

CHAPTER 17. INDUSTRIAL HOME WORK

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Authority

The provisions of this Chapter 17 issued under the Industrial Homework Law (43 P. S. §§ 491-1—491-24), unless otherwise noted.

Source

The provisions of this Chapter 17 adopted December 10, 1937; amended through July 1, 1968, unless otherwise noted.

GENERAL

§ 17.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Contractor—A person who for the account or benefit of an employer, representative contractor or other person, distributes to a homemaker, or any other person, not recruited or engaged by the employer, representative contractor or other person, articles or materials to be manufactured in a home, and returned to him or disposed of in accordance with his directions.

Employer—A person who for his own account or benefit, directly or indirectly, or through an employe, agent, independent contractor or other person does any of the following:

- (i) Delivers, or causes to be delivered to another person, articles or materials to be manufactured in a home and returned to him, not for the personal use of himself or a member of his family, or disposed of in accordance with his directions.

(ii) Sells to another person, materials or articles for the purpose of having the articles or materials manufactured in a home and then rebuying the materials or articles after the manufacture, either by himself, or by someone designated by him.

Home—A room, house, apartment or other premises, which is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where the outbuildings are under the control of the person dwelling on the premises.

Homework—The manufacture in a home of articles, or materials for an employer, a representative contractor or a contractor.

Homeworker—A person engaged in manufacturing in a home, articles or materials for an employer, a representative contractor or a contractor.

Manufacture—The preparing, altering, repairing, finishing or processing, in whole or in part, or handling in any way connected with the production, wrapping, packaging or preparation for display of an article or materials.

Person—An individual, partnership, firm, association, domestic or foreign corporation, the legal representatives of a deceased individual, or the receiver, trustee or successor of an individual, partnership, association or corporation.

Representative contractor—A person who receives from an employer, or contractor not within this Commonwealth, articles or materials to be distributed by him to a homemaker, or other person, not recruited or engaged by the employer or contractor, to be manufactured in a home, and returned to him, or disposed of, in accordance with his directions.

§ 17.2. Scope.

This chapter sets forth rules to safeguard the lives, limbs and health of workers who engage in industrial homework and places the responsibility of compliance with the rules upon both employer, the representative contractor or the contractor and employe.

§ 17.3. Penalty.

A person who violates this chapter or regulations of the Department or who interferes with the Department or its authorized representative in the enforcement of the regulations will be deemed guilty of a misdemeanor in accordance with section 7, 9 or 21 of act of May 18, 1937 (P. L. 665, No. 176) (43 P. S. § 491-7, § 491-9 or § 491-21).

SPECIFICATIONS

§ 17.11. Licenses of employers or representative contractors.

An employer or representative contractor may not furnish material to a contractor or homemaker until the employer or representative contractor has first secured a permit from the Department. A contractor may not furnish material to

homeworkers until the contractor has first secured a permit from the Department. A permit of contractor shall entitle the contractor to accept materials to be given to homeworkers only from those employers or representative contractors who have been issued permits by the Department as employers or representative contractors to distribute homework. If the employer is a resident of a jurisdiction other than this Commonwealth, he shall cause his authorized agent in this Commonwealth to secure a permit as a representative contractor. When a person furnishes, or causes to be furnished, material to a contractor for the purpose of manufacture in whole or in part by homeworkers this person shall be considered an employer, and shall be licensed as such. Permits may be revoked if, after a hearing, it is determined that this chapter or the act of May 18, 1937 (P. L. 665, No. 176) (43 P. S. §§ 491-1—491-24) or act of May 13, 1915 (P. L. 286, No. 177) (43 P. S. §§ 41—71), have been violated.

Cross References

This section cited in 34 Pa. Code § 17.13 (relating to label).

§ 17.12. Report of homeworkers.

