

Hiring Teenagers This Summer? Here Are 3 Key Considerations

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School's out for the summer. If you do business in recreation, restaurants, or retail, chances are you will be employing teen workers this season. So now is a good time to learn from a few real-world examples of legal issues involving teen workers.

1. The U.S. Equal Employment Opportunity Commission will not hesitate to come to the aid of young workers if it believes they have been subjected to sexual harassment. You can read the EEOC's descriptions of several of its cases involving harassment of teen workers on the EEOC's Youth at Work website.
2. Harassment does not need to violate Title VII to possibly land an employer in hot water. In one case that recently garnered national media attention, a 21-year-old manager at a Dairy Queen franchise in Missouri is now facing a criminal charge of involuntary manslaughter following the death by suicide of a 17-year-old boy who reportedly faced bullying at work and at school. Of note is that the coroner's jury involved in the inquest also found that the employer was negligent in training its employees. For more details, read [here](#).
3. Employers potentially can be held liable for actions of supervisors or managers who engage in misconduct with young co-workers even if the conduct occurs outside of the workplace. See, for example, this excerpt from an old but instructive appellate court opinion regarding alleged sexual harassment of a teenage girl who worked part time in an ice cream shop:

"Other shift supervisors were aware of [the shift supervisor's] sexually suggestive behavior with the teenage scoopers (also that he was an alcoholic) and his practice of inviting them to his apartment. But either they did not report this conduct to their managers as they should have done or the managers took no action because they believed that activity that occurs outside the workplace is none of their business even if it originated in the workplace and had consequences there. No procedures were in force or utilized for protecting girls like the plaintiff from what happened to her, even though it should have been clear that the situation in the store as a result of [the shift supervisor's] antics was explosive."

With those cautionary tales in mind, here are a few tips to keep in mind to prevent legal issues as you add teens to your workforce.

- **Set clear expectations early and often.** Whether a teen is starting a first job or is a returning worker on college break, training is crucial. Review your policies, training materials, and employment law postings to get ready for orientation of new workers. Be clear and concise that you expect a workplace free of discrimination and harassment. Remind teens that the workplace is not a locker room and "locker room" language and antics are not appropriate. Provide specific examples. Get written acknowledgement that teens have received the

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training and that they understand they must comply with work rules.

- **Keep the lines of communication open.** Make sure your teen workers know and understand that they are expected to report promptly any and all concerns that make them feel uncomfortable, and provide alternative reporting channels. That way, if a teen has an issue with an immediate supervisor she knows she can call upon someone else for help. Moreover, remind teens that if a customer acts inappropriately toward them they must report that, too.
- **Hold managers and supervisors accountable.** In some workplaces, supervisors or managers may be close in age to the teen workers under their supervision. That is all the more reason to ensure all supervisors know and understand their duties and responsibilities with respect to enforcement of policies that prohibit harassment and discrimination. If you haven't done supervisor training lately, or if you recently have hired or promoted new managers, now is a good time for a refresher course.
- **Think beyond non-discrimination laws.** Keeping your workplace free of discrimination and harassment is very important. But so is ensuring your workplace is safe – so make sure you review standards for teen workers when it comes to operating equipment and other safety issues. Don't forget wage and hour issues, too. All workers, including teens, must know and understand time keeping and break requirements, and prohibitions against working off the clock. And don't ignore the signs of teasing, taunting, or bullying that, while not targeted toward a protected class, could land individuals and their employers in a heap of trouble.

If you need specific advice concerning teen workers, or would like assistance in training aimed at a teen workforce, don't hesitate to seek legal guidance.