Developing a Model Policy on Youth Employment in Agriculture

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ABSTRACT. The goal of this project was to develop a model policy that agricultural employers could adopt specific to youth employment, including age-appropriate assignments, training needs for adolescent workers, ideal supervision, and mentoring by adult workers. Methods included discussions at a national conference of agricultural employers, a survey of employers’ perspectives on young workers, forming a task force to draft a model policy, and finalizing the policy document. The process resulted in a template that can be used by agricultural employers for immediate adoption, or to be customized and adapted for their unique company. Given new trends in agriculture to use certification systems, safety audits, and voluntary safety standards in addition to the regulatory process, there is value in having a voluntary “best practice” model policy that can be adopted in settings where safeguarding young farm workers is a priority.

KEYWORDS. Agriculture, model policy, youth

INTRODUCTION

There remains a misconception that young workers are not only prevalent in US domestic agricultural production, but are a necessary component of the agricultural workforce. Yet, in reality, the predominant practice among many growers and producers is to avoid hiring adolescents under age 18 and prohibit children from being brought into the fields by their parents. According to data in 2012, there were 258,835 youths less than 20 years of age hired directly by the farm operator. A 2007 survey of 333 agricultural employers with labor-intensive crops confirmed that more than half had no intentions of hiring adolescents for agricultural work in the near future, citing concerns about too many regulations as their justification for...
setting the age of 18 years for employment. Although this survey was conducted prior to the 2008 recession, there is no evidence that such perspectives are based on or affected by general economic realities.

In 2012, the White House withdrew the US Department of Labor’s (USDOL) proposal to update and modernize the 1970 regulatory protections for hired youths working in agriculture under age 16. This left a void of relevant and current guidance for employers, frontline supervisors, teen workers, and parents alike regarding appropriate work assignments. To address this gap, the development of a model policy depicting best practices for youths employed in today’s agriculture industry was undertaken and is the subject of this paper. Most of the changes in the USDOL proposal stemmed directly from the National Institute for Occupational Safety and Health (NIOSH) recommendations for updating the child labor regulations based on relevant research data. Many of these were incorporated into this position paper.

BACKGROUND

The regulations protecting employed adolescents in agriculture have not been updated since they were first promulgated in 1970. In addition, these protections are limited under the Fair Labor Standards Act (FLSA), which does not permit the government to provide needed protections in a number of areas already covered in nonagriculture industries, such as restrictions on hazardous work for 16- and 17-year-old youths; limits of the hours of work; and inclusion of those working on farms owned or operated by their parents.

To address the goal of improving both the early work experience for youths under age 18 and to prepare them as our future adult workforce, a primary strategy involves the availability of educational programs aimed at adolescent youths through local school districts, agricultural extension programs, and organizations such as Future Farmers of America (FFA). However, educating workers alone does not remove the hazards found in this high-hazard industry. In addition to regulations intended to remove the young worker from hazards, another strategy provides employers with guidance for assigning age-appropriate work that individual employers can tailor to their workforce. One example modified from the concepts outlined in North American Guidelines for Children’s Agricultural Tasks (NAGCAT) is the Safety Guidelines for Hired Adolescent Farmworkers (SaGHAF). This employer resource provides basic health and safety information on six common work activities for supervisors of hired adolescents, but is limited in its scope and relies on the outdated existing regulations.

The process of developing an updated and more detailed model policy on youth employment in agriculture generated recommendations discussed in this paper. Although this guidance is intended primarily for employers of hired youths, it may also be applicable to children of farm owners and operators. This paper addresses agricultural operations that encompass predominantly field operations, packing of same-farm produced products, and barn work. More guidance for children living and working on their family’s farm has been presented and evaluated elsewhere. For our purpose, “young” workers refers to youths aged 12 through 17 years. The National Council of Agricultural Employers (NCAE) agreed to participate in the development of a model policy for employers and is the largest member association addressing legislative and regulatory issues at the federal level on behalf of agricultural employers. NCAE provides its members with management guidance in the form policies and position papers. Two such papers relate to the presence of young children in the workplace and the employment of youth in agriculture. The former focuses on the position that young children of farm worker employees should not be permitted to be at the farm workplace. The latter briefly addressed the need to provide safe employment opportunities for youths under age 18 within the scope of the restrictions set forth in the existing regulations. Elements of this position paper were incorporated into and elaborated in the model policy described in this paper. These model policies are broad in their approach and association members use them as is or customize them to meet their
business needs. To the best of our knowledge, there are no position papers or model policies by an employer member organization that delineate guiding principles or specific work recommendations for youths employed in agriculture. Thus, employers currently rely on adult guidelines and outdated child labor regulations for youth employed in agriculture.