Each employer, representative contractor or contractor, whichever one distributes materials direct to homeworkers, shall forward to the Department between the first and 15th day of March, June, September and December, a complete list of homeworkers employed by him. The lists shall give the name, address and age of each homemaker, and the wages received. There shall also be submitted a statement of the materials furnished and articles manufactured by each homemaker. A list of contractors to whom materials have been furnished shall likewise be submitted by each employer or representative contractor furnishing materials to a contractor. Each contractor shall also submit a list of employers or representative contractors from whom he has received materials, and indicate whether or not the materials furnished were in turn given out to homeworkers.

§ 17.13. Label.

The employer or representative contractor shall place upon each unit of delivery or shipment to a homemaker a label of a design which has been registered with the Department at the time of securing the license specified in § 17.11 (relating to licenses of employers or representative contractors). When material to homeworkers is distributed by a contractor, the label shall bear the name of the contractor in addition to the name of the employer or representative contractor. The labels may not be removed from the wrapper or container in which the homework is delivered until the work has been completed and returned to the employer.

§ 17.14. Sanitation.

The employer, representative contractor or contractor may not distribute directly or indirectly to a homeworker materials to be manufactured, finished, repaired, altered or handled in any manner until he has assured himself that the home in which the work is to be done is in a clean and sanitary condition and free from an infectious, contagious or communicable disease. The recommended Health and Sanitation Housing Standards of the Department of Health may be used as a guide for determining the sanitary condition of the home.

§ 17.15. Contagious diseases.

The employer, representative contractor or contractor upon being notified by a representative of the Department or local or the Department of Health of the existence of an infectious, contagious or communicable disease in a home where industrial homework is being done, shall, if permitted by the local or Department of Health, remove the articles or materials from the home. The articles or materials shall be immediately sterilized in a manner approved by the Department. The employer, representative contractor or contractor may not again furnish materials to a homeworker living in the home until he has been notified by one of the agents mentioned in this section that the home is free from the infectious, contagious or communicable disease.

§ 17.16. Responsibility of employer, representative contractor or contractor.

The employer, representative contractor or contractor, distributing materials directly to homeworkers, shall designate some person over 21 years of age, such as a parent, a guardian or homeworkers, in each home where homework is done as his authorized representative in that home, who, together with the employer, representative contractor or contractor is jointly responsible for the carrying out of the act of May 18, 1937 (P. L. 665, No. 176) (43 P. S. §§ 491-1—491-24) or the act of May 13, 1915 (P. L. 286, No. 177) (43 P. S. §§ 41—71) and this chapter. An employer or representative contractor who furnishes materials to a contractor to be distributed to homeworkers when that contractor is violating the provision of the laws or regulations applicable to industrial homework, shall be held jointly responsible with the contractor.

§ 17.17. Female workers.

- (a) A female may not be employed more than 10 hours per day, nor more than 48 hours per week nor more than 6 days per week.
- (b) A female 17 years of age or younger may not be employed before 6 a.m. or after 9 p.m.
- (c) A female may not be employed for more than 5 hours continuously without a rest or meal period of at least 30 minutes.

(Editor's Note: This section is unconstitutional under PA. CONST. ART. I, § 28.)

§ 17.18. Child labor.

(a) Minors 15 years of age or under may not be employed in industrial homework. A minor between 16 and 18 may be employed in this work if it does not interfere with school attendance. The hours spent in school shall be considered as part of the working day or week. A minor 17 years of age or younger may not be employed for more than 44 hours a week, nor more than 8 hours per day.

(b) A minor 17 years of age or younger may not be employed without an employment certificate which shall be kept on file by the employer.

(c) General employment certificates are required when children between 16 and 18 are employed all the time.

(d) Vacation employment certificates are required when minors 16 to 18 work at any time except when they are required to attend school.

(e) Employment certificates may be issued only by the district superintendent, supervising principal or secretary of the board of school directors or other school official, deputized in writing by any of the other school officials authorized by law to issue certificates.

(f) Before an employment certificate is issued the prospective employer shall make a statement in writing that he expects to give employment to a minor applying for the certificate.

(g) Employers shall acknowledge in writing, to the issuing officer, receipt of an employment certificate within 3 days after the minor has begun working.

(h) Upon termination of employment, the employer shall return the employment certificate by mail to the issuing school official.

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