

Chapter Ind 70

CHILD LABOR*

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Ind 70.01 Age certificate. (1) AGE LIMIT. Age certificates shall be issued to minors 18 to 21 years of age.

(2) CHILD LABOR PERMIT. Every child labor permit issued under the authority of section 103.70, Wis. Stats., shall, also, constitute a certificate of age under section 103.75, Wis. Stats., as long as the child named in such permit continues in the employ of the employer named on the permit.

(3) APPRENTICES. An apprenticeship indenture which has been approved by the industrial commission shall constitute, under section 103.75, Wis. Stats., a certificate of age of the minor signing the contract.

(4) PROOF OF AGE. Persons designated by the industrial commission to issue age certificates to minors under the authority of the statutes shall require the minor to present proof of age as provided in section Ind 70.02.

(5) METHOD OF ISSUING. (a) Age certificates shall be filled out in ink or by typewriter on blanks furnished by the industrial commission and shall be signed by the person issuing same.

(b) The minor shall be required to affix his signature in ink to the age certificate and copies thereof in the presence of the person issuing the certificate.

(c) The age certificate shall be made out in triplicate except where issued in the Madison or Milwaukee office of the industrial commission. The original copy shall be delivered to the minor. One copy shall be attached to the record of age and filed with the issuing officer, and one copy shall be sent to the Industrial Commission at Madison.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.02 Age proof for labor permits and age certificates. The commission will accept the items in the order herein designated as evidence of age under the Child Labor Law, section 103.73 (1) (a), Wis. Stats., Street Trades Law, section 103.25, Wis. Stats., and the Certificate of Age Law, section 103.75, Wis. Stats.

* For rules for canning or first processing of fresh fruits and vegetables see Ind 73.

(1) **BIRTH CERTIFICATE.** A birth certificate issued by a registrar of vital statistics or other officer charged with the duty of recording births or a certified record of birth from the hospital in which the birth occurred.

(2) **BAPTISMAL CERTIFICATE.** Record must give the minor's name, date of birth, date and place of baptism, name of church and signature of officiating or issuing clergyman. This record may be taken in lieu of a birth record providing the minor was baptized 10 or more years ago. If birth is not recorded, a baptismal certificate of any date will be accepted.

(3) **OTHER PROOF.** Only in cases where the above proofs of age are not obtainable, may the following be used:

(a) *Government record and insurance policy.* Other documentary evidence satisfactory to the industrial commission such as government passport or certificate of arrival in the United States issued by United States immigration officers, showing age of minor or a life insurance policy, provided such insurance policy has been in existence at least one year prior to the time it was offered in evidence and is supported by a school record of age.

(b) *Other proofs of age.* School age preferably from the first school attended, with a parent's, guardian's or custodian's statement of age and physician's statement of physical age if under 18 years of age. If between 18 and 21 years of age, the school age with a parent's affidavit and the minor's affidavit.

(c) *Proof of age through court.* When none of the above proofs of age are obtainable, proof of age may be established through county court as provided in section 327.28, Wis. Stats.

(4) **MARRIED GIRLS.** A marriage license or certificate shall be required in addition to the proof of age used.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.03 Apprentices; application of the child labor law to indentured apprentices 16 to 18 years of age. Minors indentured under provisions of section 106.01, Wis. Stats., shall not be subject to the law concerning prohibited employment for minors insofar as such minors at the time of injury are performing service within the provisions of contracts of apprentice indenture approved by the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.04 Bowling alleys. Section 103.69 (3) (c) Wis. Stats., is modified to permit the employment of boys 16 to 18 years of age in bowling alleys as pinsetters or pinchasers only, under the following conditions:

(1) No boy under 18 years of age shall be employed in a bowling alley except as a pinsetter or pinchaser as provided in this order and on a labor permit duly issued.

(2) Boys 17 years of age shall be permitted to be employed as pinsetters or pinchasers but shall not be employed more than 8 hours on any day, nor more than 48 hours during any week, nor on more than 6 days in any week, nor later than 11:30 P.M. of any evening.

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(3) Boys 16 years of age who are high school graduates shall be permitted to be employed as pinsetters or pinchasers but shall not be employed more than 8 hours on any day, nor more than 48 hours during any week, nor on more than 6 days in any week, nor later than 11:30 P.M. of any evening.

(4) Boys 16 years of age who are not high school graduates may be employed as pinsetters or pinchasers on Friday, Saturday, Sunday, and one other day of the week, but shall not be employed for more than 8 hours on any day and not later than 11:30 P.M. of any evening. During school vacations they shall not be employed more than 8 hours on any day nor more than 48 hours during any week, nor on more than 6 days in any week, nor later than 11:30 P.M. on any evening.

