



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

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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

1. CA Partnership for Young Worker Safety /Labor Occupational Health Program and the California Industrial Hygiene Council activities
2. AIHA Grand Challenges
3. History of Child Labor Laws in the United States and Legal Framework
4. U.S. Fair Labor Standards Act and WHO/ILO Child Labor and Hazardous Work Definitions
5. Media Attention
6. AIHA DRAFT White Paper
7. Benefits of Child Labor
8. Health and Safety Risks and Consequences
9. Injury and Illness Data Summary
10. Industry Specific Data and Observations
11. Current State and Federal Legislation/Regulations
12. Public Health Strategies for Protecting Young Workers
13. Conclusions
14. References

Quick Story

- Barn Car Wash, North Plainfield, New Jersey 1973



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



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, Dana Stoica at dstoica@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



AIHA Grand Challenges

In 2022, AIHA conducted focus groups with member volunteer groups as well as a survey with the entire membership to arrive at these Grand Challenges:

1. Improve exposure assessment in the workplace
2. Improve equity in workplaces, minimize precarious work situations, and protect vulnerable workers (such as gig workers, undocumented persons, and migrant laborers)
3. Address the impacts of a changing work environment (for example, remote work)
4. Mitigate the impacts of climate change on workers (such as heat stress)

These are huge issues requiring collaboration with other professions. It's important to note that AIHA is not defining success as necessarily *solving* these problems; instead, AIHA is looking to achieve measurable progress within a five-to-ten-year window.



AIHA
Grand Challenges

Executive Summary
Member Feedback Study Findings 2022

AIHA.org
American Industrial Hygiene Association
1000 North 17th Street
Denver, CO 80202

Reference: [Grand Challenges | AIHA](#)



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.

This timeline highlights the progression of child labor laws in the United States, from the early attempts to regulate wages, hours and working conditions to the ongoing efforts to protect the rights and well-being of young workers.

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.

US. Law vs WHO/ILO Principles

- The United States is a member of the ILO and is generally considered to be in good standing. The U.S. has incorporated the ILO's fundamental principles into its labor laws and enforces them. The U.S. has also ratified some ILO conventions, including Convention 182, which prohibits the worst forms of child labor.

WHO/ILO Child Labor Definition



World Health Organization

- Any work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development. It refers to work that is mentally, physically, socially, or morally dangerous and harmful to children, or work that interferes with their schooling.
- The UN Convention on the Rights of a Child, Article 1 defines a child as a “human being under the age of 18”.
- **The UN defines child labor as “work that is inappropriate for a child’s age, affects children’s education, or is likely to harm their health, safety or morals.”**
- The ILO defines child labor as children doing work that is dangerous or unsuitable for them. It can depend on the child’s age, the hours and type of work and the conditions in which the work is performed. **Not all work performed by children under 18 is considered child labor.**

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

ILO Hazardous Work Defined



- Includes physical, psychological, or sexual abuse; working in confined or dangerous environments (e.g., underground, underwater, or at heights).
- Tasks involve dangerous tools, heavy loads, exposure to chemicals, noise, UV radiation, extreme temperatures, or vibrations.
- Long hours, shift work, or night work are also classified as hazardous under ILO guidelines.

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

PBS Newshour 4/18/23



Pollack April 18

Iowa's Senate advances controversial bill to loosen child labor laws

The Labor Department says it has more than 600 child labor investigations underway, and officials are concerned about the exploitation of children, particularly migrants who may not even have a parent in the United States.

By Associated Press

PBS Newshour: 5/3/23



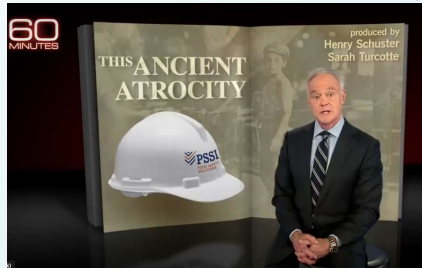
Nelson May 03

McDonald's franchises fined for child labor violations in Labor Department crackdown

Federal officials say two 10-year-olds are among the 300 children who worked at a McDonald's restaurant in Kentucky with no or little pay.

By Associated Press

60 Minutes: 5/8/23: This Ancient Atrocity



PBS Newshour 5/25/23



Politico May 25

Some lawmakers propose loosening child labor laws to fill worker shortage

In at least 10 states, legislators have proposed letting children work longer hours and in more hazardous occupations as a fix for labor shortages. They also say parents have the right to let their kids work, and without too much...

By Harris Vrachnis, Associated Press

- 1, PBS Newshour 4/18/23 – Iowa bill to loosen child labor laws
2. PBS Newshour 5/3/23 – McDonalds fined for child labor violations
3. 60 Minutes 5/8/23 – The Ancient Atrocity
4. PBS Newshour 5/25/23 – Lawmakers propose loosening child labor laws to fill worker shortages

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

PBS Newshour 6/3/23

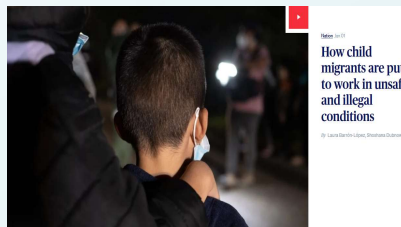


Why several states are pushing to loosen child labor restrictions
The U.S. government found child labor violations involving over 3,000 minors in 2022. At the same time, some states say there is too much regulation of child labor. Katherine Walts, director of the Center for the Human Rights of Children...

NY Times Magazine: 9/18/23:
The Kids on the Night Shift



PBS Newshour 1/1/24:



How child migrants are put to work in unsafe and illegal conditions
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The New York Times

February 7th, 2024

Confronted With Child Labor in the U.S., Companies Move to Crack Down

McDonald's, Costco and other major brands say they are stepping up efforts to keep minors from the grueling, often dangerous work that goes into their products.

