

**TITLE 39. MINORS**  
**CHAPTER 2. REGULATION OF EMPLOYMENT OF MINORS**

**§39-2-1. Restrictions on employment of minors under 16 years of age**

No minor under 16 years of age shall be employed by or permitted to work in or about any mill, factory, laundry, manufacturing establishment, or workshop nor in any occupation which has been designated as hazardous in accordance with Code Section 39-2-2.

**39-2-2. Employment of minors under 16 years of age generally -- Dangerous employment**

No minor under the age of 16 years shall be employed or permitted to work at any occupation or in any position which the Commissioner of Labor may declare by regulation dangerous to life and limb or injurious to the health or morals of such minor.

**§ 39-2-3. Employment of minors under 16 years of age generally -- Hours of work generally**

Except as otherwise provided in this chapter, no minor under 16 years of age shall be permitted to work for any person, firm, or corporation between the hours of 9:00 P.M. and 6:00 A.M.

**§ 39-2-4. Employment of minors under 16 years of age generally -- Employment during school hours**

No minor under 16 years of age shall be employed or permitted to work in any gainful occupation during the hours when public or private schools are in session unless said minor has completed senior high school or has been excused from attendance in school by a county or independent school system board of education in accordance with the general policies and regulations promulgated by the State Board of Education.

**§ 39-2-5. Employment of minors under 16 years of age generally -- Delivery of messages**

No minor under 16 years of age shall be employed in the delivery of messages by any person, firm, or corporation engaged in the message service business or in the general work of messenger service between the hours of 9:00 P.M. and 6:00 A.M.

**39-2-6. Employment of minors under 16 years of age generally – Sale or delivery of newspapers**

Minors under 16 years of age may be employed to sell or deliver newspapers in residential areas between the hours of 5:00 A.M. and 9:00 P.M. but shall not be employed to sell or

deliver newspapers between the hours of 9:00 P.M. and 5:00 A.M., provided that such employment shall not be for a longer time than is provided in Code Section 39-2-7 and shall not be performed during school hours.

**§ 39-2-7. Employment of minors under 16 years of age generally -- Maximum hours of employment**

No minor under 16 years of age shall be employed or permitted to work in any gainful occupation covered by this chapter for more than four hours on any day in which the school attended by said minor is in session, more than eight hours on days other than school days, or more than 40 hours in any one week.

**§ 39-2-8. Employment of minors 15 years of age during school vacation months**

Reserved. Repealed by Ga. L. 1988, p. 1629, § 1, effective July 1, 1988.

**§ 39-2-9. Employment of minors under 12 years of age generally**

No minor under 12 years of age shall be employed or permitted to work in any gainful occupation at any time, provided that this Code section shall not be construed to apply to employment of a minor in agriculture, domestic service in private homes, or any specific employment permitted by this chapter or to employment by a parent or a person standing of a parent.

**§ 39-2-10. Employment of minors 12 and 13 years of age in wholesale and retail stores**

Reserved. Repealed by Ga. L. 1981, p. 792, § 1, effective April 7, 1981.

**§ 39-2-11. Employment certificates -- Required; requirements for issuance**

(a) Minors who are at least 12 years of age but less than 16 years of age shall not be employed by or permitted to work for any person, firm, or corporation unless an employment certificate, showing the true age of such minor and that such minor is not less than 12 years of age and is physically fit to engage in the employment sought to be obtained, is issued in writing by an appropriate issuing officer who shall be one of the following:

(1) If enrolled in a public school, the school superintendent or some member of his or her staff authorized by him or her, in the county or city where the minor resides;

(2) If enrolled in a licensed private school, the principal administrative officer thereof or some member of his or her staff authorized by him or her; or

(3) If enrolled in a home study program, the person, parent, or guardian providing the home study program.

(b) No employment certificate shall be issued to any minor until the minor shall have

submitted to the issuing officer:

(1) A certified copy of a birth certificate or birth registration card; and

(2) A statement from the prospective employer describing the type of employment offered; and indicating that if furnished with a certificate from the appropriate issuing officer as required in subsection (a) of this Code section, such prospective employer could employ the minor immediately. It shall be understood that the prospective employer, by furnishing such statement, does not undertake to employ the minor for any specific period of time.

(c) (1) The employment certificate provided for in subsection (a) of this Code section shall be accompanied by a letter from the appropriate issuing officer indicating that the minor is enrolled in a school or a home study program full-time and has an attendance record in good standing for the current academic year. The employer of a minor shall maintain a copy of such certificate and letter in the minor's employment file. Such letter shall be updated in January of each subsequent academic year during which the minor maintains his or her employment until such minor reaches the age of 16 years. Any employer failing to comply with this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000.00, up to 12 months' imprisonment, or both, for each violation.

(2) The State Board of Education shall promulgate rules and regulations to provide for the issuance of a waiver or exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor.

