

A Digest of Child Labor Laws and Regulations Applicable in California*

THIS is an attempt to present a comprehensive digest of the laws and regulations, both state and Federal, governing the employment of minors¹ in California. No attempt will be made to criticise or discuss the law, it being the writer's aim merely to present the law as he finds it, in the hope that his efforts will prove to be of some assistance to those who are called upon to obey it.

It is true that we have on our statute books the Child Labor Law,² but it should not be supposed that it is a codification of this branch of the law. On the contrary, it is but one of several statutes to which we must look for our information. Our legislators seem to have lost sight of the fact that piecemeal legislation, imposing regulations on the conduct of business and industry, has a cumulative effect that soon becomes burdensome and annoying. They would do well to realize that comprehensive codes which eliminate the duplications and omissions bound to accompany such piecemeal legislation are not only more easily enforced, but also more easily obeyed. The following digest of our laws pertaining to the employment of minors amply illustrates the necessity of such codes.

Included in this digest are the following statutes and administrative regulations:

- (1) The Child Labor Law. (Cal. Stats. 1919, ch. 259.)
- (2) An Act to Enforce the Educational Rights of Children. (Cal. Stats. 1919, ch. 258.)

* This digest was submitted for approval to Mr. William Gardiner, statistician and chief examiner of the Bureau of Labor Statistics, and to Miss Georgiana Carden, attendance agent of the office of the Superintendent of Public Instruction and vocational education director of the Industrial Welfare Commission, both of whom advise that the digest correctly states the provisions of the law. Grateful acknowledgment is due to both Mr. Gardiner and Miss Carden for their assistance in the preparation of the digest.

¹ Only minors under the age of 18 years are within the purview of the statutes herein referred to.

² Cal. Stats. 1919, ch. 259, Cal. Stats. 1917, ch. 580, Cal. Stats. 1915, ch. 625.

- (3) The Part Time Education Law. (Cal. Stats. 1919, ch. 506.)
- (4) An Act Regulating the Employment of Women and Minors and Establishing an Industrial Welfare Commission, etc. (Cal. Stats. 1913, ch. 324, Amended, Cal. Stats. 1915, ch. 571.)
- (5) Revenue Act of 1918. Title XII, §§ 1200 et. seq. (40 U. S. Stat. at L. 1135 et. seq., U. S. Comp. Stats. 1919 Supp. §§ 6336 $\frac{7}{8}$ a-h, Fed. Stat. Ann. (2d ed.) 1919 Supp. p. 179.)
- (6) Treasury Decision No. 2823, promulgating Provisional Regulations No. 46 Relating to Tax on Employment of Child Labor.
- (7) Regulations and Orders of the Industrial Welfare Commission of the State of California. (In so far as they relate to the employment of minors.)
- (8) Rulings of the Commissioner of Internal Revenue relating to the Tax on Child Labor.

The sections of the California Penal Code and of various California statutes relating to the employment of minors in street occupations, theatrical performances, messenger service, etc., are omitted from consideration.

Employers should be careful to observe the provisions of the Federal law and regulations, the stringency of which is well illustrated by the ruling of the Commissioner of Internal Revenue on June 4, 1919, that

"The presence of any child in or about any of the establishments specified in the law will be taken as *prima facie* evidence of its employment therein. It is immaterial that the children are in or about the establishments with their mothers and are entirely too young to work or be of service there."

Since the Revenue Act imposes a tax of 10 per cent (in addition to all other Federal taxes) upon the entire annual net profit of any of the specified establishments employing minors falling within certain age groups, the necessity of paying careful attention to its provisions is readily apparent.

