

## ADMINISTRATIVE POLICY



### STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

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**TITLE: MINORS AND BLOODBORNE PATHOGENS IN NON-MEDICAL SETTINGS**      **NUMBER: ES.C.4.2**

**CHAPTER: RCW [49.12](#)  
WAC [296-125-030](#)**

**SEE ALSO: RCW [49.17](#)  
WAC [296-823](#)**

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#### ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

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#### Summary:

- Teens are not prohibited from working in the settings described below (child care, cleaning bathrooms, and housekeeping in hotels/motels), unless it can be reasonably anticipated that they will have contact with blood or fluids containing blood, including used needles.
- The employer must provide training to the employee on how to identify those circumstances where they can reasonably anticipate the possibility for exposure and who should be contacted to handle the situation.
- Employers must provide teen workers with direction that is effective in practice and which conveys to teens the message that they are not permitted to perform work activities with the possibility of exposure to bloodborne pathogens.
- Questions about the possibility of an exposure of a minor to a bloodborne pathogen or other infectious disease should be referred to an industrial hygienist in the regional field office or the Employment Standards' technical specialist in the central office.

#### Background:

[WAC 296-125-030 \(24\)](#) prohibits all minors from "*occupations* where there is a risk of exposure to bodily fluids or transmission of infectious agents, including but not limited to

hepatitis and HIV,” in accordance with the Bloodborne Pathogens (BBP) Standard ([WAC 296-823](#)).

### **Minors in medical and dental settings:**

The child labor rules specifically prohibit minors from working in medical and dental settings. However, the BBP Standard is not exclusive to medical and dental settings, and this prohibition in the child labor rules is not exclusive to these settings either. The language of the BBP Standard speaks of “occupations” where exposure may occur, not just certain industries or types of workplaces and, therefore, includes a variety of settings where the standard may apply, including those listed below.

### **Minors in healthcare career training, vocational education programs, or in lifeguard jobs:**

If a minor is a student in a bona fide healthcare career training or vocational education program, or employed as a lifeguard, they are exempt from this rule, but not exempt from the requirements under the BBP standard. Similarly, in jobs where a worker (adult or minor) has a risk of coming into contact with bodily fluids that contain blood products, employers must follow the provisions contained in [WAC 296-823](#), including training, Hepatitis B vaccine, personal protective equipment, post-exposure testing, and so forth.

### **Minors in other non-healthcare settings:**

There are multiple non-healthcare settings in which teens are employed and where there is a possibility for exposure to bloodborne pathogens to occur. The Washington Industrial Safety and Health Administration’s (WISHA) rule and interpretive documents provide guidance on these settings and the circumstances for which the elements of the standard must be followed, including child care workers, janitorial services (i.e., cleaning bathrooms), and hotel/motel housekeeping services. In any of these activities, if it can be reasonably anticipated that individuals will have contact with blood or other bodily fluids containing blood products, then they are covered by the elements of the standard.

**Normally, the three job types listed below do not have routine exposure to blood. However, there are some circumstances when this may occur and employers must have a plan for informing employees how to recognize these instances and who is responsible for dealing with them.**

#### **1. Child Day Care Centers**

According to Department of Social and Health Services (DSHS) rules, Chapters [388-295.1040](#) and [388-151.180](#) WAC, only those 16 years of age and older may have paid jobs as an assistant in day care programs. Fourteen- and 15-year-olds may work as an assistant in private homes that are licensed to do day care. A person must be 18 years or older to have sole responsibility for a child. All persons working in day care settings are required to have first aid training. However, under our rules, if an employee is required to respond to emergencies where blood is present, then the requirements of the BBP standard apply, and a minor would not be permitted to carry out those duties. Another employee would need to attend to those situations. In instances where unforeseen exposure takes place (e.g., splash to the eye, other mucous membrane, or non-intact skin like an open sore), then exposed individuals should receive post-exposure evaluation and follow-up. For adult workers who are the designated first aid responders, employers

are required to provide post-exposure follow-up, for others with unanticipated exposure, the employer is strongly encouraged to do so.

Changing diapers is not typically an exposure for blood or blood products and therefore minors are not prohibited from this activity (urine and stool do not constitute an exposure to blood or blood products). Department of Health has required steps for diaper changing and each facility may add its own recommendations as well. All workers must be provided training on infection control techniques just like any other work duty.

## **2. Cleaning Bathrooms**

Hazards in any workplace must be addressed by the employer's [Accident Prevention Program](#). Cleaning bathrooms does not normally have a risk for bloodborne pathogens. Training on how to handle garbage and also what to do if needles are found is necessary for anyone who cleans bathrooms. Not all janitors or other cleaning personnel are covered by the requirements of the BBP standard since exposure is not anticipated in all settings. Likewise, cleaning bathrooms is not a prohibited duty for minors because the BBP standard does not apply in all instances. However, on a case-by-case basis, if it can be reasonably anticipated that exposure may occur, typically due to the presence of needles, then the employer must take steps to train all employees on hazard recognition and have a plan as to which employee(s) will be assigned to deal with these situations. Those individuals would then be covered under the BBP standard.

Minors are not permitted to carry out tasks that involve handling and disposing of needles. All employees involved in cleaning bathrooms must be provided with training about handling garbage e.g., not compressing bags or putting ones hands into a garbage receptacle, not picking up any needles visible on the premises, use of gloves, and training on the use of the cleaning agents, etc.). The employer's Accident Prevention Plan should cover the possible exposures in their specific setting. For employees who experience unanticipated exposures, such as a needstick injury, steps should be taken to provide them with appropriate follow-up.

Some settings have taken steps to provide needle disposal containers in their rest rooms as a customer service for the many who self-administer injectable medications. This can help reduce the presence of needles in the garbage containers and possible exposure to employees, but is not required.

## **3. Hotel and Motel Housekeeping**

Employees in these jobs are not generally considered to have exposure to bloodborne pathogens. As in other settings, it is the employer's responsibility to determine which job classifications or specific tasks involve reasonably anticipated contact with blood or blood-containing fluids. Once again, these jobs do not require coverage under the BBP standard. However, as mentioned above the employer's Accident Prevention Program should cover the hazards typically encountered in their setting. This may include training on the hazard recognition for the presence of blood or needles and who is responsible for handling such circumstances. In those instances, minors are prohibited from such exposure, as are adults who have not been included in the exposure control plan for that setting. Also, see above for cleaning bathrooms.