(5) No boy under 18 years of age employed as a pinsetter or pinchaser in a bowling alley shall be permitted to dispense, serve or handle strong, spirituous or malt liquors, nor be permitted at any time to be in that part of the premises where such liquor is dispensed or served.

(6) If the principal of the school attended by a boy employed in a bowling alley notifies the industrial commission that the boy is suffering deficient grades in school, the permit authorizing the employment of the boy shall be recalled by the commission and shall not be re-issued until the principal reports to the commission that the scholastic deficiency has been remedied.

(7) The bowling alley proprietor or operator shall keep the following records of the employment of each boy employed:

- (a) Name and address.
- (b) Date of birth.
- (c) Date employment began.
- (d) Time of beginning and ending of work on each day, and the total number of hours worked per day.
- (e) Wages paid per payroll period.

(8) The industrial commission reserves the right in its discretion to revoke and deny permits for the employment of boys under 18 years of age by any bowling alley proprietor or operator, if such proprietor or operator is found by the commission to have violated any of the provisions of this order.

History: Cr. Register, August, 1956, No. 8, eff. 9-1-56; am. 70.04 (4) Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.05 Caddies on golf courses. (1) **TRANSFER OF CADDIES.** The labor permit issued by the industrial commission or by a person designated by it to issue labor permits for a boy under 18 years of age to be employed as a caddy by the golf club named in the permit, shall be deemed to permit the employment of the boy named in the permit as a caddy by such golf club on whose course inter-club matches, inter-service club matches or special events for non-members are being held, during the duration of such matches or events; provided that the club on whose course the matches or events are being held secures from the club to whom the permit or permits were issued a list of the caddies transferred prior to the employment of such caddies by the

club to which transferred. This list shall contain the name, address, and date of birth of each boy transferred, together with the date of issuance of the permit, the name of the golf club to which it was issued, and the name of the golf club to which the boy was transferred. The golf club to which the permit or permits were issued shall keep on file at the club a duplicate of the above list. The golf club to which the caddy or caddies are transferred shall add to the list the dates of employment by it of each boy named in the list and shall keep such list on file at the club.

(2) **HOURS OF WORK.** No boy between 16 and 18 years of age shall be employed or permitted to work as a caddy on a golf course for more than 8 hours in any one day, nor more than 48 hours in any one week, nor during such hours as he is required under section 40.77 (2) Wis. Stats., to attend school. No boy under 16 years of age shall be employed or permitted to work as a caddy on a golf course for more than 8 hours in any one day, nor more than 40 hours in any one week, nor before 7:00 A.M. or after 7:00 P.M. except that during the period from June 15th to September 10th, inclusive, he may be permitted to work not later than 9:00 P.M., nor during such hours as he is required under section 40.77 (2), Wis. Stats., to attend school.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.06 History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. Register, April, 1958, No. 28, eff. 5-1-58.

Ind 70.07 History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. Register, April, 1958, No. 28, eff. 5-1-58.

Ind 70.08 Fees for permits. The commission fixes a fee of 25 cents for the issuing of each child labor permit and authorizes the retention of such fee by the permit officer as compensation for his services.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.09 Hoisting machines and lifts. Section 103.69 (3) (h), Wis. Stats., is modified to permit:

(1) The employment of boys between 16 and 18 years of age in the operation of hoisting machines and lifts used in lifting not more than 500 pounds and which machines are integral or auxiliary parts of individual lathes or milling machines and in which the hoisting machine is used only in connection with such lathes or milling machines.

(2) The use of automatic self service elevators by minors under 18 years of age during the course of their employment but not as regularly employed elevator operators.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.10 Hotels, restaurants and private clubs. (1) **GIRLS.** Section 103.69 (4) (a), Wis. Stats., is modified to permit girls 17 years of age to be employed in hotels and restaurants only, on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time and on the further condition that they shall not be employed before the hour of 6:00 A.M. nor after the hour of 10:00 P.M. on any day.

(2) **Boys.** Boys between 16 and 18 years of age may be employed in restaurants, hotels, and private clubs which dispense and/or serve

strong, spirituous or malt liquors on condition that their employment shall not involve the dispensing, serving or handling of strong, spirituous or malt liquors at any time or work in or about locker room. Boys under 18 years of age may not be employed as bell hops in hotels.

(3) **DEFINITION.** A restaurant under this section is a public eating place in which the predominant business is the serving of meals and/or lunches.

(4) **VIOLATION OF PROVISIONS BY EMPLOYER.** The commission may in its discretion revoke the permission for the employment of minors as provided in this rule in the case of an employer who is found by the commission to have violated any of its provisions.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Note: Section 160.01 (1), Wis. Stats., defines "Hotels" as all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith.

Ind 70.11 Hours of labor of minors between the ages of 14 and 18 years. (1) **AGE 17 YEARS.** Section 103.68 (1) (2), Wis. Stats., is modified to extend the hours of employment of minors. Minors of this age may be employed not more than 8 hours a day nor more than 48 hours a week nor more than 6 days a week.

