



Child Labor in the U.S. Are we moving forward or backward?

Richard Hirsh, MPH CIH FAIHA

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Disclaimer

The information included in this presentation represents my own research on the topic of Child Labor in the U.S. and does not represent the positions of either the AIHA or the AIHA Workplace Teen Health and Safety Committee.

Agenda

- CA Partnership for Young Worker Health and Safety; Labor Occupational Health Program; California Industrial Hygiene Council
AIHA Teen Workplace Health & Safety Committee
- History of Child Labor Laws in the United States and Legal Framework
- U.S. Fair Labor Standards Act & Hazardous Work Definitions
- Media Attention/Industries
- Current State and Federal Legislation/Regulations
- AIHA DRAFT White Paper

Influences: CA Partnership for Young Worker Health and Safety

Labor Occupational Health Program

California Industrial Hygiene Council

AIHA Teen Workplace Health & Safety Committee



Young Workers' Health and Safety



Youth are often at high risk for injury due to their inexperience, lack of training, and developmental stage, among other reasons. LOHP has worked for over 15 years to promote the health and safety of young workers by reaching out to employers, teachers, parents, health care providers and youth themselves. We have partnered with the National Institute for Occupational Safety and Health (NIOSH), the Education Development Center, Inc. and numerous state agencies across the country to develop programs that aim to reduce the high rate of injury among this vulnerable working population.

THE CALIFORNIA PARTNERSHIP FOR YOUNG WORKER

CALIFORNIA INDUSTRIAL HYGIENE COUNCIL
Advancing public policy to improve the health and safety of workers and the community.

Young Worker Safety Resources

San Diego California Section, Denise Scheller at DMarieScheller@yahoo.com
 Orange County Section, Scott Bourdon Sbourdon@calstate.edu
 Sacramento Valley Section, Dan Felperin at dan@fresh-energy-systems.com
 Northern California Section, Oana Stoica at ostoica@lbl.gov
 Southern California Section, Jed Douglas at JDouglas@scsengineers.com

DIR/CHSWC Young Workers' Program: California Partnership for Young Worker Health and Safety

May - Safe Jobs for Youth Month [↗](#)





HISTORY OF U.S. CHILD LABOR LAWS

- **1836:** Massachusetts becomes the first state to enact a law restricting child labor, **limiting the working hours for children under 15 in factories to 10 hours a day.**
- **1916:** Congress passes the **Keating-Owen Act, which prohibits the interstate shipment of goods produced by child labor.** However, the Supreme Court declares the act unconstitutional in 1918.
- **1938: The Fair Labor Standards Act (FLSA)** is passed by Congress. It sets a minimum wage, establishes overtime pay, regulates child labor, and mandates recordkeeping. **The FLSA prohibits most employment of minors under 16 during school hours and in hazardous occupations.**
- **1941:** The United States enters World War II, leading to increased demand for labor. **Child labor laws are relaxed to allow teenagers to work in support of the war effort.**

HISTORY OF CHILD LABOR LAWS UNITED STATES

- **1966:** The **Child Labor Coalition is founded** to advocate for stronger child labor laws and better enforcement.
- **1974:** The **Fair Labor Standards Act is amended to extend its protections** to domestic workers, including children employed in private households.
- **2007:** The **Children's Act for Responsible Employment (CARE) Act** is introduced in Congress **to strengthen protections for child farmworkers, but it does not pass.**
- **2018:** The **DOL proposes changes to the child labor laws in agriculture, including allowing children to operate tractors and other machinery at younger ages.** However, the proposal is met with criticism and does not move forward.

Fair Labor Standards Act (FLSA)

- The FLSA defines child labor as the employment of minors under the age of 18 in certain circumstances:
 - **Minimum age** - The minimum age for non-agricultural work is 14 years old.
 - **Hours** - There are restrictions on the number of hours that minors under 16 can work.
 - **Hazardous occupations** - Minors under 18 are prohibited from working in any occupation that is considered hazardous.
 - **Morals and welfare** - Minors cannot be placed in a working situation that may jeopardize their morals or welfare.
- The FLSA's child labor provisions are designed to:
 - Protect the educational opportunities of youth
 - Prohibit employment in jobs that are detrimental to their health and safety

Legal Framework and Enforcement



- **State vs. Federal Child Labor Laws:**
 - Federal child labor laws under the FSLA 29 U.S.C. 212(c) and its implementing regulations at 29 CFR Part 570, take precedence if state laws are less restrictive.
 - If state laws are more restrictive, they apply over federal regulations (29 U.S.C. 218(a)).
 - Consistency and enforcement of these laws are essential to protect youth from exploitative or harmful labor conditions.

