

ILLINOIS DEPARTMENT OF LABOR

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# CHILD LABOR LAW

820 ILCS 205/1-22



FY 2020 Annual Report  
Administration and Enforcement Activities

JB Pritzker

Governor

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Director

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# I. INTRODUCTION

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The Illinois Child Labor Law regulates the employment of workers under the age of 16 and prohibits most work by children under the age of 14. The Illinois Department of Labor (the Department), through its Fair Labor Standards Division, administers and enforces the Child Labor Law. In accordance with 820 ILCS 205/18.2, the Department is required to file a report with the General Assembly by January 1 each year summarizing its activities regarding administration and enforcement of this law for the preceding fiscal year.

# II. ADMINISTRATION

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The Department maintains a toll-free hotline (1-800-645-5784) which is used primarily by the Issuing Officers in schools to obtain assistance when issuing employment certificates, as well as by the Department to receive complaints and provide information to the general public. The hotline number is prominently displayed on our Labor Law Poster, which must be posted in all businesses throughout the state.

## EMERGENCY RULES

Due to the ongoing pandemic, the Illinois Department of Labor published an emergency rule on May 29, 2020, and extended the rule on October 26, 2020, to allow for the remote application of child employment certificates as an alternative to conducting an in-person interview as required under the Child Labor Law (820 ILCS 205 Section 12). The emergency rule allows alternatives to verify the identity of the minor seeking a work permit and for submission of

required application documents. Issuing Officers in Illinois, responsible for facilitating the employment certificate application process, were notified of implementation of the emergency rules and guidelines for implementation, which are still in effect. The Department also updated the child work certificates with a statement inquiring if the video conference took place, which can be found on the Department's website. To continue this process, the Department proposed a permanent rule to that affect and will introduce legislation to allow for the permanent change within the Child Labor Law (820 ILCS 205) given continued health concerns and recognition of available technology all parties may use to facilitate employment certificates.

## EMPLOYMENT CERTIFICATES REGISTERED WITH DEPARTMENT

In FY2020, the Department received 13,176 employment certificates (down 37.4% from the previous year due to COVID-19 restrictions impacting child employment opportunities) as issued by schools and their duly authorized agents. Issuing officers are required to send copies of these certificates to the Department via e-mail. Once the Department receives the certificates, the certificate remains on file with the Department.

Throughout FY2020, the Department received requests for work hour waiver restrictions for children working in motion picture or related entertainment productions. Beginning in March, waivers were reduced and/or discontinued due to COVID-19 but resumed over the summer months. The Department received and approved 1,736 waiver requests (down 22% from the prior year) from motion picture and entertainment production companies, including, but not limited

to, television programs such as “Chicago Fire,” “Empire,” and “Chicago Med,” “Chicago PD,” “Mixtape”, and the Steppenwolf Theatre Company.

### III. ENFORCEMENT

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Four informal settlement conferences relating to possible violations of the Child Labor Law were held during FY 2020. Penalties assessed through the conferences totaled \$12,200.00, and, when collected, were deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund for enforcement activities. Settlement amounts are determined by the size of the business and the gravity of the violation.

Below are the industries identified by the Department for penalties:

Restaurants	2	67%
Sports Industry	1	17%
Fast Food	1	17%
<b>Total</b>	<b>4</b>	

### IV. OUTREACH EFFORTS

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The Department’s outreach and educational efforts helped to ensure compliance by providing information and instruction to a variety of individuals and organizations. In FY 2020, the Department presented to groups of educators, businesses, employer associations and employees. The Department also continues to work with the State Board of Education to ensure that work-study programs comply with State and federal Child Labor Laws.

In FY 2020, the Department focused on child performers’ compensation and working conditions due to growth in the industry. Consequently, the Department conducted an outreach effort with the Illinois Film Office, Screen Actors Guild, talent agencies, and TV and movie production staff, regarding a new required trust fund as a requirement.

#### TRUST FUND OUTREACH

Beginning on January 1, 2020, per 820 ILCS 205/12.5, “child performers” working in artistic and creative services are required to establish a trust fund where the employer must deposit at least fifteen percent (15%) of the child’s gross earnings into the account. Issuing officers must verify the existence of the trust fund account before issuing an employment certificate to a child performer. The fund must:

- Designate the child performer (under 16 years of age) as the beneficiary of the Trust Fund;
- Only be available to the child performer when they turn eighteen (18) years of age or are declared legally emancipated; and
- Be held by a bank, corporate fiduciary, or trust company.

#### WORKING CONDITIONS OF CHILD PERFORMERS

Meetings with the Screen Actors Guild, television and movie production staff, studio teachers and talent agencies also initiated discussions on the working conditions of young child performers due to industry growth in Illinois. The Department updated its work hour waiver application to require more specific information about the child performer’s role in the production and additional Department approvals.

The Department is working on administrative rules to be submitted to the Joint Committee on Administrative Rules to ensure protections are in place for young child performers working in the industry to bring Illinois' regulations in line with other states, such as California and New York.

The Department maintains an email address exclusively for child labor employment certificates and for any questions related to the Child Labor Law: [DOL.ChildLaborLaw@illinois.gov](mailto:DOL.ChildLaborLaw@illinois.gov).