

## No. 1978-182

## AN ACT

## HB 2231

Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as amended, "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," providing for equal rights between men and women by changing certain provisions relating to employment of children.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2, act of May 13, 1915 (P.L.286, No.177), known as the "Child Labor Law," amended July 12, 1961 (P.L.579, No.282), is amended to read:

Section 2. No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation except that a [male] minor between the ages of twelve and fourteen years may be employed as a caddy subject to the limitation that he *or she* carry not more than one golf bag at a time and for not more than eighteen holes of golf in any one day and except that a minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance: Provided, however, That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment.

Section 2. Section 4 of the act, amended September 22, 1972 (P.L.873, No.199), is amended to read:

Section 4. No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, That [messenger boys] *messengers* employed by telegraph companies at offices where only one such minor is employed as a

messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: And provided further, That no minor under eighteen years of age, who is enrolled in regular day school and working outside school hours, shall be employed or permitted to work for more than twenty-eight hours during a school week.

No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day except during school vacation period from June to Labor Day when such minor may work between the hours of seven o'clock in the morning and ten o'clock in the evening nor shall such a minor who is enrolled in school and working outside school hours be employed or permitted to work in, about, or in connection with, any establishment or in any occupation more than four hours on a school day, or more than eight hours on any other day, or more than eighteen hours during a school week: Provided, That, students fourteen years of age and over whose employment is part of a recognized school-work program, supervised by a recognized school authority, may be employed for hours which, combined with the hours spent in school, do not exceed eight a day: And further provided, That **[male]** minors over the age of fourteen may be employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication for not more than fifty-one hours in any one week, or more than nine hours in any one day, and after six o'clock in the morning and before eight o'clock in the evening.

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment between the hours of eleven in the evening and six in the morning if such minor is enrolled in regular day school: Provided, That, minors sixteen and seventeen years of age may be employed until, but not after, twelve o'clock in the evening on Fridays and Saturdays, and on days preceding a school vacation occurring during the school year, excepting the last day of such vacation period.

Section 3. Section 7 of the act is amended to read:

Section 7. No **[male]** minor under twelve years of age, **[and no female minor,]** shall distribute, sell, expose, or offer for sale any newspaper, magazine, periodical, or other publication, or any article of merchandise of any sort, in any street or public place. No **[male]** minor under fourteen years of age, **[and no female minor,]** shall be suffered, employed, or

permitted to work at any time as a scavenger, bootblack, or in any other trade or occupation performed in any street or public place. No **[male]** minor under sixteen years of age, **[and no female minor,]** shall engage in any occupation mentioned in this section before six o'clock in the morning, or after eight o'clock in the evening, of any day.

Section 4. Section 11 of the act, amended July 12, 1961 (P.L.579, No.282), is amended to read:

Section 11. Employment certificates shall be of two classes: general employment certificates and vacation employment certificates. General employment certificates shall entitle a minor, sixteen to eighteen years of age, to work during the entire year. Vacation employment certificates shall entitle a minor, twelve to fourteen years of age to work as a caddy and a minor, fourteen to eighteen years of age to work, as herein provided, on any day, except at such times, on such days as such minor is required to attend school, under the provisions of the laws now in force or hereafter enacted: Provided, however, That any **[male]** minor over sixteen years of age employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication, shall not be required to procure an employment certificate under this act.

Section 5. Section 21 of the act, amended July 19, 1935 (P.L.1335, No.418), is amended to read:

Section 21. It shall be the duty of every person who shall employ any minor, under the age of eighteen years, to post and keep posted, in a conspicuous place in every establishment wherein said minor is employed, permitted or suffered to work, a printed abstract of the sections of this act relating to the hours of labor, and a list or lists of all minors employed under the age of eighteen years and a schedule of the hours of labor of such minors. The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work, the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week, the hours for commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule, but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule: Provided, however, That in the case of **[messenger boys] messengers** employed by telegraph companies, such schedule may be varied in accordance with business on hand so long as a minor is not employed a greater number of hours per day or per week than permitted by this act. Such copies of the abstracts of this act and blanks for compliance with its provisions shall be prepared by the Department of Labor and Industry, and be furnished by it on application of such employer. Every person employing minors under eighteen years of age shall furnish the employment certificates and lists provided for in this act, for inspection, to

attendance officers, factory inspectors, or other authorized inspectors or officers charged with the enforcement of this act.

Section 6. This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP