

## CHILD LABOR IN UNITED STATES

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### Abstract

I start with the sad fact that child labor is the same age as humanity. After slavery, servility and then agriculture, industrialization developed in the world, which did not require child labor instead of vocational training. Factory owners favored children because they had cheaper labor and were easier to influence. At the time, there was no restriction on child labor, children could be openly employed in factories. A lot of children could be seen working in the textile and household industry, in mines and in various factories at that time. There were many children who worked as merchants, as newsagents or couriers.

**Keywords:** child labor, United States, industry, agriculture

### Introduction – the movie

There have been many films about child labor, and one of these and less-known films has led me to write in more detail in this area.

The Harvest is a 2010 documentary movie about child labor in American agriculture. It is about children under the age of 12 who work 12 hours a day for six months a year during production, in hazardous conditions, in contact with pesticides, in hot, unhealthy conditions, even risking their lives. For a long time, the United States did not properly regulate agricultural labor laws.<sup>1</sup>

The Harvest is a documentary about the lives of migrant children and their families in the United States. From the perspective of children who work in fields and factories and where there is no protection under the Fair Labor Standards Act, as with all other American children.

In the movie, we see families working during the harvest season and facing family tragedies, deportation or death. The documentary film shows very well the group of people who are not valued, underestimated, who often do not even notice to society how easily they integrate and how hard they live in the meantime. These kids speak perfect English, many claim these families are migrant workers, Mexican immigrants who barely speak English. The film refutes this, these people are receptive to American culture and values, showcasing Latin American children who have already been born here and are fully integrated, representing a whole new generation.

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<sup>1</sup> Chaim M. ROSENBERG: *Child Labor in America: A History*, McFarland 2013.

The other thing that is shocking during the film is the presentation of the dangers of agricultural work. In the United States, the vegetables, fruits, on the shelves of stores that are being harvested by these workers while it is not visible, have no idea what the way these products are going to get there. The children tell us what injuries they suffered during work, one of them was thawed by a chemical on plastic, and the other child was injured by scissors used for farm work. These are daily hazards to children at work that endanger their health.

They struggle with study difficulties, change schools every year, have little chance of getting into high school, even though they dream of a beautiful future and a profession. The documentary movie was made in Minnesota, North Dakota, Texas, Florida, Georgia, North Carolina and Ohio following farm work.

## 1. Background

In the 20th century, with government reforms, governments began to limit the minimum age for employees. Politicians, leading workers, stood up in the fight against child labor, which resulted in a decrease in the number of child workers. Organizations have emerged that have curtailed and eliminated child labor, raising opportunities for compulsory education. In 1938, the Fair Labor Standards Act contained the first such legislation. The law contains historical implications and also shows the difficulties faced by law enforcers in legally restricting child labor.

Child labor is still in existence, despite laws and regulations to prevent it in many parts of the world. The reason for its existence is still the same as why it was created. The root cause and sustained cause is poverty, vulnerability, lack of education, and the plight of workers. Children of families living in poverty, in order to earn money for the family, work to contribute to food and the family's livelihood. It is poverty that is currently forcing children to work in Africa, Asia and Latin America.

Children do not go to school, because the family does not have the money, so one of the most important means of eliminating child labor is to address the issue of education. The second reason is the violation of the law on child labor by employers, in such a way that companies can hide the employment of child workers, mostly with the help of subcontractors.<sup>2</sup>

## 2. Outlook to United States of America

In the United States, the family was united before European settlers, but this unity was followed by new laws on child labor in the country after Europeans settled. By law, children who were already 3 years old had to do industrial and agricultural work.

The Industrial Revolution brought a huge change in child labor, because women and children were needed in factories, for a single reason, they were easier to manipulate. Child labor is a major change in child labor in the 19th century. With the growth of industries, it was extremely widespread, with the number of child workers multiplying. It was then that they began to examine the factors that caused this.

The first such factor was that child workers grew up without education, working all day, which prevented them from studying. In this regard, a law was passed requiring the factory employer to provide basic education, numeracy, and reading for the children they employ.

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<sup>2</sup> Raymond Garfiel FULLER: *The Meaning Of Child Labor*, Mc Clung and company, 1992.

Unfortunately, these laws have not proved effective enough. In the United States, the state of Massachusetts introduced the first child labor law, in which every child under the age of 15 was required to receive an education for 3 months.

The law proved effective until the end of the Civil War, by which time 7-year-olds were already employed in industry and under extremely poor working conditions, for low pay and long working hours. This condition persisted until the end of the 19th century because changes in the working conditions of the factories were not allowed.

In 1913, all states in the United States adopted a minimum age of 14 for industrial workers. Additional laws have been passed regarding the places of employment of child workers. In 1938, the Law on Fair Labor Standards (FLSA) was passed, which can be seen as a law to end the exploitation of child workers. To this day, this law regulates the rights and obligations of employees. It also includes child labor requirements and proper record keeping.<sup>3</sup> In the case of non-hazardous employment, the law sets an age limit of 16 for any form of non-agricultural employment, but also allows 14-15-year-olds to work in sectors other than the manufacturing industry. The provisions of the FLSA prohibit the use of repressive child labor. Child labor is allowed on the condition that it does not interfere with their education and does not expose them to any disadvantage or harassment.

In the United States, the issue of child labor has changed significantly over the years. Children can work part-time with appropriate labor standards, but full-time education is mandatory. When defining child labor, I have to point out that we are talking about teenagers who are so-called they attend school full-time but work part-time. In contrast to developing countries, where the opposite is the case, children work full-time and so-called they attend school part-time or do not study at all. They are not only employed in mines, various industries, but also domestic workers and prostitutes.

In developing countries, child labor is a very important issue for the international community. The fight against child labor is a priority in all countries, be they developing or industrialized. The United States contributes millions of dollars annually to support international child labor programs whose main goal is to eliminate child labor, bring children back to school completely, and ensure a safe livelihood for the family.

Under the FLSA, the minimum age is 16, but 14-15 year olds can be employed for a period that does not conflict with their education. By law, children under the age of 14 are too young to do any work. Teenagers under the age of 18 should not be employed in agricultural work that may be harmful to their health. The law interprets agricultural employment for children who are not the children of the owners of a farm. Children between the ages of 12 and 13 can also work in agriculture, but work must not be dangerous to their health or disrupt their schooling, and they must be able to work on a farm where their parents also work. Children between the ages of 11 and 12 must be employed during the harvest period, but this is only possible with a special permit issued by the U.S. Department of Labor.<sup>4</sup>

Other laws limit the working hours of teenagers and the types of work that can be done. One such law is a federal restriction on working hours and the type of work that states that teenagers between the ages of 14 and 15 can work in industries such as the food industry, the gasoline industry, and retail. They are not allowed to work in the manufacturing and mining industries, and the law prohibits them from working in jobs that involve machine-driven machinery. The number of hours is limited, meaning they cannot work during school hours or work more than 40 hours a week.

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<sup>3</sup> Hugh, D HINDMAN: *Child Labor: an American history*, Published by M.E Sharpe, 2002

<sup>4</sup> David PARKER - Tom HARKIN: *Before Their Time: The World of Child Labor*, Quantuck Lane Press, 2007.

The Work Experience and Career Exploration (WECEP) applies all rules that apply to the employment of teenagers, restricts hours of work, and regulates areas that are prohibited by the U.S. Department of Labor.

The FLSA contains non-hazardous working conditions for those under the age of 18, such as not being allowed to work in the explosives and radioactive materials industry. In addition, there are several state laws that prohibit the employment of child workers. There are separate regulations in each state, but in each case it is the responsibility of the State Department of Labor to ensure an adequate standard of working conditions for minor workers, taking into account their health and education.

### **3. Possibilities for solving the problems of child labor**

A special strategy would be needed to eliminate child labor completely. In addition to free education, the community also has a significant role to play. The importance of trade unions in the fight, and the representation of minor workers until their complete abolition, would be another important strategic step.

In 2001, taking appropriate action on an American college initiative led to the formation of an independent union that was a company under Mexican leadership but in Mexico. The main aim of the protest is to improve the conditions of minor workers. Furthermore, in 2002, the employment of child workers in banana plantations in Ecuador under poor conditions was such a case.

Thanks to the initiative, the owner of the Alamos Company has promised to improve medical services, provide masks, gloves and other equipment, and settle complaints about unpaid overtime. However, officials at the Department of Labor said it refused to recognize workers' unions, Costco and Carrefour.<sup>5</sup>

In the case of common labor standards, child labor conventions would include targets that would stop the employment of child workers, preventing them from being forced to work for their families' livelihoods.

