

INDUSTRY, LABOR AND HUMAN RELATIONS

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Chapter Ind 70

CHILD LABOR

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History: Chapter Ind 70 as it existed on May 31, 1968 was repealed and a new chapter Ind 70 was created, Register, May, 1968, effective June 1, 1968.

Ind 70.001 Child labor permits. Section 103.71, Wis. Stats., permits the issuance of permits to minors 14 years of age and over for lawful employment. Section 103.71, Wis. Stats., is hereby modified to permit the issuance of child labor permits by duly authorized permit officers to minors under 14 years of age for the occupations and the ages indicated below:

(1) To minors 12 years of age and over for employment in school lunch programs of the school which they attend.

(2) To minors 12 years of age and over for employment as caddies on a golf course.

(3) To minors 12 years of age and over employed in agricultural pursuits to serve as age certificates.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

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 department of industry, labor and human relations 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 department of industry, labor and human relations 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 department of industry, labor and human relations 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 department of industry, labor and human relations. 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 department of industry, labor and human relations at Madison.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

Ind 70.02 Age proof for labor permits and age certificates. The department 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.

(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 evidence satisfactory to the department of industry, labor and human relations 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 889.28, Wis. Stats.

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

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

Ind 70.03 Exemptions. Prohibited employment restrictions shall not apply to minors 16 and 17 years of age who are apprentices, high school graduates, and student learners, when employed under the following conditions:

(1) **APPRENTICES.** Minors indentured under the provisions of section 106.01, Wis. Stats., shall not be subject to the law or rules concerning prohibited employment for minors insofar as such minors at the time of injury are performing service within the provisions of

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1. Volunteers may not serve at any job or in any area that is prohibited by the child labor law or orders of the department.

2. The hours of contributed service and the time of day shall be limited to those permitted by Wisconsin child labor regulations for minors under 18 years of age.

3. Each organization utilizing the service of a minor volunteer must obtain the written consent of the minor's parent.

4. Teenage volunteers must be under the supervision of a responsible adult, and should have such training and supervision as will make their services a genuine learning experience.

5. The organizations utilizing volunteers should provide by means of insurance, or otherwise, for on-duty injuries that may occur to the volunteer when contributing service to the organization. It is also recommended that some type of liability coverage be provided to protect the volunteer in the event that the volunteer causes an accident to a third party.

6. Teenage volunteers are not to be economically exploited.

7. Nothing in this policy shall be construed to prohibit activities by organized volunteer groups engaged in providing entertainment such as singing, playing or performing, solely for the patients of the hospitals or institutions.

(2) Services not prohibited by statute or regulation performed by students during regular school hours while enrolled in an approved high school or vocational school work training or work experience program are not regarded as gainful occupations or employments, where no employer-employee relationship, in fact, exists.

(a) Minors under 18 years of age may engage in work training or work experience programs under the following conditions:

1. The hours of service shall be performed during regular school hours.

2. Minors may not serve at any job prohibited by statute or orders of the department.

3. The program provides a true learning experience and is based on a bona fide curriculum.

4. Proper scholastic credit is given.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

Ind 70.09 Fees for permits. The department 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, May, 1968, No. 149, eff. 6-1-68.

Ind 70.10 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.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

Ind 70.11 Seasonal employment, return of permit. The permit of a minor employed in a seasonal employment does not have to be returned to the permit officer by the employer at the end of the season as required by section 103.74 (3), Wis. Stats., if the minor will probably be reemployed the next season, providing the following conditions are met:

(1) That the permit be returned within 24 hours upon the request of the minor, the permit officer or the department.

(2) That the permits of all minors whose employment has been terminated and who will not be reemployed, be returned to the permit officer.

(3) Before the season begins, the employer must return all permits of all minors who will not be reemployed by him, keeping only the permits for those minors who will actually be employed.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68.

Ind 70.12 History: Cr. Register, May, 1968, No. 149, eff. 6-1-68; r. Register, July, 1970, No. 175, eff. 8-1-70.

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