



Protecting Young Workers: Prohibition Against Young Workers Operating Forklifts

Safety and Health Information Bulletin

Purpose

The purpose of this Safety and Health Information Bulletin is:

1. To inform employers that youth employment regulations (29 CFR 570) promulgated under the Fair Labor Standards Act prohibit most employees under the age of 18 years from operating forklifts for non-agricultural operations;¹
2. To remind employers that all forklift operators who are 18 years old or older must be trained and certified as competent to operate forklifts; and
3. To identify additional resources for employers to ensure a safe and healthful workplace for all workers.

Background

The Directorate of Science, Technology and Medicine was informed by the Atlanta OSHA Regional Office, the Boston OSHA Regional Office, and the Wage Hour Division (WHD) of the Employment Standards Administration (ESA) of two recent, fatal forklift accidents involving underage operators that occurred in warehouses in Georgia and Massachusetts. Both accidents involved operators under 18 years of age. Given the significant number of young workers employed, especially during the summer months, OSHA and WHD believe that it is important to remind all employers of the regulations that prohibit workers under 18 years of age from operating specified hazardous machines and equipment, including forklift trucks in non-agricultural operations.

1. Different youth employment standards apply to agricultural employment.

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This Safety and Health Information Bulletin is **not** a standard or regulation, and it creates no new legal obligations. The Bulletin is advisory in nature, informational in content, and is intended to assist employers in providing a safe and healthful workplace. The Occupational Safety and Health Act requires employers to comply with hazard-specific safety and health standards. In addition, pursuant to Section 5(a)(1), the General Duty Clause of the Act, employers must provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. Employers can be cited for violating the General Duty Clause if there is a recognized hazard and they do not take reasonable steps to prevent or abate the hazard. However, failure to implement any recommendations in this bulletin is not, in itself, a violation of the General Duty Clause. Citations can only be based on standards, regulations, and the General Duty Clause.

Accident Descriptions

Massachusetts Accident

The forklift operator was a 16-year-old male hired as a summer helper to label bins and move stock by hand around the warehouse.

The warehouse has a forklift, and it was common practice to leave the forklift's operating key in the ignition switch when the forklift was not being operated. Prior to the accident, the victim was observed operating the forklift several times, most recently on the morning of the accident. He was advised several times by a number of employees not to operate the forklift.

The victim was not trained nor was he certified as competent to operate the forklift.

There were no witnesses to the accident. However, it is believed that the victim boarded the forklift, without putting on the seatbelt, raised the forks with an empty pallet to a height of approximately 10 feet, and drove down the left side of the loading dock ramp. The ramp slopes away from the

building at an angle of approximately 33 degrees on the left side near the street level (Figure 1).



Figure 1

There was a stack of empty pallets across the bottom of the ramp, and it appears that the victim was attempting to place the empty pallet on top of the stack before the close of business. With the forks raised to a height of approximately 10 feet on a 33 degree slope, the forklift's center of gravity may have shifted, creating an unstable condition and causing the forklift to topple sideways (Figure 2). Refer to 29 CFR 1910.178 Appendix A, for further discussion concerning stability of powered industrial trucks. The victim was crushed under the truck.



Figure 2

Approximately 10 feet

Georgia Accident

A foreman's 15 year-old step-son was killed while the youth was operating a forklift at the warehouse.

The victim was being shown how to operate the forklift and was practicing picking up and moving empty pallets. He had just unloaded a pallet in the warehouse and had picked the empty pallet off the floor when he lost control of the forklift. The police investigator stated that the forklift "suddenly went backward, crashing open a closed loading bay door and drop[ping] four feet to the ground. The victim fell off [the forklift,] and the forklift landed on top of him." The victim was pinned to the ground and sustained massive chest injuries.

The Fair Labor Standards Act

Regulations promulgated pursuant to the Fair Labor Standards Act prohibit individuals **younger than 18 years of age** from engaging in specified hazardous occupational activities. 29 CFR 570.58 – *Occupations involved in the operation of power-driven hoisting apparatus* (Order 7), paragraph (a) (5), specifically prohibits employees under 18 years of age from operating forklifts in non-agricultural employment.

Additional orders promulgated pursuant to the Fair Labor Standards Act prohibit operation of other machines that are hazardous to workers under 18 years of age. These orders include:

- Order 2, driving a motor vehicle and being an outside helper on a motor vehicle;
- Order 5, operation of power-driven wood-working machines;
- Order 8, operation of power-driven metal forming, punching, and shearing machines;

- Order 10, operation of power-driven meat-processing machines, including meat slicers;
- Order 11, operation of bakery machines;
- Order 12, operation of paper-products machines; and
- Order 14, operation of circular saws, band saws, and guillotine shears.

A complete list of occupational activities deemed to be unsafe for employees between 16 and 18 years of age can be found at: <http://www.dol.gov/esa/regs/compliance/whd/whdfs43.htm>.

OSHA Powered Industrial Truck Standard, 29 CFR 1910.178

OSHA's standard for powered industrial trucks, 29 CFR 1910.178, contains requirements for powered industrial truck design and construction, operator training, truck operations, and maintenance.

29 CFR 1910.178 (l) requires that "[t]he employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation." This standard also contains requirements regarding: training program content and implementation, refresher training and evaluation, avoidance of duplicative training, and certification.

Other Information

In May 2002, the Secretary of the Department of Labor, Elaine Chao, launched the *YouthRules!* Initiative, <http://www.youthrules.dol.gov>, to increase public awareness of Federal and State rules concerning young workers. The *YouthRules!* web page is a gateway providing quick access to information about Federal and State labor laws that apply to young workers. The web page includes information designed to educate teens, parents, educators, and employers concerning the hours youth can work, the jobs youth can do, and how to prevent workplace illnesses and injuries. The web page contains a link

to the Fair Labor Standards Act Advisor on "Prohibited Occupations for Non-Agricultural Employees" <http://www.dol.gov/elaws/esa/flsa/docs/haznonag.asp>, which includes the prohibited occupations for 14- and 15-year-old youth workers, as well as a list of hazardous occupations, which are prohibited for workers under 18 years of age. Another link of the Advisor, "Prohibited Occupations for Agricultural Employees" <http://www.dol.gov/elaws/esa/flsa/docs/hazag.asp>, includes the prohibited agricultural occupations for youth younger than 12, 12- or 13-year-old workers, and 14- or 15- year-old workers.

OSHA also has a webpage for young workers, <http://www.osha.gov/SLTC/teenworkers/index.html> which contains occupational safety and health information relevant to young workers.

In 2002, the Wage and Hour Division of the Employment Standards Administration initiated a "STOP" sticker program. As part of that program, WHD developed a sticker that can be applied to forklifts to provide a warning regarding the prohibition against workers under 18 years of age operating a forklift. <http://youthrules.dol.gov/posters.htm>.



Conclusions

Employers have the responsibility to comply with 29 CFR 1910.178 in order to ensure the safe operation of powered industrial trucks at their facility. In addition, since Order 7 of Hazardous Occupations prohibits employees under 18 years of age from operating forklifts, employers must make certain that workers under 18 years of age are not permitted to operate forklifts under any circumstances. Employers who employ individuals younger than 18 years of age also must be cognizant of other employment activities prohibited for young workers under the Fair Labor Standards Act. Employers, educators, parents, and young workers all are encouraged to visit the DOL and OSHA web pages for additional information on creating and maintaining compliant, safe and healthful work environments.