### **§ 39-2-11.1. Employment of minors 14 years of age or older during school vacation months for care of lawns, gardens, and shrubbery**

Notwithstanding any other provision of this chapter or any rule or regulation of the Commissioner of Labor adopted pursuant to the provisions of Code Section 39-2-2 to the contrary, a minor 14 years of age or over may be employed during the months of vacation from school in the care and maintenance of lawns, gardens, and shrubbery owned or leased by the employer of such minor, including the operation of equipment in connection therewith, provided that the minor is covered by an accident and sickness insurance plan or a workers' compensation insurance policy or plan provided by the employer; that the minor presents the employer with the employment certificate required by Code Section 39-2-11; and that the minor is permitted by the employer to care for and maintain only those lawns, gardens, and shrubbery owned or leased by the employer. The work authorized by this Code section includes the care and maintenance of lawns, gardens, and shrubbery on the grounds of mills or factories described in Code Section 39-2-1 and on the grounds of any other factory, mill, or business where employment of the minor within the factory, mill, or business might be prohibited by this chapter or by rules and regulations of the Commissioner of Labor.

**§ 39-2-12. Employment certificates -- Contents; availability of blank forms; filing of duplicate copies**

(a) Employment certificates shall state the full name, date, and place of birth of the minor; the name and address of the parents, guardian, or other person having custody of such minor; and that the minor has appeared before the issuing officer and presented the evidence of age required by Code Section 39-2-11.

(b) Blank forms of employment certificates shall be made available by the Commissioner of Labor to school superintendents of public schools in the respective cities and counties, to principal administrative officers of private schools, and to persons, parents, or guardians providing home study programs.

(c) A duplicate copy of each employment certificate shall be filed with the Commissioner of Labor within 30 days from its issuance.

**§ 39-2-13. Employment certificates -- Disposition of certificates upon termination of employment or failure to appear for work for 30 days; requirements as to issuance of subsequent certificates**

(a) Upon termination of employment of any minor between 12 and 16 years of age, the employer shall return the employment certificate to the issuing officer within five days of the date of the termination of employment.

(b) Where the employment of any minor between 12 and 16 years of age shall not have been terminated, but the minor shall have failed to appear for work for a period of 30 days, the employer shall return the employment certificate to the issuing officer within five days of the date of the expiration of the 30 day period.

(c) Upon return to the issuing officer of an employment certificate as provided for in this Code section, a new employment certificate shall be issued to a minor only upon presentation by the minor of a new statement from the prospective employer as provided for in Code Section 39-2-11.

**§ 39-2-14. Employment certificates -- Revocation of certificates by Commissioner of Labor**

The Commissioner of Labor may at any time revoke any employment certificate if in his or her judgment the employment certificate was improperly issued. The Commissioner shall be authorized to investigate the true age of any minor employed, hear evidence, and require the production of relevant books or documents. If the employment certificate of a minor is revoked, the employer of the minor at the time of the revocation shall be notified and the minor shall not be employed or permitted to work thereafter until a new and valid employment certificate shall have been obtained.

**§ 39-2-15. Maximum hours of employment of minors; effect of contracts providing longer hours**

Reserved. Repealed by Ga. L. 1988, p.1629, § 2, effective July 1, 1988.

**§ 39-2-16. Prohibition on corporal punishment of minors; actions for damages**

Reserved. Repealed by Ga. L. 1988, p. 1629, § 3, effective July 1, 1988.

**§ 39-2-17. Improper dispositions of minor under 12; penalty**

(a) Any person who shall sell, apprentice, give away, let out, or otherwise dispose of any minor under 12 years of age to any person for the vocation, occupation, or service of rope or wire walking, begging, or as a gymnast, contortionist, circus rider, acrobat, or clown, or for any indecent, obscene, or immoral exhibition, practice, or purpose shall be guilty of a misdemeanor.

(b) Whenever a minor shall be disposed of in violation of subsection (a) of this Code section, the person who receives and uses any minor for any of the purposes condemned in said subsection shall be guilty of a misdemeanor.

**§ 39-2-18. Applicability of provisions of chapter to minors employed as actors or performers**

(a) Notwithstanding any other provisions of this chapter to the contrary, nothing in this chapter shall apply to any minor employed as an actor or performer in motion pictures or theatrical productions, in radio or television productions, in any other performance, concert, or entertainment, or to any minor employed in the making of phonographic records or as an advertising or photographic model, provided that the written consent of the Commissioner of Labor must be first obtained.

(b) Before the Commissioner of Labor shall give his written consent, as provided in subsection (a) of this Code section, he shall investigate and determine:

- (1) That the environment in which the work is to be performed is proper for the minor;
- (2) That the conditions of employment are not detrimental to the health of the minor;
- (3) That the minor's education will not be neglected or hampered by his participation in any of the activities referred to in subsection (a); and
- (4) That the minor will not be used for pornographic purposes.

**§ 39-2-19. Enforcement of chapter**

It shall be the duty of the Department of Labor to enforce this chapter and the Commissioner of Labor shall issue rules and regulations pursuant thereto.

**§ 39-2-20. Penalty for violations of chapter**

Any person, firm, or corporation or agent thereof violating any of the provisions of this chapter shall be guilty of a misdemeanor.

### **§ 39-2-21. Injunctions**

Any person, firm, or corporation or agent thereof violating any of the provisions of this chapter may be enjoined from employing the minor involved in such violation upon the complaint of the Commissioner of Labor in the superior court of any county in which the employer may be doing business or employing such minor; provided, however, that any court order under this Code section shall be narrowly drawn and narrowly construed so as to provide the minimum possible disruption of the ongoing business affairs of the employer.