



NORTH DAKOTA STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

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February 16, 2023

To the Honorable Michael Wobbema and Member Senators of the Workforce Development Committee

RE: Senate Bill 2170; Employment of minors in construction.

Representing workers in the commercial, industrial, and residential construction industries from foundation to finish, we are committed to promoting, recruiting, and developing careers for all workers in the skilled trades in North Dakota. Construction is a rewarding career, and we are fully committed to passing this industry along to younger generations in the most suitable and coordinated manner. Though it is a rewarding career, it is an industry with serious risks, that without safeguards, controls, and oversight can lead to serious injuries and fatalities. As such, we are in opposition to Senate Bill 2170.

Employing sixteen-year-olds and seventeen-year-olds in construction without proper training and education to all its inherent hazards will lead to increased incidents of injuries and even worse, fatalities. This can be seen in the August 2022 report from the Center for Disease Control identifying the rate of work-related injuries treated in emergency departments for workers, ages 15-24, was 1.5 times greater than the rate for workers 25 years of age and older.¹ Although contractors, industry, and labor continuously strive to eliminate these terrible incidents, the involvement of heights, power-driven machines and tools, excavations, ladders, and scaffolds are very real dangers and cannot be disregarded because of the shortage of available workers. Employing minors without proper training, education, and safety instruction will lead to increased risks while not meeting the goal of promoting the construction industry as a viable career pathway. There needs to be more definitions and prohibitions in SB 2170 that mirror the Fair Labor Standards Act for the employment of sixteen- and seventeen-year-olds in hazardous industries. Utilizing these established regulations allows these age groups to experience the construction industry in a controlled, safe manner thereby promoting careers in construction in a purposeful strategy.

As an alternative, sixteen- and seventeen-year-olds can explore the construction industry through controlled environments, such as Career and Technical Education classrooms where there is supervised education with training specific to construction.

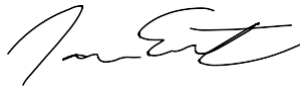
¹ Young Worker Safety and Health; August 3, 2022; Centers for Disease Control and Prevention, The National Institute for Occupational Safety and Health (NIOSH); <https://www.cdc.gov/niosh/topics/youth/default.html>.

Minors can also be employed as seventeen-year-olds if they are participating in a Registered Apprenticeship Program through the Office of Apprenticeship, U.S. Department of Labor. Within these educational programs there are clear expectations and prohibitions for what this age group can and cannot perform that has a third-party entity oversight ensuring accountability.

Going further, without defined and rigorous third-party oversight, is another reason for our objection to this legislation. We feel the North Dakota Department of Labor and Human Rights (Department) needs to be tasked with the regulatory framework included in the structure of this legislation to oversee employers employing minors in construction. Further, the Department should be appropriated funding it to investigate, record, and levy monetary violations to employers who employ minors of these age groups who are found in violation of the prohibitions for minors in construction. This appropriation should also be in perpetuity for as long as SB 2170 is in the Century Code if it were to be adopted.

Because of the serious hazards of the construction industry and without robust third-party oversight, the North Dakota State Building and Construction Trades Council is in opposition for SB 2170.

Sincerely, I am

A handwritten signature in black ink, appearing to read "Jason Ehlert". The signature is fluid and cursive, with the first name "Jason" and last name "Ehlert" clearly distinguishable.

Jason Ehlert
President