In order that this digest may be more easily understood, a few words should be said concerning the provisions of our law relating to compulsory school attendance. Parents and guardians of children between the ages of eight and sixteen years, not physically or mentally deficient, are required to send them to a public full-time day school for the full time for which the public schools of the city, city and county, or school district in which the child

resides shall be in session, or to provide otherwise for their proper education in a private full-time school, or by a private tutor for at least three hours per day for 160 days during each calendar year.³

After a child reaches the age of sixteen years and ceases to be subject to the provisions of the law requiring attendance at a full-time school, it comes within the operation of the part-time education law which compels the attendance at part-time classes of all minors between the ages of sixteen and eighteen years, not physically or mentally disqualified, who reside within a radius of three miles of a high school in which part-time classes are maintained, who have not graduated from a high school or private school of equivalent standing, and who are not attending full-time day schools.⁴

Parallel with the compulsory school attendance provisions of the law are the prohibitions against employment. Minors under the age of sixteen years (i. e., those subject to the provisions of the law requiring attendance at full-time day schools) may not be employed unless they present one of the certificates or permits required by the law. These permits and the establishments, occupations and positions in which they authorize employment are fully described in the digest. And minors over the age of sixteen years and under the age of eighteen years, who are subject to the provisions of the law requiring attendance at part-time classes, may not be employed except upon the presentation of a school enrollment certificate and permit to work, as likewise more fully appears in the digest.

³ But minors of the age of 15 years who hold age and schooling certificates (*infra*) and minors of the age of 14 years who have graduated from the regular elementary school course and whose parents are incapacitated and require their support, are not required to attend school.

⁴ The Part Time Education Law (Cal. Stats. 1919, ch. 506, § 3, *subdiv. Second*) also prescribes that all persons over 18 and under 21 years of age who cannot speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of this state; who live within a radius of three miles of an evening class maintained under the provisions of this law; who are not mentally or physically disqualified from attending; who expect to remain in the district for two or more months; and who are not in attendance upon a public or private full-time day school or a part-time class, are required to attend for at least four sixty-minute hours per week upon a special day or evening class maintained for persons who cannot speak, read or write the English language. But only minors under the age of 18 years are required to present the school enrollment certificate and permit to work, referred to in the digest.

Since this digest is prepared in order to assist attorneys in advising employers respecting the provisions of the law, it is hoped that readers of the *Réview* will direct the editor's attention to any errors or omissions which may appear herein.

At the end of the digest is a reference table that should enable one to ascertain readily whether or not, or upon what conditions, a minor of a given age may be employed in industry.

FORBIDDEN EMPLOYMENTS⁵

Child Labor Law (Section 4)

This section prohibits the employment of any minor under the age of 16 years in any capacity at any of the following occupations or in any of the following positions: (1) Adjusting any belt to any machinery, or sewing or lacing machine belts in any workshop or factory, or oiling, wiping or cleaning machinery, or assisting therein, or operating or assisting in operating any of the following machines: (a) Circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or wood-polishing machinery; (f) wood-turning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) printing presses of all kinds; (l) boring or drill presses; (m) stamping machines used in sheet-metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper-cutting machines; (o) corner-staving machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machines; or in proximity to any hazardous or unguarded belts, machinery or gearing; or (2) upon any railroad, whether steam, electric or hydraulic; or (3) upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state; or (4) in, about, or in connection with any processes in which dangerous or poisonous acids are used; or (5) in the manufacture or packing of paints, colors, white or red lead; or (6) in soldering; or (7) in occupations causing dust in injurious quantities; or (8) in the manufacture or use of dangerous or poisonous dyes; or (9) in the

⁵ I. e., forbidden even though the minor holds one of the certificates or permits authorized by law.

manufacture or preparation of compositions with dangerous or poisonous gases; or (10) in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; or (11) on scaffolding; or (12) in heavy work in the building trades; or (13) in any tunnel or excavation; or (14) in, about or in connection with any mine, coal breaker, coke oven, or quarry; or (15) in assorting, manufacturing or packing tobacco; or (16) in operating any automobile, motor car or truck; or (17) in a bowling alley; or (18) in a pool or billiard room; or (19) in any other occupation dangerous to the life or limb, or injurious to the health or morals of such child.

