

# Texas Child Labor Law

## Overview

Child Labor Laws cover any employee under 18 years of age. Once an individual reaches age 18, they are considered an adult under child labor laws.

The Texas Child Labor Law ensures that a child is not employed in an occupation or manner that is harmful to the child's safety, health or well-being. It is illegal to employ a child under age 14 except under specific circumstances described on this page.

State law allows TWC to adopt rules regarding employing children. Our rules ensure that employment does not interfere with a child's education and does not pose a threat to the child's health, safety or general well-being.

TWC or its designee may inspect a place of business during work hours to collect information about the employment of children if there is good reason to believe a child is or has been employed within the last two years. Knowingly or intentionally hindering an investigation is illegal.

All businesses are subject to state law but only those businesses covered by the Fair Labor Standards Act (FLSA) are subject to the federal law.

To determine whether a business is covered under the FLSA, please contact your [local U.S. Department of Labor, Wage and Hour Division](#) or visit the [U.S. Department of Labor's Reference Guide to the Fair Labor Standards Act](#).

If in doubt, or when both Federal and State laws apply, businesses should follow the stricter guidelines.

## General Exemptions

When a business is owned or operated by a parent or legal custodian, the parent or custodian may employ their own children at any age to work any hours, so long as the work is non-hazardous (not prohibited) and the child works under the parent or custodian's direct supervision.

In addition, Texas Child Labor Law does not apply to employment of a child who is:

- Engaged in non-hazardous casual employment that will not endanger the safety, health or well-being of the child and to which a parent or legal custodian has consented
  - Casual employment is work that is unscheduled and nonrecurring.
  - Non-hazardous employment involves work that neither the federal government nor TWC have determined is dangerous to the safety, health or well-being of a child. For more information, see the sections below about prohibited and permitted occupations.
- 11 years or older delivering newspapers on a newspaper route (exemption does not include direct sales)

- 16 years or older engaged in the direct sale of newspapers to the general public
- Participating in a school-supervised and school-administered work-study program approved by TWC
- Employed through a rehabilitation program supervised by a county judge
- Employed in agriculture during a period when the child is not legally required to be attending school  
Employment in agriculture means engaged in producing crops or livestock and includes:
  - Cultivating and tilling the soil
  - Producing, cultivating, growing, and harvesting an agricultural or horticultural commodity
  - Dairying
  - Raising livestock, bees, fur-bearing animals, or poultry

## Restrictions on Employment

### Minimum Age

It is illegal to employ a child under age 14 except under specific circumstances described on this page.

### Performer Exemption

Children under age 14 may work as actors or performers in motion pictures, or in a theatrical, radio or television production, with TWC authorization. The parent or legal custodian must submit the Application for Child Actor/Performer Authorization  or . You may also get the application form at your [Workforce Solutions office](#) or by calling our Labor Law Section at 800-832-9243.

### Solicitation

Soliciting is considered a hazardous occupation. It is illegal to:

- Employ anyone under age 14 and unaccompanied by a parent to sell or solicit goods or services for any person other than an exempt organization or a business owned or operated by a parent or legal custodian.

Exempt organizations include charitable organizations; an organization regulated under [Title 15, Election Code](#); or a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

- Employ a child to sell or solicit goods or services for any person other than an exempt organization unless permission is granted by a parent or legal custodian on our parental consent form  or  at least seven days before employment begins.

## **Driving**

Under state law, but not federal law, a person may employ a child to operate a motor vehicle for a commercial purpose if the child:

- Performs the job under the direct supervision of the child's parent or legal custodian and for a business owned or operated by the child's parent or legal custodian
- Has a valid driver's license
- Does not need a commercial license to perform the job
- Operates a vehicle with no more than two axles and not in excess of 15,000 pounds gross vehicle weight

## **Sexually Oriented Business**

State law prohibits employment of a child in a sexually oriented business, requires a sexually oriented business to maintain certain photographic identification records, and provides for a criminal penalty.

## **Sales & Service of Alcohol**

The provisions for selling or serving alcohol are not regulated by the Texas child labor laws. For those requirements, please consult the [Texas Alcoholic Beverages Commission](#).

## **Hours of Employment for 14- and 15-Year Olds**

A child age 16 or 17 has no restrictions on the number of hours or times of day they may work. There are hour restrictions only for children ages 14 and 15, with separate state and federal laws that cover their work hours. All businesses are subject to state law but only those businesses covered by the Fair Labor Standards Act (FLSA) are subject to the federal law.

## **Texas State Law**

State law states that 14 and 15 year olds:

- Can work no more than 8 hours in one day.
- Can work no more than 48 hours in one week.
- Cannot go to work before 5 a.m.
- Cannot work after 10 p.m. on a day that is followed by a school day, including summer school sessions when applicable.
- Cannot work past midnight on a day that is not followed by a school day.

## **Federal Law**

FLSA states that 14 and 15 year olds:

- May not work during school hours.
- Can work no more than 8 hours in a day or 40 hours in a week when school is not in session.
- Can work no more than 3 hours in a day or 18 hours in a week when school is in session.
- Can work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

## **Hardship Exemption**

To request that TWC approve a hardship waiver of the hour restrictions for a child age 14 or 15 because it is necessary for the child to work to support themselves or their immediate family, follow the process described in [Commission Rule Section §817.22](#).

