Bay Area Subway locations from violating child labor laws, threatening and retaliating against workers and obstructing a federal investigation.
- The action by the U.S. District Court for the Northern District of California contains allegations that John Michael Meza, owner and operator of the Subway franchises, directed employees as young as 14 and 15 to operate dangerous equipment, allowed children to work longer and at times not permitted by law, issued hundreds of bad checks to employees, failed to pay their wages regularly and kept tips left by customers.
- The division also alleges that Meza coerced employees not to cooperate with investigators and threatened children who raised concerns.
- Several Subway workers had suffered burns and other injuries.
- The employers must cease withholding \$265,294 in unpaid wages in bounced employee checks and reimburse employees for bad check fees charged to employees by their financial institutions.

# Subway Locations

Address	City	Address	City
2777 Lone Tree Way	Antioch	2620 Lakeville Highway, Unit #320	Petaluma
1026 Oak St., Suite #103	Clayton	221 North McDowell Blvd.	Petaluma
301 Sun Valley Mall	Concord	961 Lakeville Highway	Petaluma
8500 Gravenstein Highway, Unit B	Cotati	13501 San Pablo Ave.	San Pablo
2375 California Blvd.	Napa	124-B Calistoga Road	Santa Rosa
3214 Jefferson St.	Napa	199 Lincoln Road West, C	Vallejo
902 Enterprise Way, Unit A	Napa	6400 Hembree Lane, Unit #100	Windsor



# Child Labor Trafficking

- . Child labor trafficking most often occurs in agricultural settings, factories, domestic workplaces, health and beauty services, restaurants, and small businesses, and is more common in informal settings or situations where employers cannot be easily monitored. Development Services Group, Inc. (2016). *Child labor trafficking. Literature review*. U.S. Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/child-labor-trafficking.pdf>

# Child Labor Trafficking

- Common scenarios for labor trafficking include traveling sales crews and peddling operations. In traveling sales crews, young people are recruited to move from city to city selling cheap goods, such as candy, magazines, or other trinkets for little or no pay.-Development Services Group, Inc. (2016). *Child labor trafficking. Literature review*. U.S. Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/child-labor-trafficking.pdf>
- In peddling operations, they are required to solicit “charitable” donations on the street or in shopping centers.-Polaris Project. (2017). *The typology of modern slavery: Defining sex and labor trafficking in the United States*. Polaris Project. <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-Typology-of-Modern-Slavery-1.pdf>
- Another common form of forced labor involves coerced drug dealing; of 641 homeless youth interviewed for a large 2016 study, 7% said they had been forced to sell drugs, often for gangs. Murphy, L. (2016). *Labor and sex trafficking among homeless youth: A ten-city study*. Loyola University. <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>

# **SBCCEHT 2022 Annual Report and SF Mayor's Task Force Report**

- According to the South Bay Coalition to End Human Trafficking's 2022 report, of the 397 individuals served, a combined total of 246 were minors or transitional age youth (TAY) (ages 18-25) that were either confirmed or at risk of commercial sex trafficking. One hundred and fifty-three (153) were under the age of 18 and the remaining 93 were TAY.
- In March, 2023, the San Francisco Mayor's Task Force on Anti-Human Trafficking released a report detailing the type of human trafficking cases that government and community agencies handled in 2021.
- Most human trafficking cases in San Francisco involve victims under 25, women and people of color.
- Eight agencies involved in public health, women and family services, law enforcement and legal services reported 165 cases of sex and labor trafficking induced by force, fraud or coercion.

QUESTIONS

