

Frequently Asked Questions about Work-Based Learning Guidelines for Youth

Overview

The Department of Labor compiled these Frequently Asked Questions (FAQs) to help employers, educators, youth service providers, and youth/families understand laws and regulations when engaging youth in a work-based learning (WBL) /work experience activities.

Topics

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Federal and State Labor Laws

Q: Where do I go to learn about important federal and state child labor laws?

ANSWER:

Federal laws pertaining to youth employment generally fall under the [U.S. Department of Labor Wage and Hour Division \(WHD\)](#), which enforces the Fair Labor Standards Act. See more at <https://www.dol.gov/agencies/whd/child-labor>

RESOURCES:

FEDERAL RESOURCES

WHD: Youth Employment Compliance Toolkit: <https://www.dol.gov/agencies/whd/compliance-assistance/toolkits/youth-employment>

This toolkit developed by the Department of Labor's Wage and Hour Division provides guidelines for employers on youth employment and Fair Labor Standards Youth Provision laws.

- Included in this toolkit is [The Employers' Pocket Guide on Youth Employment](#), which provides a quick look at FLSA youth employment provisions by age and type of work: <https://www.dol.gov/sites/dolgov/files/whd/youthrules/YouthRulesBrochure.pdf>

WHD: [Fact Sheet](#) on Youth Minimum Wage laws under the Fair Labor Standards Act:

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs32.pdf>

STATE RESOURCES

Every state has laws specifically dealing with child labor issues. When federal and state standards are different, **rules that provide the most protection to youth workers apply**. Employers must comply with both federal laws and applicable state laws. Federal child labor rules are established by the Fair Labor Standards Act (FLSA). FLSA rules affects full- and part-time workers in the federal and state government and private sectors.

State Labor Offices: <https://www.dol.gov/agencies/whd/state/contacts>

State Labor Laws: <https://www.dol.gov/agencies/whd/state>.

- State-Specific Age Restrictions: [Employment/Age Certificate | U.S. Department of Labor \(dol.gov\)](#)

Safety Guidelines, Liability, and Workers' Compensation

Q: Am I liable if a youth is injured on the job? Do I have to pay workers' compensation?

ANSWER:

Yes. Employer liability for youth in work experience activities is the same as for other employees. Youth are most likely covered under the employer's existing worker compensation policies. Service providers and employers should become familiar with the guidelines provided by DOL's Occupational Safety and Health Administration (OSHA)'s offices to understand responsibilities and health requirements for young workers. When establishing WBL/work experience opportunities, providers should review the following resources.

RESOURCES

Employment and Training Administration (ETA): Worker Compensation Laws for the U.S. is a comprehensive guide to workers' compensation laws in every state and the District of Columbia. [Workers' Compensation Laws for the U.S. - 2017](#) (Please note that the link will prompt you to download the table, rather than take you to a webpage.)

WHD: Youth Labor and Hazardous Jobs overview webpage:
<https://www.dol.gov/general/topic/youthlabor/hazardousjobs#doltopics>

Occupational Safety and Health Administration (OSHA): Employer Responsibilities for Keeping Young Workers Safe: <https://www.osha.gov/young-workers/employer-responsibilities>

OSHA: Young Workers – Summer Job Safety webpage has information on potential workplace hazards as well as requirements for seasonal and other work such as landscaping, construction, restaurants, lifeguarding, farm work, and parks and recreation:
<https://www.osha.gov/SLTC/youth/summerjobs/index.html>

OSHA: Recommended Practices for Safety and Health Programs presents a step-by-step approach to implementing a safety and health program, built around seven core elements that make up a successful program: <https://www.osha.gov/safety-management>.

OSHA: Safety and Health Information Bulletin on Prohibition Against Young Workers Operating Forklifts: <https://www.osha.gov/sites/default/files/publications/shib093003.pdf>

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National Institute for Occupational Safety and Health (NIOSH): Young Worker Safety and Health webpage provides research and resources related to young worker safety and health:

<https://www.cdc.gov/niosh/topics/youth/>

En español: <https://www.cdc.gov/spanish/niosh/topics/jovenes.html>

NIOSH: Talking Safety training curricula includes training modules for each State. Each State's training module incorporates related State labor requirements:

<https://www.cdc.gov/niosh/talkingsafety/default.html>

Compensation for Youth

Q: How do I know if/when I must pay a wage to youth in a work-based learning (WBL) activity?

