



# prACTice MATTERS

A collaboration of Cornell University, University of Rochester, and New York State Center for School Safety

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## Preparing Teen Workers to Stand Up for Their Rights!

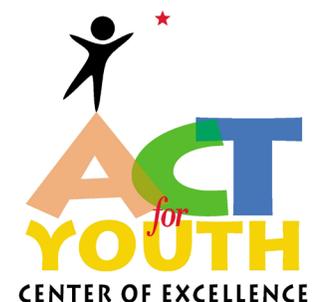
by Chris Batman-Mize

Few experiences compare to cashing your very first check from a “real life” job as a teen worker. A job is a key point of entry into adulthood, signifying independence and responsibility. Teen employment can support the development of maturity, time management skills, and self esteem, especially when working conditions promote **youth development in the workplace**. On the other hand, work may have serious, unintended disadvantages and hazards for youth. To some extent these disadvantages may be prevented or mitigated with the help of a caring adult -- either within or outside of the workplace -- who helps the young person understand and exercise his or her rights on the job.



### Workplace Hazards

**School dropout.** Some teens mature too quickly when they are employed, becoming preoccupied with earning money instead of applying their time and energy toward education. Young people, especially those who work more than 20 hours a week, may come to view work as an alternative to school and choose to drop out (National Center for Education Statistics, 1994). Researchers have not come to an agreement on what happens first: the increase in hours or the lack of educational success. However, findings suggest that the optimal situation occurs when work includes an educational component. The decision as to whether or not a young person is prepared to enter the workforce is best determined by the individual and his or her parent/caregiver, since they are the experts on



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the young person's capacity and history (Warren & Cataldi, 2006; Entwisle, Alexander, & Olsen, 2005; Siegal, Williams, Boiman, Erhart, Fernandes, Foulk, et al., 2008).

**Injury.** Teen workers are the victims of physical injuries more often than are adults (Weadock, 2003; Strochlic & Teran, 2004). The work environment places youth in many new situations, requiring them to use skills that may not yet be fully developed. Too often youth have not received training in the safest and most effective way to fulfill their duties. Teens frequently work in retail and restaurant settings where they are more likely to slip, fall, scrape, burn, or cut themselves (Protecting Workers Who Exercise Rights, n.d.). In some work environments teens are exposed to chemicals without having received appropriate safety information and training. Intimidated by older, more authoritative adults, teen workers may not be comfortable asking for training (Zimmer-Gembeck & Mortimer, 2006).

**Sexual harassment.** Youth may be vulnerable to sexual harassment in the work environment, which can have significant, negative, long lasting effects for those who experience it on a regular basis. Sexual harassment may involve both managers and co-workers. When teen workers are supervised and harassed by peers, the behavior may not be taken as seriously as harassment by an adult. It is important that teen workers be well-versed in their rights, and that all supervisors and managers, regardless of age, receive appropriate training in sexual harassment. A young worker who is being harassed may feel powerless due to inexperience, fear, and being in a position where he or she is viewed as expendable. Young people need to know what they can do and where they can go if they are experiencing sexual harassment.

## Laws Regulating Work by Teens

The laws protecting teen workers differ from those protecting adults, and these laws vary from state to state. Typically states limit the number of hours that young people are allowed to work in certain positions, depending on the time of year and the individual's age. Employers are required to pay the minimum wage set by federal law (or state law if it is a higher rate), and to compensate for overtime as established by state law.

The United States Department of Labor outlines general laws regarding young workers on its website (<http://www.osha.gov/SLTC/teenworkers/>). Links to state labor offices can be found on this site. The website also provides a list of frequently asked questions on behalf of the teen worker, the parent, the employer, and educators.

## Questions to ask an employer during an interview

Young people can begin to get the information they need right from the start if they are coached by a caring adult. These questions could be asked during a job interview:

- What do I do if I am sick and cannot work?
- When am I allowed breaks?
- If a uniform is needed, who pays for it?
- If I earn tips how do I collect them? Do I have to share them?
- Do I get a discount on food or merchandise?
- Who is my immediate supervisor? If the supervisor is not available, where should I direct my questions?
- What is appropriate dress for this position?
- If I am working with machinery or chemicals will I receive training?

## NYS Youth Resource

Young people in New York State are invited to visit [www.NYSyouth.net](http://www.NYSyouth.net), home of the ACT Youth Network, to learn about their rights at work, including:

- [Where Can You Work?](#)
- [When Can You Work?](#)
- [Are You Safe at Work?](#)

[http://www.nysyouth.net/youth\\_rights/worker\\_rights/](http://www.nysyouth.net/youth_rights/worker_rights/)



There is also an office of Occupational Safety and Health Administration for each state and, depending on the teen's location, there may be a local office. The National Institute of Occupational Safety and Health also offers Youth@Work: Talking Safety, an online curriculum to be used in a classroom or for group training (<http://www.cdc.gov/niosh/talkingsafety/>).