1. PBS Newshour 6/3/23 – Why several states are pushing to loosen child labor restrictions
2. NYT 9/18/23 – The kids on the night shift
3. PBS Newshour 1/1/24 - How Child Migrants are put to work in Unsafe and Illegal Conditions
4. NYT 2/7/24 – Confronted with Child Labor in the U.S. Companies move to crack down

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

The New York Times

December 9th, 2024

U.S. Investigating Child Labor Claim at HelloFresh Subsidiary

The Labor Department investigation focuses on a plant in Aurora, Ill., operated by Factor75, a meal kit delivery company that HelloFresh acquired in 2020.

- The U.S. DOL is investigating allegations that at least 6 migrant children from Guatemala have worked night shift in hazardous jobs at a meal preparation delivery facility in Illinois that is a subsidiary of the popular meal kit company HelloFresh as well as a temporary staffing agency, Midway Staffing.

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

San Francisco Chronicle 12/30/24

Napa restaurant responds to child labor accusations

By St. John
Barred-Smith

A popular Napa Mexican restaurant violated child labor laws and must pay \$45,000 in fines, the U.S. Department of Labor announced.

The restaurant, C Casa, allowed children as young as 14 to work outside of permitted hours during school days and operate hazardous equipment, according to a Dec. 26 news release from the agency. The restaurant's actions violated child labor provisions of the Fair Labor Standards Act, according to the department's release.

In a lengthy statement, C Casa owner Catherine Beren acknowledged lapses at her restaurant — which



C Casa Mexican restaurant in Napa was ordered to pay \$45,000 after the U.S. Department of Labor says it violated child labor laws.

Restaurant employed children as young as 14 who worked outside of permitted work hours and operated hazardous equipment such as trash compactors. U.S. DOL issued \$45K in fines under the FSLA. The restaurant closed in Jan. 2025.

1/16/25: Meatpacking Companies to Pay \$8 Million for U.S. Child Labor Violations

Perdue Farms and JBS have settled with the Labor Department after relying on migrant children to do dangerous work in their slaughterhouses. Most of the money will be used to help the children.

Perdue Farms and JBS, two of the country's biggest meatpackers, will pay a combined \$8 million after the Department of Labor found the companies relied for years on migrant children to work in their slaughterhouses.

The deals, announced this week, are part of a flurry of child labor settlements that have come in the last days of the Biden administration, which has been cracking down on the practice.

It is rare for major brands to come under federal scrutiny for child labor. Many food-processing and manufacturing companies outsource cleaning and other jobs to [third-party staffing firms](#), which technically employ the workers and shield companies from any violations.

Federal investigators found that children had been working at a Perdue plant on Virginia's Eastern Shore as far back as 2020. The children, who had been hired by a staffing firm, worked late hours and performed dangerous tasks with electric knives and hot sealing tools.

Perdue agreed to pay \$4 million in restitution to the children and to organizations including Kids in Need of Defense, a national nonprofit organization that provides lawyers to young migrants who come to the country alone. Perdue, one of the country's largest poultry processors, will also pay a \$150,000 civil penalty.

In a statement, Perdue said it strongly disagreed that it should be held liable for the child labor violations but wanted to avoid a prolonged dispute with the Labor Department.

JBS, the world's largest meat processor, agreed to pay \$4 million after investigators found that children as young as 13 were [working overnight cleaning shifts](#) at its slaughterhouses in states including Colorado, Minnesota and Nebraska. Mostly from Central America, the children were hired through an outside sanitation company. They worked with potent chemicals — sometimes showing up to school with burns — and washed hazardous tools, including head splitters.

The company said the money would be administered by KIND and used to help children with scholarships, stipends, English classes and job training.

JBS said in a statement that it had stopped using staffing agencies to fill its sanitation shifts, and hoped the money would “provide valuable resources” to children in need.

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.

Child Labor in the U.S. Draft AIHA 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.

Benefits of Child Labor



Positive outcomes:

- Provides educational and developmental experiences.
- Promotes independence, self-worth, and satisfaction through work-type activities.
- Opportunities include household chores, family business contributions, and after-school jobs as growth experiences.
- Prepares children for a productive adult life while benefiting family welfare.

Career development in the U.S.:

- Growing interest in Career Technical Education (CTE) and work-based learning.
- Grants and funding support pre- and youth apprenticeships in industries like manufacturing, IT, cybersecurity, and healthcare. Teen labor participation is at 38% (Bureau of Labor Statistics).

Economic and cultural benefits:

- Provides additional income for impoverished families to meet basic needs.
- Preserves traditional skills and practices in some cultural contexts.

- What are strengths & limitations of an SDS?
- Strengths: more info than a label; should give detailed health info, info on how to protect yourself & what employer should be doing; info on safe storage, emergency response procedures, legal exposure limits.
- Limitations: same chemical could have different SDSs; may be missing info or not updated; may be difficult for ee's to read & understand (esp. if non English speaking).

Consequences of Child Labor



- Can harm education, health, and well-being, overshadowing benefits.
- Leads to long-term negative impacts on individuals and society, particularly in regions with poor labor regulation, enforcement and oversight.

Occupational Exposure Limits (OEL)



H&S Risks and Consequences



- Child labor may be harmful due to a child's physical, mental, and emotional development and inexperience.
- Hazardous tasks, like lifting heavy objects, over-exertion and repetitive motion may put children at higher risk of musculoskeletal injuries.
- Children are more vulnerable to toxic chemical exposures such as neurological toxins and endocrine disruptors due to immature immune systems and different metabolic responses, with higher absorption rates leading to severe health issues (e.g., cancer, neurological damage).
- Many safety standards and exposure limits are based on fully developed adults, making it difficult to establish safe thresholds for children.
- Personal Protective Equipment is often not available, improperly sized or intended for use by children, leaving them unprotected.



