



TOOLS

Laws Pertaining to Students

Unpaid Work-Based Learning Experiences

Students participating in unpaid work-based learning experiences, such as job shadows, field trips to a workplace and career awareness and exploration activities are not considered employees. Although child labor laws do not apply in these situations, every effort should be made to ensure that students are placed in safe workplaces, receive sufficient training and are doing or observing tasks with adequate supervision. Internships that are unpaid experiences must be carefully structured and closely monitored to ensure that the test of the Fair Labor Standards Act is being met.

Health and Safety

Whether or not a student in a work-based learning experience is considered in an employment relationship, the Occupational Safety and Health Act regulations that apply to the workplace also apply to the student. The school contract and employer have to define the health and safety issues at the worksite and coordinate how the necessary safety instruction will be delivered to students. See the Occupational Safety and Health Administration fact sheet 1 in this toolkit for more information.

Tasks Students Can and Cannot Do

The state and federal child labor laws specify the tasks students may and may not do for pay. The following chart indicates the tasks that students can and cannot do at different ages. Different rules apply to agricultural work. OSHA, the federal agency that enforces safety and health laws in workplaces, does not use age as a criterion, so all OSHA standards apply to student employees. See the Occupational Safety and Health Administration fact sheet in this toolkit for more information.

¹US DOL Fact Sheet No. 013, Employment Relationship under the Fair Labor Standards Act