At a minimum, rights of teen workers include:

- Detailed job descriptions and a list of duties they are expected to fulfill
- Access to appropriate training
- Information on where to go when they feel they are being treated unfairly
- What hours they can work
- What their pay should be

Depending on the job and work environment, teen workers may also have a need to be familiar with emergency procedures.



## Need for Training and Information

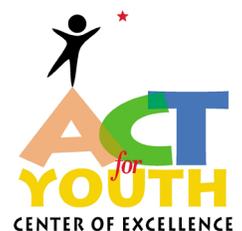
Most employers do not make it a regular practice to inform workers of their rights. While at times employers may wish to avoid costs by circumventing certain laws, it may also be true that employers are not well-versed in workers' rights (Bancroft, 2008; Bush, Dewey, Szudy, & Miara, 2007; Weadock, 2003). When information and training is provided to other staff, it may not reach young people. Because they work part time, teen workers may be more likely to miss trainings and information sessions. In fact, teen workers are hurt more frequently on the job and endure more harassment (both sexual and verbal) on the job than adults (Bancroft, 2008; Murthy, 2009). This underscores the importance of preparing youth to enter the workforce with information about their rights and knowledge of resources that can help them.

It is in an employer's best interest to educate their young employees since they can be held legally responsible for what happens in the work place. If laws are broken by employees, the employer could be charged and fined. Physical injuries can be prevented by regular training (Gaspers, 2005; Weadock, 2003), as can sexual harassment (Murthy, 2009). With regular training and proper protocol, teen workers are likely to stay in their jobs longer, reducing turnover and decreasing costs for employers (Bush, Dewey, Szudy, Miara, 2007).

### Agricultural Jobs: The Exception to the Rule

Jobs in the agricultural sector are governed by their own set of regulations. Agricultural workers are permitted to work different hours and may be subject to different wage regulations than other workers. In New York State, teens may work during the harvest of berries, fruits, and vegetables at the age of 12 or 13 with a work permit. These workers may work four hours a day during the school week. However, teen workers who are employed on their own family's farm are exempt from these guidelines. Regulations vary from state to state so it is very important to refer teen workers to their state's Department of Labor for clarification.

<http://www.youthrules.dol.gov/states.htm>



## Addressing Unfair Treatment

Jobs with Justice (<http://www.jwj.org/>) works with unions like these to address key workplace issues:

SEIU: Service Employees International Union  
<http://www.seiu.org/>

- Fair wages
- Better training
- Health care

AFL-CIO: American Federation of Labor - Congress of Industrial Organizations  
<http://www.aflcio.org/>

- Education
- Health care
- Worker safety
- Immigration issues

CBTU: Coalition of Black Trade Unionists  
<http://www.cbtu.org/>

- Economic development and employment opportunities for black workers
- Greater voice and vehicle for black participation in trade union movement
- Increased voter registration, education, and turnout
- Improved living and working conditions in black community
- Alliances between labor, church, and general communities

## Creating a Positive Work Environment for Youth in Your Community

Employers and business groups are increasingly aware of the need to invest in youth and develop the workforce of the future. **Engaging the business community** in youth development efforts is one way to move toward building a positive climate for youth employment in your community.

## Learning to Manage Conflict and Advocate for Oneself

Young workers also experience unfair treatment when they are treated disrespectfully or when wages are withheld. Teen workers need to know the protocol involved to deal with the situation appropriately and effectively. Talking effectively with a supervisor or manager can be difficult for anyone. A caring adult outside the situation can help by coaching the youth in how to handle the conversation, and by discussing workplace norms including which of the supervisor's expectations are reasonable, and which may cross a line into exploitation.

## Where to Turn

If talking to a supervisor or manager does not result in the complaint or issue being handled appropriately, the teen worker may want to consider an outside resource. If there is a union in place, the union steward may be able to assist. If a union is not in place and an issue or complaint with an employer is shared by more than one worker, the teen worker might want to look into starting a union (with the help of the National Labor Relations Board). Although launching a union would require an enormous effort, young people should be aware that they have the right to organize.

Teens dealing with unfair treatment can contact a human rights organization or an advocacy group such as Jobs with Justice (JwJ), especially if there is a local affiliate or office. JwJ is affiliated with numerous unions and workers' rights organizations all over the United States and with student groups across the nation. There are several ways for teen workers to become involved in this organization or their local workers' rights organization.

No matter what the job is, it is important for teen workers to be safe and enjoy their experience. There are many ways for adults to support a young worker in that first sojourn into the work world, but the first way is listening. A caring adult can ask young people what they are interested in doing before they begin the search for work, and can be a sounding board during the application process, interview, and job offer. By continuing a dialogue throughout the course of the teen worker's experience, adults can help young people learn how to address the difficulties and reinforce the positive aspects of work. ★

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