LSLA Safety Campaign 2024

Raising Awareness to Hazards in the Lumber Industry

INSURANCE

March Focus – *Requirements for Minors in the Workplace*

Most businesses are entering their busy seasons, so the time to ramp up production is well underway. Unfortunately for many, full time employees continues to be a struggle not just with availability, but with job knowledge for those seeking employment. Many employers look to gain leverage on part-time and seasonal employees during times of inflated customer and production demands. This demand forces employers to look towards employment of minors.

The US Department of Labor estimates 44% of teenagers, 16-17 years old, work at some time during the year. Hiring minors (under 18 years of age) has unique and often challenging requirements for employers, especially in the construction and manufacturing space. These unique and challenging requirements come in the form of exposures to hazardous processes and equipment used to complete daily job tasks. Minors have specific requirements in job operations to which they cannot perform, which many employers do not know. However, there are exceptions to state laws.

Student Learner Exemption

A student learner is a student of an accredited school who is employed on a part–time basis to obtain realistic on-the-job training and educational credits. This of course must be established to comply with school-to-work program agreements between the school and the employer. This program must be authorized by the state department of public instruction, a technical school board, or the department's youth apprenticeship program. This allows them to perform job tasks that generally are not allowed for other minors in the workplace.

This process is accompanied by a school-work training agreement to ensure all parties are aware of the program and understand that the student will be exposed to potentially hazardous equipment and operations. This agreement also comes with specifics and requirements of direct supervision from a qualified or experienced person, safety instructions provided by the school regarding on-the-job training, and a schedule of work that will be performed. This agreement must be acknowledged and signed by the parent, employer, and school principal, and must be kept on file by the school and employer.

In short, this option is something that cannot be administered by an employer but must be in alignment with educational and minor labor law state requirements.

What Can / Can't They Do?

There are specifics as to what operations minors can and cannot do. The following provides details of specific hazardous exposures and/or job tasks, for what minors are and are not allowed to do.

Type of Equipment	Age Permissions			Comments
	Under 16	16 & Over	Student Learners	
Acetylene torch	No	Yes	Yes	Okay for 16-17 year-olds; no restrictions.
Assembly, Hand	Yes	Yes	Yes	No restrictions.
Automatic Shape & Sand	No	Yes	Yes	Prohibited under 16; allowable under section DWD 270.14(3), the "student learner" exemption, assuming student meets all requirements therein. This includes Youth Apprentices.

LSLA Safety Campaign 2024

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	Under 16	16 & Over	Student Learners	
CNC Router	No	Yes	Yes	1. Okay for 16-17 year-olds when there is full automatic feed and ejection. 2. Okay for student learners.
Cleat bender, manual	Yes	Yes	Yes	Okay, but not on construction site under 16
Cleat bender, power-driven	No	Yes	Yes	Prohibited under 16.
Deburring Machine	No	Yes	Yes	Prohibited under 16.
Demo Hammer	Yes	Yes	Yes	Not prohibited. However, note that demolition work is never allowed to those under 18 years of age. See Wis. Admin. Code DWD 270.12(28)
Drawer Clamp	Yes	Yes	Yes	Not prohibited.
Drill, Cordless; Drill, Radial	No	Yes	Yes	Okay for 16-17 year-olds; no restrictions.
Drill Press	No	Yes	Yes	Okay for 16-17 year-olds. See Wis. Admin. Code DWD 270.13(15)(b)1. Prohibited for younger minors.
Flanging machines (snaplock, pittsburg, pipe lock)	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(19)] 2. Allowable under Wis. Admin Code DWD 270.14(3), the "student learner" exemption, assuming student meets all requirements therein. This includes Youth Apprentices.
Forklift	No	No	No	See Wis. Admin. Code DWD 270.12(12). The forklift is the piece of equipment most commonly involved in industrial injuries. No minor, including student learners, may use them under any circumstances.
Framing Clamp Table	No	Yes	Yes	Okay for 16-17 year-olds; no restrictions.
Grinder, Hand, Bench, or Table	No	Yes	Yes	Machinery listed under Wis. Admin. Code DWD 270.13(15), prohibited under 16.
Hammer drill	No	Yes	Yes	Machinery listed under Wis. Admin. Code DWD 270.13(15), prohibited under 16.
Hydraulic Press	No	Yes	Yes	Okay for 16-17 year-olds; no restrictions.