The Bureau of Labor Statistics may from time to time, after hearing duly had, add to this list of forbidden employments any particular trade, process of manufacturing or occupation which in the opinion of the commission is dangerous to the lives or limbs or injurious to the health or morals of such minors.⁶

Revenue Act of 1918 (Section 1200)

Imposes a tax of 10 per cent on the *entire* net profits⁷ received or accrued *for each year* from the sale or other disposition of the product of:

- (a) Any mine or quarry in which children under the age of sixteen years⁸ have been employed or permitted to work during any portion of the taxable year; or
- (b) Any mill, cannery, workshop, factory, or manufacturing establishment⁹ in which

⁶ No new employments or occupations have been added to the foregoing category.

⁷ The tax is not on the net profits derived from the labor of children, but upon the entire net profits of the establishment (Rulings of the Commissioner of Internal Revenue, April 9, 1919).

⁸ "Under the age of 16 years" means those children who have not yet completed their sixteenth year (Provisional Regulations No. 46, Treasury Dept., Art. 1, subdiv. e).

⁹ Employment in a "Mill, cannery, workshop, factory, or manufacturing establishment" has been held to *include* the following: (a) bakery; (b) a plant in which soft drinks are bottled; (c) a steam laundry; (d) a wholesale and retail meat market, manufacturing sausage, head-cheese, etc.; (e) the employment of the son of the proprietor in the enumerated cases; (f) where a workshop or factory is connected with a store or office and is part of the same enterprise, the employment of children in the store or office, or going from department to department with messages; (g) a factory office; (h) the employment of delivery boys in or about workshops or manufacturing establishments; (i) the employment of boys by an ice factory to accompany delivery wagons and carry ice into houses if the boys are permitted to go with the wagons when being loaded at the factory premises; (j) janitor service in the office of a manufacturing plant; and to *exclude*: (a) a retail drugstore; (b) an express company; (c) purely farming or agricultural operations; (d) retail grocery stores;

- (1) children under the age of fourteen years¹⁰ have been employed or permitted to work; or
 - (2) children between the ages of fourteen and sixteen years have been employed or permitted to work more than eight hours in any day¹¹ or more than six days in any week,¹² or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.
- during any portion of the taxable year.¹³

A business man, after having paid his income and profits taxes to the Federal government, will undoubtedly find that the additional 10 per cent tax practically prohibits the employment of minors of the ages and in the establishments specified.

Except during the regular vacation periods of the public schools, and the regular weekly school holidays, when vacation permits are effective, the state law prohibits the employment of minors under the age of fourteen years except in agricultural occupations and domestic service. Section 1 of the Child Labor Law prohibits the employment of minors under the age of sixteen years in any mercantile, manufacturing or mechanical establishment, workshop, office, laundry, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, or in any other place of labor at any time except as provided in the Child Labor Law, the Part Time Education Law and the Act to Enforce the Educational Rights of Children. These statutes provide for the permits authorizing employment, hereinafter noted.

(e) a mercantile store; (f) the employment of children in the distribution of newspapers, outside of and away from the manufacturing plant of a newspaper (Rulings of the Commissioner of Internal Revenue Relating to the Tax on Child Labor, 1919).

¹⁰ "Under the age of 14 years" means those children who have not yet completed their fourteenth year (Provisional Regulations No. 46, Treasury Dept., Art. 1, subdiv. f).

¹¹ "Eight hours in any day" means the actual period of employment and shall be reckoned from the time the child is required or allowed to be at the place of employment until he or she stops work for the day, exclusive of one continuous period of a definite length of time during which the child is off work and not subject to call for duty of any kind (Provisional Regulations No. 46, Treasury Dept., Art. 1, subdiv. g).

¹² "Six days in any week" means six consecutive days, none of which shall consist of more than eight hours of working time a day (Provisional Regulations No. 46, Treasury Dept., Art. 1, subdiv. h).

¹³ If a minor of the age specified in the statute is employed during any portion of the taxable year in any of the enumerated establishments, the employer must pay a tax of 10 per cent of the entire net profits received or accrued for the whole year.