H&S Risks and Consequences



- Young workers lack awareness of their rights and are less capable of assessing workplace risks.
- Propensity for risk-taking and power imbalances make children more vulnerable to exploitation.
- Lack of effective training, language barriers and lack of supervision increases risks, especially with hazardous machinery.
- Association with poor mental health due to early, intense, or exploitative work conditions.
- Common issues include sleep problems, anxiety, and depressive symptoms.
- Risk factors include:
 - work in domestic labor
 - working at a younger age
 - increased intensity of work
 - physically or emotionally demanding work environments

Interference with Education & Development and Dignity Concerns



- Work often disrupts school attendance and engagement (e.g., arriving late, missing assignments).
- Heavy workloads can cause sleep disruptions, poor focus, and increased school dropout rates.
- Adolescents working over 20 hours a week are at higher risk of educational setbacks, perpetuating cycles of poverty.
- Child labor is strongly linked to emotional immaturity, which can manifest as low self-esteem, isolation, anxiety, and mood disorders, as children who are forced to work often lack the necessary support and developmental experiences to manage their emotions healthily, leading to significant psychological impacts

Economic Consequences of Child Labor



- Mismanaged child labor reduces educational attainment, limiting lifetime earnings:
- Non-high school graduates earn \$372,000 less over their lifetime than high school diploma/GED holders.
- High school diploma/GED holders earn \$310,000 less than individuals with some college education.
- Debilitating injuries caused by unsafe child labor can result in lifetime earning losses of over \$1.2 million, in addition to long-term care costs that strain family, community, and federal resources.
- An educated workforce is a national asset, contributing to economic growth and global competitiveness.
- Ensuring child labor does not interfere with education is critical for national development and reducing socioeconomic inequalities.

Fatality and Injury Data Summary*

(*See back-up slides for additional info)

- **Fatalities in 2022:** 19 fatalities among youth under 18 years old, including 6 among those under 16.
- **Emergency Department-Treated Injuries:**
 - **In 2022:** 26,900 Emergency Dept-treated injuries among workers aged 15–17 years.
- **Injuries Requiring Days Away from Work:**
 - **2021–2022:** 17,270 cases among workers aged 15–17 years.
- **Factors contributing to higher injury rates:**
 - Fast-paced work environments.
 - Violations of child labor laws.
 - Lack of experience, skills, and adequate supervision.
 - Insufficient safety training and awareness of legal protections.
- **Young workers are less likely to recognize hazards or report safety concerns.**

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
- Food processing
- 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

Industry-Specific Data & Sector-Specific Observations

- **Leisure and Hospitality**
 - **2020:** accounted for 42% of injuries and illnesses among young workers, followed by retail trade at 31%.
 - **2018:** Among workers aged 15–17, service occupations had the highest injury rates.
- **Farming Sector:**
 - 2014: 4,036 work-related injuries among workers under 20 years old.
- **Retail and Trade:**
 - **2020:** accounted for 31% of injuries and illnesses among workers aged 18-24 years.

U.S. Agriculture



- **Permitted on Family-Owned Farms:**
 - U.S. Child labor laws allow children to work on family farms, contributing to high injury and fatality rates among young workers in agriculture.
 - Over 30% of all fatal injuries to young workers occur in family businesses.
- **Statistics on Agricultural Child Labor:**
 - More than 500,000 child farmworkers (under age 17) in the U.S.
 - 100,000 child farmworkers are injured annually, representing 20% of farming fatalities and 52% of all work-related child fatalities.
 - A child dies in an agriculture-related incident every three days (NCCRAHS).

Illegal Child Labor in Food Processing and Agriculture-Adjacent Industries



Smithfield Foods to Pay \$2M After Child Labor Allegations

- Increasing discoveries of illegal child labor, primarily among child migrants, in industries such as meatpacking, crop processing, and packaged food production.
- A study by U.S. DOL in 2022 found 100 children working in 13 facilities, including kill floors of meat processors, exposed to hazardous chemicals and equipment.
 - George's Inc (AR) (4), Tyson Foods (AR/TN)(11), JBS Foods (CO/MN)(53), Maple Leaf Farms (IN) (2), Turkey Valley Farms (MN)(2), Buckhead Meat of MN (1), Gibbon Packing Co (NE)(1), Greater Omaha Packing Co (NE)(5)

Undocumented Migrant Labor and Small Farm Exemption:



- **Undocumented Workers and Regulation Loopholes:**
 - Undocumented migrant child and adult workers are often unreported, falling outside the purview of regulatory enforcement (e.g., OSHA's "small farm exemption" for farms with fewer than 10 non-family employees).
 - Rapidly increasing numbers of unaccompanied child migrants enter industries such as food production, hospitality, construction, sanitization, and agriculture.
- **Challenges in Enforcement:**
 - Migrant and undocumented laborers, especially children, face heightened vulnerability due to limited protections and oversight.

Food Processing and Agriculture-Adjacent Industries

- **High Risk for Injuries:**
 - Both legal and illegal child laborers, whether migrant or domestic, face significant risks in agriculture and processing industries.
 - Most injuries stem from the use of tractors, ATVs, and other motorized machinery, and incidents with animals or humans.
 - Nearly 30% of farm-working children report operating vehicles like tractors, combines, and ATVs.
 - Up to 88% of agricultural injuries and illnesses are not reported, significantly underestimating the scope of the issue.
- **Fatality Rates:**
 - Fatality risk for young agricultural workers is 4X higher than their peers in other industries.
 - Young workers' fatality rates in agriculture are 3X higher than those of adult private sector workers.

Food Processing and Agriculture-Adjacent Industries: State-Level Regulations and Risks

- **Lax Laws in Some States but are not in violation of FLSA:**
 - Wisconsin allows children as young as 12 to operate motorized farm equipment on public roads with certification.
 - Pennsylvania has certification programs permitting children as young as 14 to operate farm machinery for hire.
- **Insufficient Training/Experience:**
 - Proper training and certification for operating large equipment are essential but inconsistently enforced.
 - Most children receive little to no training on handling toxic materials or mitigating workplace hazards, increasing their vulnerability.
 - Fatalities and injuries are exacerbated by insufficient safety measures and young workers' inexperience.

