

HOUSE BILL REPORT

SB 5558

As Passed Legislature

Title: An act relating to child labor regulation.

Brief Description: Providing for the adoption and enforcement of child labor regulations.

Sponsor(s): Senators Sellar, Owen, Matson and Wojahn.

Brief History:

Reported by House Committee on:
Commerce & Labor, April 5, 1991, DP;
Passed House, April 16, 1991, 98-0;
Passed Legislature, 98-0.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass.* Signed by 9 members:
Representatives Heavey, Chair; Fuhrman, Ranking Minority
Member; Lisk; Franklin; Jones; R. King; O'Brien; Prentice;
and Wilson.

Minority Report: *Do not pass.* Signed by 1 member:
Representative Cole, Vice Chair.

Staff: Chris Cordes (786-7117).

Background: The industrial welfare law authorizes the Department of Labor and Industries to establish employment standards for the employment of minors. The department's rules include minor work permit requirements, maximum hours of work, and age limitations. Minors may not be employed in certain hazardous occupations.

An employer who violates an industrial welfare standard is guilty of a misdemeanor and is subject to a fine of not less than \$25 or more than \$1,000. The department does not have authority to impose civil penalties or issue orders to restrain violations.

Summary of Bill: Adoption of child labor rules. By October 1, 1991, the Department of Labor and Industries is required to adopt employment standards for minors to replace existing rules with rules consistent with federal child labor laws. The rules are to be revised as necessary to remain

consistent with federal law. Upon adopting these rules, the department must implement a comprehensive program to inform employers of the new rules.

Civil penalties. Beginning April 1, 1992, the department is authorized to issue written citations for violations of the child labor standards of the state's industrial welfare law. For a first recordkeeping violation, a reasonable abatement period must be allowed in lieu of imposing a penalty. An abatement period in lieu of a penalty may also be allowed for other first violations and non-serious violations. If the violation is not corrected, the employer is subject to a civil penalty of not more than \$1,000.

For serious or repeated violations of the child labor standards, the employer is subject to a civil penalty of not more than \$1,000 for each day the violation continues.

Employers who violate certain posting requirements of the child labor standards are subject to a civil penalty of not more than \$100 per violation.

Persons who give unauthorized advance notice of an inspection to be conducted under the industrial welfare law are subject to a civil penalty of not more than \$1,000.

Restraining orders. The director is also authorized to issue an order restraining any workplace practice in violation of the child labor standards if the practice creates a substantial probability that death or serious physical harm could result to a minor employee.

Appeal procedures. Any person aggrieved by an action of the department in enforcing the child labor standards may appeal to the director. After a hearing, the director must issue a final order, which may then be appealed to superior court.

Criminal penalties. An employer who knowingly or recklessly violates the child labor standards is guilty of a gross misdemeanor (maximum penalty: \$5,000, or one year in jail, or both). An employer whose violation of the child labor standards results in the death or permanent disability of a minor employee is guilty of a class C felony (maximum penalty: \$10,000, or five years in jail, or both).

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and the sections requiring new child labor rules and an employer education program take effect immediately. The sections providing for civil and criminal penalties take effect April 1, 1992.

Testimony For: The interest groups involved in child labor issues recognize the need for a comprehensive review of the child labor issues. This bill is a first step toward reaching a compromise to which all the interested groups can agree.

Testimony Against: The bill would restrict the ability of the Department of Labor and Industries to adopt rules that are more protective of children than rules under federal law. The state should not restrict its regulatory authority in this manner.

Witnesses: (in favor) Jan Gee, Washington Retail Association; Clif Finch, Association of Washington Business; and Gary Smith, Independent Business Association. (opposed to child labor rules section) Jeff Johnson, Washington State Labor Council; and Mark McDermott, Department of Labor and Industries.