HOURS OF LABOR

Child Labor Law (Section 2)

Minors under the age of 18 may not be employed for more than 8 hours in one day of 24 hours nor for more than 48 hours in one week nor before 5 a. m. or after 10 p. m.¹⁴ of any day.

Part-Time Education Law (Section 7)

It is illegal¹⁵ for one or more employers to employ a minor under the age of 18 years for a greater number of hours each day than will, if added to the number of hours he is compelled to attend school as provided in this act, equal 8 hours.¹⁶

Revenue Act of 1918 (Section 1200)

Under the provisions of this section of the Federal Law, a minor between the ages of 14 and 16 may not be employed or permitted to work in any mill, cannery, workshop, factory or manufacturing establishment for more than 8 hours in any day or more than 6 days in any week or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m. except on the payment of a tax of 10 per cent upon the entire net proceeds of the business as hereinabove noted.¹⁷

Although our state law permits the employment of minors under the age of eighteen years between the hours of 5 o'clock a. m. and 10 o'clock p. m.,¹⁸ the Federal statute, by imposing the 10 per cent tax, in effect restricts employment to a period between 6 o'clock a. m. and 7 o'clock p. m. in so far as the employment of minors between the ages of fourteen and sixteen years of age in the designated industries is concerned.

¹⁴ This does not prohibit the employment of minors 16 years of age or over, at agricultural, horticultural, or viticultural, or domestic labor for more than eight hours in one day or more than 48 hours in one week, nor prohibit the employment of minors at agricultural, horticultural, or viticultural, or domestic labor during the time that the public schools are not in session, or during other than school hours. "Horticultural" includes the curing and drying of fruit, but not fruit-canning (Child Labor Law, § 5).

¹⁵ Except in agricultural or home-making occupations.

¹⁶ Under the part-time education law, minors between the ages of 16 and 18 years of age must attend part-time classes for four sixty-minute hours per week. It is made the duty of the principal of the school which any pupil subject to the provisions of this act attends, to add his hours of compulsory school attendance and employment, and should the total of school attendance and employment exceed eight hours for any day of the week, to give notification to this effect to the employer who may be employing such pupil after he has already served eight hours in compulsory school attendance and employment for any week day (Part Time Education Law, § 7).

¹⁷ *Supra*, n. 7 to 13, inclusive.

¹⁸ See "Wages," *infra*. It will be noted that certain orders of the Industrial Welfare Commission limit the statutory hours of employment.

PERMITS AND CERTIFICATES: WHEN REQUIRED

Vacation Permits

Required of all minors over the age of 12 years and under the age of 15 years who are employed on regular weekly school holidays and during the regular vacation periods of the public schools¹⁹ of the school district, city or city and county, in which the place of employment is situated. (§ 3b, Act to Enforce the Educational Rights of Children.) These permits remain effective during the vacation period of the school last attended.²⁰

"Under the age of fifteen years" includes all minors who have not reached their sixteenth year. While it is permissible under the state law to employ a minor under the age of fourteen years, who holds a vacation permit, it must be remembered that this permit does not exempt the employer from the Federal tax if the employment be in an establishment enumerated in the Revenue Act.

Age and Schooling Certificate

Required of all minors of the age of 15 years who are employed or permitted to work during the hours that the public schools are in session. (§ 3c, Act to Enforce the Educational Rights of Children.)

Thus a minor of the age of fifteen years who was employed in vacation time under a vacation permit could not remain in employment after the vacation period had ended and the school session had begun without an age and schooling certificate. Such a certificate will not be issued to a minor unless he presents to the issuing authority a statement from the prospective employer stating that he intends to employ the minor and giving the nature of the intended employment. To be entitled to such a certificate, the

¹⁹ Note that the statute refers to the regular vacations of the *public* schools. This means that children who attend private schools may be employed under vacation permits only during the regular vacation period of the public schools, whether it corresponds with the vacation period of their own schools or not.

