

Chapter Ind 73

CANNING OR FIRST PROCESSING FRESH FRUITS
AND VEGETABLES*

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Ind 73.01 Hours of work. (1) Canning and freezing establishments must arrange their work so that during the season of actual canning or first processing of the product, women 18 years of age or over and boys and girls 16 and 17 years of age shall not be required nor permitted to work more than 9 hours in any day nor more than 54 hours in any week, except in emergencies as provided in section Ind 73.02. For the purpose of this chapter, a day is the 24 hours beginning at 6:00 a.m. of each calendar day; a week means a calendar week, or a regular recurring period of 168 hours in the form of 7 consecutive 24-hour periods.

(2) The hours of work of women 18 years of age or over employed in canning factories before and after the season of actual canning of the product must be kept within the regular factory limits except that women employed in canteens and eating houses operated by canning factories to feed their workers may work between 6:00 P.M. of one day and 6:00 A.M. of the following day.

(3) Boys and girls 14 and 15 years of age may not work more than 8 hours in any day nor more than 24 hours in any week nor more than 6 days in any week nor before 7:00 A.M. nor after 7:00 P.M. except during regular school vacations, they may work 40 hours in any week.

Note 1: The hours of work of boys and girls 16 and 17 years of age employed in canning factories before and after the season of actual canning of the product must be kept within the limits provided in section 103.63, Wis. Stats., and orders of the commission issued under section 103.66, Wis. Stats.

Note 2: No minor under 18 years of age may be employed in canneries, including employment at viner stations, unless the employer has on file a labor permit authorizing the employment. A minor under 18 years of age injured while employed, when the employer does not have such labor permit, is entitled to double compensation for such injury; if he is injured while working at a prohibited employment, then the compensation is trebled. The employer must pay the extra compensation. Severe penalties are also provided for violations of the child labor law.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56; r. and recr. (1), Register, July, 1967, No. 139, eff. 8-1-67.

Ind 73.02 Emergencies. In emergencies occasioned by breakdowns, climatic conditions or unusual peak loads, canneries which have complied with the safety and sanitation orders issued by the industrial

*The employment of women and minors in factories engaged in dehydrating fruits and vegetables is covered by the general factory regulations governing the employment of these groups.

commission and which have made due provision for observing section Wis. Adm. Code Ind 73.01, may employ women 18 years of age or over and boys and girls 16 and 17 years of age more than 9 hours in any day and 54 hours in any week as follows:

(1) For not more than 12 days during the season of actual canning of a product not more than 11 hours in any day nor more than 60 hours in any week. When 2 or more of such seasons overlap, emergency days occurring within the period of overlap shall be counted as emergency days for each season overlapping.

(2) Each day on which any woman 18 years of age or over or any boy or girl 16 or 17 years of age, except any boy employed as provided in section Wis. Adm. Code Ind 73.05, works more than 9 hours shall count as one of the 12 days permitted under (1).

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.03 Meal periods. Meal periods of not less than 30 minutes must be given to all females and to boys under 18 years of age, at the usual time for meals—namely, at or about 12:00 noon, 6:00 P.M. and 12:00 midnight. The stretch of work between meal periods may never exceed 6 hours.

Ind 73.04 Rest periods between working days. Women 18 years of age or over and boys and girls 16 and 17 years of age must have a period of rest of at least 9 consecutive hours from the ending of work on any day to the beginning of work on the next day.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.05 Boys 16 and 17 years of age. Due to the shortage of help available to the canning industry, on not more than 10 weeks during the canning season Wis. Adm. Code sections Ind 73.01, 73.02, 73.03, 73.04 are waived in the employment of boys 16 and 17 years of age on condition that the employer shall comply with the following requirements in the employment of such boys:

(1) The employer must have on file the required labor permit for the employment of each boy.

(2) The employer must obtain and keep on file a report from a physician showing that the physical condition of the boy is such that the waiving of Wis. Adm. Code sections Ind 73.01, 73.02, 73.03, 73.04 in his employment for the period permitted during the canning season by paragraph (3) shall not result in undue hazard to his health. The doctor's report must be based upon a physical examination made not more than 30 days prior to the beginning of the boy's employment during the canning season of the current year. If such report qualifies a boy's employment in any way, he may not be employed under the provisions of Wis. Adm. Code section Ind 73.05.

(3) No 16 or 17 year old boy shall be permitted to work under the provisions of Wis. Adm. Code section Ind 73.05 more than 10 weeks during the season of actual canning in the current year. For the balance of the season of actual canning of the product his hours of work may not be in excess of the hours specified in Wis. Adm. Code subsection Ind 73.01 (1).

(4) Not later than December 1 of each year, the employer shall make a detailed report to the commission on blanks furnished by it,

for each boy, based on the records required by Wis. Adm. Code section Ind 73.08.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.06 Wage rates. (1) Except as provided in paragraph (2) of this section, a woman 18 years of age or over or a boy or girl 16 or 17 years of age who works over 9 hours in any day or 54 hours in any week shall be paid for such daily or weekly overtime hours occurring in any week, whichever is the greater, at the rate of one and one-half times the regular rate payable to the employe for the work performed.

(2) Such overtime rate need not be paid to a boy 16 or 17 years of age with respect to whom the employer has complied with requirements of Wis. Adm. Code section Ind 73.05, if his rate is at least equal to the lowest hourly rate paid by the employer to adult male employes, and in no case less than \$1.00 per hour (effective Sept. 1, 1964, \$1.15 per hour.)

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56; am. Register, May, 1960, No. 53, eff. 6-1-60; am. Register, October, 1963, No. 94; eff. 11-1-63; r. and recr. (1), Register, July, 1967, No. 139, eff. 8-1-67.

Ind 73.07 Person to be responsible for compliance. Canning factories must designate some one person in their plant to see that these orders are observed, who will be held responsible jointly with the employer for all violations. The name of this person must be submitted to the commission on or before May 19 of each year.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.08 Records. Correct permanent time and wage records for all women and minor employes and age records for all minors shall be kept at each plant and open to inspection at all times by the commission and its authorized deputies.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.09 Revocation of orders. The commission may in its discretion revoke the permission granted in this chapter in the case of an employer who is found by the commission to have violated any of the provisions of these sections.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.10 Posting of orders. A copy of Wis. Adm. Code chapter Ind 73 shall be posted and kept posted in each factory.

History: Cr. Register, May, 1956, No. 5, eff. 6-1-56.

Ind 73.11 Forms. The following forms are listed in accordance with Sec. 227.013, Wis. Stats. These forms are issued by the Division of Labor Standards, 4802 Sheboygan Avenue, P. O. Box 2209, Madison, Wisconsin 53701.

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

(2) LS-46 Reports On Hours Of Labor And Wages Of Boys 16 And 17 Years Of Age Working Under Ind 73.05.

(3) LS-48 Canning Or First Processing Fresh Fruits And Vegetables. (See Ind 73.10).

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