No, it is not necessarily a violation of the Federal Fair Labor Standards Act (FLSA) for Wisconsin to allow children as young as 12 to operate motorized farm equipment on public roads with certification, as the FLSA permits children 12 and 13 to work in non-hazardous agricultural jobs on a farm with parental consent, and states can often set stricter child labor laws than the federal minimum; however, the specific details of the certification program and the type of equipment being operated are important considerations.

Key points about FLSA and child labor in agriculture:

•Age 12-13:

•Children in this age range can work in non-hazardous agricultural jobs on a farm with written parental consent.

•State regulations:

•States can set stricter child labor regulations than the federal government, meaning Wisconsin could legally allow 12-year-olds to operate farm equipment with proper

certification, even if the FLSA doesn't explicitly address it.

•**Hazardous activities:**

•The FLSA does prohibit children under 16 from performing certain hazardous agricultural tasks, such as operating large tractors or power-driven machinery.

Important factors to consider:

•**Certification requirements:**

•The specific training and certification program in Wisconsin must ensure that 12-year-olds are adequately prepared to safely operate farm equipment on public roads.

•**Type of equipment:**

•The FLSA may have different restrictions depending on the size and complexity of the farm machinery.

Food Processing and Agriculture-Adjacent Industries

- **Physical Dangers:**
 - Risks include falls from heights, working in unprotected areas (e.g., silos, drainage ditches), and injuries from heavy loads.
 - Heat stress is a significant concern, as children struggle to regulate body temperature effectively.
- **Pesticide Exposure:**
 - Children under 16 are prohibited from handling Category I and II pesticides but are still exposed during nearby applications.
 - Exposure can cause short-term effects (rash, nausea, vomiting) and long-term chronic health problems (cancer, neurologic disorders, infertility).

Category I is most toxic and category IV is least toxic. Reference: [Pesticide bulletin01](#)

- **Category 1:** The signal word is "DANGER". If the pesticide is toxic by inhalation, oral, or dermal exposure, the word "Poison" must appear in red with a skull and crossbones symbol nearby.
- **Category 2:** The signal word is "WARNING".
- **Category 3:** The signal word is "CAUTION".
- **Category 4:** A signal word is not required, but if one is used, it must be "CAUTION".

Child Labor in the Retail Industry

- **Fatality Risks:**
 - Retail trade ranks 2nd in workplace fatalities for U.S. young workers, with 63% of these fatalities caused by homicide or violent acts.
 - Primary risk factors include:
 - Handling large sums of cash.
 - Working alone.
 - Late evening or early morning shifts.
- **Nonfatal Injuries:**
 - Over 60% of nonfatal injuries to young workers occur in eating and drinking establishments.
 - Common injuries include:
 - Cuts.
 - Burns from hot surfaces or fryer grease.
 - Scrapes

Key Takeaways

- **Young workers (<25 years old) have disproportionately higher rates of nonfatal injuries compared to older workers**, with the 15–24 age group experiencing significantly higher rates of Emergency Room treated injuries.
- **Fatalities are most commonly linked to transportation incidents and contact with equipment**, highlighting the need for focused interventions in high-risk industries.
- **Leisure, hospitality, and retail trade sectors** pose the greatest risks, emphasizing the importance of targeted safety training and workplace hazard assessments for young workers in these areas.

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, (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)

Foundation for Government Accountability in Naples Florida drafts state template legislation to relax child labor laws.

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.

Impact of AB 800:

1. Empowered Young Workers:

1. By equipping minors with knowledge about their workplace rights, the bill empowers them to recognize violations and advocate for fair treatment.

2. Improved Reporting and Enforcement:

1. Providing clear instructions and resources on reporting bad employers ensures better enforcement of labor laws and helps curb exploitative practices.

3. Reduction in Workplace Injuries and Abuse:

1. Education on workplace hazards and rights could reduce the high injury rates among young workers by fostering safer work environments.

4. Support for Schools and Agencies:

1. Schools and agencies involved in issuing work permits gain a standardized mechanism to educate minors, creating consistency across the state.

Broader Significance:

AB 800 reflects a long-standing goal of organizations like the **Young Worker Partnership** to bridge the knowledge gap for young employees entering the workforce. It builds on California's leadership in youth labor protections and serves as a potential model for other

states to follow.

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.

Impact of the Act:

1. Economic Stability for Workers:

1. By eliminating piece-rate pay, the Act ensures that garment workers can earn a consistent and fair wage for their labor, reducing the financial instability common in the industry.

2. Accountability in the Supply Chain:

1. Retailers and manufacturers are incentivized to monitor their supply chains more closely, fostering better labor practices throughout the industry.

3. Challenges for Smaller Contractors:

1. While the Act protects workers, smaller contractors may struggle to meet the new wage requirements, potentially leading to industry consolidation.

4. Strengthened Labor Rights Advocacy:

1. The Act serves as a model for labor rights reforms, highlighting California's leadership in promoting fair labor standards.

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.

Senate - 10/17/2023 Read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

Impact and Significance:

Both bills reflect a growing commitment to safeguarding minors in the workforce and closing gaps in existing labor laws:

1.SB 3051: Stop Child Labor Act would act as a **deterrent** for employers exploiting minors by imposing severe penalties and funding awareness campaigns.

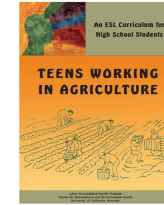
2.HR 4046: CARE Act would directly address the systemic issue of child labor in agriculture, a sector where minors are disproportionately at risk.

If passed, these bills would represent a significant step forward in protecting vulnerable young workers and ensuring fair treatment across all industries. Let me know if you'd like deeper insights into either piece of legislation!