²⁰ The vacation period of the public schools is not uniform throughout the state, which causes some difficulty in those cases wherein vacation permits are held by children in migratory families. The "vacation period" during which these certificates authorize employment is the vacation period of the school district in which the minor last resided and attended school. If the minor moves out of this district into one having a different vacation period, he may nevertheless be employed in the latter district even though the vacation period therein has ended and the school session begun, provided: (1) that the employment is during the vacation period of the district in which the permit was issued, and (2) that the employment is not after the expiration date noted on the face of the certificate.

minor must have completed the prescribed elementary school course, or have completed the equivalent of the seventh grade thereof, and be in attendance at a night school or part-time class.

School Enrollment Certificate and Permits to Work

Required of minors over 16 years and under 18 years²¹ of age. This certificate bears on its face the date of its expiration. (§ 7, Part Time Education Law.)

This certificate is required only in high-school districts wherein part-time education classes have been instituted pursuant to section 3c of the Part-Time Education Law, and in such school districts it is required of all minors over sixteen and under eighteen years of age, who have not graduated from a high school maintaining a regular four-year course or from a private school of equivalent standing, and who reside within a three-mile radius of a school maintaining part-time classes in civic or vocational subjects.²² The high-school board in the district in which the place of employment is situated should be consulted to determine whether or not these classes have been instituted. The minor who presents a school enrollment certificate and permit to work should present with it the necessary blanks for the use of the employer in reporting to the school principal information concerning the minor's employment.

Permit to Employ

Required of an employer who desires to employ minors of the age of 14 years (i. e., between 14 and 15 years of age)

²¹ During the school year 1920-21 (the present school year), the provisions of this act shall apply also to all persons subject to the provisions of the act who are less than 17 years of age. During and after the school year 1921-22 they will apply to all persons subject to the provisions of the act who are under 18 years of age (Part Time Education Law, § 15). The evident meaning of § 15 is that during the school year 1920-21, the act should apply to minors who *on the first day of the school year* (i. e., July 1, 1920) were less than 17 years of age, or, in other words, to all persons whose seventeenth birthday occurred after July 1, 1920. Therefore, during this year employers should demand school enrollment certificates and permits to work from all minors who on July 1, 1920, were less than 17 years of age.

²² A minor between the ages of 16 and 18 years, seeking employment in a high-school district wherein part-time classes pursuant to the provisions of the part-time education law have been instituted should (if he does not present a school enrollment certificate and permit to work) present a diploma of graduation or other satisfactory evidence of graduation from a high school maintaining a four-year course above the eighth grade of the elementary school, or satisfactory evidence of having had an equal amount of education in a private school or by private tuition (§ 3, subdiv. 1, Part Time Education Law).

who holds a diploma of graduation from the prescribed elementary school course. (§ 3a, Subdiv. First, Act to Enforce the Educational Rights of Children.)

Before such a permit is issued, the following data must be furnished to the issuing authority by the employer or the child's parent or guardian: (1) Evidence that the child is physically fitted for the employment contemplated; (2) A sworn statement of the child's age together with a statement that his parent or guardian is incapacitated for labor through illness or injury, or that through the death or desertion of the minor's father, the family is in need of the minor's earnings; and (3) A written statement from the prospective employer that work is waiting for such minor and describing the nature of such work. This permit remains in force for a period of time determined by the issuing authority to be reasonable and necessary, but not exceeding six months.

Special Permits

Issued only to minors over the age of 14 years and under the age of 16 years who are employed outside of school hours.²³ (Cal. Stats. 1915, ch. 625, § 1.)

Federal Permits

Section 1203a of the Revenue Act of 1918 creates a board consisting of the Secretary of the Treasury, the Commissioner of Internal Revenue and the Secretary of Labor and authorizes the board to issue certificates of age. These certificates may be relied on by an employer as evidence of the child's age and to establish non-liability for the tax. This same subdivision of section 1203a further provides that:

"In any state designated by such board an employment certificate or other similar paper as to the age of the child, issued under the laws of the state and not inconsistent with the provisions of this title, shall have the same force and effect as a certificate herein provided for."