Increasingly, businesses engaged in agricultural food production follow the growing trend in certification programs and corporate audits that have been influenced by global trade and consumer demands. Similarly, the voluntary North American Guidelines for Children’s Agricultural Tasks (NAGCAT) have been openly received by the agricultural community for assigning work to children on their family’s farms. In contrast, employers of adolescent farm workers have primarily relied on one-time tractor certification training programs and the 1970 regulations to be compliant. Given the emerging willingness of employers to respond to voluntary certification standards and corporate audits, it was conceivable that a model youth employment policy for agriculture could be developed and disseminated.

**PURPOSE**

The overall goal of this project was to develop a position paper (model policy) on youth employment, including age-appropriate work assignments; ideal supervision and training for adolescent workers; and mentoring by experienced adult workers. The process attempted to create a template that could be used by agricultural employers as a model for immediate adoption, or to be customized and adapted for their unique company. In addition, safety resources and training materials could be provided to employers with an ultimate goal of improving working conditions for youths and assisting supervisors and responsible for job assignments and workplace safety. Specific aims of this process were to (1) assess interest of members of a major agricultural employer association in developing a model policy; (2) form a representative work group to draft the model policy; (3) clarify misconceptions regarding current regulations (originally adopted in 1970) and prioritize additional elements to include based, in part, on the recent proposed updates to the agriculture child labor regulations; and (4) disseminate the model policy and relevant resources to agricultural employers that hire adolescent youths.

**METHODS**

This project included a blend of quantitative and qualitative approaches and included conversations with employers and association representatives; a presentation on youth employment issues at a national conference of an agricultural employer association; a written survey of employer’s practices and needs pertaining to youth; a working group facilitated by a grower representative; and teleconferences and document reviews to draft the model policy.

At the 2013 annual NCAE meeting, the project leaders, along with a grower representative, participated in a panel presentation regarding appropriate employment of youths aged 12 to 17. Attendees voiced their questions and concerns about the recently withdrawn USDOL proposal to update the child labor regulations and offered perspectives on their current practices.

A survey instrument was developed by investigators then reviewed and modified by a grower representative. The 34-item questionnaire included 5-point Likert-type scales that addressed perceptions regarding the characteristics of young workers; employment and supervision of young workers; current use of safety resources; future needs and preferences for safety resources; interest in having a model policy; and demographics of respondents and their enterprise. The one-page (double-sided) instrument was distributed to the 60 conference attendees, requesting that those who hired adolescent workers return the completed form within 2 days. Respondents were asked to indicate if they were willing to serve on a task force to draft a model policy. Survey data were entered into a database, quality checked, and analyzed by the Bioinformatics Research Center of Marshfield Clinic Research Foundation.

The project leaders established a work plan involving agricultural employer representatives. The project timeline was set at 8 months,
with the goal of having a model policy ready for distribution at the 2013 North American Agricultural Safety Summit in late September 2013. A task force was formed and meetings via conference calls were convened every 2 to 4 weeks for the first 5 months, then less frequently once the major details were identified. Discussions centered on current child labor regulations, a comparison of the differences among various state laws, and certain high-risk agricultural jobs that are not included in regulations. Drafts of general principles and a proposed model policy were shared via e-mail then discussed during teleconference calls.

RESULTS

Of the 60 surveys distributed to attendees of the NCAE annual conference, 39 (65%) usable forms were returned. Analyses focused on descriptive statistics due to the limited number of responses and type of questions posed. The majority of respondents were growers of tree fruits, nuts, and vegetables or large dairy operators. Several notable findings emerged. Employers reported they expect supervisors to pay closer attention to young workers and they are looking for more “quick and easy” safety training materials. Of the types of preferred training resources identified by respondents, safety videos and printed “tip sheets” were the most desirable. Respondents also indicated they would definitely use additional safety materials targeted for youths, would appreciate periodic “e-notices” of safety programs, and agreed they would like a Model Policy on Employing Young Workers. Table 1 provides detail on the responses to the nine survey questions directly relevant to young workers.

