

Topic:

The Development of Child Labor Laws

Time:

2-3 class periods

Historical**Period:**

1890's to present

Core:

US II 6250 - 0301
Gov. 6210 - 0403

Objectives: Students will:

1. Develop awareness of legislation relating to child labor.
2. Recognize that legal protections against child labor were the result of a long history of political struggle and social legislation.
3. Compare and discuss modern versions of child labor laws using Handouts, the Utah Code, and discussion questions.

Procedure:

1. Before the activity, have a discussion about child labor. You also can have students brainstorm a list of the advantages and disadvantages of child labor during the period of industrialization.
2. Before class, cut apart the 15 learning stations on Handout 1 and post them in random order around the classroom.
3. Distribute Handout 2. Explain to students that protective legislation against child labor took over 150 years to achieve. Read the instructions on Handout 2 with the class. You might give students an example of a summary of one of the learning stations to assist them in their task. Have students complete learning station assignment.
4. Distribute Handout 3, "Employment of Children", from the Utah Code.
5. You can divide students into groups of two or three to explain the individual sections of the law (there are 11 sections). Or, use the discussion questions in Handout 4 to examine child labor laws in Utah.

Handouts/Worksheets:

1. Learning Stations
2. Learning Stations Worksheet: A History of the Struggle Against Child Labor
3. "Employment of Children" from the Utah Code
4. Discussion Questions on Utah Code

Author: Adapted from *Law in U. S. History* by Carol Lear

INTRODUCTION

Students probably do not realize the laws that make it difficult for them to get jobs at fourteen have their basis in industry safety and the protection of children. Also, the political and legal history of child labor has a 150 year history. This lesson uses learning stations to familiarize students with some of the more important and interesting events in the history of labor laws developed to protect children. The lesson concludes by bringing the struggle up-to-date and close to home, through Utah statutes and discussion questions.

LEARNING STATIONS

“CHATTELS OF THE FAMILY AND WARDS OF THE STATE” COLONIAL AMERICA

American colonists carried English attitudes about children into the New World. The Colonies were not interested in protecting children from overwork or conditions dangerous to their health. Laws required that a useful trade or skill be taught children to prevent “sloth and idleness wherein such young children are easily corrupted.”

PAUPER CHILDREN

In Virginia in 1619, workmen were badly needed. Hundreds of English pauper children were kidnapped and brought to the Colonies to work. Work was a desirable alternative to allowing these children to be a burden to society. They were also a source of cheap labor.

SAMUEL SLATER’S FACTORY IN RHODE ISLAND

Samuel Slater was called “the father of American manufacturing.” He manned the first factory in Pawtucket, Rhode Island in 1790 entirely with youngsters from 7 to 12 years of age. They worked 72 to 84 hours a week. Children could be paid much less than adults.

WORK DAY FOR CHILDREN

In 1825-1832, reports of child labor in states such as Pennsylvania and Massachusetts found children 6 to 17 years of age working 12 or 13 hours, six days a week. They made up two-fifths of the total number of workers in the states under study. Concerned about children’s health, some states began passing laws between 1842-1867 limiting the work day for children under 12 years of age to 10 hour days. Children under 16 were limited to 60 hours a week. Pressure for these laws came from labor unions, which pointed out that child labor was keeping down wages for all laborers.

COMPULSORY SCHOOL ATTENDANCE; STATES' CONCERNS

Reformers concerned about child welfare realized that child labor was producing generations of adults who were illiterate and could not read the Bible. This concern resulted in a series of state laws relating to education. Connecticut passed a law requiring that reading, writing, and arithmetic be taught to all children while working in the factories. In 1836, Massachusetts passed a law saying that children under 15 could not be employed unless they had attended school for at least 3 months the preceding year.

COMPULSORY SCHOOL ATTENDANCE, THE KEY TO LIMITING CHILD LABOR

Many states concerned about child labor followed the example of Massachusetts, which passed a series of laws affecting children from 1873-1889. In 1873, the length of the school year was extended to 20 weeks for children 12 and under. In 1883, towns with more than 10,000 population were required to establish evening schools for children's education. In 1887, children under 13 were excluded from work in factories, etc. Other outdoor work such as farm work was forbidden unless the child had attended 20 weeks of school. In 1889, compulsory school attendance for 30 weeks was extended to children up to 14 years of age.