(2) **AGE 16 YEARS.** During regular school vacations, minors 16 years of age may be employed not more than 8 hours a day nor more than 48 hours a week nor more than 6 days a week.

(3) **AGE 14 TO 16 YEARS.** During regular school vacations, minors between 14 and 16 years of age may be employed not more than 8 hours per day nor more than 40 hours per week nor more than 6 days per week nor before 7:00 A.M. nor after 9:00 P.M. When schools are in session they may be employed not later than 8:00 P.M. except on any day which does not precede a school day they may be employed not later than 9:00 P.M.

(4) **HOURS BETWEEN SHIFTS.** All minors under 18 years of age must have a period of rest of at least 8 consecutive hours from the ending of work on any day and the beginning of work on the next day.

(5) **NIGHT WORK IN MANUFACTORIES OR LAUNDRIES.** No girl under 18 years of age may be employed or permitted to work at night work in manufactories or laundries between the hours of 6:00 P.M. and 6:00 A.M. following.

(6) **HIGH SCHOOL GRADUATES OR MARRIED MINORS.**

(a) Boys 16 to 18 years of age, who are high school graduates or married, may be employed on child labor permits the same hours as boys 18 years of age or over. This exception does not apply to boys employed under chapter Ind 73.

(b) Girls 16 to 18 years of age, who are high school graduates or married, may be employed on child labor permits the same total daily and weekly hours as women 18 years of age or over. This exception does not alter the limitations on the time of day prescribed by section Ind 70.10.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, April, 1958, No. 28, eff. 5-1-58; am. Register, May, 1960, No. 53, eff. 6-1-60.

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Ind 70.12 Meal periods. At least 30 minutes shall be allowed for each meal period reasonably close to the usual meal period time, namely 6:00 A.M.; 12 noon; 6:00 P.M.; 12 midnight or at such other times as deemed reasonable by the commission. In no case shall a minor under 18 years of age be employed or permitted to work more than 6 consecutive hours without a meal period.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.13 Prohibited employments. In addition to hazardous employments prohibited by section 103.69 (3), Wis. Stats., the following employments shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of minors under 18 years of age:

- (1) In or about a stationary sawmill.
- (2) Operating or assisting in the operation of power-driven meat grinders.
- (3) Operating or assisting in the operation of bulldozer.
- (4) In or about a sand or gravel pit.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.14 Road construction. Section 103.69, (3) (r), Wis. Stats., is modified to permit the employment of boys between 16 and 18 years of age in road construction. Such employment must be in accord with the provisions of the child labor and minimum wage laws relative to child labor permits, hours of labor, minimum wages and all other provisions of said laws.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.15 Threshing crews. Section 103.68, Wis. Stats., relating to hours of labor of boys 16 to 18 years of age and section 103.69 (3) (v), Wis. Stats., relating to the employment of such boys as members of threshing crews is modified to permit the employment of boys 16 to 18 years of age as members of threshing crews and to remove the restrictions on hours of labor of boys 16 to 18 years of age while so employed.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 70.16 Employment of minors in agriculture. No minor under 12 years of age may be employed or permitted to work under section 103.77 (2) Wis. Stats., in cherry orchards, market gardening, gardening conducted or controlled by canning companies and the culture of sugar beets and cranberries.

(1) The presence of a child under 12 at the place where his parent or guardian is employed, if merely for the purpose of supervision, is not prohibited by this order, and

(2) An employer is not deemed to have permitted a child to work at employment prohibited by this order if he has notified his employes of its provisions and has made reasonable effort to enforce such provisions and has not acquiesced in children under 12 performing such work.

Note: It is suggested that copies of this order be posted. Copies for posting may be obtained from the Industrial Commission, 1 West Wilson Street, Madison 2, Wisconsin.

History: Cr. Register, May, 1960, No. 53, eff. 6-1-60.

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Ind 70.17 School lunch programs. Section 103.67 (2) Wis. Stats., is modified to permit the employment of minors 12 years of age and over in the school lunch programs of the school which they attend. Section 103.70 Wis. Stats., is also modified to permit the issuance of child labor permits by duly authorized permit officers to minors 12 and 13 years of age for employment in school lunch programs.

History: Cr. Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.20 Policies. (1) It is the policy of the industrial commission to refuse to issue permits for the employment of minors for the following ages and occupations:

(a) MINORS UNDER 18 YEARS OF AGE.

