

Child Labor Laws in the U.S.: A Brief History, Current Status, and A Look Ahead

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There has been an uptick in child labor law violations across the country.¹ Meanwhile, in the last year, several states have or are attempting to loosen their child labor laws to allow children to work in more hazardous conditions and work longer hours.² This article will highlight the status of child labor laws in the United States, providing a summary of the current federal law and by exploring various states' child labor laws, the penalties for violators, and the legal recourse, if any, for exploited children.

Child Labor in America: A Brief History

Child labor was rampant at the turn of the 20th century – the Bureau of Labor Statistics estimates that around that time, at least 18 percent of children between the ages of 10 and 15 were employed.³ To combat this, in 1904, Arkansas clergyman Edgar Gardner Murphy founded the National Child Labor Committee (NCLC).⁴ The NCLC was a nationwide organization designed to support state-based legislation efforts.⁵ Murphy initially thought the states were too varying for a national law to be adequate.⁶ However, given the lack of enforcement of child labor laws by the states, it became clear that federal legislation was

¹ OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2025 (2024).

² Terri Gerstein, *Are We Actually Arguing About Whether 14-Year-Olds Should Work in Meatpacking Plants?*, NYT (March 27, 2023), <https://www.nytimes.com/2023/03/27/opinion/child-labor-laws.html>.

³ Michael Schuman, "History of Child Labor in the United States—Part 1: Little Children Working," *Monthly Labor Review*, U.S. Bureau of Labor Statistics, January 2017, <https://doi.org/10.21916/mlr.2017.1>.

⁴ Michael Schuman, "History of Child Labor in the United States—Part 2: The Reform Movement," *Monthly Labor Review*, U.S. Bureau of Labor Statistics, January 2017 ("Schuman Part 2"), at <https://doi.org/10.21916/mlr.2017.2>.

⁵ Schuman Part 2.

⁶ Schuman Part 2.

necessary for child labor reform.⁷ Thus, in 1938, Congress passed the Fair Labor Standards Act (FLSA), which put limits on child labor.⁸

Current Federal Child Labor Law

Today, the FLSA still governs child labor regulations at the federal level.⁹ The FLSA requires employers to pay at least the federal minimum wage of \$7.25 per hour.¹⁰ However, for newly hired employees under 20 years old, "any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour."¹¹ Under the Department of Labor (DOL) regulations, the minimum age of employment is 14 years of age.¹² While it is recommended that employers obtain certificates of age prior to employing minors, it is not required.¹³ Federal youth employment provisions also neither regulate nor require breaks or meal periods.

An Uptick in Violations

There has been a recent increase in child labor violations across the country. President Biden's 2025 budget proposal cites an 88 percent increase in child labor since 2019.¹⁴ According to the DOL Wage and Hour Division, in 2023 there were 955 cases of child labor violations in the United States, involving a total of 5,792 children.¹⁵ By comparison, in 2015, there were 542 cases of child labor violations.¹⁶ In 2023, there were 126 child labor violation cases with hazardous occupations and 502 minors employed in such hazardous occupations.¹⁷ In 2015, there were 189 child labor violations cases with hazardous occupations and

⁷ Schuman Part 2.

⁸ Schuman Part 2. The law also set the first federal minimum wage at \$0.25 per hour, limited the workweek to 44 hours, and created the Wage and Hour Division to enforce the law.

⁹ 29 U.S.C. § 201 *et seq.*

¹⁰ 29 U.S.C. § 206(a)(1)(C).

¹¹ 29 U.S.C. § 206(g)(1). Prior to the FLSA, employers would often pay child laborers significantly less than adults with no restrictions.

¹² 29 C.F.R. § 570.119.

¹³ 29 C.F.R. § 570.5.

¹⁴ OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2025 (2024).

¹⁵ U.S. DEP'T OF LABOR, WAGE & HOUR DIV., FISCAL YEAR DATA, CHILD LABOR, <https://www.dol.gov/agencies/whd/data/charts/child-labor>.

¹⁶ *Id.*

¹⁷ *Id.*

355 minors employed in such hazardous occupations.¹⁸ Occupations available to 14- and 15-year-olds are limited by regulation (e.g., work in engine rooms, mining operations, etc.),¹⁹ as well as by the hours of work and conditions of employment.²⁰ For 16- and 17-year olds, the regulations define occupations that are “particularly hazardous” and “detrimental to their health or well-being.”²¹ These include: motor-vehicle driver;²² forest fire fighting and fire prevention;²³ wrecking and demolition occupations;²⁴ and roofing occupations.²⁵

In a news release this past July announcing its efforts to combat this uptick in child labor violations, the DOL cited several examples of violations. In May 2023, the DOL found that three businesses operating 62 McDonald’s locations across four states had employed 305 children to work more than the legally permitted hours and perform tasks prohibited by law for these minors.²⁶ The DOL also found that six Nevada Sonic Drive-In locations were committing more than 170 child labor violations, including permitting 14- and 15-year-olds to work too long of shifts, during off hours, and operating manual deep fryers, all violations of federal child labor regulations.²⁷

The DOL found that Fayette Janitorial Service, LLC (Fayette), a cleaning and sanitation company that provides cleaning services to slaughterhouses throughout the country, violated several federal child labor laws.²⁸ The DOL complaint alleges that the Employer hired several children to clean a slaughtering and meatpacking plant in Iowa and a plant in Virginia.²⁹ It also alleges Fayette hired children under the age of 14 to work the overnight cleaning shift at the Virginia plant.³⁰ The Employer allowed minors at both plants to work on the killing floor

and clean power-driven meat processing machines.³¹ The DOL sought a temporary injunction against the Employer to cease its violations of the FLSA, which the U.S. District Court for the Northern District of Iowa granted.³²

In summer 2022, the DOL began an investigation into Packers Sanitation Services Inc. (Packers) for its employment of minors in slaughter and meatpacking establishments in Nebraska and Minnesota.³³ The investigation found that in a plant in Nebraska, Packers had hired a child under the age of 14, allowed minors under age 16 to work overnight shifts, and allowed minors under age 18 to clean power-driven machines.³⁴ In Minnesota, Packers hired minors for overnight shifts to work the killing floor and clean power-driven machines.³⁵ A consent order and judgment were issued to permanently enjoin and restrain Packers from further violations of federal child labor law.³⁶

These are just some of the many violations that have occurred in the last year. Though the violations have been documented, the motivation for employers to cease engaging in such illegal practices is low as the monetary penalties are relatively low federally and even lower in many states.

The DOL has announced a plan to address this by allocating nearly \$14B of its 2025 proposed budget to expand “employer penalties for violations,” including child labor violations.³⁷ While the federal government acknowledges the need for child labor protection reform, the states are divided on the issue. Several states are passing and attempting to pass laws to loosen child labor restrictions, while others are aligning with the federal government’s mission and strengthening its child labor protections.

¹⁸ *Id.*

¹⁹ 29 C.F.R. §§ 570.33; 570.34.

²⁰ 29 C.F.R. § 570.35(a).

²¹ 29 C.F.R. §§ 570.50-570.68.

²² 29 C.F.R. § 570.52(a). Exemptions are defined under subsection (b).

²³ 29 C.F.R. § 570.54(a). Exceptions are defined in subsections (a)(1)-(a)(8).

²⁴ 29 C.F.R. § 570.66.

²⁵ 29 C.F.R. § 570.67, with exemptions for “apprentices or student-learners” under subsection (c).

²⁶ Dep’t of Labor News Release 23-1675-NAT (July 27, 2023).

²⁷ *Id.*

²⁸ Complaint at 25, *US Dep’t of Labor v. Fayette Janitorial Service, LLC*, No. 5:24-cv-04012-LTS-KEM (N.D. Iowa Feb. 21, 2024) (“*Fayette Complaint*”).

²⁹ *Fayette Complaint* at 21, 22.

³⁰ *Fayette Complaint* at 23.

³¹ *Fayette Complaint* at 21, 23.

³² *Fayette*, (N.D. Iowa Feb. 27, 2024) (order granting preliminary injunction).

³³ Complaint at 19, *Walsh v. Packers Sanitation Services, Inc.*, No. 4:22-cv-03246-JMG-SMB (D. Neb. Nov. 9, 2022) (“*Walsh Complaint*”).

³⁴ *Walsh Complaint* at 21.

³⁵ *Walsh Complaint* at 23, 24.

³⁶ *Packers*, (D. Neb. Dec. 6, 2022) (consent order and judgment).

³⁷ OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2025 (2024).

State Laws Loosening Child Labor Restrictions

Iowa

Iowa is an example of a state loosening child labor protections. Under Senate File 542, effective July 1, 2023, Iowa increased the number of hours a 14-year-old can work a day while school is in session from four hours to six hours.³⁸ From June 1 through Labor Day, these children may now work as late as 11 p.m., two hours later than previous.³⁹ Minors 16 and 17 years old no longer have restrictions on the number of hours they can work.⁴⁰ With parent or guardian signed permission, 16-year-olds may serve alcohol during the hours food is served at the establishment, so long as two adults are present.⁴¹ Fourteen-year-olds are now able to work in areas requiring “momentary work in freezers and meat coolers,” a work activity previously deemed hazardous.⁴² The law added a section allowing 16- and 17-year-olds to engage in work activities deemed particularly hazardous if the student is in an approved workplace program or apprenticeship, including demolition and roofing operations, as well as operating certain power-driven machines.⁴³

Indiana

Indiana revised its child labor laws, effective July 1, 2024, to (1) lower the age to serve alcohol and (2) create a 10-minute grace period before civil penalties can be assessed for violations.⁴⁴ Another bill to take effect January 1, 2025, removes restrictions on the hours that 16- and 17-year-olds can work and removes restrictions for allowing minors to work after 10 p.m. and before 6 a.m.⁴⁵ Indiana also repealed the provision concerning employment conditions for a minor performer and strikes agriculture as a “hazardous occupation,” allowing 16- and 17-year-olds to work in that sector.⁴⁶

³⁸ Iowa Code Ann. § 92.7 (2023).

³⁹ Iowa Code Ann. § 92.7.

⁴⁰ Iowa Code Ann. § 92.7A.

⁴¹ Iowa Code Ann. § 123.49(4)(f)(3).

⁴² Iowa Code Ann. § 92.5(10).

⁴³ Iowa Code Ann. § 92.8A.

⁴⁴ S.B. 146, 123rd Gen. Assemb., 2nd Reg. Sess. (Ind. 2024).

⁴⁵ H.B. 1093, 123rd Gen. Assemb., 2nd Reg. Sess. (Ind. 2024).

⁴⁶ *Id.*

Arkansas

In March of last year, Arkansas signed the Youth Hiring Act of 2023 into law.⁴⁷ Previously, the State’s Division of Labor required minors under the age of 16 to verify their age and obtain written consent of a parent or guardian in order to receive a work certificate prior to gaining employment.⁴⁸ This bill removes this consent and verification requirement. While the bill’s purpose is to help youth in the state obtain work more quickly,⁴⁹ opponents worry about the potential for exploitation of youth, particularly immigrant youth.⁵⁰ Alabama⁵¹ and West Virginia⁵² are also considering similar bills this year.

Florida

Governor Ron DeSantis signed a bill into law, to take effect July 1, 2024, that allows 16- and 17-year-olds to work more than eight hours on a Sunday or holiday, even with school the next day.⁵³ Though 16- and 17-year-olds may only work 30 hours per week when school is in session, the new law will allow a minor’s parent or the school superintendent to waive that limitation.⁵⁴ It also eliminates all hour restrictions for 16- and 17-year-olds who are home schooled or attend school online.⁵⁵

State Laws Strengthening Child Labor Restrictions

Colorado passed a law in 2023 allowing minors, whether employed legally or illegally, to pursue damages under the Workers Compensation Law as well as any other remedies at law, including remedies in tort.⁵⁶ This year, Colorado introduced a bill in the House that is pending that requires the treatment of all final orders issued for child labor violations as public records and release such information

⁴⁷ Youth Hiring Act of 2023, H.B. 1410, 94th Gen. Assemb., Reg. Sess. (Ark. 2023).

⁴⁸ Ark. Code Ann. § 11-6-109 (repealed 2023) (West 2023).

⁴⁹ Youth Hiring Act of 2023, H.B. 1410, 94th Gen. Assemb., Reg. Sess. (Ark. 2023).

⁵⁰ Sydney Kashiwagi, *Arkansas governor signs bill rolling back child labor protections*, CNN (March 8, 2023, 5:52 PM), <https://www.cnn.com/2023/03/08/politics/sarah-huckabee-sanders-arkansas-child-labor/index.html>.

⁵¹ S.B. 53, Reg. Sess. (Ala. 2024).

⁵² H.B. 5159, 86th Leg., Reg. Sess. (W.Va. 2024).

⁵³ H.B. 49, 28th Leg., 2nd Reg. Sess. (Fla. 2024).

⁵⁴ H.B. 49, 28th Leg., 2nd Reg. Sess. (Fla. 2024).

⁵⁵ H.B. 49, 28th Leg., 2nd Reg. Sess. (Fla. 2024).

⁵⁶ Colo. Rev. Stat. Ann. § 8-12-117 (West 2023).

to the public upon request.⁵⁷ Virginia passed a law to take effect July 1, 2024, that increases the civil penalties for each child labor law violation from \$1,000 to \$2,500 and increases the penalty for such a violation that results in a child employee who is seriously injured or dies in the course of employment from \$10,000 to \$25,000.⁵⁸ Iowa has also introduced a bill in the Senate that is pending that would increase civil penalties on employers for child labor violations.⁵⁹

In the past year, Illinois,⁶⁰ New York,⁶¹ and Rhode Island⁶² have introduced bills requiring high school students to be educated about their rights in the workplace.

New Jersey⁶³ and Rhode Island⁶⁴ have introduced bills to eliminate state law provisions allowing certain minors to be paid below the minimum wage.

Conclusion

Child labor law violations are on the rise. States are taking different approaches with respect to their child employment laws. Some states are loosening their restrictions to make it easier for employers to hire younger workers, for more hours, and in more hazardous occupations. These relaxed state laws may be preempted, in part, by federal law and challenged in court. With increased media focus of the issue, child employment laws will likely face increased scrutiny from policymakers, courts, and the public.

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⁵⁷ H.B. 1095, 74th Gen. Assemb., Reg. Sess. (Colo. 2024).

⁵⁸ H.B. 100, 2024 Gen. Assemb., Reg. Sess. (Va. 2024).

⁵⁹ S.F. 2100, 90th Gen. Assemb., 2nd Sess. (Iowa 2024).

⁶⁰ H.B. 4417, 103rd Gen. Assemb., Reg. Sess. (Ill. 2024). The bill has been placed on calendar order for third reading.

⁶¹ A. 8108, 2023-24 Leg., Reg. Sess. (N.Y. 2024). The bill is currently before the assembly.

⁶² H. 7019, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024). The bill is pending before the House Education Committee.

⁶³ A. 2888, 221st Leg., 1st Sess. (N.J. 2024). The bill is pending before the Assembly Labor Committee.

⁶⁴ H. 7172, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024). The bill is pending before the House Labor Committee.