

West Virginia Child Labor Requirements

State Jurisdiction & Authority

West Virginia Division of Labor

Wage & Hour Section

Child Labor Fact Sheet 2 - West Virginia Code Chapter 21, Article 6

(July 2016)

STATE CHILD LABOR REQUIREMENTS JURISDICTION & AUTHORITY

West Virginia Child Labor laws apply to the employment of all minors under the age of eighteen. With the exception of those activities that are specifically exempted by statute, no minor under the age of fourteen is permitted to enter the workforce. Fourteen through seventeen (14 – 17) year-olds are permitted gainful employment as long as the requirements of state law relating to child labor are honored.

Exclusions §21-6-1

State child labor laws only apply to employment relationships between a minor and an employer. That means activities such as casual labor for babysitting and running errands for friends and neighbors are not applicable to state child labor laws. Minors of any age may also work for a business solely owned by a parent or guardian outside of state child labor requirements as long as such work has not been determined hazardous for the minor's age group by state or federal law. In addition, there are other occupations that are considered exempt. Those occupations are listed as such in the next section.

As federal child labor laws may still apply to the following occupations, parents and employers should always check with the United States Department of Labor to make sure that such work is also permissible under federal law.

Exempt Occupations

- Domestic services provided within the residence of the employer.
- Performing as an actor or actress in motion pictures, theatrical, radio or television productions.
- Newspaper delivery.
- Agricultural occupations.

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State Versus Federal Jurisdiction

As both the state of West Virginia and the federal government enforce laws relating to the employment of minors, the requirements of both laws must be considered to ensure the higher standard of each law is observed relating to the safety and well-being of minors in the workplace. Should state and federal law differ concerning a certain issue, the rule of a higher standard applies, meaning the law containing the strictest requirement will take precedence.

Work Permit & Age Certificate Requirements

West Virginia requires minors fourteen and fifteen years of age to obtain a work permit from the superintendent of schools in the county where they reside before accepting gainful employment. Although not a requirement of law, employers may also require sixteen and seventeen-year-olds to obtain an Age Certificate for the sole purpose of verifying the minor's true age. As federal law does not require a permit of any kind for a minor to be eligible to work, West Virginia's work permit and age certificate requirements will apply in all cases relating to the employment of minors.

Hours of Work

Both West Virginia and federal child labor laws contain provisions relating to permissible hours of work for fourteen and fifteen-year-olds. Both laws currently mirror each other relating to these requirements. Should a conflict occur, the law containing the higher standard, or the strictest requirement, will apply. Sixteen and seventeen-year-olds are unrestricted as to the number of hours they are permitted to work under both state and federal standards.

Hazardous Occupations

Both state and federal law address occupations that are considered hazardous for minors of specific age groups. Following the rule of a higher standard, any occupation determined as hazardous by the federal government is also considered hazardous under state law.

For information relating to federal child labor requirements, visit the United States Department of Labor's website @ www.dol.gov or www.youthrules.gov.