Pursuant to the provisions of this section and of Article 10 of Regulations No. 46, the Commissioner of Internal Revenue has written as follows to the State Industrial Welfare Commission and the Bureau of Labor Statistics:

²³ "Outside of school hours" means after school hours and on the weekly school holidays. As previously noted, a minor under the age of 18 years may not be employed after 10 o'clock p. m. This hour is further restricted in many localities, by city and town curfew laws.

"I am pleased to advise you that in accordance with the provisions of Title XII of the Revenue Act of 1918 (§ 1203a), Tax of Employment of Child Labor, the Child Labor Tax Board has directed that unless sooner revoked for cause, the State of California, whose laws and administrative practices, it appears, measure up to the standards laid down in the Federal regulations, is hereby designated for six months,²⁴ from June 1, 1920, to December 1, 1920, as a State in which an age and schooling certificate, special permit, and permit to work,²⁵ as to the age of a child shall have the force and effect of a Federal certificate of age for the purposes of, and in accordance with, the terms of the Act."

For this reason, California employers need not insist upon Federal age certificates, but may rely on the state certificates as noted in the Commissioner's letter.²⁶

NOTICES REQUIRED TO BE SENT TO SCHOOL OFFICIALS AND DISPOSITION OF PERMITS AND CERTIFICATES

Age and Schooling Certificates

These certificates shall be surrendered to the minor on quitting his employment.²⁷ (§ 3c, Subdiv. Third, Act to Enforce Educational Rights of Children.) Within five days after the holder of such a certificate quits his employment, the employer must notify the issuing authority in writing of the termination of the employment and give the latest correct address of such minor known to the employer. (§ 3c, Subdiv. Sixth, Act to Enforce the Educational Rights of Children.)

Permits to Employ

All unexpired permits must be returned to the authority issuing the same within five days after the termination of the employment. (§ 3a, Subdiv. Second, Act to Enforce Educational Rights of Children.)

²⁴ It is understood that the six-months period will be extended from time to time.

²⁵ Note that this letter omits to mention the vacation permit authorized by state law. However, it is believed that this permit may be relied on as *prima facie* evidence of the employer's good faith in endeavoring to comply with the law.

²⁶ It must not be thought that the fact that a child presents a state permit exempts the employer from the tax. It has the same force as a Federal permit as evidence of the child's age. If the child is within the specified age group and is employed in any of the establishments enumerated in the Federal act, the tax is payable despite a state certificate.

²⁷ This is at variance with § 6 of the Child Labor Law which provides that such certificates shall be returned to the issuing authority, which is controlling.

Vacation Permits

These must be returned to the minor on the termination of the employment. (§ 3b, Act to Enforce the Educational Rights of Children.)

School Enrollment Certificate and Permits to Work

Within five days after the beginning of the employment the employer shall notify the principal of the school issuing such certificate and permit a written notification of such employment.²⁸ A copy of this notification must be kept on file with the certificate. The employer should file a copy of the notification with the certificate. The notification should briefly describe the character of the work performed by the minor and the time of day during which and the days of the week on which he is employed. (Part Time Education Law, § 7.)

Special Permits

To be returned to the minor on the termination of the employment.

FILES AND REGISTERS TO BE KEPT—NOTICES TO BE POSTED

Child Labor Law (Section 6)

Employers of minors must keep a separate²⁹ register containing the names, ages and addresses of minors under the age of 18 years, shall post and keep posted in a conspicuous place in every room where such minors are employed, a written or printed notice stating the hours per day for each day of the week required of such minors, and shall keep on file all permits and certificates either to work or to employ.

Act to Enforce the Educational Rights of Children (Section 3, Subdivision First)

Employers of minors under the age of 16 shall keep a register similar to that referred to in section 6 of the Child Labor

²⁸ Blank forms of notification should be left with the employer by the minor when he presents his certificate and permit. These blanks are furnished to the minor by the high school principal (Part Time Education Law, § 4, subdiv. 1, par. h).

