

## **Hazardous Work Performed by Minors Brings Serious Consequences**

Employers must carefully navigate state and federal laws to ensure compliance when hiring minors to avoid putting them at risk. It also reduces an employer's exposure to significant financial liabilities, including double workers' compensation benefits in the event of an injury.

This provision, outlined in Section 418.161(1)(i) of the Workers' Disability Compensation Act, states:

*"Any minor under 18 years of age whose employment at the time of injury is shown to be illegal in the absence of fraudulent use of permits or certificates of age shall be paid compensation double to that provided in this Act."*

### **Enforcement**

Violation of the act is a misdemeanor punishable by imprisonment for not more than 1 year, or a \$500.00 fine, or both. Penalties increase for adult supervision violations. In addition, many Michigan employers and their employees under 18 years of age are also subject to federal rules and regulations. For information about federal regulations contact the U.S. Department of Labor, Wage and Hour Division at 866 -487-9243.

### **What You Should Know About Work Permits**

Teenage workers who are not exempt from the act must have a work permit before beginning work. Work permits are available online at [www.michigan.gov/wagehour](http://www.michigan.gov/wagehour) and usually available from most schools or their administrative offices. If a minor changes jobs, a new work permit is required for the new employer. A work permit may be taken away for poor academic performance or an employer's non-compliance with the act. Also, a work permit is required even if the minor does not attend school.

In addition, there are several groups of young people where a work permit does not apply. They must provide a proof of exemption on file at the worksite.

These groups include, but not limited to:

- 16- and 17-year-olds who have completed requirements for high school graduation
- 17-year-olds who have passed the GED test
- Minors working in businesses owned and operated by their parents
- Emancipated minors
- Domestic chores at private residences
- Students 14 years old and older working under a work-based learning (WBL) or career and technical education (CTE) contract between an employer and a school district that provides supervision
- Workers who plant, cultivate, or harvest crops

## **Hazardous Workplace Restrictions**

Employers hiring minors must ensure compliance with both state and federal laws. While certain exemptions exist, failure to adhere to these regulations can result in significant consequences. Minors covered by the act may not work in occupations determined to be hazardous. Michigan law refers to the *Youth Employment Standards Act (YESA)*, specifically MCL 409.101 and MCL 409.103. The YESA prohibits minors from engaging in hazardous types of work, including but not limited to:

- Construction and excavation sites, bridges, streets or highways
- Jobs involving power driven equipment, tools, or machinery
- Working at high heights, such as a roof

Additionally, the **Federal Fair Labor Standards Act (FLSA)** sets minimum age requirements and provides guidelines for prohibited employment based on age. The U.S. Department of Labor's YouthRules! Initiative offers further clarification on what constitutes illegal employment under federal law.

## **Key Takeaways**

Employers hiring minors must carefully navigate state and federal laws to ensure compliance. Illegal employment not only puts minors at risk but also exposes employers to significant financial liabilities, including double workers' compensation benefits in the event of an injury.

By adhering to these guidelines, employers can create a safe and lawful work environment for minors while avoiding costly legal repercussions. For more information, please consult your labor attorney or refer to the following resources:

- [LEO - Youth Employment Standards Act \(YESA\)](#)
- [YouthRules | U.S. Department of Labor](#)
- [Michigan Hiring Minors-Michigan.gov](#)