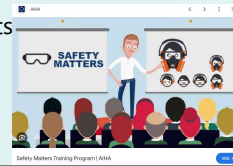
Public Health Strategies for Protecting Young Workers

- **Educational Initiatives:** Schools can integrate workplace safety education into their curriculum to teach youths about their rights and workplace safety concepts.
- Free curricula, such as LOHP/NIOSH's *Talking Safety* and AIHA's *Safety Matters*, provide foundational training on:
 - Identifying and addressing workplace hazards.
 - Understanding worker rights and employer responsibilities.
 - Methods for reporting safety concerns.
- **State Legislation:**
- TX HB2010 (2017): providing workplace safety training information for use in public school curriculum.
- OK Senate Bill No. 262 (2015): to make certain information regarding workplace safety training available to school districts

Young Workers: ESL High School Curriculum



Young Workers: Talking Safety



Actions: Raise Awareness and Educate Employers and Young Workers

- Develop targeted, evidence-based safety programs for young workers before they enter the workforce.
- Strengthen workplace safety competencies among youths to reduce injury risks.
- Strengthen access to quality education and vocational training for children to provide alternatives to child labor.
- Educate management, employees, and policymakers about child labor definitions, health risks, consequences, and laws recognizing that standard thresholds for adults may not be applicable.
- Support families through economic assistance programs, reducing their dependence on child labor.
- Promote Corporate Social Responsibility (CSR) programs that prioritize workplace safety and ethical labor practices.
- Encourage labor unions and organizations to advocate for stricter policies, publish white papers, and conduct outreach programs.



Actions: Government Agency Roles



- Federal/state agencies must strengthen legal framework, workplace inspections and enforcement of child labor laws.
- Develop laws restricting child labor with clear minimum working ages, compulsory school attendance, and guidelines for acceptable work conditions.
- Align national laws with international conventions like ILO Minimum Age Convention (No. 138) and Worst Forms of Child Labour Convention (No. 182).
- Develop programs to monitor and report violations, particularly in targeted sectors and supply chains.
- Enhance injury, illness and fatality surveillance systems and implement consistent reporting mechanisms to better track and mitigate risks for young workers.
- Train professionals to collect and analyze child labor data accurately.
- Promote transparency and collaboration among employers, educators, and enforcement agencies.
- Research and evaluate the socioeconomic causes of child labor, industry-specific risks, and the roles of key supply chain actors.
- Investigate long-term health, educational, and social impacts of child labor to inform evidence-based interventions.

Actions: Employer Responsibilities and Supply Chains

- Ensure compliance with safety, health, and child labor laws.
- Provide close supervision and job-specific safety training to young workers.
- Maintain a safe workplace environment and implement effective safety protocols.
- Encourage companies to formalize supply chains, ensure transparency and eliminate reliance on unregulated, informal labor sectors where child labor is prevalent.
- Ensure company compliance with stringent child labor standards and enforce strict no-child-labor policies and integrate child labor assessments into CSR initiatives.
- Collaborate and partner with non-governmental organizations like Save the Children and Global March Against Child Labour to advocate for child rights and eliminate exploitative practices.

Actions: Parental, Community and Health Care Roles



- **Community and Family Awareness Campaigns**
 - Train occupational health professionals, health care practitioners, social workers and children to recognize and mitigate child labor risks and implement workplace hazard assessments to eliminate hazardous working conditions.
 - Provide accessible resources that outline physical, mental, and social consequences of hazardous work for children.
 - Utilize existing tools like the ILO's *Global Compact Child Labor Platform* to foster cross-industry collaborations and exchange best practices.
- **Encourage Sustainable Community Development** - Address root causes of child labor by improving access to healthcare, food security, and employment opportunities for adults.

Conclusions

- Child labor is a multifaceted issue requiring a comprehensive, multi-stakeholder approach.
- Protecting children presents unique challenges to occupational safety and health (OSH) professionals, requiring broader public health-oriented approaches.
- Better management of child labor risks and stricter enforcement of laws should be national priorities to safeguard children's education, health, and future economic contributions.
- By addressing the root causes, strengthening laws, fostering collaboration and raising awareness, society can work toward eliminating the exploitation of children in labor, ensuring their rights to education, safety, and a healthy future.

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- <https://legiscan.com/TX/bill/HB2010/2017>
- Oklahoma Senate Bill No. 262: http://webserver1.lsb.state.ok.us/cf_pdf/2015-16%20ENR/SB/SB262%20ENR.PDF

Acknowledgements

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Thanks!

Any Questions?

Back Up Slides

Strategies to Enhance Workplace Health and Safety for Young Workers

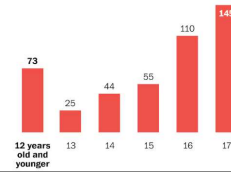
- Key initiatives include:
 - integrating workplace safety education into school curricula
 - providing free training resources
 - emphasizing the roles of parents, employers, and government agencies
- Young workers face disproportionate injury risks due to factors including:
 - fast-paced environments
 - lack of experience
 - insufficient training
- To address these challenges, a multi-faceted approach is recommended, including:
 - development of targeted safety programs
 - stronger enforcement of child labor laws
 - collaboration with unions and other health and safety organizations.
- Emphasize the importance of education and community awareness campaigns to reduce child labor and improve the overall safety and well-being of young workers.

Fatalities Data Among Young Workers in the U.S.