FIRST MINIMUM WAGE LAW

In 1912, Massachusetts passed the first minimum wage law for children and women. Fourteen states did the same. Children and women had historically received much lower pay than men for the same work. Textile industries routinely hired children and women for very low wages and work weeks up to 84 hours. For example, in 1860, the average wage for men in Massachusetts was \$5.00 per week; for women, \$1.75 to 2.00; and for children, \$1.00 to 2.00 per week.

CONGRESS BEGINS TO PASS CHILD LABOR LAWS

World War I revealed that of men drafted between the ages of 21 to 31, 20% could not read or write. This was the highest illiteracy rate in all industrialized countries. As a result, Congress began to become interested in child labor laws and compulsory education on a national basis.

CHILD LABOR ACT OF 1916

This law, passed by Congress, tried to end child labor by banning the interstate sale of goods produced by children under 14 years of age working more than 10 hours a day. This was the first real attempt by the national government to control child labor.

***HAMMER v. HAGENHART* (1918) - SUPREME COURT DECISION**

This decision said that the Child Labor Act of 1916 was unconstitutional. The reason the Court gave was that Congress was trying to regulate manufacturing rather than interstate commerce. This power was not granted to Congress by the Constitution. The Court was more concerned with the powers to regulate commerce than with the welfare of children.

CHILD LABOR TAX ACT (1919)

When the Child Labor Act was struck down by the Supreme Court, Congress tried again to pass a federal law to discourage the use of child labor. The Child Labor Tax Act placed a high tax on products made by industries which employed children. A 10% tax on the net profits of any company using child labor was intended to discourage them from hiring children.

***BAILEY v. DREXEL FURNITURE CO.* (1919) - SUPREME COURT DECISION**

The Supreme Court struck down the second attempt by Congress to end child labor. The Court said the Child Labor Tax Act was unconstitutional because Congress was using its power to tax in order to discourage child labor. The Court said that it was up to the states to regulate these matters. Congress did not have the right to tell the states what to do concerning child labor.

AMENDMENT TO THE CONSTITUTION INTRODUCED (1924)

Congress was not willing to give in to the Supreme Court in the fight against child labor. As a result, Congress submitted to the states a constitutional amendment which would give Congress the power to “limit, regulate, and prohibit labor of persons under 18 years of age.” By 1938, only 28 of the 48 states had ratified the amendment. It never was ratified, but other laws made it unnecessary.

FAIR LABOR STANDARD ACT OF 1938 (WAGES AND HOURS ACT)

The minimum work week was set at 44 hours per week during the first year of employment and by the third year had to be reduced to 40 hours per week. Minimum wages were increased to 40 cents per hour. One important part of the act prohibited the shipment between states of goods produced in establishments where “oppressive” child labor was employed. Under the act, the Children’s Bureau was made responsible for setting regulations for child employment to prevent interference with schooling, health, and well-being.

UNITED STATES v. DARBY LUMBER COMPANY (1941)

The provisions of the Fair Labor Standards Act were tested in this Supreme Court case and upheld. This decision overturned the *Dagenhart* Supreme Court decision of 1918. It also made the child labor amendment unnecessary. Child labor had legally become an area in which Congress could make laws.

HANDOUT 2

A HISTORY OF THE STRUGGLE AGAINST CHILD LABOR

Instructions

With your partner, go to each learning station and read the information. Try to summarize the important information at each station in one sentence and write it down, along with the title and date of the event on the worksheet. When you have visited all the stations, arrange your notes in chronological order on this page. When you have finished, you will have a history of the struggle against child labor.

	Date	Event
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14.		
15.		

HANDOUT 3

UTAH CODE ANNOTATED, 1953 EMPLOYMENT OF CHILDREN

PART I GENERAL PROVISIONS

34-23-101 Policy of state.

It is a policy of the state of Utah to encourage the growth and development of minors through providing opportunities for work and for related work learning experiences while at the same time adopting reasonable safeguards for their health, safety, and education.

