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## CHILD LABOR LAWS

Fox Valley Offices  
4425 North Market Street - 3rd Floor  
Wilmington, DE 19802  
(302) 761-8200

Georgetown American Job Center  
8 Georgetown Plaza, Suite 2  
Georgetown, DE 19947  
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DELAWARE DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS

### CHILD LABOR

Email: [wages@delaware.gov](mailto:wages@delaware.gov) | Email: [workpermits@delaware.gov](mailto:workpermits@delaware.gov) | Website: [Labor.delaware.gov](http://Labor.delaware.gov)

#### General Provisions:

- The minimum age for employment is 14.
- Work Permits are required for all employed minors under the age of 18.
- Employers are required to keep Work Permits on file for each employed minor.
- A new Work Permit is required when a minor changes employers.

#### Provisions for Individuals 14 and 15 Years of Age:

##### MINORS 14 - 15 YEARS OF AGE SHALL NOT WORK:

- Before 7:00 a.m. or after 7:00 p.m.—except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m.
- More than four (4) hours per day on school days
- More than eight (8) hours per day on non-school days
- More than eighteen (18) hours in any week when school is in session for five (5) days
- More than six (6) days in any week
- More than forty (40) hours per week; and

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Employers Are Required By Law To Display  
This Official Poster In A Place Accessible To Employees And Where They Regularly Pass  
Violations of Delaware Labor Laws could result in fines of up to \$20,000 per violation.



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## PAYMENT OF WAGES

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### PAYMENT OF WAGES

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#### EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO:

##### Notify employees in writing at the time of hire:

- Rate of Pay
  - Day, hour and place of payment
  - Employer's fringe benefits policies
- Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour or place of payment or benefits.
  - Furnish each employee with a pay statement showing:
    - Amount of wages due;
    - Pay period covered by the payment;
    - Amounts of deductions (separately specified) which have been made from the wages;
    - Total number of hours worked in pay period (for employees who are paid at an hourly rate).

#### PAYMENT OF WAGES:

- Wages must be paid at least once each month.
- Employees must be paid all wages within seven (7) days from the close of each pay period (with some exceptions, see § 1102(b)).
- If the payday falls on a non-work day, payment shall be made on the preceding work day.

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## DISCRIMINATION

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### DISCRIMINATION

Employers are prohibited by state law from discriminating against employees because of their RACE; COLOR; NATIONAL ORIGIN; SEX (INCLUDING PREGNANCY); RELIGION; DISABILITY; AGE (40+); GENETIC INFORMATION; SEXUAL ORIENTATION; GENDER IDENTITY; MARITAL STATUS; MEMBERSHIP IN VOLUNTEER EMERGENCY RESPONDER ORGANIZATION (VOLUNTEER FIREFIGHTERS, AMBULANCE PERSONNEL, LADIES AUXILIARY); VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; FAMILY CARE RESPONSIBILITIES; REPRODUCTIVE HEALTH DECISIONS; and RETALIATION FOR INITIATING A COMPLAINT OF EMPLOYMENT DISCRIMINATION, OR OPPOSING OR PARTICIPATING IN THE INVESTIGATION OF A DISCRIMINATORY EMPLOYMENT PRACTICE. Employees of four (4) or more employees, labor organizations, employment agencies and joint labor management committees for apprenticeship or training are covered by this law.

**SEXUAL HARASSMENT:** Sexual harassment of employees, applicants, apprentices, staffing agency workers, unpaid interns, and independent contractors is unlawful. Sexual harassment can be unwelcome sexual advances, requests for sexual favor, or other verbal or physical conduct of a sexual nature when (1) the employee is expected to submit to such conduct; or (2) the employee's submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. If the harassment is by a supervisor, the employer may be responsible even if the employee has not complained. If the harassment is by a fellow worker or non-employee, employers are responsible if the employee complained to the employer and the employer has taken no action to stop or correct the sexual harassment. Effective January 1, 2019, employers must distribute the Department of Labor Sexual Harassment Informational worksheet to all employees. Employers with 50 or more employees must provide interactive sexual harassment training to all new employees, and every two years after.

**A Charge of Discrimination must be filed within 300 days of the alleged unlawful employment practice.**

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252 Chapman Road, 2nd Floor  
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## UNEMPLOYMENT INSURANCE

### UNEMPLOYMENT POSTER

The state of Delaware states, "Each liable employer (except household employers) must display the poster, Notice of Coverage (Form UC-6), with the employer's name printed on it in a place customarily frequented by employees." This poster is furnished by the Division of Unemployment Insurance after liability is established; it informs employees that employment is covered under the Unemployment Insurance laws. Household employers must provide each employee with a facsimile of the poster with the employer's name printed on it. The Division of Unemployment Insurance furnishes a facsimile of the full-size poster after liability is established; it informs employees that employment is covered under the Unemployment Insurance laws. Please contact Employer Services at 302-761-8446 to obtain your Unemployment Poster. 04/02

## WAGE THEFT

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### WAGE THEFT

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#### An employer may not do any of the following:

- Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes and fees for the individual.
- Fail to properly withhold state and federal taxes from an employee.
- Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.
- Pay an employee wages that are less than the minimum wage established under state and federal law for the work performed.
- Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers' compensation obligations under this title.
- Knowingly conspire to assist, advise, or facilitate a violation of this section.