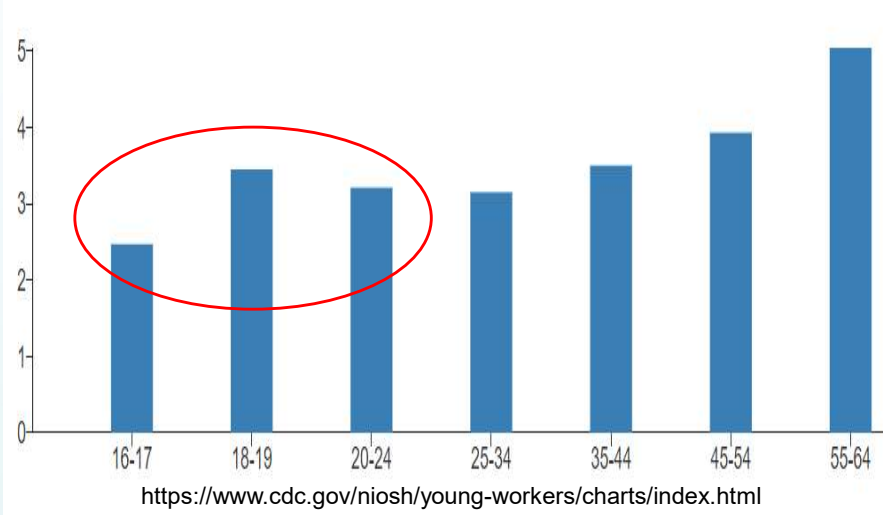
- **2022:** 19 fatalities among youth under 18 years old, including 6 among those under 16.
- **2020:**
 - 26 fatalities among workers under 18 years old.
 - 64% of fatalities for workers under 18 were due to transportation incidents and contact with objects or equipment.
 - 352 total fatalities among workers under 25 years old.
 - Young workers (<25 years old) comprised 11.7% of the workforce, approximately 17.3 million workers.
- **2018–2021:** 1,519 fatalities among workers under 25 years old from occupational injuries.

Work-related child fatalities, by age, 2003 to 2016

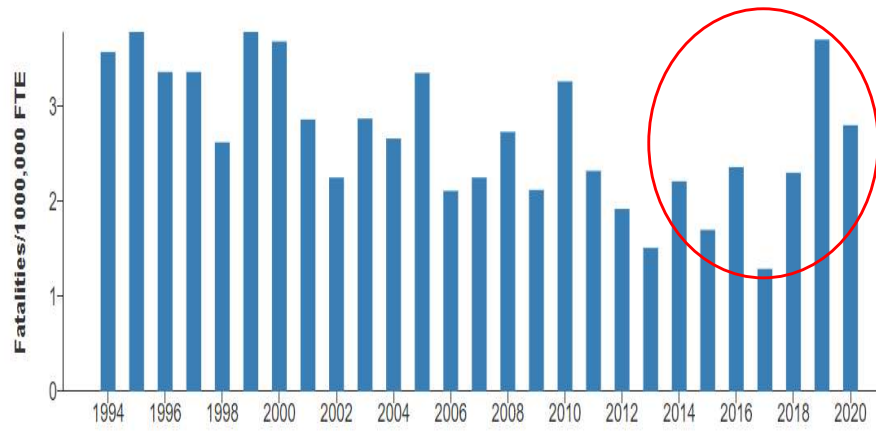
Source: Labor Department via Government Accountability Office
WASHINGTON POST



Fatality rates/100,000 fulltime equivalents (FTE) by age group, United States, 1994-2020



Fatality rates/100,000 fulltime equivalents (FTE) for 15-17 year-olds by year, United States



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

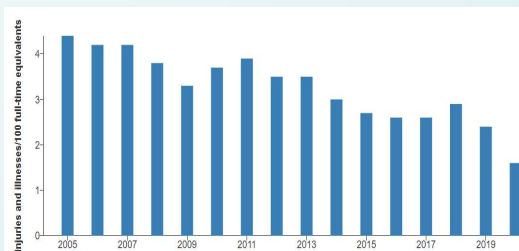
Nonfatal Injuries

There is not a single source of data for nonfatal injuries and illnesses. The following are data from a variety of systems.

- **Emergency Department-Treated Injuries:**
 - **2022:** 26,900 ED-treated injuries among workers aged 15–17 years.
 - **2012–2018:** 3.2 million ED-treated injuries among workers aged 15–24, with the highest rates in the 18–19 age group.
 - **2020:** Workers aged 15–24 experienced ED-treated injuries at a rate 1.5 times higher than workers aged 25+.
- **Injuries Requiring Days Away from Work:**
 - **2021–2022:** 17,270 cases among workers aged 15–17 years.
 - **2018:** Leisure and hospitality industries accounted for the majority of injuries among 15–17-year-olds requiring time away from work, particularly in accommodations and food services.

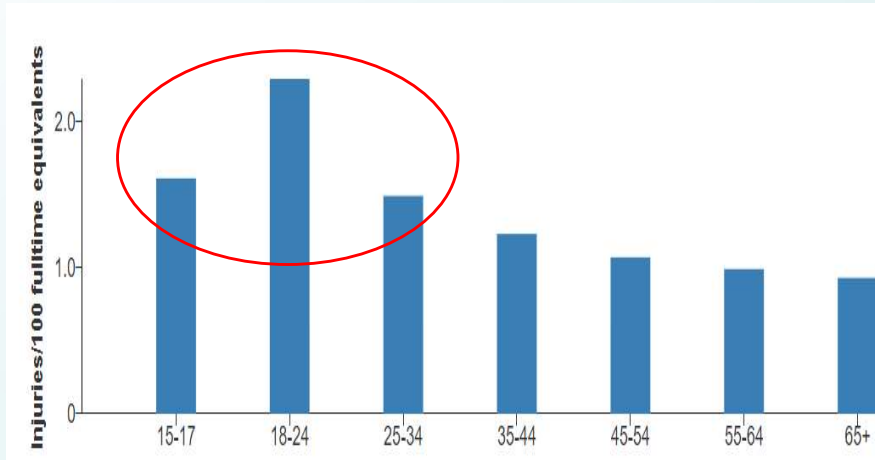
Work Related Injury Rates

- **2020:**
 - Incidence rate for workers aged 16–19: 149.8 per 10,000 full-time employees (FTE).
 - Incidence rate for workers aged 20–24: 141.8 per 10,000 FTE.
- **2012–2018:**
 - Workers aged 15–24 had annual ED-treated injury rates 1.2 - 2.3 X higher than workers aged 25–44.
 - Higher rates of injuries among males across all age groups.
- Rates of work-related injuries and illnesses treated in hospital EDs by year, 15-17 year-olds, United States



