
**Labor & Workplace Standards
Committee**

HB 1644

Brief Description: Concerning the safety and health of working minors.

Sponsors: Representatives Fosse, Ortiz-Self, Parshley, Stonier, Taylor, Shavers, Davis, Obras, Macri, Berg, Hill, Street, Berry, Reed, Cortes, Ramel, Thomas, Goodman, Ormsby, Salahuddin, Scott, Gregerson, Thai and Simmons.

Brief Summary of Bill

- Establishes minimum penalties for violations of restrictions governing the employment of minors.
- Requires the Department of Labor and Industries (L&I) to revoke an employer's minor work permit if the employer has three or more citations for certain violations within a 24-month period or a single violation that caused death or serious physical harm to a minor or otherwise required an order of immediate restraint.
- Requires L&I to conduct a safety and health consultation at a worksite before granting a student-learner variance allowing a minor to perform work typically prohibited based on the minor's age.

Hearing Date: 2/4/25

Staff: Kelly Leonard (786-7147).

Background:

Restrictions on Employing Minors for Nonagricultural Work.

Both federal and state laws impose restrictions on the employment of minors (persons under 18

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years of age), and where those standards differ with one another, employers must comply with the more restrictive standards. The Washington Industrial Welfare Act directs the Department of Labor of Labor and Industries (L&I) to establish requirements and restrictions on the wages, working hours, and other conditions for the employment of minors in nonagricultural trades and occupations. In order to employ a minor, an employer must: (1) obtain a minor work permit; (2) obtain parental and school authorization, if applicable; (3) verify the minor's age and comply with any restrictions imposed based on age; and (4) limit the hours worked by the minor, if applicable.

Minors working in nonagricultural jobs may not perform certain hazardous work, also referred to as "prohibited duties" in L&I rules. Prohibited duties vary depending on the worker's age. This includes, for example: performing logging or sawmill work; operating power-driven woodworking machines or saws; roofing; handling highly toxic chemicals; working higher than 10 feet off the ground or floor level; operating forklifts or other heavy equipment; operating powered food slicers and grinders; and operating or riding cargo elevators, manlifts, hoists, and cranes.

Minors are allowed to work limited hours compared to adults. The hours vary depending on age, the type of work, and whether school is in session. Minors must also be given more frequent meal and rest breaks, which vary depending on age. Minors under 16 years old must be paid at least 85 percent of the minimum wage, and minors 16 and 17 years old must be paid the minimum wage.

Variations.

An employer may apply for a variance through L&I, which would allow for a temporary exception to the normal work restrictions for minors based on certain criteria. There are four different variances available to employers: (1) authorizing a minor to work additional hours; (2) authorizing a minor to work earlier or later than usually allowed; (3) authorizing the minor to work additional hours as an actor or performer in film, video, audio or theatrical productions; and (4) authorizing a minor to perform otherwise prohibited or hazardous duties for paid worksite learning programs, also referred to as a student-learner variance.

A student-learner variance allows youth ages 16 and 17 to operate selected machinery and do other hazardous activities that would otherwise be prohibited by L&I rule. The work must be done as part of a worksite learning program, including:

- a paid, worksite learning program certified and monitored by the Office of the Superintendent of Public Instruction;
- a worksite learning program from the student employee's school district;
- a course of study in a substantially similar worksite program at a private school; or
- a program registered by the Washington State Apprenticeship and Training Council.

The variance will be granted only if the hazardous activity is incidental to the worksite learning program, intermittent, and closely supervised by a journey-level worker, qualified instructor, or mentor.

Penalties for Violations.

L&I may issue citations and assess penalties if an employer violates a state law or L&I rule on the employment of minors or terms of a minor-related variance. Certain nonserious violations can be abated by a deadline in lieu of a penalty. Otherwise, the amount of the penalty varies depending on the size of the business and the gravity of the violation. The maximum penalty is \$1,000 for each violation, except for certain nonserious violations involving posting requirements, which carry a maximum penalty of \$100.

If the employer has committed a serious or repeated violation, the employer is subject to an additional civil penalty not to exceed \$1,000 for each day the violation continues. A serious violation exists if death or serious physical harm has resulted or is imminent from an existing condition, unless the employer did not know, and could not have known with the exercise of reasonable diligence, of the presence of the violation.

If L&I finds that a violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, L&I may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order may require the employer to take steps necessary to avoid, correct, or remove the danger and to prohibit the employment or presence of a minor in locations or under conditions where the danger exists.

Summary of Bill:

Variances.

Before granting a student-learner variance allowing a minor to perform work typically prohibited based on the minor's age, L&I must conduct a safety and health consultation at the worksite, and consult with the employer on the types of tools, equipment, and practices permitted under the variance.

Penalties for Violations.

The amounts of penalty assessments for violations are modified. The \$1,000 maximum penalty is removed. Except when an employer abates a nonserious violation, L&I is required to assess certain minimum penalties based on the type of violation as follows:

- \$100 for each violation involving the failure to comply with minor work permit requirements or maintenance record requirements, failure to complete school authorization procedures, or for each other nonserious violation;
- \$150 for each violation involving failure to comply with hours of work requirements;
- \$300 for each violation involving failure to comply with meal break or rest break requirements;
- \$1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than \$2,000 for each violation in a second or subsequent citation for any of these violations; and
- \$71,000 for any violation resulting in the serious physical harm or death of a minor, which

may be doubled where the violation is a willful violation or a repeated violation.

L&I must increase penalty assessments above the minimum amounts based on a consideration of the following factors:

- whether the violation was committed willfully or the violation is a repeat violation;
- the size of the employer;
- the age of the minor;
- the gravity of the violation;
- the hazards created by the violation;
- the penalties for comparable violations under federal law;
- the penalty amount necessary to deter future noncompliance;
- ensuring the penalty amount is consistent with industrial welfare laws; and
- any other factor warranting an increase in the penalty as deemed appropriate by L&I.

The additional civil penalty for each day a serious or repeat violation is increased from a maximum of \$1,000 to a minimum of \$1,000.

Beginning July 1, 2027, and every two years thereafter, L&I must adjust the penalty amounts for inflation based on the consumer price index.

Permit Revocations.

L&I must revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

- the employer has been issued any combination of three or more of the following within any 24-month time period: a safety and health citation for certain violations of the Washington Industrial Safety and Health Act or a citation and notice of assessment containing one or more violations of the laws and rules governing the employment of minors;
- the employer has been issued a citation for one of the above violations, and the violation caused serious physical harm or death to a minor; or
- an order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace due to a violation of the laws and rules governing the employment of minors.

A minor work permit may not be issued to an employer who has previously been subject to a revocation unless the employer has not been issued a citation for any violations of the provisions for at least 12 months.

These requirements do not prohibit L&I from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or rules.

Reports.

L&I must annually report the following:

- the number and type of citations and penalties issued and imposed under the bill;

- the number of and reasons for revocations of minor work permits; and
- the number and nature of workplace injuries involving minors, including whether those injuries resulted in citations or permit revocations under the bill.

Appropriation: None.

Fiscal Note: Requested on January 29, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.