



1-1-1990

Employment Practices

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Recommended Citation

University of the Pacific; McGeorge School of Law, *Employment Practices*, 21 PAC. L. J. 477 (1990).

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Employment Practices

Employment Practices; employment restrictions of minors

Labor Code § 1308.1 (new); §§ 1286, 1308, 1309, 1309.5 (amended).
SB 1511 (Russell); 1989 STAT. Ch. 806

Existing law prohibits the employment of any person under the age of eighteen who is required to attend school,¹ unless that person obtains a work permit.² Chapter 806 extends existing law to include persons under the age of eighteen not required to attend school solely because that person is a nonresident of California.³

Existing law regulates employment of minors in specified capacities or businesses that pose a threat to the health, safety, welfare, or morals of minors.⁴ Under Chapter 806, any minor permitted by law to be employed in door-to-door selling of merchandise must be employed in those capacities within fifty miles from his or her residence.⁵

Existing law prohibits employing minors under the age of sixteen to engage in any obscene, indecent, or immoral purpose.⁶ Chapter 806 extends this prohibition to any minor under the age of eighteen.⁷ Chapter 806 further broadens minor employment law by adding

1. See CAL. LAB. CODE § 1286(c) (West Supp. 1989) (definition of a minor).

2. *Id.* § 1299. Work permits generally are issued by school officials in the district where the minor resides. CAL. EDUC. CODE § 49112.

3. 1989 Cal. Stat. ch. 806, sec. 1, at ____ (amending CAL. LAB. CODE § 1286(c)). See CAL. EDUC. CODE §§ 48200-48208 (definitions and requirements of compulsory education), 48400-48403 (definitions and requirements of compulsory continuation education).

4. CAL. LAB. CODE §§ 1285-1312 (definitions and regulation of prohibited employment of minors). See also *id.* § 1288 (West Supp. 1989) (classification and penalties of violations of prohibitions governing employment of minors). See generally *Ramos v. Madera County*, 4 Cal. 3d 685, 696, 484 P.2d 93, 101, 94 Cal. Rptr. 421, 429 (1971) (child labor laws are to protect minors against risks such as overwork and exposure to dangerous, immoral, or unhealthy conditions). See also 8 CAL. CODE REGS. §§ 11701-11707 (1986) (child labor occupation prohibitions and regulations).

5. 1989 Cal. Stat. ch. 806, sec. 3, at ____ (enacting CAL. LAB. CODE § 1308.1). See CAL. LAB. CODE § 1298 (West Supp. 1989) (only minors under the age of 10 are prohibited from selling door-to-door).

6. CAL. LAB. CODE § 1308(a)(3) (West Supp. 1989) (amended by 1989 Cal. Stat. ch. 806, sec. 2, at ____).

7. 1989 Cal. Stat. ch. 806, sec. 2, at ____ (amending CAL. LAB. CODE § 1308(a)(3)). Chapter 806 also provides criminal liability for violations of this provision. *Id.* sec. 4, at ____ (amending CAL. LAB. CODE § 1309).

peace officers employed by the Labor Commissioner to the class of peace officers authorized access to confidential information of distributors of child pornographic literature.⁸

BJM

8. 1989 Cal. Stat. ch. 806, sec. 5, at _____ (amending CAL. LAB. CODE § 1309.5). See CAL. PENAL CODE § 830.3(h) (West 1985) (definition of peace officers employed by the Labor Commissioner).