

SENATE BILL REPORT

SB 5756

As of February 17, 2025

Title: An act relating to the safety and health of working minors.

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

Sponsors: Senators Stanford, Saldaña, Conway, Dhingra, Valdez and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 2/18/25.

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.
- Prohibits the issuance of a minor work permit to an employer that has had a minor work permit revoked due to a violation of the Washington Industrial Safety and Health Act or laws relating to the employment of minors causing serious physical harm or death to a minor.
- Prohibits L&I from issuing a variance to allow a minor to perform hazardous work duties, or operate hazardous equipment, that are typically prohibited based on the minor's age.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: Employment of Minors. Both federal and state laws impose restrictions on

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the employment of persons under the age of 18. The Industrial Welfare Act requires the Department 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 occupations. To employ a minor, an employer must:

- obtain a minor work permit;
- obtain parental and school authorization, if applicable;
- verify the minor's age and comply with any restrictions based on the age; and
- limit the hours worked by the minor, if applicable.

Minors may not perform certain hazardous work, known as prohibited duties. Prohibited duties vary depending on the worker's age and can vary depending on whether the minor is performing an agricultural or nonagricultural job. Examples of prohibited duties for minors in nonagricultural work include:

- roofing;
- operating certain equipment, such as chainsaws, power-driven woodworking machines, or power-driven shearing machines;
- wrecking, demolition, trenching, or excavation;
- operating forklifts;
- slaughtering, meat packing, or food processing;
- flagging on public roadways;
- operating boilers;
- firefighting;
- logging; and
- mining.

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 for Minor Work Restrictions. An employer may apply for a variance through L&I, which allows for a temporary exception to the normal work restrictions for minors based on certain criteria. The variances available to employers authorize a minor to:

- work additional hours;
- work earlier or later than usually allowed;
- work additional hours and perform certain prohibited duties as an actor or performer in film, video, audio or theatrical productions; and
- perform otherwise prohibited or hazardous duties for paid worksite learning programs.

The variance to perform prohibited or hazardous duties is known as a student-learner variance, and it allows individuals 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 that is a:

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

For student-learner variances, the hazardous work must be incidental to the training program, intermittent, and closely supervised by a journey-level worker, qualified instructor, or mentor.

Penalties. 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 may be abated 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, where the maximum penalty is \$100.

If the employer has committed a serious or repeated violation, the employer is subject to a 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 where 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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Penalties for Minor Work 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 double if the violation was willful or repeated.

L&I may adjust 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.

L&I may assess an additional civil penalty of a minimum of \$1,000 for each day of a serious violation. Beginning July 1, 2027, and every two years thereafter, L&I must adjust the penalty amounts for inflation based on the consumer price index.

Minor Work Permit Revocation. L&I must revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 24 months if:

- the employer has been issued any combination of three or more of the following within any 24-month time period: (1) a safety and health citation for certain violations of the Washington Industrial Safety and Health Act (WISHA), or (2) a citation and notice of assessment containing one or more violations of the laws and rules governing the employment of minors; 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 24 months.

Regardless of the other provisions of permit revocations, L&I must revoke a minor work permit if a violation of WISHA or laws related to the employment of minors by the employer causes serious physical harm or death to a minor. A minor work permit may not be issued to an employer who has had their permit revoked for this reason.

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.

Student-Learner Variance. L&I may not grant a variance to allow a minor to perform

hazardous work duties, or operate hazardous equipment, that are typically prohibited based on the minor's age.

Reporting. 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 February 14, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2026.