



## Intensified FLSA Child-Labor Enforcement Likely

Insights

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Employers can expect more investigative attention to child-labor restrictions. For one thing, the U.S. Labor Department has now adopted a harsher civil penalty structure. Moreover, in making this announcement, Labor Secretary Solis spoke of the "reinvigorated enforcement" of FLSA limitations upon work by minors.

It is not yet clear whether or to what extent penalties have been increased across-the-board, but the ones publicized have skyrocketed. For instance, the minimum fine for illegally employing a 12- or 13-year-old in a nonagricultural job has gone from \$900 to \$6,000. Indications are that the Labor Department is prepared to impose penalties to the full extent of its authority: Up to \$11,000 per illegally-employed minor, and up to as much as \$50,000 for violations resulting in death or serious injury (which can be doubled for "repeated" or "willful" violations).

Over the years, the U.S. Wage and Hour Division has undertaken special enforcement initiatives in the child-labor arena. So it was no surprise when the Division disclosed earlier this month that it would be focusing upon the employment of minors in connection with blueberry harvests in New Jersey and North Carolina. There is every reason to believe that child-labor practices among nonagricultural employers will also be scrutinized.

As we said on May 12, management should be *certain* that it is complying with all of the applicable child-labor limitations. There have recently been some substantial regulatory changes, so it is wise to take another look to be sure.

**UPDATE:** The Labor Department has created a "coordinated task force" to conduct FLSA investigations in southern Alabama and in Mississippi. This group will focus in part upon child-labor violations in retailing, restaurants, and construction and will fan-out across both metropolitan and rural areas.