²⁹ While the Child Labor Law specifies a "separate" register, employers will be complying with this statute and with the requirements of the Act to Enforce the Educational Rights of Children, the Part Time Education Law, and the Act Establishing the Industrial Welfare Commission if they keep one file (book or card index) in which are listed the names of all minors employed and the information required by the statutes in comprehensive form. It will not be necessary to maintain separate files or registers in order to comply with each of the four statutes.

Law, and shall post and keep posted similar notices and keep a similar file of certificates and permits for minors under the age of 16.

Part-Time Education Law (Section 7)

Employers of minors within the provisions of this act are required to file and retain permanently all school enrollment certificates and permits to work together with copies of notifications sent to school principals, above noted.

The files and registers specified in the three foregoing statutes shall be open to the inspection of officers charged with the enforcement of the law. A failure to produce any of the certificates required to be kept on file or to post and keep posted the notices required by law is made, by each of the three statutes, prima facie evidence of illegal employment.

Act Establishing the Industrial Welfare Commission (Section 3(b) 3)

Requires employers to keep a register of the names, ages and residences of all women and minors employed.³⁹

All orders of the Commission contain a paragraph requiring the employer to keep, in a form and manner approved by the Commission, records of the names and addresses, the hours worked and the amount earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

Provisional Regulations No. 46 (Treasury Dept.) Article 11

A time record shall be kept daily by persons operating any mill, cannery, workshop, factory or manufacturing establishment, showing the hours of employment for each and every child who has completed the fourteenth year but has not yet completed the sixteenth year of its age, whether employed on a time or piece rate basis.

RATE OF WAGES

The Industrial Welfare Commission of the State of California, has, by its administrative orders, fixed a minimum wage for women and minors in certain employments. Copies of these

³⁹ The Commission advises that a file or register similar to the one referred to in note 29 and containing the data required by the statute as noted in the digest will also meet the requirements of the law.

orders may be had from the Commission, whose offices are in the Flood Building, Market and Powell streets, San Francisco, California, and in the Union League Building, Los Angeles, California. Following are the orders of the Commission now in force and the subjects to which they relate:

- No. 3—Fruit and Vegetable Canning Industry.³¹
- No. 4—(Amended) Laundry and Manufacturing Establishments.³²
- No. 6—Fish Canning Industry.³³
- No. 7—Laundry and Dry Cleaning Industry.³⁴
- No. 8—(Amended 1920) Fruit and Vegetable Packing Industry.³⁵
- No. 9—(Amended 1920) General and Professional Offices.³⁶
- No. 10—(Amended 1920) Unclassified Occupations.³⁷
- No. 11—(Amended 1920) Manufacturing Industry.³⁸
- No. 12—(Amended 1920) Hotels and Restaurants.³⁹

³¹ Fixes a day-work and a piece-work rate of wages and provides for weekly guarantees where piece-work rates are fixed for canning and labelling. By this order the working day is fixed from 6 o'clock a. m. to 7 o'clock p. m.

³² This order regulates the sanitary conditions of workrooms and specifies certain standard sanitary equipment which is required to be installed. No wages are fixed.

³³ Fixes a day-work and piece-work rate of wages for experienced and inexperienced minors. Provides that no minor under the age of 16 years may work before 6 o'clock a. m. or after 7 o'clock p. m.

³⁴ Fixes a minimum wage for experienced minors and learners. Also a wage for part-time workers.

³⁵ Fixes day-work and piece-work rate. Includes the following branches of the industry: (1) citrus fruits; (2) deciduous fruits and grapes; (3) vegetables; (4) dried fruit; (5) raisins; (6) olives; (7) pickles. Provides that no minor under the age of 16 years may be employed after 7 o'clock p. m. and fixes a rate to be paid for work performed on a day of rest.

³⁶ Fixes a minimum wage for experienced and inexperienced minors and for part-time and temporary workers. Also provides that no deduction shall be made from any minimum wage on account of a cash shortage unless it be shown that the shortage is caused by the willful or dishonest act of the employee, notwithstanding any contract or agreement to the contrary.

