



**U.S. Department of Labor**  
 Employment Standards Administration  
 Wage and Hour Division

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## **Youth Employment Rules in Net Fishing**

The Fair Labor Standards Act of 1938 (FLSA or the Act) as amended, sets standards for child labor applicable to the net fishing industry.

### **Which Workers in the Net Fishing Industry Do the Child Labor Provisions of the FLSA Protect?**

The youth employment provisions of the FLSA apply to minor employees whose work involves catching fish, working on fishing boats and/or the processing of fish that will leave the state directly or indirectly and become part of interstate commerce. These rules also apply where a minor employee is not actually fishing or processing fish, but works in an establishment for a company that has employees that fish or employees that process fish for interstate commerce if the minor is performing work that is closely related and directly essential to such work. The FLSA also applies to fishing companies that have annual gross receipts of \$500,000 or more per year and have at least two employees engaged in commerce, the production of goods for commerce, or handling goods that have moved in commerce.

### **A Comparison of Federal Child Labor Laws and Alaska Child Labor Laws in Net Fishing:**

The federal prohibition on the hours 14- and 15-year-old minors may be allowed to work is different than Alaska law. Due to this conflict, an employer of 14- or 15-year-old minors may find it is in compliance with state law, but in violation of federal law, or vice versa. Where the occupation restrictions for minors differ under state and federal law, the employer should keep in mind that the stricter standard applies.

#### **Federal Law**

##### **Children 14 and 15 years old may only work:**

- outside school hours;
- no more than 3 hours on a school day;
- no more than 8 hours on a non-school day;
- no more than 18 hours in any week when school is in session;
- no more than 40 hours in any one week when school is not in session;
- between 7 a.m. and 7 p.m. – except when the evening hour is extended to 9 p.m. between June 1st and Labor day.

#### **Alaska State Law**

##### **Children 14 and 15 years old may work:**

- a total of 9 hours of school and work combined in one day;
- only between the hours of 5 a.m. to 9 p.m.;
- no more than 23 hours per week outside of school hours (domestic work and babysitting excepted);
- no more than 6 days per week.

##### **Children 16 and 17 years old may work:**

- six days a week (may work seven if waived by the Commissioner of Labor).

## What are the Hazardous Occupations Most Relevant to Net Fishing?

### Federal Law

#### **Minors under 18 may not:**

- operate power driven hoisting apparatus;
- operate or feed, set up, adjust, repair, oil or clean power driven meat processing machines regardless of the product being processed by these machines (including seafood);
- operate circular saws, band saws, or guillotine shears;
- work in occupations in wrecking, demolition, ship-breaking (including clean-up and salvage work).

#### **Minors under 16 also may not work in occupations:**

- involving the operation, setting up, or tending of hoisting apparatus;
- in manufacturing and most processing (such as filleting fish), and work in occupations in workrooms or workplaces where goods are manufactured or otherwise processed;
- involving the operation, setting up or tending of any power-driven machinery, except office machines, nor may they maintain or repair
- determined to be hazardous by the Secretary of Labor for minors between 16 and 18;
- involving work (except sales work) in connection with: transportation of persons or property by rail, highway, air, on water, pipeline or other means; warehousing and storage; construction;
- involving the operation of motor vehicles or service as helpers on such vehicles.

### Alaska State Law

#### **Minors under 18 may not work in occupations:**

- involving the operation of elevators or other power-driven hoisting apparatus;
- involving slaughtering, meatpacking or processing, or rendering;
- involved in the operation and cleaning of circular saws, band saws and guillotine shears;
- involved in wrecking, demolition, and shipbreaking operations;
- determined by the Commissioner of Labor to be dangerous to life or limb or injurious to the health of a minor.

#### **Minors under 16 also may not work in occupations.**

- involved in operation of hoisting or power-driven machinery other than office machines.
- in manufacturing, mining, or processing, including work rooms or places where goods are manufactured, or otherwise processed.
- in or about canneries, seafood plants, including cutting, slicing, or butchering, or the operation of any floating plant and including loading or unloading.
- performed in or about boilers, engine rooms, or retorts;.
- involved in maintenance or repair of the establishment's machines or equipment.
- involved in operating, setting up, adjusting, cleaning, oiling, or repair of power-driven food slicers, grinders, choppers; cutters, and work involving the use of sharpened tools.
- in freezers, meat coolers, or preparation of meat for sale.
- loading and or unloading to or from trucks, railroad cars, or conveyors.
- in transportation of persons or property, warehousing and storage, construction (including demolition and repair) except office or sales work in these occupations.

## Federal Laws

### Parental Exemption:

Children under 16 years of age may be employed by their parents or persons standing in place of their parents in occupations other than manufacturing or mining or occupations declared hazardous by the Secretary of Labor. The prohibition on employing one's own children in hazardous occupations includes 16 and 17 year old minors.

### Who Enforces the Federal Child Labor Laws?

The Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration enforces the FLSA, including its youth employment provisions. Employers may be assessed a civil money penalty of up to a maximum of \$11,000 for each child labor violation.

The FLSA prohibits the shipment in interstate commerce of goods that were produced in violation of the Act's child labor provisions. The FLSA authorizes the Department of Labor to obtain injunctions to prohibit the movement of such **“hot goods”**. The FLSA also authorizes the Department of Labor to obtain injunctions against violators of the child labor provisions to compel their compliance with the law. Further violations could result in sanctions against such persons for contempt of court. Willful child labor violators may face criminal prosecution and be fined up to \$10,000 for each child labor violation. Under the current law, a second conviction may result in further fines and/or imprisonment.

## Alaska State Laws

### Parental Exemption:

Children under 18 years of age may work under the direct supervision of a parent in a business owned and operated by a parent or on a boat owned and operated by their parent.

### Who Enforces the Alaska Child Labor Laws?

The State of Alaska, Department of Labor & Workforce Development, Wage & Hour Administration.

Any person who violates a provision of Alaska Statute 23.10.325-23.10.370 will be found guilty of a misdemeanor and can be subject to penalties of up to \$500 or imprisonment or both.

An authorization to work (work permit) is required for minors under the age of 17, except for those minors employed by their parents.

No minimum gross receipts or other standards are applied for coverage under State law. A net fisher operating in the State of Alaska is covered with regard to child labor laws.

Alaska law prohibits working minor children under 18 years of age for more than five (5) consecutive hours without an unpaid break of at least 30 minutes. (AS 23.10.350(c)).

**Disclaimer:**

This comparison is provided for general information only and does not carry the force of legal opinion. Please be aware that, while we try to be thorough, this information does not address every possible violation of child labor laws for this industry. The FLSA, the Federal Register, the Code of Federal Regulations and the Alaska State Regulatory Statutes remain the official sources for information. Published regulatory requirements may be obtained from the U.S. Department of Labor or from the State of Alaska Department of Labor and Workforce Development. (Please see below.)

**Where Can I Get More Information About Federal and Alaska State Labor Laws?**

For further information, please contact the U. S. Department of Labor, Wage and Hour Division or the Alaska State Department of Labor & Workforce Development at the following locations:

U.S. Dept. of Labor, Wage and Hour Division  
1111 Third Avenue, Suite #755  
Seattle, Washington 98101  
(206) 398-8039

**For additional information, visit our *Youth Rules!* website:**

**<http://www.youthrules.dol.gov>**

**or our Wage and Hour web site:**

**<http://www.dol.gov/esa/whd>**

**or phone toll free 1-866-4USWAGE or 1-(866) 487-9243.**

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