An agreement between the organizations could be further improved through a collective bargaining initiative. One such earlier initiative was an agreement in 2000 between the Chemical, Energy, Mining and General Workers' Union (ICEM) and Freudenberg Corporation, which owns most of the world's rubber and chemical plants, in which Freudenberg could not employ child workers.

In the process of promoting world labor standards, it would be possible to improve the working conditions of workers in industries, to oblige the elimination of child labor, and to adopt trade unions to represent workers' rights.

Litigation of organizations abusing labor rights is also a good initiative. There was a lawsuit of this nature against the Coca Cola Company, which was prosecuted for child labor in Colombia. The most important thing in stopping child labor would be to increase children's access to education, the main key is to support education, free education, to enable all children to learn basic writing, numeracy and communication. Providing free education and increasing children's access to education is essential to end the employment of child workers.

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<sup>5</sup> Juan FORERO: In Ecuador's Banana Fields, Child Labor Is Key to Profits, 2002  
<https://www.nytimes.com/2002/07/13/world/in-ecuador-s-banana-fields-child-labor-is-key-to-profits.html>

In my opinion, if workers' unions were given the opportunity to represent these trends, they would be strengthened in the fight for workers' rights and we would work effectively against child labor.

Unfortunately, the Covid-19 situation has only worsened economic conditions around the world, even in the United States. Hourly wages for work have fallen and fewer people are leaving to work due to subsidies, and there is a shortage in the labor market.

The aim is to ensure that children who may still be in the labor market are not currently exposed to risks that endanger their health. Other initiatives, such as Campaigns for organizations applying the Code of Standards, promoting fair trade, using collective bargaining, promoting global labor standards and prosecuting employers who abuse labor rights are aimed at ending the issue of employing young children.

Since 2010, the Department of Labor (DOL) has closed more than 10,000 cases in which employers have violated FLSA child labor regulations. In this case, the U.S. District Court has jurisdiction to order a violation of the FLSA's provision on child labor.<sup>6</sup>

Penalties may be imposed for breaches of this provision and those who intentionally breach these provisions will be liable to a fine of up to 6 months. Following the entry into force of the FLSA, various (district) courts have heard cases in which the child labor provision of the Act has been intentionally violated. In the event of a violation of the child labor provisions of the multi-state FLSA, the so-called federal procedure applies. All of this is independent of each state's own child labor laws, education and schooling regulations.

Many studies have been done on the consequences of child labor, and its negative effects are frustrating. It deprives children of balanced childhood, their play and their psychological development are more limited, causing us physical and mental problems. The minds and bodies of adults adapt differently to their daily work and workload. The bodies of children are not developed for physical work, and their minds are not yet able to adapt to the process of work.

Children stagnate emotionally and mentally, reaching much earlier, which has a significant impact on their future. They find themselves in different life situations, more serious than their peers of the same age, and choose to start a family at a very young age.

They do not take part in school education, work for very little money and thus end up in a cycle of poverty that is passed down from generation to generation, as they are unskilled and thus refer to physical work. Without education, they have no special skills, so their children can also easily get into this cycle. It is not easy to get out of this poverty, it would require much more serious and limited action by all communities, organizations, states so that these children can live in better conditions and receive appropriate education and training.<sup>7</sup>

Lack of basic needs and poor wages force families to send children to work for more family income. Parents and institutions also have a major role to play in protecting their children, supporting their talents, futures and dreams by ending this situation. At the same time, their children must be reassured that they will not be pressured by the fact that they are required to work for their families in order to drop out of school.

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<sup>6</sup> Cathyne SCHMITZ - Desi LARSON: *Child Labor: A Global View*, Greenwood Press, Westport, 2004.

<sup>7</sup> Raymond C. CHRISTIAN: *The Cocoa Plantations America's Chocolate Secret Forced Child Labor, Rape, Sodomy, Abuse of Children, Child Sex Trafficking, Child Organ Trafficking, Child Sex Slaves*, Authorhouse, 2015

#### **4. Summary**

The origins of child labor can be traced back a long time, but its growth has been greatly influenced by industrialization. The employment of children and women in the industry was more significant because of their manipulability.

In the United States, a number of laws have been enacted to eliminate child labor and to frame work in industries where children have been employed as workers. We can talk about positive legislation where the United States is at the forefront. However, this problem still exists in many developing countries and similar steps need to be taken to eliminate it.