## **Permitted Occupations for 14- and 15-Year Olds**

A child who is age 14 or 15 may be employed in the following occupations in retail, food service, and gasoline service establishments:

- Office and clerical work (including operation of office machines)
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping
- Price marking and tagging by hand or by machine; assembling orders, packing and shelving
- Bagging and carrying out customers' orders
- Errand and delivery work by foot, bicycle and public transportation
- Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters
- Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders and coffee grinders
- Work in connection with cars and trucks if confined to the following:
  - Dispensing gasoline and oil
  - Courtesy service on premises of gasoline service station
  - Car cleaning, washing and polishing
  - Other occupations permitted by this sectionBut not including work:
  - Involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring
- Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers

## Prohibited Occupations for 14- and 15-Year Olds

A child who is age 14 or 15 may not be employed in:

- Manufacturing, mining or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed
- Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines
- The operation of motor vehicles or service as helpers on such vehicles
- Public messenger service
- Occupations which the U.S. Secretary of Labor may declare to be [hazardous for the employment of minors](#) between 16 and 18 years of age or detrimental to their health or well-being
- Occupations in connection with:
  - Transportation of persons or property by rail, highway, air, water, pipeline or other means
  - Warehousing and storage
  - Communications and public utilities
  - Construction (including demolition and repair)  
Exception: Office work (including ticket office work) or sales work that does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.
- Work performed in or about boiler or engine rooms
- Work in connection with maintenance or repair of the establishment or equipment
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes
- [Cooking and baking](#)
  - Including the use of electric and gas grilles that entail cooking over an open flame
  - Including the use of deep fryers that are not equipped with and utilize devices that automatically lower and raise the baskets into and out of oil or grease
  - Including the cleaning of kitchen surfaces and non-power driven kitchen equipment - including the filtering, transporting and dispensing of oil and grease - but only when the temperature of the surfaces, equipment, oil and grease exceeds 100 F
- Occupations which involve operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers, and cutters and bakery-type mixers
- Work in freezers and meat coolers and all work in the preparation of meats for sale
- Loading or unloading goods to and from trucks, railroad cars or conveyors
- All occupations in warehouses except office and clerical work

## Prohibited Occupations for 16- and 17-Year Olds

A child who is age 16 or 17 may not be employed in the occupations listed below, except that those occupations shown with an asterisk (\*) may have apprentice or student-learner exemptions for employment:

- In or about plants or establishments manufacturing or storing explosives
- Involving the [driving of motor vehicles and outside helpers](#) (for example, someone riding on the outside of the vehicle to pick up trash bins):
  - On any public road or highway
  - In or about any place where logging or sawmill operations are in progress
  - In excavations

Under certain conditions, driving a motor vehicle for a commercial purpose is not considered a hazardous occupation under [state](#) or [federal law](#).
- Connected with coal mining
- In connection with mining, other than coal
- Involving logging operations and sawmill operations, forest fire fighting and forest fire prevention operations and timber tract and forestry service occupations
- \*Operating or assisting to operate power-driven woodworking machines
- Involving exposure to radioactive substances and to ionizing radiations
- Operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists and high-lift trucks
- \*Operating or assisting to operate power-driven metal forming, punching, and shearing machines
- \*Operating or assisting to operate power-driven meat processing machines and in slaughtering, meat and poultry packing, processing, or rendering.
- Operating or assisting to operate power-driven bakery machines
- \*Involving the operating of power-driven paper-products machines, balers and compactors (Under certain conditions, loading a baler or box compactor is not considered a hazardous occupation under state or [federal law](#).)
- Manufacturing brick, tile and kindred products
- \*Operating or assisting to operate power-driven circular saws, band saws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws, and wood chippers.
- Wrecking, demolition and ship-breaking operations
- \*Roofing operations and work on or about a roof
- \*Connected with excavation operations

## Apprentice and Student Learner Exemptions

For the prohibited occupations listed above with an asterisk (\*), a child who is age 16 or 17 may be employed as an apprentice or student learner.

- Apprentice:
  - Employed in a recognized apprenticeable trade
  - Work is incidental to training
  - Work is intermittent, short, under close journeyman supervision and registered or under a written agreement about work standards
- Student-learner:
  - Enrolled in an authorized cooperative vocational training program with a written agreement
  - Work is incidental to training
  - Work is intermittent, short, and under close supervision
  - Safety instructions are given by school and employer
  - A schedule of organized and progressive work is prepared

## How to Submit a Complaint

If you observe immediate danger to a child, call the TWC Labor Law Section at 800-832-9243.

If the child is not in immediate danger of injury, submit a Child Labor Complaint form  or  by fax to 512-475-3025 or by mail to:

TWC Labor Law Section  
101 E 15th St, Rm 514  
Austin, TX 78778-0001

Under the Texas Child Labor Law, TWC's Labor Law Section investigates any child labor complaints and then issues a preliminary determination to the employer.

## Penalties

Violation of child labor law is a Class B misdemeanor with the exception that employing a child to sell or solicit is a Class A misdemeanor. If a person employs a child who does not meet the minimum age requirement for a type of employment, but did so in good faith relying on an apparently valid certificate of age  or , then that may be a defense against prosecution.

If an employer violates child labor law, in addition to criminal penalties TWC may assess an administrative penalty against the employer up to \$10,000 per violation.

## **Appeals**

If an employer disagrees with TWC's preliminary determination--the violation, the penalty or both, there are two possible levels of appeals within TWC, each with different time limits. If an employer disagrees with the final decision of TWC, the employer may file a Petition for Judicial Review but must do so no later than 30 days after a Commission order assessing a penalty becomes final.

To learn how an employer can appeal our finding of a child labor law violation or penalty assessment, see [Texas Child Labor Law Appeals](#).

## **Injunctive Relief**

The Attorney General may seek injunctive relief in district court against an employer who repeatedly violates child labor law requirements.