

Issue Paper:

The Resurgence of Child Labor Exploitation in the United States

by Sarah Lawton

Although most of us grew up with an assumption that oppressive child labor is an artifact of the past, at least in the United States, in recent years there has been a coordinated campaign to weaken state-level child labor laws in the United States, taking advantage of the fact that the Fair Labor Standards Act of 1938 provides certain exemptions to the ban on child labor, especially for agricultural work, and that many of these exemptions are regulated at the state level. Since 2021, twenty-eight states have introduced bills to weaken state laws regulating child labor, and twelve states have enacted them as of February 2024. It is understood that the campaign is also aimed at eventually diluting federal law regulating child labor.¹

The passage of these laws are often justified as attempts to offer job opportunities to teenagers. In fact, many teenagers are increasingly investing hours in school and extracurricular activities, reflecting the greater importance of education in career opportunities. Even young people who want to go into the higher-paying unionized trades can seek that pathway via community college and paid apprenticeships after high school graduation; very few are seeking on-the-job training for future careers via their paid work during their school years. The agricultural carveouts to the Fair Labor Standards Act reflect a different time, when family farms were still a significant part of the American landscape, and they also reflect the political coalition that passed the New Deal in the 1930s.

According to researchers Jennifer Sherer and Nina Mast, “the primary proponents of these laws are business groups and their state affiliates, particularly the National Federation of Independent Business, the Chamber of Commerce, and the National Restaurant Association. Hotel, lodging, and tourism associations, grocery industry associations, home builders, and Americans for Prosperity—a billionaire-funded right-wing dark money group—have also supported bills in various states.”²

The New York Times published searing series of articles on the realities of migrant child labor in America today, [*Alone and Exploited: An investigation into America's hidden migrant child workforce*](#), led by investigative reporter Hannah Dreier; it is well worth the time to read the series in full. She introduces readers to children who have serious injuries, including mangled limbs, and children who are working the night shift while

¹“Child labor remains a key state legislative issue in 2024,” by Nina Mast. Economic Policy Institute, Blog Post, February 7, 2024.
<https://www.epi.org/blog/child-labor-remains-a-key-state-legislative-issue-in-2024-state-lawmakers-must-seize-opportunities-to-strengthen-standards-resist-ongoing-attacks-on-child-labor-laws/>.

² “Child labor laws are under attack in states across the country,” by Jennifer Sherer and Nina Mast. Economic Policy Institute, March 14, 2023, updated December 21, 2023.
<https://www.epi.org/publication/child-labor-laws-under-attack/>.

trying to go to school by day. They are producing goods that many of us use every day that are marketed by big-name companies.

Happily, there are efforts to push back on these efforts to weaken child labor laws. For example, U.S. Senator Ben Ray Luján of New Mexico recently introduced the Children's Act for Responsible Employment in Agriculture (CARE) Act³ to strengthen protections for children in an industry that allows children as young as twelve to work in hazardous conditions with long hours.

The global supply chain is also deeply implicated in the exploitation of child labor. According to Human Rights Watch, 160 million children worldwide, almost 1 in 10, are engaged in child labor, half of them in hazardous conditions.⁴ Agriculture, mining, and manufacturing are top industries for child workers, and many of the products consumed in the United States are made at some point in the supply chain by children, including very young kids. Companies often rely on corporate-funded certification groups for labor and environmental practices that in practice are flawed.

Governments, including ours, can pass more robust regulations requiring better due diligence for supply chain human rights and environmental practices, which are enforced by competent government agencies, and we as a church can raise our moral voice in support of such laws. As an institutional investor we can also engage in corporate advocacy (and, when appropriate, screening) to push companies to improve and actually follow through on their child labor policies.

We should all be pushing for federal and state protections for children, such as:

- Elimination of separate treatment of agricultural workers under federal employment law;
- Full funding for enforcement of child labor standards at federal, state, and local levels, and enhanced company penalties for violating these rules;
- Elimination of sub-minimum wages for youth;
- elimination or prohibition of two-tiered systems, often labeled as training programs, which fail to protect children from hazardous work, especially in the agricultural sector;
- Strengthened wage theft laws and resources to enforce them, especially for children;
- adequate protection and oversight for unaccompanied minor and refugee children after they are released to their sponsors;
- Improved government oversight and transparency regarding the use of child labor in the global supply chain, and the use of diplomatic pressure on foreign governments

³ "During Ag Week, Luján Introduces Legislation to Improve Child Protections and Safety Standards for Agriculture Industry." Press Release.

<https://www.lujan.senate.gov/newsroom/press-releases/during-ag-week-lujan-introduces-legislation-to-improve-child-protections-and-safety-standards-for-agriculture-industry/>.

⁴ Human Rights Watch website, Child Labor section. <https://www.hrw.org/topic/childrens-rights/child-labor>.

and regulation of global corporations and their imported products to eliminate the use of oppressive child labor in factories and products.

We should also be supporting labor unions in their organizing and contract fights, since unions are the best protection against labor exploitation and for higher labor standards, both through their own collectively bargained contracts and through their efforts to win policies that benefit everyone, including non-union workers.

As Christians we have a responsibility to care for the most vulnerable among us. Children, especially migrant children, many of whom are not living with parents or even family, are among the most vulnerable people in our society. We must raise our voices against their exploitation and harm.

Frances Perkins was the woman cabinet member as Secretary of Labor under President Franklin Delano Roosevelt; she has been called the architect of the New Deal. She was also a deeply faithful Christian and Episcopalian who is remembered on our church calendar each year on May 13. She happened to be a bystander witness to the Triangle Shirtwaist Fire of March 25, 2011 in New York City; she watched 47 young, immigrant women and girls die as they as jumped to the their deaths from the locked top floor of their factory to escape the flames (in all, 146 people died that day). She said later that that day was “the day the New Deal was born;”⁵ and also, “I came to Washington to work for God, FDR, and the millions of forgotten, plain common workingmen.” We can honor Frances, and our own baptismal vows, by renewing our commitments to protecting children and all workers.

*Loving God, we bless your Name for Frances Perkins, who in faithfulness to her baptism envisioned a society in which all might live in health and decency: Help us, following her example and in union with her prayers, to contend tirelessly for justice and for the protection of all, that we may be faithful followers of Jesus Christ; who with you and the Holy Spirit lives and reigns, one God, for ever and ever. Amen.*⁶

⁵ Frances Perkins Center, “Learn Her Life.” <https://francesperkinscenter.org/learn/her-life/>.

⁶ The collect appointed for use on the Feast of Frances Perkins, Social Reformer, 1965, on May 13, Lesser Feasts and Fasts.