

2026 DELAWARE LABOR LAWS



This poster must be in a conspicuous place accessible to all employees.

This poster does not provide any legal advice and is distributed independently by each Journey Location. Poster up to date as of March 1, 2026



Minimum Wage:
\$15.00
Tipped Minimum Wage:
\$2.23

Fox Valley Offices
4425 North Market Street- 3rd Floor
Wilmington, DE 19802
(302) 761-8200

Georgetown American Job Center
8 Georgetown Plaza, Suite 2
Georgetown, DE 19947
(302) 856-5230



DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIR

Blue Hen Corporate Center
655 S Bay Road, Ste. 2H
Dover, DE 19901
(302) 422-1134

University Office Plaza
252 Chapman Road, 2nd Floor
Newark, DE 19702
(302) 761-8200

Email: dol_dia_workcomp@delaware.gov | Email: dol_dia_wc_compliance@delaware.gov | Website: Labor.delaware.gov

WORKERS COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY

THE EMPLOYER SHALL:

Carry Workers' Compensation Insurance Coverage per Title 19, Chapter 23, 2303. Every employer shall keep of record of all injuries received by employees; and within 10 days, file a First Report of Injury with the Office of Workers Compensation as per Title 19, Chapter 23, 2313. In addition, the employer should notify their Workers' compensation Insurance carrier of said injury. First Report of Injury forms are available on our website listed above

THE EMPLOYEE SHALL:

Or someone on the employee's behalf, notify the employer as soon as possible of an accidental injury or occupational disease and request medical services if needed. Failure to give notice or to accept medical services may deprive the employee of the right to compensation. Give promptly to the employer, directly or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the law, file a petition with the Industrial Accident Board for a hearing on the matters at issue within two (2) years of the date of accidental injury. All forms can be obtained from the Office of Workers' Compensation. (Email: dol_dia_workcomp@delaware.gov)

It is unlawful to retaliate against an employee because (s)he has made a complaint or given information to the Dept of Labor about possible labor law violations.

Violations of Delaware Worker's Compensation Labor Laws could result in fines.

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Email: wages@delaware.gov | Email: workpermits@delaware.gov | Website: labor.delaware.gov

PAYMENT OF WAGES

EMPLOYERS OF FOUR (4) OR MORE EMPLOYEES ARE REQUIRED TO:

Notify employees in writing at the time of hire:

1. Rate of Pay
2. Day, hour, and place of payment
3. Employer's fringe benefits policies

Notify employees in writing of any reductions in the rate of pay, and any changes in the day, hour, or place of payment or benefits.

Furnish each employee with a pay statement showing:

1. Amount of wages due;
2. Pay period covered by the payment;
3. Amounts of deductions (separately specified) which have been made from the wages;
4. Total number of hours worked in the pay period (for employees who are paid at an hourly rate).

PAYMENT OF WAGES

- Wages must be paid at least once each month.
- Employees must be paid all wages within seven (7) days from the close of each pay period [with some exceptions, see §1102(b)].
- If the payday falls on a non-work day, payment shall be made on the preceding work day.
- If an employee is not present on the regular payday, payment shall be made on the next regular workday that the employee is present or by mail (only if requested by the employee).
- Wages may be paid to a bank account designated by an employee (upon the employee's written request).
- Wages may be paid in cash or by check (provided that suitable arrangements are made by the employer for cashing at a bank or other business establishment convenient to the workplace).
- Whenever an employee quits, resigns, is discharged, suspended or laid off, the wages earned shall be paid on the next regularly scheduled payday(s) either through the usual pay channels or by mail (if requested by the employee) as if employment had not been suspended or terminated.

UNLAWFUL DEDUCTIONS

Employers are not permitted to deduct or withhold wages for:

1. Cash or inventory shortages;
2. Cash advances or charges for goods and services (unless there is a signed agreement specifying the amount owed and the repayment schedule);
3. Damaged Property
4. Failure to return employer's property

MINIMUM WAGE

REGULAR RATE:

\$8.25/hr— effective: 06-01-15	\$11.75/hr— effective: 01-01-23
\$8.75/hr— effective: 01-01-19	\$13.25/hr— effective: 01-01-24
\$9.25/hr— effective: 10-01-19	\$15.00/hr— effective: 01-01-25
\$10.50/hr— effective: 01-01-22	

EMPLOYEES WHO RECEIVE TIPS

The minimum cash wage payable to employees who receive tips is \$2.23 per hour, effective 10/1/96.