³⁷ The term "unclassified occupations" includes all employments not classified under the mercantile, manufacturing, laundry or canning industries, office or professional occupation, fruit and vegetable packing establishments, telephone or telegraph establishments, hotels or restaurants, domestic labor or the skilled trades, or to the harvesting, curing or drying of any variety of fruit and vegetables. Fixes a minimum wage for experienced and inexperienced minor workers and prohibits the employment of minors under the age of 16 years after 6 o'clock p. m.

³⁸ Fixes a minimum wage for experienced minors and learners and for part-time workers. Requires a special permit in case minors are given home work to do.

³⁹ Fixes a minimum wage and a maximum charge or deduction on account of meals or rooms furnished employees. Provides that tips and gratuities shall not be deemed a part of the wage.

No. 13—Mercantile Establishments.⁴⁰

No. 14—Agricultural Occupations.⁴¹

Generally speaking, minors are classed as experienced and inexperienced. Minimum wages are fixed for each class. These orders are required to be posted and kept posted in the workroom and in other portions of the place of employment therein noted. Since the orders are lengthy, it has been thought that it will be sufficient for the purposes of the digest merely to call attention to them and to state generally what provisions are contained therein. It will be noted that two of the orders relate only to sanitary and workroom conditions.

PENALTIES

The violation of or omission to comply with any of the provisions of the Child Labor Law, the Act to Enforce the Educational Rights of Children, or the Part-Time Education Law is made a misdemeanor, punishable by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offense.

The employment of minors contrary to the provisions of the Revenue Act subjects the employer to the 10 per cent profits tax.

Violations of the orders of the Industrial Welfare Commission are misdemeanors, punishable by a fine of not less than \$50, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

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⁴⁰ This order prescribes certain sanitary regulations and regulations conducive to the safety and comfort of female and minor employees. No wage is fixed in this order.

⁴¹ Fixes a minimum piece-work rate for the cutting and pitting of fruit for drying and a day-work rate for all other agricultural occupations.

TABLE SHOWING UPON WHAT CONDITIONS MINORS OF VARIOUS AGES MAY
BE EMPLOYED

<i>Age</i>	<i>Condition of Employment</i>	
12-16	During the regular vacation period and the weekly vacation periods of the public schools, minors between these ages may be employed upon the presentation of a VACATION PERMIT.	The employment of any children under the age of 16 years in any mine or quarry at any time subjects the employer to the 10 per cent Federal profits tax on net income.
Under 14	Minors under the age of 14 years may not be employed except during the vacation period and on the weekly school holidays as above indicated, except in agriculture and domestic service.	The employment of any minor under the age of 14 years in any mill, cannery, workshop, factory or manufacturing establishment at any time subjects the employer to the 10 per cent Federal profits tax on net income.
14-15	May not be employed unless the employer has obtained a permit to employ from the school board. Outside of school hours, minors over the age of 14 years may be employed on the presentation of a SPECIAL PERMIT.	The employment of any minor between the ages of 14 and 16 years in any mill, cannery, workshop or manufacturing establishment for more than 8 hours per day, or 6 days per week, or before 6 o'clock a.m. or after 7 o'clock p. m. subjects the employer to the 10 per cent Federal profits tax on net income.
15-16	A minor between these ages cannot be employed while the public schools are in session unless he presents an AGE and SCHOOLING CERTIFICATE. Outside of school hours, he may be employed on a SPECIAL PERMIT.	
16-18*	In school districts wherein part-time classes have been instituted, minors in this age group may be employed upon the presentation of a SCHOOL ENROLLMENT CERTIFICATE AND PERMIT TO WORK. This is not required if the minor presents satisfactory evidence of having graduated from a high school having a four-year course above the eighth grade elementary course, or from a private school of equivalent grade, or of having had an equivalent amount of private tuition.	
Over 18	No permit or certificate required.	

* During the school year 1920-21, this law applies only to minors who on July 1, 1920, were under 17 years of age. After 1921, it applies to minors under the age of 18 years.