

FEDERAL LAW REGARDING CHILD PERFORMERS

CFR: Code of Federal Regulations Pertaining to U.S. Department of Labor
TITLE 29 : Labor
CHAPTER V: Wage and Hour Division, Department of Labor
PART 570: Child Labor Regulations, Orders and Statements of Interpretation
SUBPART G: General Statements of Interpretation of the Child Labor Provisions of
the Fair Labor Standards Act of 1938, as Amended
SECTION #: 570.125
SECTION NAME: Actors and performers.

Section 13(c) of the Act provides an exemption from the child labor provisions for ``any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions." The term ``performer" used in this provision is obviously more inclusive than the term ``actor." In regulations issued pursuant to section 7(d)(3) of the Act, the Administrator of the Wage and Hour Division has defined a ``performer" on radio and television programs for purposes of that section.³⁴ The Secretary will follow this definition in determining whether a child is employed as a ``* * * performer * * * in radio or television productions" for purposes of this exemption. Moreover, in many situations the definition will be helpful in determining whether a child qualifies as a ``* * * performer in motion pictures or theatrical productions * * *" within the meaning of the exemption.

³⁴ Section 550.2(b) of this title provides:

(b) The term ``performer" shall mean a person who performs a distinctive, personalized service as a part of an actual broadcast or telecast including an actor, singer, dancer, musician, comedian, or any person who entertains, affords amusement to, or occupies the interest of a radio or television audience by acting, singing, dancing, reading, narrating, performing feats of skill, or announcing, or describing or relating facts, events and other matters of interest, and who actively participates in such capacity in the actual presentation of a radio or television program. It shall not include such persons as script writers, stand-ins, or directors who are neither seen nor heard by the radio or television audience; nor shall it include persons who participate in the broadcast or telecast purely as technicians such as engineers, electricians and stage hands.