#### PENALTIES

- Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of this section, the Department may decide to impose a civil penalty.
- An employer who violates this section is subject to a civil penalty of not less than \$2,000 and not more than \$20,000 for each violation.
- Each instance of a violation of subsection (a) of this section per employee is a separate violation.
- The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11

#### RETALIATION

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:  
a. Made a complaint or provided information to the Department.  
b. Caused, or is going to cause, an investigation to be instituted.  
c. Testified, or is going to testify, in a hearing.

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## WORKERS' COMPENSATION

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### WORKERS' COMPENSATION

#### IMPORTANT THINGS TO DO IN CASE OF INJURY

#### THE EMPLOYER SHOULD:

Carry Workers' Compensation insurance coverage. Provide all necessary medical, surgical, and hospital treatment from the accident date. Every employer shall keep a record of all injuries received by employees and make a report within ten (10) days thereof in writing to the Office of Workers' Compensation. Ascertain the average weekly wages of the employee and provide compensation in accordance with the provisions of the law, for disability beyond the third day after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval.

#### THE EMPLOYEE SHOULD:

Immediately notify the employer in writing of accidental injury or occupational

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### WORKERS' COMPENSATION

#### IMPORTANT THINGS TO DO IN CASE OF INJURY

disease and request medical services. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the law, file an application with the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury or one (1) year of knowledge of a diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation.

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## WHISTLEBLOWER PROTECTION ACT

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225 Corporate Blvd., Suite 104  
Newark, DE 19702  
(302) 451-3423

Delaware Helpline  
1-800-464-4357

#### § 1701. Short title.

This chapter may be cited as the "Delaware Whistleblowers' Protection Act."

#### § 1702 Definitions.

As used in this chapter:

- "Employee" means a person employed full or part-time by any employer, and shall include, but not be limited to, at-will employees, contract employees, independent contractors, and volunteer firefighters as defined in § 6651(c) of Title 16.
- "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof in state, county or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.
- "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.
- "Public body" means all of the following:
  - A state-wide elected official, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or employee of them;
  - A legislator or employee of the legislative branch of state government;
  - An elected official of a county, city, or school district or employee of them;
  - A law-enforcement agency or employee of that law-enforcement agency; and
  - A federal agency or employee of that federal agency.
- "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.
- "Violation" means an act or omission by an employer, or an agent thereof, that is:
  - Materially inconsistent with, and a serious deviation from, standards implemented pursuant to a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect employees or other persons from health, safety, or environmental hazards while on the employer's premises or elsewhere; or
  - Materially inconsistent with, and a serious deviation from, financial management or accounting standards implemented pursuant to a rule or regulation promulgated by the employer or a law, rule, or regulation promulgated under the laws of this State, a political subdivision of this State, or the United States, to protect any person from fraud, deceit, or misappropriation of public or private funds or assets under the control of the employer.

#### § 1703 Protection.

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, including reporting or threatening to report an employee's suspected or actual citizenship or immigration status or the suspected or actual citizenship or immigration status of a family member of the employee to a federal, state, or local agency:

- Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false; or
- Because an employee participates or is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action, in connection with a violation as defined in this chapter; or
- Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter; or

## DELAWARE MINIMUM WAGE

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### MINIMUM WAGE

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#### Regular Rate:

- effective: 06-01-15 - \$8.25/hour
- effective: 01-01-19 - \$8.75/hour
- effective: 10-01-19 - \$9.25/hour
- effective: 01-01-22 - \$10.50/hour

- effective: 01-01-23 - \$11.75/hour
- effective: 01-01-24 - \$13.25/hour
- effective: 10-01-25 - \$15.00/hour

#### EMPLOYEES WHO RECEIVE TIPS

The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/96. The employer must be able to prove that the employee received the balance of the full minimum rate in tips.

**NOTE:** Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must pay Delaware's higher rate. Tips may not be taken or retained by an employer except as required by law. Tip-pooling is permitted (under certain conditions) in an amount not to exceed 15% of the actual tips received by the employee.

#### RECORD KEEPING REQUIREMENTS:

- Employers must keep records (including the rate of pay, hours worked, and amount paid for each employee for three (3) years.

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## BREAK RULES

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### BREAKS

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**All employees must be offered a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.** This break must be after the first 2 hours of work and before the last 2 hours of work.

#### This rule does not apply when:

- The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children.
- There is a collective bargaining agreement or other employer-employee written agreement which provides otherwise.

**Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use restroom facilities as reasonably necessary.**

#### Rules have been issued granting exemptions when:

- Compliance would adversely affect public safety
- Only one (1) employee may perform the duties of a position.
- An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).
- The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks.

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