34-23-103 Definitions

As used in this chapter:

- (1) "Casual work" is employment on an incidental, occasional, or non-regular basis which is not considered full-time or routine.
- (2) "Commission" means the Labor Commission.
- (3) "Division" means the Division of Anti-discrimination and Labor in the Commission.
- (4) "Hazardous occupation" is any occupation defined as hazardous by the United States Department of Labor under 29 U.S.C. Sec. 201 et seq., the Fair Labor Standards Act.
- (5) "Minor" is a person under the age of 18 years.

PART 2 OCCUPATIONS OF MINORS

34-23-201 Employment of minors in hazardous occupations prohibited — Exceptions.

A minor may not be employed or permitted to work in any hazardous occupation except as authorized by the division in writing when the minor is under careful supervision in connection with or following completion of an apprentice program, vocational training, or rehabilitation program as approved by the division.

34-23-202 Employment of minors under 16 during school hours — Hours of work limited.

- (1) A minor under the age of 16 may not be employed or permitted to work during school hours except as authorized by the proper school authorities.
- (2) A minor under the age of 16 may not be permitted to work:
 - (a) before or after school in excess of four hours a day;
 - (b) before 5:00 a.m. or after 9:30 p.m. unless the next day is not a school day;
 - (c) in excess of eight hours in any 24-hour period; or

(d) more than 40 hours in any week.

34-23-203 Permitted occupations for minors 16 or older.

Minors 16 years of age or older may work:

- (1) in all occupations not declared hazardous; and
- (2) in occupations which involve the use of motor vehicles if the minor is licensed to operate the motor vehicle for employment purposes under state law.

34-23-204 Permitted occupations for minors 14 or older.

(1) Minors 14 years of age or older may work in a wide variety of nonhazardous occupations including:

- (a) retail food services;
- (b) automobile service stations, except for the operation of motor vehicles and the use of hoists;
- (c) public messenger service;
- (d) janitorial and custodial services;
- (e) lawn care;
- (f) the use of approved types of vacuum cleaners, floor polishers, power law mowers, and sidewalk snow removal equipment; and
- (g) other similar work as approved by the division.

(2) Minors 14 years of age or older may also work in nonhazardous areas in manufacturing, warehousing and storage, construction, and other such areas not determined harmful by the division.

34-23-205 Permitted occupations for minors 12 or older.

Minors 12 years of age or older may work in occupations such as:

- (1) the sale and delivery of periodicals;
- (2) door-to-door sales and delivery of merchandise;
- (3) baby-sitting;
- (4) nonhazardous agricultural work; and
- (5) any other occupation not determined harmful by the division.

34-23-206 Permitted occupations for minors ten or older.

Minors ten years of age or older may work in occupations such as:

- (1) delivery of handbills, newspapers, advertising, and advertising samples;
- (2) shoe-shining;
- (3) gardening and lawn care involving no power-driven lawn or snow removal equipment.
- (4) caddying; and
- (5) any occupation not determined harmful by the division.

34-23-207 Permitted occupations with no specific age limitations or restrictions.

With consent of the minor's parent, guardian, or custodian, no specific age limitations or restrictions are imposed for:

- (1) home chores and other work done for parent or guardian;
- (2) any casual work not determined harmful by the division;
- (3) agricultural work including the operation of power driven farm machinery in the production of agricultural products; or
- (4) work for which a specific, written authorization has been made by the division.

34-23-208 Exceptions.

The provisions of this chapter shall not apply to a person who is 16 years of age or older and for whom employment would not endanger his health and safety if that person:

- (1) has received a high school diploma;
- (2) has received a school release certificate;
- (3) is legally married; or
- (4) is head of a household.

HANDOUT 4

Name _____ Date _____

DISCUSSION QUESTIONS
“Employment of Children”
As Found in Utah Code

1. Do you think there is a need for child labor laws in Utah in the 2000's?
2. Do you think there should be different rules or laws for different age youth?
3. Do you think employers do not hire young teenagers because of these laws?
4. According to these statutes, who is supposed to enforce these laws?
5. Why do these laws **not** apply to high school graduates?
6. Do these laws really protect teenagers? Or do they just keep them from getting jobs?
7. If it were your job to rewrite or change these laws, what changes would you make?
8. What has been your experience with working in real life? Are these laws enforced?