A task force comprised of 16 volunteer NCAE members plus two project staff was formed. Participants represented East Coast, West Coast, and Southeast growers and association representatives. The task force was led by the NCAE Director who was well known by all participants. A representative of National FFA agreed to participate as a reviewer of the draft policy. The teleconference meetings developed the overall plan and timeline; identified the issues to incorporate in the policy; outlined the model policy; and discussed and refined the draft of the final document. In the process, a series of questions and concerns were raised regarding prevailing conditions and potential misuse of a model policy. During initial discussions, a consensus emerged among the members of the group that moving this process forward was “the right thing to do” because the future of agriculture must include an emphasis on the safe, appropriate involvement of young people in production practices. In addition, it was agreed that by identifying their own recommendations for best practices, this may also help reduce further government attempts regarding additional child labor regulations.

Establishing a baseline of general guiding principles was a first priority and is summarized in Box 1. These are based on principles of adolescent development,11,12 as well as the

<table>
<thead>
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<th>Question</th>
<th>Mean</th>
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<tr>
<td>I expect our supervisors to pay close attention to younger workers.</td>
<td>4.3</td>
<td>0.6</td>
</tr>
<tr>
<td>Our company assigns different jobs to young workers.</td>
<td>4.0</td>
<td>0.8</td>
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<tr>
<td>I would appreciate a model policy on employing young workers.</td>
<td>3.9</td>
<td>1.0</td>
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<tr>
<td>We would definitely use additional safety materials for youth.</td>
<td>3.9</td>
<td>0.9</td>
</tr>
<tr>
<td>If safety training was quick and easy we would do more of it.</td>
<td>3.4</td>
<td>1.1</td>
</tr>
<tr>
<td>We prefer “self-training” via Internet/video/DVD for employees.</td>
<td>3.3</td>
<td>1.1</td>
</tr>
<tr>
<td>Our supervisors are very knowledgeable of child labor regulations.</td>
<td>3.3</td>
<td>0.9</td>
</tr>
<tr>
<td>My company has specific safety resources for young workers.</td>
<td>3.1</td>
<td>1.0</td>
</tr>
<tr>
<td>Our company’s customers want us to employ young workers.</td>
<td>2.6</td>
<td>1.0</td>
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Note. Scale: 1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree.
BOX 1. Guiding Principles Regarding Young Workers

Youth employment

- Career and job training, and education programs for youths in agriculture, help integrate occupational health and safety training as part of a comprehensive strategy for jobs skills development.
- It is important to balance training, job assignments, and work hours with individual youth abilities based on age, which impact developmental capabilities and other factors that may impact job performance. Protections for all minors under age 18 vary by developmental stage and age group (e.g., 14- and 15-year-olds vs. 16- and 17-year-old youths).
- Certain exemptions should exist for student-learners to perform hazardous work otherwise prohibited or restricted. Young workers benefit from specific training which includes educational programs to perform the work activity, job-specific health and safety training, and direct supervision while performing the job(s).
- Training programs should be established through a combination of federal funding, state Extension services, and industry.
- Efforts to improve supervisor training specific to young workers should use all available technologies to make materials and information more widely available and accessible.
- Further research and education into youth safety and career development is warranted to effectively prepare a well-trained workforce for agriculture careers and opportunities.

Youth development and the work environment

- Youths under age 18 are in a stage of rapid growth and development which form the basis of the need for restricted work hours and work activities. Youth are not able to safely work as many hours as adults, and they also need more time for sleep and rest. In addition to work, it is important that youth participate in other age-appropriate activities, including school, family, community and recreation.
- Youths require additional supervision and training due to their lack of experience and developmental issues that contribute to limitations of specific skills and judgment. This is particularly important in settings where hazards are present.
- Employment of hired workers younger than age 14 should not be permitted.
- There are significant discrepancies between work permitted for hired youths in agriculture and non-agricultural operations in the federal child labor regulations. These discrepancies may not be in the best interests of the young workers, nor their perspective employers.
- On family farms, parental rights and responsibilities prevail regarding age-appropriate work assignments for children, but this guidance may be consulted.

