

Myth vs. Fact: Work-based Learning for Youth in Colorado

Colorado has one of the strongest economies in the nation. At the same time, thousands of jobs go unfilled as Colorado employers struggle to find qualified candidates with the right skills to fill those jobs. Addressing the skills gap provides Colorado businesses an opportunity to think strategically about ways to broaden their traditional talent pipelines by engaging youth and other sources of untapped talent. Apprenticeships and other forms of work-based learning offer proven strategies for training and cultivating potential employees and are a foundational piece of creating and maintaining a strong talent pipeline for Colorado businesses. This document addresses common concerns and perceived barriers to hiring youth.

Myth	Fact
I can't work with minors. They must be at least 18 years old.	Minors can legally work at the age of 14., see Colorado Youth Employment Opportunity Act C.R.S. 8-12-101 et seq. Some jobs like babysitting, delivery of newspapers, and non-hazardous agricultural work (if minors work with their parents) are permissible as young as age 12.
There's too much liability at stake for our company to work with minors.	<p>Workers' Compensation protects every employee equally, regardless of age. Neither age nor years of experience are calculated into the cost of providing workers' compensation nor the payout of claims.</p> <p>Workers' Compensation is calculated in the same way for all workers regardless of age and is based on (a) salary and (b) the classification of the actual job the work-based learning student is hired to do. As a result, actual costs are low for hiring work-based learning students and existing protections are sufficient.</p> <p>Unpaid internships also allow students to gain work experience without being considered an "employee" if they are primarily on site to learn and receive no direct compensation from the company. In such cases, commercial liability insurance (companies) and high-risk accident insurance (school districts) protect students and companies. However, to classify a student as an "unpaid intern," rather than a paid employee, specific criteria cited by the federal Fair Labor Standards Act (FLSA) must be met. See USDOL Fact Sheet 71 for a list of those criteria.</p>
My industry/workplace is too dangerous for minors.	Under State law, there are 12 prohibited occupations for minors 16 and older Colorado Youth Employment Opportunity Act C.R.S. 8-12-101 et seq. Under the Fair Labor Standards Act there are 18 prohibited occupations for minors who are under the age of 18. This leaves a number of occupations where youth can work safely.

	<p>In most cases, OSHA requirements ensure that you're already protecting your employees to the same extent you would need to protect a minor. There are many roles young people can fill which give them exposure to your workplace and can help to spark an interest in long-term employment in your industry.</p>
<p>HR says we can't even bring minors on the floor of our facility.</p>	<p>Company policy may be the only real barrier to engaging with the most talented and qualified students. There are many ways to ensure quality and safe learning experiences that create a stronger talent pipeline for your company:</p> <ul style="list-style-type: none"> • Partner with a third party, like a nonprofit and/or school district, to hire minors while they're still in high school. • Work with students who have completed substantial safety and training courses in your industry and/or obtained a recognized industry certification. Partnering with Career & Technical Education (CTE) programs is one way to identify these students. • Create an internship/part-time position to complete educational/special projects and experience various roles or departments • Draft a contract that defines your company's responsibility for workers such as unpaid interns • Provide an umbrella accident policy to protect non-employees (job shadow students, tour groups)
<p>Schools won't allow students to work during regular business hours.</p>	<p>Through competency-based education, project-based learning, career and technical education (CTE), and concurrent enrollment, schools are providing more flexible scheduling that helps to personalize a student's learning experiences and can be used for work-based learning experiences. Currently 53% of school districts operate on a four-day school schedule providing an entire day where students can engage freely in work-based learning activities.</p> <p>Students aged 16 and 17 may work anytime of the day or night, regardless of school hours, as long as restrictions on the number of daily and weekly hours are followed. Exemptions from some portions of Colorado youth law may be granted as well.</p>
<p>Youth workers are free labor.</p>	<p>Work-based learning is a way for businesses to contribute to the development of future talent to ensure an appropriately skilled workforce. Internships can be either paid or unpaid. For further guidance on unpaid internships, please reference USDOL Fact Sheet 71. Apprenticeships are paid training experiences providing a higher return on investment for employers. Youth apprentices are considered employees and workers comp coverage will be required.</p>

This document has been condensed and simplified for general informational purposes and does not constitute legal advice. For more information, please consult an attorney, an HR professional or contact the Colorado Department of Labor and Employment.