The employer must be able to prove that the employee received the balance of the full minimum rate in tips.

NOTE: Delaware's minimum cash wage for tipped employees is greater than the cash wage required by federal law. Employers must pay Delaware's higher rate.

Tips may not be taken or retained by an employer except as required by law. Tip-pooling is permitted (under certain conditions) in an amount not to exceed 15% of the actual tips received by the employee.

MINIMUM WAGE EXEMPTIONS:

- Employees in agriculture.
- Employees in domestic service in or about private homes. Employees of the United States Government.
- Outside commission paid salespeople.
- Bona fide executives, administrators, and professionals. Employees engaged in fishing and fish processing at sea. Volunteer workers (for educational, religious or non-profit organizations).
- Junior camp counselors employed by non-profit summer camp programs.

RECORD KEEPING REQUIREMENTS:

Employers must keep records (including the rate of pay, hours worked, and amount paid for each employee for three (3) years.

BREAKS

All employees must be offered a meal break of at least 30 consecutive minutes if the employee is scheduled to work 7.5 or more hours per day.

Must be after the first 2 hours of work and before the last 2 hours of work.

BREAKS (CONTINUED)

This rule does not apply when:

- The employee is a professional employee certified by the State Board of Education and employed by a local school board to work directly with children.
- There is a collective bargaining agreement or other employer-employee written agreement which provides otherwise.

Rules have been issued granting exemptions when:

- Compliance would adversely affect public safety.
- Only one (1) employee may perform the duties of a position.
- An employer has fewer than five (5) employees on a shift at one location (the exception would only apply to that shift).
- The continuous nature of an employer's operations, such as chemical production or research experiments, requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal breaks.

Where exemptions are allowed, employees must be allowed to eat meals at their work stations or other authorized locations and use restroom facilities as reasonably necessary.

CHILD LABOR

GENERAL PROVISIONS

- The minimum age for employment is 14.
- Work Permits are required for all employed minors under the age of 18.
- Employers are required to keep Work Permits on file for each employed minor.
- A new Work Permit is required when the employer of a minor change.

PROVISIONS FOR INDIVIDUALS 14 AND 15 YEARS OF AGE:

MINORS 14-15 YEARS OF AGE SHALL NOT WORK:

- Before 7:00 a.m. or after 7:00 p.m. — except from June 1st through Labor Day when the evening hour shall be extended to 9:00 p.m. More than four (4) hours per day on school days
- More than eight (8) hours per day on non-school days
- More than eighteen (18) hours in any week when school is in session for five (5) days
- More than six (6) days in any week
- More than forty (40) hours per week; and
- More than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

Specific Provisions for Individuals 16 and 17 Years of Age:

- Not more than twelve (12) hours in a combination of school and work hours per day
- Must have at least eight (8) consecutive hours of non-work, non-school time in each twenty-four (24) hour period
- May not work more than five (5) hours continuously without a non-work period of at least thirty (30) consecutive minutes.

For a list of Prohibited Occupations, contact:

The Delaware Department of Labor, Division of Industrial Affairs, Office of Labor Law Enforcement at any of the addresses listed.

This poster provides only general information regarding the provisions of Delaware's Child Labor Laws. The requirements of state law do not affect an employer's obligation to comply with any provisions of federal law.

WAGE THEFT

An employer may not do any of the following:

- Employ an individual without reporting the individual's employment to all appropriate government agencies and paying all applicable taxes and fees for the individual.
- Fail to properly withhold state and federal taxes from an employee.
- Fail to forward money withheld from an employee's wages to the appropriate state or federal agency within 7 days of the applicable pay period.
- Pay an employee wages that are less than the minimum wage established under state and federal law for the work performed.
- Misclassify a worker as an independent contractor for purposes of avoiding wage, tax, or workers' compensation obligations under this title.
- Knowingly conspire to assist, advise, or facilitate a violation of this section.

PENALTIES

- Following an investigation in which the Department makes an initial determination that an employer has violated one or more provisions of subsection (a) of this section, the Department may decide to impose a civil penalty.
- An employer who violates this section is subject to a civil penalty of not less than \$2,000 and not more than \$20,000 for each violation.
- Each instance of a violation of subsection (a) of this section per employee is a separate violation.
- The Department may also refer cases to the Department of Justice for criminal prosecution consistent with § 841D of Title 11

RETALIATION

An employer is subject to a civil penalty of not less than \$20,000 and not more than \$50,000 for each violation if the employer discharges or in any manner retaliates or discriminates against an individual because that individual does any of the following under this section:

- a. Made a complaint or provided information to the Department.
- b. Caused, or is going to cause, an investigation to be instituted.
- c. Testified, or is going to testify, in a hearing.