perceptions and experiences of members of the group. There was agreement that youths should only be assigned tasks that can be performed safely and work in situations appropriate for their age and consistent with limitations based on their physical and cognitive capabilities. With general health and safety and job-specific training, adequate supervision, and age-appropriate placements, farm work can provide safe and valuable introductory work experiences, as well as important income opportunities for youths. There was agreement that for employed youths, work should not interfere with their education or their safety. Task force members acknowledged that agricultural operations are hazardous by nature and special protections
must be in place to protect youths and untrained workers from specific jobs, settings, and practices. They agreed that young workers must be afforded extra protections from hazards or situations that would subject them to undue risk of injury or long-term health risks. They noted that adolescents differ from adults in many respects, and that businesses that employ teenagers must train, monitor, and supervise them differently from more experienced workers.

Once the overarching guiding principles were established, these served as the backdrop to specific recommendations for youth work assignments, which are described in Box 2. The task force agreed that a model policy should be sufficiently detailed so as to provide both general and specific guidance to employers and work supervisors that allows for flexibility given the diverse job duties associated with different commodities and types of agricultural settings, ranging from harvesting tree fruit to milking dairy cows. The intent was to lay the basic framework, then allow employers to modify and adapt the guidelines for their own situations.

At the project’s onset, it was hoped that a voluntary, model policy associated with young farm workers would be formally endorsed by a growers’ organization, thus, giving it credibility within the agribusiness community. In October 2013, this Model Policy for Youth Employment in Agriculture (Model Policy) was presented for approval to an executive body that gave it careful consideration. Concerns were raised regarding setting precedents and for possible misunderstandings of the primary purposes of the voluntary policy. In lieu of formal organizational adoption, the recommendation was made for the Model Policy to be independent of a specific agricultural group, but be made available to individual employer members. In addition, feedback was sought among child safety and young worker advocacy organizations, as well as public health and occupational health and safety professionals. As a result, additional changes to the policy were made. At the time of this publication, the American Academy of Pediatrics has been approached for endorsement. The Model Policy has also been presented at several scientific meetings. Future work will involve direct promotion of the Model Policy among employers, agricultural organizations, teachers, and others, and tracking and assessment of its application.

**DISCUSSION**

Despite the absence of comprehensive, specific child labor regulations pertinent to today’s agricultural production settings, there is general support for safeguarding young people by providing appropriate job assignments, training, and supervision in production agriculture sites. Although the original project aim of securing formal endorsement for a Model Policy for Youth Employment in Agriculture from a major employer organization did not materialize, the process and drafted policy resulted in valuable networking and identification of needs and preferences expressed by agricultural employers. The guidance developed through this process can serve to promote safe work for adolescent farm workers. Community standards developed to address workplace safety are consistent with other voluntary guidelines based on global trade requirements, industry standards, and consumer expectations. The authors welcome the opportunity to engage in dialogue on the topic of protecting young workers in agriculture, regardless of their employment status. It is important for discussions to address child labor issues that are factual and current and not simply a matter of political rhetoric or preserving unsafe traditions.

Those who participated in the formation of this model policy were farmers, packers, and labor providers who are personally and directly involved in agricultural employment issues across the United States. Their commitment to protect young people and promote the future of agriculture is sincere and their interest in maintaining the United States position as a leader in the global production of food depends upon their employment practices that safeguard young workers.

**RESOURCES**

- Safety Guidelines for Adolescent Farmworkers (SAGHAF): User-friendly safety
These voluntary guidelines pertain to hired adolescent workers (14 to 17 years of age) in agriculture.