1. Airport, except in hangar, office and other work which is a safe distance from the landing field.
2. Armored cars such as Brink's Service.
3. Asylums, any occupation in or about insane asylums.
4. Brewery office—except if office is in separate building and minor has nothing to do in brewery building.
5. Drivers or helpers. a. Drivers or helpers on fuel oil and gasoline trucks; propane gas delivery and hook up for home use; delivery of cars over state lines; ice trucks if ice cake to be lifted weighs in excess of 50 lbs.—if under 50 lbs., permits may be issued for the employment of boys 16 to 18 years of age.
b. Drivers of school bus or motor vehicle transporting children, public passengers or freight.
c. Drivers of taxi cabs.
d. Drivers of hot rod racing cars or stock cars or workers in pits.
e. Drivers of motor driven plant trucks with or without lifting devices.
f. Drivers of tractor snow plow or tractor with front-end lift or loader.
6. Fire fighters, volunteer or other firemen. In emergencies or as outlined in section 26.14, Wis. Stats., no permits are required.
7. Games of skill. Except permits may be issued to boys 14 to 18 years of age if not in connection with prohibited employments.
8. Gun clubs—loading skeet traps or as trap boys.
9. Ice harvesting.
10. Life guards and swimming instructors. Except that where constant adult supervision is provided and where proper Red Cross certificates or the equivalent have been issued, labor permits may be issued to girls 16 to 18 years of age for employment as swimming instructor aides and to boys 16 to 18 years of age as life guards or swimming instructor aides.
11. Metal pots—no permits for minors under 18 years of age to tend metal pots in which a mixture of lead, antimony and tin contain a high percentage of lead.
12. Projectionists in theatres.
13. Sand blasting operations.
14. Sanitarium—Tuberculosis, any occupation in or about.
15. Saws—chain saws, operating or assisting in operating.

16. Spraying or dusting—handling or cleaning equipment used in spraying or dusting or in pea spraying or dusting.
17. T.V. antenna—outside erection.
18. Tree trimming—except that minors 16 to 18 may be employed in work at ground level.
19. Trenches, ditches—except for ground-level work for boys 16 to 18 years of age.
20. Well drilling—operating or assisting to operate equipment or as assistant well driller.
21. Window washing—where work is above the first floor and involves climbing ladders or using safety belts.
22. X-ray machines—operating equipment in hospitals, laboratories or in factories where they x-ray metals.

(b) GIRLS UNDER 18 YEARS OF AGE:

1. Ball parks.
2. Chauffeurs.
3. Dormitories, except upon proper showing that the work done will not be detrimental to the health, welfare and morals of girls, the commission will make exceptions to this rule such as for girls working in girls' dormitories.
4. Gas stations, except girls 16 to 18 years of age may be employed between 6:00 A.M. and 6:00 P.M.
5. Military academies.
6. Outdoor theatres.
7. Roller skating rinks—any job in or about.

(c) GIRLS UNDER 17 YEARS OF AGE:

1. Fairs—in restaurant stands and in curb service. No permits under 18 years of age if beer or liquor is sold. Except permits may be issued to girls 16 years of age for employment in mercantile stands in fair buildings operated by fair associations.
2. Kiddie rides and pony rides. (Boys may secure permits at 14 years.)
3. Park stands (other than bill parks, section Ind 70.20 (1) (b) 1.), roadside stands, drive-in stands, curb service, businesses in airports, bus and railway stations and amusement parks. Girls 17 years of age employed in any of the places named in this section may not be employed before the hour of 6:00 A.M. nor after the hour of 10:00 P.M. on any day.

(d) MINORS UNDER 16 YEARS OF AGE:

1. Balers—operating or assisting in the operation of pick-up balers, tractor-pulled balers or power-driven paper balers.
2. Beaches and pools.
 - a. Checkers and attendants.
3. Motor vehicles—driver or helper except under direct supervision of parent or guardian.
4. Mowers—power-driven lawn.
5. Riding academies, camp stables, and jockeys.

(e) BOYS UNDER 16 YEARS OF AGE: Roller skating rinks—any employment in or about.

(f) GIRLS UNDER 16 YEARS OF AGE: 1. Hospitals—no permits shall be issued for personal care of patients.

(2) It is policy to issue permits for the following: (a) Forestry, United States, State and County services, for boys 14 to 18 years of age.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. (1) (b) 6; am. (1) (a) 10; (1) (a) 14; (1) (a) 21; renum. (1) (b) 7 to be 6 and (1) (b) 8 to be 7; am. (1) (c) 3; renum. (1) (f) (a) r. (2) (b), Register, May, 1960, No. 53, eff. 6-1-60.

Ind 70.21 Forms. The following forms are listed in accordance with Sec. 227.013, Wis. Stats. These forms are issued by the Woman & Child Labor Division and may be obtained from the Industrial Commission, 1 West Wilson Street, Madison.

(1) CL-1 Child Labor Permit (16-18 yrs.—Regular).

(2) CL-2 Child Labor Permit (14-18 yrs.—After School, Saturdays and Vacations).

(3) CL-17 Age Certificate.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.