U.S. FLSA Hazardous Work Definition

- The FLSA defines hazardous work as work that could harm the health, safety, or morals of children:
- **Hazardous Occupations Orders (HOs)** identify hazardous occupations, including:
 - **HO 1:** Manufacturing or storing explosives
 - **HO 2:** Motor vehicle operations
 - **HO 3:** Coal mine occupations
 - **HO 4:** Forestry occupations, logging, and sawmilling
 - **HO 5:** Power-driven woodworking machines
 - **HO 6:** Exposure to radioactive substances
- **Youth employment provisions** ensure that young people's work does not jeopardize their health, well-being, or educational opportunities.
- **Other hazardous jobs:**
 - Manufacturing, processing, and mining occupations
 - Communications or public utilities jobs
 - Construction or repair jobs
 - Operating or assisting in operating power-driven machinery or hoisting apparatus

Current State Legislative Bills Introduced or Enacted Which are Likely to Increase Risks of Injury/Illness:

- Lifts restrictions on hazardous work, lowers age for alcohol services, extends work hours, grants employer immunity from civil liability for workplace injuries, illnesses or death. (Iowa - SF 167)
- Lifts restrictions on hazardous work: (Minnesota - SF 375)
- Extends work hours: (Minnesota - SF1102, Missouri HB960, Ohio - SB 30, Florida HB 49, (South Dakota - HB1180 **was withdrawn**), (Wisconsin - SB 332 **this one passed but vetoed by the governor**)).
- Permits up to 60-hour workweek during harvest season (CA SB702; Labor Code 1393)
- Extends work hours, increases time before break (New Jersey - A4222)
- Can no longer deny work permits based on grades, GPA or attendance (CA SB1428)
- Lowers minimum age to bus tables where alcohol is served, extends work hours (New Hampshire - SB 345)
- Lowers minimum age of child care workers, reduces staff to child ratios (Iowa - HF2198)
- Lowers minimum age for work permits (West Virginia – SB559)
- Eliminates age verification and parent/guardian permission requirements. (Arkansas - HB1410)
- Allows subminimum wage for youth (Nebraska - LB 15)
- Permits 16-17 yr olds to work in residential construction with an OSHA 10 certification if supervised by an experienced adult (FL HB 917). **FL HB 1225 and SB 918 that would have eased restrictions for 14- to 17-year-olds, including allowing them to work longer hours and overnight on school days has not passed.**

On the Flip Side: CA 2023 AB 800

- **Workplace Readiness Week:**
 - Establishes a dedicated **Workplace Readiness Week** to educate young workers about their rights, workplace safety, and employer obligations.
 - Designed to increase awareness of workplace hazards and empower minors to advocate for themselves in employment situations.
- **Mandatory Resource Distribution with Work Permits:**
 - Requires every **work permit issued to minors** to be accompanied by a **reference sheet** that includes:
 - A summary of young worker rights under state and federal labor laws.
 - Guidance on how to identify and report abusive or illegal workplace practices.
 - Contact information for organizations or government agencies that can assist, such as the Department of Industrial Relations (DIR).
- **Emphasis on Prevention and Awareness:**
 - Shifts focus from reactive measures (post-incident reporting) to proactive education, aiming to prevent exploitation, wage theft, and workplace injuries.

CA Garment Workers Protection Act 2022

- **Elimination of Piece-Rate Pay:** bans previous piece-rate payment system which often led to workers earning below minimum wage due to unrealistic production quotas.
- **Guaranteed Minimum Wage:** workers entitled to the minimum hourly wage, ensuring a baseline income and greater financial stability.
- **Expanded Accountability:** **Retailers and manufacturers can be held jointly liable for wage theft or labor violations in their supply chain, even if they outsource production to third-party contractors.**
- **Strengthened Enforcement:** Enhanced oversight and penalties for violations aim to deter exploitative practices in the garment industry.
- **Increased Worker Protections:** addresses issues such as wage theft, unsafe working conditions, and other labor violations that disproportionately affect low-income and immigrant workers in the industry.