**Training and supervision**

- Youths under age 18 should always work under direct visual supervision (close proximity) of at least one responsible adult supervisor who is physically present at the worksite/location.
- Training for young hired workers should include clear communication and documentation of the allowed and prohibited work activity in and around the workplace, as well as the rights and responsibilities for themselves and others in the work environment.
- Training for all supervisors of hired workers under 18 should include instruction about:
  - Existing age-based work rules
  - Physical and cognitive abilities of youths
  - Need for extra supervision and frequent training
  - Basic emergency response practices, both general and specific to the workplace
  - Harassment prevention, including sexual harassment

**Job assignments: General**

- All farms that intend to employ youths should implement a formal worksite hazard assessment program, including regularly updated safety checklists, accident prevention programs, and regular review of health and safety procedures to ensure they are current with existing requirements and recommendations.
- All manufacturer directions/manuals and applicable local, state, and federal laws and regulations must be followed. This includes, but is not limited to, those with age, size, training and certification requirements.
- Job assignments for 14- and 15-year-olds should occur in non-hazardous work only. Work conditions should include specific protections relative to livestock, machinery, and crop protection products, and written parental consent. There should be assurances that schooling is not disrupted.
- There should be increased but still limited employment opportunities for 16- and 17-year-old youths with restrictions on performing hazardous work activities. These activities can be expanded for those enrolled in approved technical or vocational programs such as FFA or other work-based learning programs, in which instruction in the use of powered equipment and safe work practices around livestock is provided, tested, and certified. Written parental consent must also be obtained.
- Those under age 18 should not be the on-site/in-field designated “responsible” party for emergency response (unless specifically trained/certified as an emergency first-aid responder).
- Noise exposure is a recognized hazard in farming and as such, youths should be provided with appropriate hearing protection and training in hearing conservation strategies (i.e., walk away, turn it down, or wear protection).
Job assignments: Specific

- Mixing, loading, or application of pesticides should not be done by hired workers under age 18.
- Youths under age 18 should not operate moving equipment in close proximity to other workers, operate equipment that others ride, or provide on-the-job transportation to other workers.
- Generally, workers under age 18 should not drive farm machinery on or across public roads or highways, unless they have received documented training and are licensed or certified to operate the specific farm vehicles.
- No one under age 18 should operate tractors or other ride-on machinery that is not equipped with rollover protection structures (ROPS) and seat belts, and employees must use the safety equipment at all times.
- Certain types of equipment account for a large percentage of on-farm injuries due to complexity of operation, speed, power, or other reasons. Therefore, strong consideration should be given to age, machine-specific training, and experience requirements for any employee allowed to operate this type of equipment. Examples include large tractors, all-terrain vehicles (ATVs), skid-steer loaders, augers/conveyers, elevators, chain saws and stationary power equipment requiring hand-feeding such as chippers.
- Hired workers under age 18 should not work on, around, or in grain handling facilities or confined spaces including, but not limited to, upright silos, grain bins, or manure pits/tanks.
- Hired workers under age 18 should not be permitted to engage in work where they handle or come into contact with tobacco in any form.
- Work involving prolonged exposure to extreme heat, cold and other adverse outdoor weather conditions such as storms should be limited. Youth should be given more frequent breaks than what is recommended for adults and opportunities for ample hydration made available. Training regarding symptoms of heat stress and hypothermia, which is a dangerous drop in body temperature from cold exposure, and prevention strategies should be provided. Additional information for dealing with adverse weather conditions should also be in place. For instance, instructions should be provided to youth to contact the supervisor when weather conditions change and making operating equipment more unpredictable and hazardous.

Work hours

- Employment conditions for 14- and 15-year-old youths should include daily work hour limits, as well as start and stop times that are comparable for this age-group in non-agricultural employment.
- There should be specific start and stop times for 16- and 17-year-olds that may differ during the school-year versus non-school year, and even between school nights and weekends to assure students have adequate rest and study time.
- Those 16- and 17-year-olds who are not enrolled in school, and who support themselves, may be subject to fewer restrictions with regard to hours of work, although hazardous operations would remain off-limits without student learner or other certified training program participation.
- Overnight shift work in field operations should never be assigned to workers younger than 18 years.
resources on common agricultural work performed by youths, and basic tips for supervisors of adolescent farm workers; www.marshfieldclinic.org/saghaf.


- Safety in Agriculture for Youth (SAY) Project at Pennsylvania State University Extension Program: Resources on health and safety curricula for youths working in agriculture; www.extension.org/agsafety.

- Accident Prevention Program in Agriculture, Washington State Department of Labor and Industries; http://lni.wa.gov/Safety/Topics/AtoZ/APP/resources.asp.


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REFERENCES