Understanding The Office of Anti-Discrimination's Role

The Office of Anti-Discrimination (OAD) ensures fair treatment in workplaces across Delaware by evaluating and investigating discrimination charges. Acting as a neutral third party, the OAD aids in resolving disputes through a structured Anti-Discrimination Process.

Discrimination in the workplace is illegal when it's based on certain protected characteristics. Understanding these protected classes helps you recognize if you're being treated unfairly.

Know the Signs

Identifying Unfair Treatment

Discrimination can manifest in various forms, be it through unequal treatment, harassment, or retaliation. Recognize the signs and know that if you're being discriminated against based on protected characteristics, OAD stands ready to assist.

Race: Discrimination based on race, color, or ethnicity is unlawful.

Religion: This includes all aspects of religious beliefs, practices, and observance.

Sex (including pregnancy, sexual orientation, & gender identity): Unfair treatment based on sex or gender specifics is prohibited.

National Origin: Discrimination because of one's birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group.

Age (40 and over): Protects individuals who are 40 years of age or older from discrimination.

Disability: Both physical and mental disabilities are covered, ensuring reasonable accommodations are provided.

Genetic Information: Discrimination based on genetic information related to illness, disease, or other disorders is illegal.

Retaliation: Protects individuals who have filed a complaint, protested, or assisted in a discrimination investigation or litigation.

Taking Action Against Discrimination

How to File a Complaint or Charge:

- **Step 1:** Complete the Intake Form from our website and return it to OAD. You can return the form in one of two ways:
 - **Email:** DOL_Antidiscrimination@delaware.gov
 - **Mail:**
 - New Castle County:** Department of Labor Office of Anti-Discrimination 4425 N. Market Street, 3rd Floor Wilmington, DE 19802 (302) 761-8200
 - Kent/Sussex Counties:** Department of Labor Office of Anti-Discrimination Blue Hen Corporate Center 655 S. Bay Road, Suite 2H Dover, DE 19901 (302) 422-1134
- **Step 2:** Participate in an intake interview, provide a valid ID, and sign the Formal Charge.



UNEMPLOYMENT COMPENSATION

TO EMPLOYEES:
Notice is hereby given that your employer:

is registered with the Delaware Department of Labor, Division of Unemployment Insurance as subject to the provisions of Part III, Title 19, Delaware Code, entitled "UNEMPLOYMENT COMPENSATION" and that you are covered under these provisions. Under such provisions, you may be eligible for unemployment benefits if you lose your job or have your hours of work reduced.

Further information may be obtained from your employer or from the Department of Labor offices at the following locations: 4425 North Market Street, Wilmington (Fox Valley); 252 Chapman Rd., Suite 210, Newark; 655 S. Bay Road, Suite 2H, Dover (Blue Hen Corp Center); and 8 Georgetown Plaza, Suite 2, Georgetown.

www.delawareworks.com

This Notice Must be Posted in a Conspicuous Place in the Work Area.

Notice Pursuant to Delaware's Discrimination in Employment Act Pregnancy, Childbirth, Lactation or Related conditions

Delaware law requires employers to provide reasonable accommodations to employees whose ability to work is limited by pregnancy, childbirth, lactation and related conditions. Further, Delaware law prohibits employers from denying pregnant job applicants a position based on the need for a workplace accommodation, making unnecessary changes to a pregnant employee's job functions or requiring a pregnant employee to take paid or unpaid leave when a reasonable accommodation would permit the employee to continue working. An employer is not required to provide a pregnant employee with a workplace accommodation if the requested accommodation poses an undue hardship.



DELAWARE SEXUAL HARASSMENT NOTICE

THE DELAWARE DISCRIMINATION IN EMPLOYMENT ACT

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

SEXUAL HARASSMENT AND THE LAW

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

EXAMPLES OF SEXUAL HARASSMENT

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender.

RETALIATION IS PROHIBITED UNDER THE LAW

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

REPORT SEXUAL HARASSMENT

If you have witnessed or experienced sexual harassment, inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or visit <https://dia.delawareworks.com/discrimination/> to learn how to file a complaint or report discrimination. The Office of Anti-Discrimination is a Neutral Third-Party and will facilitate a voluntary mediation and/or conciliation, which may be able to help you collect lost wages and other damages.

Scan this QR code to access more information:

