

Weakening U.S. Child Labor Protections Stands to Harm Youth Health and Education Outcomes

Executive Summary

Prior to the Fair Labor Standards Act of 1938, approximately 2 million American children under the age of 16 were working in mills, canneries, factories, mines, and farms for up to 12 hours a day, 6 days a week.¹ These children worked because their families depended on their children's wages for survival.^{2,3} Many child laborers became injured while working, highlighting the dangers of child labor without sufficient legislation to protect the most vulnerable children. Despite the history of child labor in the United States and the work of the National Child Labor Committee, guidelines for child labor are beginning to weaken.

Since 2023, nine states have introduced bills that weaken current child labor protections. These bills not only lift restrictions on hazardous work and unsafe work conditions but also allow children as young as 14 years of age to work in unsafe and hazardous conditions, allow children to work for longer hours, remove requirements to provide proof of age and guardian permission to work, and eliminate federal child labor protections by giving states the discretion to waive, reduce, or delay penalties to an employer who violates the state's child labor laws. These new bills facilitate the exploitation of youth living in poverty, particularly migrant youth and racially minoritized youth, while minimizing accountability among adults who connect youth with employment in dangerous work environments.

Why Is This important?

Child labor can benefit children and youth as it allows them to develop skills that are useful in the adult labor market, can provide a sense of accomplishment, and can inform identity development.^{4,5,6} However, for children to gain the benefits often found when working, child labor must be strictly regulated, specifically, the type of employment children are legally allowed to engage in, and the hours they are allowed to work. When not strictly regulated, child labor can negatively impact youth's academic progress, limit engagement in educational enrichment activities, and adversely impact their health and socioemotional development.^{7,8,9,10}

Children and youth who work in agriculture are the most at risk for injury and death. Injury and death of these children and youth can be avoided with greater workplace protections and federal regulations that limit the exploitation and labor trafficking of undocumented children and youth on remote commercial farms.^{11,12}

Policy Recommendations

In light of evidence from developmental science, we propose the following policy recommendations be considered when developing comprehensive legislation to protect child laborers.

- (1) Restrict work hours for children and youth between the hours of 7:00 a.m. and 9:00 p.m. and prioritize school attendance for working children and youth.

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- (2) Limit work tasks of children and youth to low-risk activities that do not require the use of heavy or dangerous machinery or exposure to harsh chemicals.
 - (3) Maintain federal penalties for employers who violate child labor protections and restrictions.
 - (4) Develop mandatory training for employers who hire underage workers so that they can understand how to foster safe, work-based learning programs and work conditions that provide educational and career opportunities for children and youth.
 - (5) Increase the minimum age that children can be hired to perform non-hazard agriculture work to age 14 and the minimum age for hazardous work on farms to age 18 to prevent increasing injury and death rates of children and youth working in agriculture.
 - (6) Create mandatory safety training for child laborers. These trainings should include information regarding their rights as workers and who to contact if labor laws are broken so that youth can feel a sense of autonomy and safety within their workplace.

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Since 2023, at least 9 states have proposed new legislation that weakens child labor laws, allowing children to be involved in potentially detrimental and dangerous work conditions. As developmental psychologists, we are concerned about the potential effects of weakened labor laws on children and youth's health, development, and wellbeing. Below, we review some of the proposed changes to child labor laws and briefly discuss why these changes are worrisome. Child labor laws should be aligned with developmental science recommendations so as not to cause harm to children, especially minoritized children most at risk of labor exploitation. We call on all developmental scientists, practitioners working with youth, and policy makers to be aware of the importance of child labor laws in protecting against the exploitation of children and youth.

What is Wrong with Weakening Child Labor Protections in the United States?

Since March 2023, multiple states, including Iowa, Minnesota, Missouri, Nebraska, Ohio, Arkansas, South Dakota, and Florida, have introduced 9 bills weakening child labor protections.¹³ In March 2023, Arkansas legislators signed HB1410 into law, a bill repealing restrictions on work for 14- and 15-year-olds.¹⁴ Under the new law, children under 16 will no longer need to provide an employment certificate from the Division of Labor that verifies proof of their age and parental consent to work.

In February 2024, Florida House members passed HB 49, allowing 16- and 17-year-olds to work more than eight hours a day even if school is the next day, or more than 30 hours a week when school is in session. HB 49 also eliminates the requirement that teenagers receive breaks every four hours of work. As such, youth could potentially work more than 8 hours a day without a break in Florida.

In Iowa, SF 167 has been proposed,¹⁵ which lifts restrictions on hazardous work to allow children as young as 14 to work in meat coolers and industrial laundries, as young as 15 to work on assembly lines, and 16- and 17-year-olds to serve alcohol. SF 167 also seeks to create special

permits that would allow 14.5-year-olds to drive themselves up to 50 miles to and from work between 5:00 a.m. and 10:00 p.m. and to waive restrictions to allow teenagers ages 14–17 to perform various forms of hazardous work if approved as part of a school's "work-based learning" program. SF 167 defines a "work-based learning program" as a learning program to which all of the following apply:

- (1) The program includes but is not limited to work-related, on-the-job training, job shadowing, internships, clinicals, practicums, registered apprenticeships, co-ops, supervised agricultural experiences, and industry-led service-learning projects,
- (2) The program is incorporated into secondary coursework or related to a specific field of study, and
- (3) The program integrates knowledge and theory learned in the classroom or other school-approved setting with the practical application and development of skills and proficiencies in a professional work setting.

Further, SF 167 proposes granting new discretion for the state to waive, reduce, or delay civil penalties if an employer violates child labor laws by providing employer immunity from legal

claims arising from the injury, illness, or death of a child while engaged in a work-based learning program. Though there may be benefits to youth participating in work-based learning programs, SF 167 would remove these key protections and restrictions - thus increasing the risks for children participating in these programs.

Weakening child labor protections such as removing requirements to provide proof of age and guardian permission to work, expanding the number of hours youth work, and lifting restrictions on hazardous work facilitates the exploitation of migrant youth, racially minoritized youth, and youth living in poverty while giving cover to adults who connect them with illegal employment.¹⁶ Additionally, employers may be granted immunity from legal claims from the injury, illness, or death of a child while engaging in these work activities, which further facilitates the exploitation of the most vulnerable youth in the U.S.

Child Labor Can Be Beneficial to Children...But History Has Taught Us That Regulations Are Needed to Ensure Child Safety

While working part-time can allow youth to acquire skills that may be useful in the adult labor market,¹⁷ provide a sense of accomplishment,^{18, 19} and inform identity development,²⁰ research indicates that youth's structural vulnerability (i.e., their socioeconomic position, gender, race, immigrant status) as well as their reasons for working, type of employment, and hours worked per week all influence whether youth truly benefit from employment.^{21, 22, 23, 24} Moreover, research indicates that working 20 hours or more per week is negatively associated with youth's academic progress, limits engagement in educational enrichment activities (i.e., after-school activities, sports programs), and interferes with youth's development.^{25, 26, 27, 28}

Child labor laws, which limit the number of hours children can work during the school week, were put in place to protect children from workplace

hazards, exploitation, and workplace injuries. Prior to the Fair Labor Standards Act (FLSA) of 1938, 2 million American children under age 16 were working in mills, canneries, factories, mines, and farms. Many children worked 12 hours or more a day, six days a week.²⁹ Employers preferred child labor because children earned lower wages than adults, and their small bodies could fit more easily between machines. Child laborers tended to be the children of poor parents or recent immigrants who depended on their children's wages for survival.^{30, 31}

Injuries that cost children fingers or limbs, as well as factory fires and mine collapses, brought attention to the dangers of child labor but not sufficient concern to change legislation.^{32, 33} Thirty years later, as part of the New Deal, federal labor provisions authorized by the FLSA of 1938 were enacted to protect children.

The FLSA of 1938 not only provides federal guidelines for child labor, but it also provides guidelines on employment status, minimum wage, overtime pay, and record-keeping requirements.³⁴ To ensure that children and youth work in safe conditions that do not jeopardize their health, well-being, and/or education and life opportunities, FLSA regulates the hours that

children and youth are allowed to work, sets the minimum age of employment, and the type of tasks children and youth are allowed to engage in for work.³⁵

Under the federal regulation, children are only allowed to work if they are 14 years or older, except for child labor in agriculture, which can be at the age of 12. Children between 12 and 13 years of age are allowed to work non-hazardous agricultural jobs outside of school hours if the parents' consent has been given.^{36, 37}

For nonagricultural work, children aged 14 years are allowed to work a limited set of occupations, such as child actor or performer, clerical work, etc.³⁸ Children ages 16 and 17 may work but cannot be employed in industries the Department of Labor determines to be too hazardous (e.g.,

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roofing, meat processing, and commercial baking).

Youth Working in Agriculture Are Most at Risk of Injury

Under the FLSA Act, an agriculture exemption allows children ages 12 and up to work unlimited hours in agriculture outside of school hours. Historically, children participated in agricultural work relative to non-agricultural work due to family-owned farms; however, that is rarely the case today. The dangerous working conditions of current agricultural work and the under-regulation of agricultural work for minors makes child labor in agriculture a particularly concerning issue with regards to child health and development. Agricultural work exposes workers to dangerous working conditions, including the operation of heavy machinery, prolonged exposure to heat, toxins, pesticides, and drowning.^{39, 40} To illustrate, children aged 12 and older can – and do – work 50 to 60 hours a week during the summer months picking tobacco; picking tobacco exposes children to extreme heat, dangerous tools and machinery, and nicotine poisoning.^{41, 42, 43}

For minors, agriculture is the deadliest sector in which to work. Child farmworkers make up 5.5 percent of child laborers in the United States.⁴⁴ Between 2003 and 2016, 237 children died working on farms in the United States; these deaths could have been avoided with stricter workplace protections and federal regulations.⁴⁵ The continued persistence of an agricultural exemption to the FLSA child labor provisions has made possible the exploitation and labor trafficking of undocumented children and youth on remote commercial farms.⁴⁶ Legislation, such as The Children’s Act for Responsible Employment and Farm Safety (CARE) Act, has been proposed to raise national labor standards for farmworker children to the same level set for children in all other occupations.^{47, 48}

Because they are undergoing physical and cognitive developmental changes, youth are more vulnerable to stress and at higher risk of developing long-term mental health issues if exposed to unhealthy, risky, and stressful working conditions.

Developmental Science Implications for Weakening Child Labor Laws

As members of the Society for Research in Child Development, an international organization based in Washington, DC that seeks to advance evidence-based policymaking to improve the lives of children and families, we are very concerned about the numerous proposals to weaken child protections thereby allowing children to be involved in potentially detrimental and dangerous work considering their developmental needs and life prospects. The current child labor bills proposed by nine states that weaken child labor protections are contradictory to many developmental science recommendations (e.g., the need for regular sleep and hazard-free environments) that promote positive long-term development.

Decades long research suggests that youth are more injury prone,^{49, 50} and require specific work protections to support their development. During these periods, youth experience rapid changes in muscle mass, height, weight, bone density, and joint flexibility,^{51, 52} which make youth more accident prone and places them at risk for experiencing injuries that have long-term developmental implications.

Moreover, rapid changes in the adolescent brain, especially within the prefrontal cortex, impact youths’ planning, decision making, risk taking, and emotion regulation.⁵³ These changes in youths’ brains are linked to increases in risk taking, a major reason why exposure to hazardous and risky working conditions should be limited.⁵⁴ Because of these physical and cognitive changes, youth are more vulnerable to stress and at higher risk of developing long-term mental health issues if exposed to unhealthy, risky, and stressful working conditions.

To support healthy development and adjustment, children and youth need access to healthy nutrition⁵⁵ and regular sleep.^{56, 57} Youth between the ages of 6-12 years need 9-12 hours of sleep, and 13-18 years need 8-10 hours of sleep.⁵⁸ Importantly, youth also need access to enriching

and supportive communities and schools to promote brain development and positive mental health. These supportive environments are key to fostering healthy life habits that promote positive emotional, social, and academic outcomes. Considering youths' developmental needs, work environments and regulations should support youths' sleep needs. These work environments should also be low risk, avoiding heavy machinery and harsh chemicals, and have low physical demands to reduce injuries and promote positive long-term physical, emotional, and cognitive development.

Additionally, the school environment is an important socializing space where youth can

interact with different adults. The school environment is also an important predictor of one's life course earning potential and long-term health.^{59, 60} For youth who recently immigrated and especially for unaccompanied minors, the school environment may also be the primary place where youth are exposed to and supported in their academics and learning English. In schools, youth also connect to diverse support services, such as school social workers, counselors, and nurses. These services support youths' adaptation and integration into the U.S. Thus, it is important to ensure that youth labor regulations are aligned to protect youths' ability to remain and succeed in school, including safe work-based learning programs.

Recommendations for Child Labor Regulations That Align with Developmental Science

Evidence from developmental science supports the following recommendations concerning decisions about child labor laws:

- (1) Restrict work hours to a window between 7:00 a.m.-9:00 p.m. and prioritize school attendance; children and youth should not be working during school hours.
- (2) Restrict work tasks to be limited to low-risk activities (e.g., avoiding the use of heavy or dangerous machinery, exposure to harsh chemicals, serving alcohol) to help prevent injuries or death.
- (3) Maintain federal penalties for employers who violate child labor protections and restrictions.
- (4) Create minimum child labor rights training for employers who hire underage workers.
- (5) Increase the minimum age at which children can be hired to perform non-hazardous agricultural work to age 14 and the minimum age for hazardous work to 18 years – the same standards set for other industries.
- (6) Create minimum safety training regulations for youth that also include information regarding their workers' rights and who to contact if labor laws are broken.

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