LSLA Safety Campaign 2024

Raising Awareness to Hazards in the Lumber Industry

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Impact guns; corded and cordless	No	Yes	Yes	Okay for 16-17 year-olds; no restrictions.
Iron Worker	No	Yes/No	Yes	Prohibited generally as a metal-forming machine. Okay for 16-17 year-olds if equipped with full automatic feed and ejection. Allowable for student learners.
Jib Hoist	No	No	No	Prohibited under Wis. Admin. Code DWD 270.12(12). No student learner exception.
Laser Cutting Machine	No	Yes/No	Yes	The hazardous employments listed in the employment of minors regulations do not address laser equipment directly. The Division has long considered them to be analogous to some types of welding tools. Welding is permitted for minors 16 and over as long as lead is not used in the welding process. Given these considerations, there is nothing in the employment of minors law that would prohibit the use of laser equipment by a 16-17-yearold.
Laser, PRC	No	Yes/No	Yes	See above comments. Additionally, this piece of equipment must have automatic feed and ejection.
Lathe	No	Yes	Yes	See Wis. Admin. Code DWD 270.13(15).
Lift, walk behind	No	No	No	Hoists and hoisting apparatuses are prohibited with very few exceptions. See Wis. Admin. Code DWD 270.12(12).
Overhead crane	No	No	No	Hoists and hoisting apparatuses are prohibited with very few exceptions. See Wis. Admin. Code DWD 270.12(12).
Packaging, hand	Yes	Yes	Yes	No restrictions. Note that minors under 16 cannot work in "manufacturing or processing" occupations. See Wis. Admin. Code DWD 270.13(13).
Painting	Yes	Yes	Yes	No restrictions.
Painting, Hand	Yes	Yes	Yes	No restrictions.
Parts washing machine	Yes	Yes	Yes	No restrictions. Care needs to be taken with liquids used to clean metal parts.
Pipe threader	No	Yes	Yes	Okay for 16-17; no restrictions.
Planer	No	No	Yes	Prohibited except for student learners.

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Plasma, hand held tool	No	Yes	Yes	Okay for 16-17; no restrictions.
Plasma table, computerized	No	Yes	Yes	Okay for 16-17; no restrictions.
Portaband	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(25) 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Press Brake, regardless of size	No	No	Yes	1. Press brakes are named specifically as prohibited under Wis. Admin. Code DWD 270.12(19) 2. Okay for student learners if all conditions are met. See Wis. Admin. Code DWD 270.14(3)
Pressure washer	No	Yes	Yes	See Wis. Admin. Code DWD 270.13(15)
Punch Press, Rouselle / TarPac 66 / Turret Press [Euromac]	No	Yes/No	Yes	Punch presses are prohibited for 16-17 year-olds unless they have automatic feed and ejection, and they have guards to keep hands and fingers out. Okay for student learners. See Wis. Admin. Code DWD 70.12(19).
Router w/ table	No	Yes	Yes	Okay for 16-17; no restrictions
Sander; belt sander; profile or edge sander	No	Yes	Yes	Okay for 16-17; no restrictions.
Saws: including double rip saw, single rips aw, up-cut chop saw, table saw, band saw, horizontal band saw, sawzall, skill saw, reciprocating saw, etc.	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(25) 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Screw gun	No	Yes	Yes	Okay for 16-17; no restrictions.
Shaper	No	Yes/No	Yes	1. Okay for minors 16 and over when there is full automatic feed and ejection. 2. Okay for student learners

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Shears, including power shears, jump shears	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(19) 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Sheet metal brake	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(19) 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Skid Loader	No	No	No	Hoists and hoisting apparatuses are prohibited with very few exceptions. See Wis. Admin. Code DWD 270.12(12)
Skyjack	No	No	No	Hoists and hoisting apparatuses are prohibited to all minors. See Wis. Admin. Code DWD 270.12(12)
Tapering machine	Yes	Yes	Yes	No restrictions
Tenoner, Single End	No	Yes/No	Yes	1. Okay for minors 16 and over when there is full automatic feed and ejection. 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Tube Bender	No	No	Yes	1. Prohibited generally, see Wis. Admin. Code DWD 270.12(19) 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Unique Door Machine	No	Yes/No	Yes	1. Okay for minors 16 and over when there is full automatic feed and ejection. 2. Okay for student learners under conditions set forth in Wis. Admin. Code DWD 270.14(3)
Vacuum	Yes	Yes	Yes	No restrictions.
Welders (robotic, MIG, TIG, spot, wire feed, wire)	No	Yes	Yes	Welding okay per Wis. Admin. Code DWD 270.13(15).

Additional Resources

For any additional information on requirements of minor workers in the state of Wisconsin, follow the links below for some other specifics not covered in this article.

Youth Apprenticeship Employment of Minors (wisconsin.gov)

Wisconsin Employment of Minors Guide - Department of Workforce Development

Wisconsin Legislature: Chapter DWD 270

For any other assistance regarding workplace hazards and control measures, reach out to R&R Insurance or an LSLA Representative.