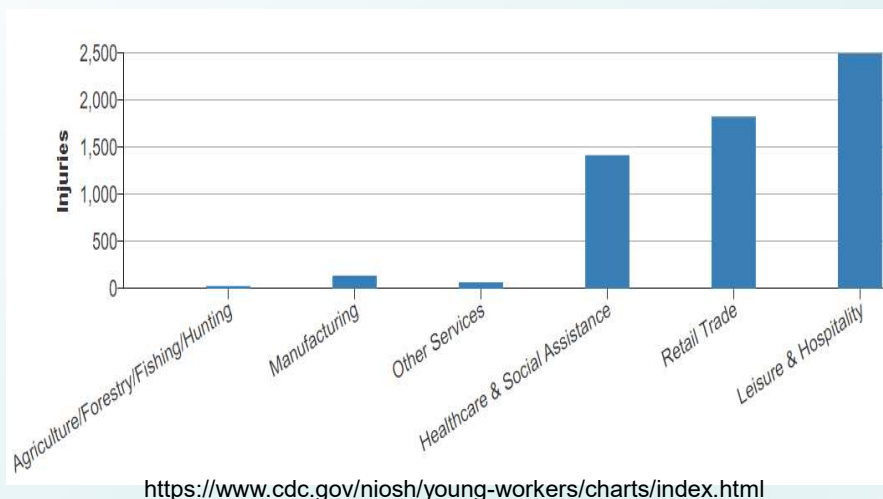
<https://www.cdc.gov/niosh/young-workers/charts/index.html>

Rates of work-related injuries and illnesses treated in emergency departments by age group, United States, 2020



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

Distribution of youth (<18 Years) work-related injuries and illnesses involving days away from work reported by private sector employers by industry sector, United States, 2020.



This chart shows employer-reported work-related injuries and illnesses among youth that required at least a day away from work by industry sector in 2020. The industry sector with the largest numbers of injured youth was the leisure and hospitality sector, accounting for 42% of reported injuries and illnesses among youth, with most of these injuries and illnesses in accommodations and food services. The retail trade sector had the second highest frequency with 31% of reported injuries and illnesses among youth.

Injury Characteristics and Causes

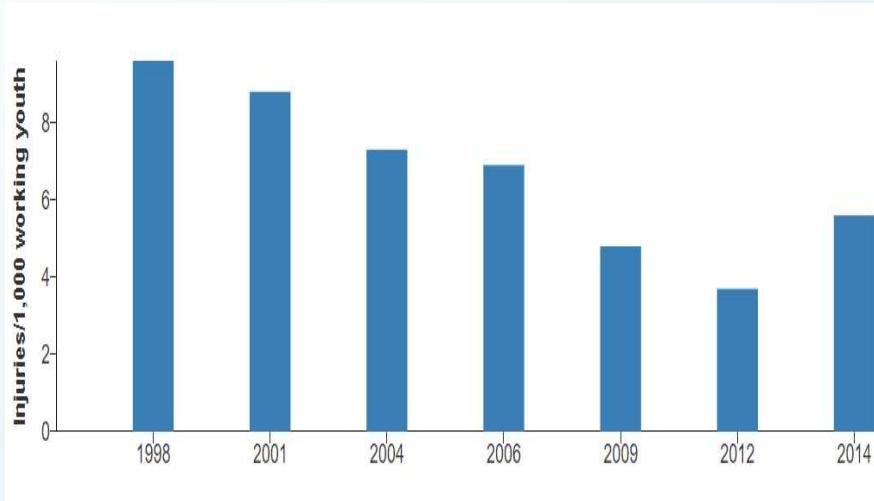


- **Contact with objects or equipment:**
 - 49% of injuries requiring days away from work for workers aged 15–17 years.
 - 44% for those aged 18–19 years.
 - 34% for workers aged 20–24 years.
- **Lacerations and punctures** were the most common ED-treated injuries among workers under 25 years old.
- **Factors contributing to higher injury rates:**
 - Fast-paced work environments.
 - Violations of child labor laws.
 - Lack of experience, skills, and adequate supervision.
 - Insufficient safety training and awareness of legal protections.
- **Young workers are less likely to recognize hazards or report safety concerns.**



This chart shows the distribution of full-time equivalents (FTEs) for employed youth ages 16-17 years by occupation in 2020.¹ Service jobs were the primary occupation for 43% of all youth employment. This was followed by sales and office occupations with 31% of youth employment.

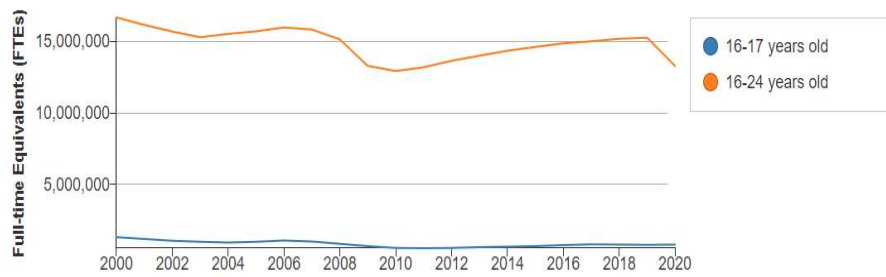
Rates of work-related injuries reported by farm operators, 15-17 year-olds, United States



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

Youth Employment in U.S.

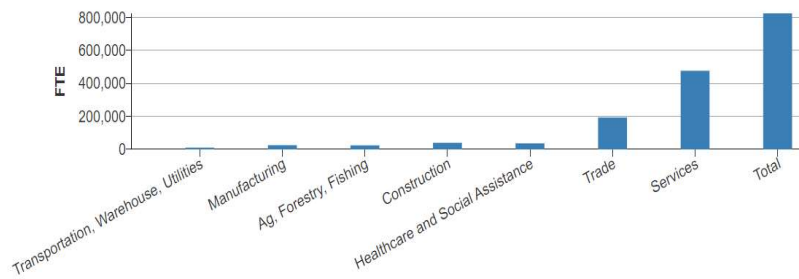
Numbers of employed youth FTEs (Ages 16-24) by year, United States, 2000-2020



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

Employment by Industry

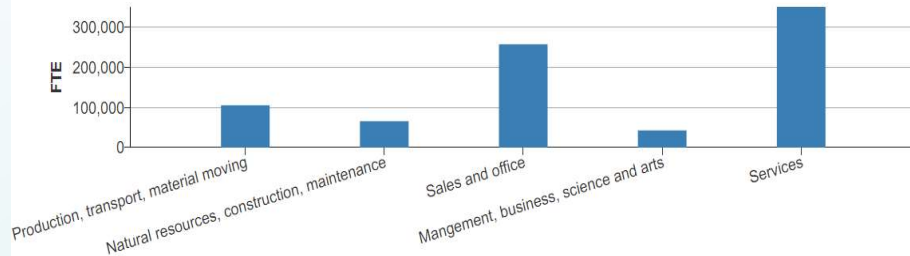
Distribution of employed youth FTEs (Ages 16-17) by industry sector, United States, 2020



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

Employment by Occupation

Distribution of employed youth FTEs (Ages 16-17) by occupation, United States, 2020



<https://www.cdc.gov/niosh/young-workers/charts/index.html>

This chart shows the distribution of full time equivalents for employed youth ages 16-17 years by industry sector in 2020.¹ The industry sector with the largest numbers of employed youth was the services sector, accounting for 58% of all youth employment, mostly in restaurants and other food services. This was followed by trade sector with 24% of youth employment, then construction sector with 5% of youth employment.

Global Aspects of Child Labor

- **Causes of Child Labor:**
 - Rooted in poverty, lack of education, repression of worker rights, and weak or poorly enforced regulations.
- **Global Statistics on Child Labor**
 - 218 million children (ages 5–17) work globally, with 151.6 million classified as child laborers.
 - 72.5 million children are engaged in hazardous activities.

Sectoral Distribution of Global Child Labor

- **Agriculture (70.9%):**
 - Farming, forestry, fishing, and hunting dominate child labor activities.
- **Service Sector (17.2%):**
 - Includes retail, restaurants, hotels, transport, and storage.
- **Industry (11.9%):**
 - Construction, mining, utilities, and manufacturing are significant contributors.

US Conflict Minerals Act 2023

- The U.S. Conflict Minerals Rule, part of the Dodd-Frank Wall Street Reform and Consumer Protection Act, requires companies to disclose if their products contain conflict minerals from the Democratic Republic of the Congo (DRC) or neighboring countries.
- **The rule also requires companies to consider other factors, such as human rights, forced labor, and sanctions.**

US Slave-Free Certification Act

- Introduced in Senate (02/03/2022) This bill requires businesses with annual revenue greater than \$500 million **to audit their supply chains for labor practices or human trafficking activities that violate specified national or international standards** and report the results to the Department of Labor.

Transaction and Sourcing (TASK) Act 2022

- This bill requires the Securities and Exchange Commission to mandate the reporting of certain information by publicly traded companies.
- The **Act** aims to increase transparency and accountability regarding business practices, particularly in relation to forced labor, trade with restricted entities, and the influence of foreign government actors, such as the Chinese Communist Party (CCP).

Task Act

- **Reporting on Forced Labor in Xinjiang:**
 - Publicly traded companies must disclose sourcing and due diligence measures related to products imported into the United States that are suspected of being made with **forced labor** from the Xinjiang Uyghur Autonomous Region of China.
 - This is aligned with broader U.S. efforts to combat human rights abuses in the region, such as the **Uyghur Forced Labor Prevention Act (UFLPA)**.
- **Transactions with Restricted Entities:**
 - Companies must report transactions involving:
 - Entities on the **Department of Commerce's trade restriction list**.
 - Entities identified as **Chinese military-industrial complex companies**, which are believed to support China's military modernization.
- **U.S. Companies Operating in China:**
 - Companies with facilities in China are required to disclose:
 - The presence of a **Chinese Communist Party (CCP) committee** within their operations.
 - A **summary of the committee's activities**, which could include influencing company policies or strategic decisions.

Significance

1. Enhanced Corporate Accountability:

1. The TASK Act ensures greater corporate responsibility by requiring companies to identify and disclose business practices tied to forced labor and geopolitical risks.

2. Human Rights Focus:

1. Builds on existing U.S. laws and policies targeting forced labor, particularly in Xinjiang, where reports of systematic human rights abuses against Uyghurs have drawn international condemnation.

3. National Security Implications:

1. Highlighting ties to Chinese military-linked entities and CCP involvement seeks to safeguard U.S. interests and curb potential risks associated with Chinese influence over American companies.

4. Consumer and Investor Awareness:

1. Provides investors and consumers with critical information about the ethical and geopolitical implications of corporate sourcing and operations.

Potential Challenges

1. Compliance Burden:

1. Companies will face significant challenges in tracking, auditing, and reporting supply chain practices and political influences in foreign operations.

2.China-U.S. Relations:

1. The Act could exacerbate tensions between the U.S. and China, as it directly targets CCP influence and human rights issues tied to Xinjiang.

3.Enforcement:

1. Effective implementation and enforcement by the **Securities and Exchange Commission (SEC)** will require substantial resources and cooperation from multinational companies.

Broader Context

The TASK Act reflects growing bipartisan concerns in the U.S. regarding:

- The ethical and security implications of U.S.-China trade relations.
- Corporate complicity in human rights abuses and authoritarian influence.
- The need to strengthen supply chain resilience against geopolitical risks.

If enacted, the TASK Act will complement existing legislation addressing forced labor and restricted trade, reinforcing U.S. leadership in promoting ethical and secure business practices.