U.S. 2023 SB 3051 - Stop Child Labor Act

- **Purpose:** To address child labor violations by enhancing enforcement, penalties, and awareness under the **Fair Labor Standards Act (FLSA)**.
- **Increased Penalties for Violations:**
 - Raises the fines for employers who violate child labor laws, creating stronger financial disincentives for exploitation.
 - Proposes harsher penalties for repeat or egregious violations, including criminal liability in severe cases.
- **Expanded Child Labor Protections:**
 - Amends the **FLSA** to broaden its scope and provide additional protections for minors across industries.
 - Focuses on industries with historically high rates of child labor violations, such as agriculture, retail, and hospitality.
- **Child Labor Awareness and Safety Grants:**
 - Allocates funding for grants to support education campaigns targeting young workers, employers, schools, and communities.
 - Promotes workplace safety training tailored to industries employing minors.
- **Stronger Enforcement Mechanisms:**
 - Enhances the capacity of federal and state labor agencies to investigate and prosecute child labor violations.

U.S. 2024 HR 4046 – Care Act

- **Purpose:** To close loopholes in the **FSLA** that allow minors in agriculture to work under conditions more lenient than those in non-agricultural industries.
- **Closing the Agricultural Loophole:**
 - Eliminates exemptions in child labor laws that allow minors to work long hours in agriculture at younger ages than in other sectors.
 - Standardizes protections for agricultural work to align with non-agricultural industries.
- **Focus on Health and Safety:**
 - Recognizes the hazardous conditions often faced by young workers in agriculture, such as exposure to chemicals, heavy machinery, and extreme heat.
 - Aims to reduce injuries, illnesses, and fatalities by enforcing stricter regulations.
- **Age and Hour Restrictions:**
 - Proposes raising the minimum working age for certain hazardous agricultural tasks to align with other industries.
 - Introduces limits on work hours for minors to prevent overwork and exhaustion.

Media Attention on Child Labor in the U.S. 2023-2024

- **PBS Newshour** 4/18/23; 5/3/23; 5/25/23; 6/3/23; 1/1/24
- **60 Minutes** The Ancient Atrocity 5/8/23
- **NY Times Magazine**: “The Kids on the Night Shift” 9/18/23
- **NY Times**: “Confronting Child Labor in the U.S., Companies Move to Crack Down” 2/7/24
- **NY Times**: “U.S. Investigates Child Labor Claims at HelloFresh” 12/19/24
- **SF Chronicle**: “Napa Restaurant Responds to Child Labor Accusations” 12/30/24

Child Labor Violation Enforcement

- U.S. DOL issued an average of \$2.7MM in penalties for child labor violation from 2013-2022
- In 2023, U.S. DOL issued \$15MM in penalties for child labor violations, 5.5X increase.

Industrial Sectors With High Use of Child Labor

According to David Weill, a researcher at Harvard University, child labor in the U.S. is a persistent problem in several industry sectors:

- Agricultural Industry
- Meat and Poultry Processing Facilities
- Crop Processing
- Food Processing/Packaged Food Production
- Grocery and Fast Food
- Automobile Manufacturing supply chains have shown Increases of use of child labor.
- Service providers are provided with child labor through local labor brokers and local staffing agencies
- Some of the companies investigated and/or fined: McDonalds. Costco, HelloFresh, George's Inc, Tyson Foods (11), JBS Foods (53), Maple Leaf Farms, Turkey Valley Farms, Buckhead Meat of MN, Gibbon Packing Co, Greater Omaha Packing Co

AIHA Young Worker/Child Labor in the U.S. White Paper

- Initial Draft developed in April 2024 after approval by the Content Portfolio Approval Group (CPAG)
- Draft disseminated for review at the AIHA Connect in Columbus, Ohio in May 2024
- Coordination and participation with the AIHA Government Affairs team (Mark Ames and Riley Cagle)
- Draft is being finalized by members of the AIHA Teen Workplace Health and Safety Committee and the AIHA Social Concerns Committee and other volunteer reviewers.
- Plan to hold AIHA webinar(s) once White Paper is published.



Thanks!

Any Questions?