

Arizona

■ ARIZONA WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

TERMS: In general, workers under the age of 18 who are employed at an age or in an occupation that violates the child labor laws at the time of a job-related injury are entitled to *1½ times* the amount of workers' compensation benefits normally payable for the injury.

ENFORCEMENT: *Claims Division, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4661).*

Arkansas

■ PUBLIC HEALTH AND WELFARE LAWS (*HAND HARVESTING BY CHILDREN*)

TERMS: A child 12 years of age or older may be employed to hand-harvest a short-season crop in Arkansas, provided that *all six* of the following conditions are met:

- (1) School is not in session.
- (2) The employer has permission from the child's parents.
- (3) The employer has obtained an employment certificate from the state labor department.
- (4) Any pesticide or other agricultural chemical used on the crop has been approved by the state health department as safe for the occupational exposure of 12- and 13-year-old hand harvesters.
- (5) Any restricted-entry period set for the chemical by the health department has expired before the child is allowed to work.
- (6) The chemical has been applied in compliance with the worker protection standards prescribed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ENFORCEMENT: *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500)*. This agency is responsible for issuing youth employment certificates in Arkansas, and for enforcing other provisions in the state's child labor laws.

Testing, approving and establishing safe re-entry periods for pesticides used where 12- and 13-year-old children are to be employed in hand-harvest operations is the responsibility of the *Arkansas Department of Health, Little Rock, Arkansas 72205 (501-661-2000)*.

California

■ **WORKERS' COMPENSATION ACT (*ILLEGAL EMPLOYMENT OF MINORS*)**

TERMS: In general, workers under the age of 16 who are employed in farmwork in violation of the child labor laws at the time of a job-related injury are entitled to $1\frac{1}{2}$ times the amount of benefits normally payable under the Workers' Compensation Act, unless the employer relied on proof presented by the worker that the worker was over the age of 15 at the time of hiring.

ENFORCEMENT: *Division of Workers' Compensation, California Department of Industrial Relations, Oakland, California 94612 (510-286-7100).*

Florida

■ WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

TERMS: Whenever a minor employed in violation of the state child labor law is injured on the job, the state agency that administers the Workers' Compensation Law is authorized to award up to *double* the amount of compensation benefits that would normally be payable to the worker or the worker's dependents.

Under the law's coverage provisions, injured minors illegally employed in agriculture at the time of an injury are entitled to extra compensation only if they were employed by a farm operator that (1) employs 6 or more regular farm employees, (2) employs 12 or more seasonal farmworkers at any one time, (3) employs any group of seasonal farmworkers for a job lasting at least 30 days, or (4) employs seasonal farmworkers for a total period of more than 45 days in a calendar year.

ENFORCEMENT: *Division of Workers' Compensation, Department of Financial Services, Tallahassee, Florida 32399 (850-413-1609).*

Maryland

■ MARYLAND WORKERS' COMPENSATION ACT (*ILLEGALLY EMPLOYED MINORS*)

TERMS: When a minor is injured or killed on the job and the minor was employed in violation of the state child labor laws at the time of the accident, the state Workers' Compensation Commission is authorized to award *double* the amount of compensation or death benefits the worker or the worker's family would ordinarily be entitled to under this law. The employer alone, and not the workers' compensation insurance provider, is responsible for the increased cost of the benefits.

ENFORCEMENT: *Insurance, Reporting and Compliance Division, Maryland Workers' Compensation Commission, Baltimore, Maryland 21202 (410-864-5297).*

Massachusetts

■ WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

TERMS: A minor who is employed in farmwork in violation of the state child labor laws at the time of a work-related accident is generally entitled to *twice* the normal workers' compensation award that would otherwise be payable for the injury; double benefits may be paid to the worker's dependents if the worker dies as a result of the injury.

As a penalty for violating the child labor laws, the employer, not the employer's insurance company, is legally responsible for paying the extra compensation.

ENFORCEMENT: *Office of Claims Administration, Massachusetts Department of Industrial Accidents, Boston, Massachusetts 02114 (617-727-4900; toll-free 800-323-3249).*

Michigan

■ **STATE LABOR LAWS (*WORK AWAY FROM HOME LOCALITY*)**

TERMS: It is unlawful for any person or firm to promise wages or use any similar method to persuade a child under 16 years of age to leave home for purposes of employment, without the written permission of the child's parents and the consent of school officials at the home location. If such consent is obtained and the child accepts the recruitment offer, the child must be returned home safely upon the written request of his or her parents.

ENFORCEMENT: These provisions are enforced by public prosecuting attorneys in criminal court.

New Jersey

■ **WORKERS' COMPENSATION LAW (*ILLEGALLY EMPLOYED MINORS*)**

TERMS: If a workers' compensation claim involves the job-related injury or death of a child under 14 years of age who was employed at the time of the injury in violation of the child labor laws, or a minor 14 years old or over who was employed without a required employment certificate or in an occupation prohibited at the minor's age by law, the child or the child's dependents are entitled to *twice* the dollar amount of compensation or death benefits that would normally be payable for the injury under the workers' compensation law.

The employer alone, not the employer's insurance company, is responsible for paying the extra compensation in such cases.

ENFORCEMENT: *Division of Workers' Compensation, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2515).*

New York

■ WORKERS' COMPENSATION LAW (*ILLEGALLY EMPLOYED MINORS*)

TERMS: A worker under the age of 18 who is injured while employed on a farm or in any other establishment in violation of the state child labor laws is generally entitled to *double* the amount of workers' compensation benefits normally payable. The Workers' Compensation Law applies to farm employers only if they paid at least \$1,200 for agricultural labor in the previous calendar year.

ENFORCEMENT: *New York State Workers' Compensation Board, Schenectady, New York 12305 (toll-free 866-298-7830)*. Any dispute between a worker and an employer (or between a worker and an employer's insurance company) regarding eligibility for or the amount of workers' compensation benefits should be brought to the attention of the Board.

North Carolina

■ **CRIMINAL LAWS (*RECRUITING MINORS FOR OUT-OF-STATE EMPLOYMENT*)**

TERMS: Anyone who persuades or influences a minor to leave North Carolina for the purpose of employment, or hires and transports a minor out of the state, without the written permission of the parent, guardian or other person having authority over the child, is guilty of a criminal offense. Punishment may include a fine of up to \$1,000, a jail sentence of up to 6 months, or both.

ENFORCEMENT: This provision is enforced by state and local law enforcement agencies, through the criminal courts.

Ohio

■ WORKERS' COMPENSATION LAW (*ILLEGAL CHILD LABOR*)

TERMS: Whenever a worker under the age of 18 is employed by a farm operator or any other employer in violation of the child labor laws, and is injured or becomes ill due to a hazard on the job, the child is entitled to *twice* the amount of workers' compensation benefits that would normally be payable for the injury or illness.

ENFORCEMENT: *Ohio Bureau of Workers' Compensation, Columbus, Ohio 43215 (614-644-6292; toll-free 800-644-6292)*. A minor who suffers a job-related injury, or disablement due to an occupational disease, may file a claim by mail, or online at www.bwc.ohio.gov/bwccommon/forms/froi/default.asp. The fact that the worker was employed unlawfully does not affect eligibility for workers' compensation and may entitle the worker to double benefits, as described above.

Pennsylvania

■ PUBLIC SCHOOL CODE OF 1949 (*EMPLOYMENT OF CHILDREN*)

TERMS:

Employment Certificates and Permits — It is illegal to employ a child under the age of 18 during public school hours, unless the employer has on file a general employment certificate, or a farm or domestic service permit, issued by the local school district.

Reporting — Twice a year, anyone employing a child between the ages of 14 and 18 must submit to the school district where the child resides a written report showing the child's name, age, and place of residence, and the name of the child's parent or guardian.

Posting — Anyone who employs a child 14 to 18 years old during public school hours and during the local school year must post in plain sight at the workplace a list of all such children, giving each child's name, age, place of residence, name of parent or guardian, the date of issuance of the employment certificate, and the name of the issuing party.

ENFORCEMENT: These provisions are enforced by the local school districts.

■ WORKERS' COMPENSATION ACT (*MINORS ILLEGALLY EMPLOYED*)

TERMS: A worker under 18 years of age who, at the time of an accidental injury on the job, was employed or allowed to work in violation of the state child labor laws, is generally eligible to collect $1\frac{1}{2}$ times the normal amount of workers' compensation benefits for such an injury.

This provision applies to minors employed in agriculture only if the employer (1) pays at least \$1,200 to any one worker during the calendar year for agricultural labor, or (2) employs any one worker for at least 30 days of farm labor during the year.

ENFORCEMENT: *Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-886-9035; toll-free 800-482-2383)*. The Department may respond to the petition of any worker — including a minor employed contrary to the child labor laws — who requests a hearing and determination regarding workers' compensation which has not been paid in accordance with the law.

Puerto Rico

■ **COMPENSATION SYSTEM FOR WORK-RELATED ACCIDENTS ACT (*RIGHTS OF MINORS*)**

TERMS: A worker under the age of 18 who is injured in a job-related accident while working in violation of the child labor laws is entitled to *twice* the amount of workers' compensation benefits normally payable for such an injury. As a penalty for using unlawful child labor, the employer rather than the State Insurance Fund is responsible for paying the extra compensation.

ENFORCEMENT: *State Insurance Fund Corporation, San Juan, Puerto Rico 00936 (787-793-5959)*. Even if employed contrary to the child labor laws, a minor who is injured on the job should report the accident to the employer, who is responsible for appropriate medical treatment.

The agency responsible for hearing and ruling on workers' compensation appeals is the *Industrial Commission of Puerto Rico, San Juan, Puerto Rico 00936 (787-781-0545)*.

Rhode Island

■ **WORKERS' COMPENSATION ACT (*ILLEGAL CHILD LABOR*)**

TERMS: Under the Workers' Compensation Act, a worker employed in violation of federal or state child labor laws who is injured in a job-related accident is entitled to *3 times* the amount of compensation which would have been payable if the worker had been legally employed.

This law applies to farm operations only if they employ 25 or more farmworkers for 13 or more consecutive weeks.

ENFORCEMENT: *Division of Workers' Compensation, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.*