

SENATE BILL REPORT

SB 5154

AS OF FEBRUARY 26, 1991

Brief Description: Regulating the employment of minors.

SPONSORS: Senators Anderson, Murray, A. Smith, Moore, McMullen, Talmadge, Skratek, Pelz, Roach and Conner; by request of Department of Labor & Industries.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 28, 1991

BACKGROUND:

The state industrial welfare law authorizes the Department of Labor and Industries to adopt special rules for the protection of the safety, health, and welfare of minor employees. An employer who violates the industrial welfare law or corresponding rules is guilty of a misdemeanor and is subject to a fine of not less than \$25 or more than \$1,000. No civil penalties are authorized.

SUMMARY:

The director of the Department of Labor and Industries is to issue written citations for violations of the child labor standards of the state's industrial welfare law. For first-time, nonserious violations, an abatement period may be established in lieu of imposing a penalty. 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.

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.

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.

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.

An employer who knowingly or recklessly violates the child labor standards is guilty of a gross misdemeanor (maximum penalty: \$5,000, one year in jail). 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, five years in jail).

Appropriation: none

Revenue: none

Fiscal Note: requested February 25, 1991

Effective Date: July 1, 1991