ANSWER:

The primary factor for whether you must pay a youth in a WBL activity is whether an employer-employee relationship exists. If an employer-employee relationship exists, wages must be paid and the labor standards outlined in the Federal Labor Standards Act are applicable. Labor standards outlined in other acts, such as the Occupational Safety and Health Act, apply as well if an employer-employee relationship exists.

RESOURCES

WHD Fact Sheet #13: Employment Relationship under the Fair Labor Standards Act (FLSA): Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists.

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs13.pdf>

Employment and Training Administration (ETA): Forms of Payments for WIOA Youth Program

Participants technical assistance brief provides information on payments for WIOA youth participants.

<https://youth.workforcegps.org/resources/2021/03/12/11/30/FORMS-OF-PAYMENTS-FOR-WIOA-YOUTH-PROGRAM-PARTICIPANTS>

Incentives for Employers

Q: What incentives are available for employers who want to participate in WBL for targeted groups?

ANSWER:

The Employment and Training Administration (ETA) sponsors the Work Opportunity Tax Credit (WOTC). WOTC is a Federal tax credit available to employers for hiring individuals from certain targeted groups who have consistently faced significant barriers to employment.

RESOURCES

ETA: Work Opportunity Tax Credit (WOTC) Fact Sheet:

https://www.dol.gov/sites/dolgov/files/ETA/wotc/pdfs/WOTC_Fact_Sheet.pdf

Work-Based Learning during COVID

Q: How do I ensure that youth are safe in a work-based learning activity during the COVID-19 pandemic?

ANSWER:

OSHA has implemented new guidelines for addressing risks in workplaces due to COVID-19. **All resources are available in Spanish/Todos los recursos están disponibles en español.**

RESOURCES

OSHA - COVID-19 Workplace Resources: Provides general and industry-specific guidance for addressing exposure risks in workplaces. <https://www.osha.gov/coronavirus>.

OSHA - Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace, which is intended to help employers 1) protect workers who are unvaccinated (including people who are not fully vaccinated) or otherwise at-risk, including who are immunocompromised, and 2) implement new guidance involving workers who are fully vaccinated but located in [areas of substantial or high community transmission](#). <https://www.osha.gov/coronavirus/safework>; COVID-19 community tracker map: <https://covid.cdc.gov/covid-data-tracker/#county-view>.

OSHA: COVID-19 Vaccination and Testing Emergency Temporary Standard, which establishes requirements to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 in the workplace. <https://www.osha.gov/coronavirus/ets2>

Resources for Youth and Their Families

Q: What resources might be helpful to youth employees and/or their families?

In addition to the resources created to help employers and program providers understand appropriate employer-employee relationships with youth, there are other resources designed to engage young people and their families.

RESOURCES

WHD: YouthRules! For Young Workers features resources for young workers based on their age and what industry they are working in. YouthRules! also helps young workers understand their rights and how to file a complaint if needed. <https://www.dol.gov/agencies/whd/youthrules/young-workers>

WHD: YouthRules! Young Worker Toolkit is a comprehensive toolkit to help young workers make the most of their work experiences, and learn about their rights and responsibilities. <https://www.dol.gov/agencies/whd/youthrules/young-worker-toolkit>

- The toolkit also includes “Know Your Rights” videos that provide young workers with different scenarios they may encounter in the workplace. **Disponibles en español.** <https://www.dol.gov/agencies/whd/resources/videos/know-your-rights>

WHD: YouthRules! For Parents features resources for parents that help them understand what their child can and cannot do as a young worker, and separates the information by age and by what industry their child is working in. <https://www.dol.gov/agencies/whd/youthrules/parents>

OSHA: Parents and Educators Can Keep Young Workers Safe provided vital information to parents and educators about their role in protecting young workers. It also includes resources for use by educators in classrooms, including the NIOSH “Talking Safety” curricula. <https://www.osha.gov/young-workers/parents-educators>. **Disponibles en español.**