

U. S. DEPARTMENT OF LABOR

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THE
EMPLOYMENT-CERTIFICATE
SYSTEM

A SAFEGUARD FOR THE WORKING CHILD



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THE EMPLOYMENT-CERTIFICATE SYSTEM: A SAFEGUARD FOR THE WORKING CHILD.

The effective administration of a child-labor law depends to a very great extent on a thoroughgoing system of issuing employment certificates. The employment certificate aids law enforcement. It is a safeguard that has been devised to prevent children from leaving school and going to work until they can meet with the requirements laid down in the child-labor and compulsory-education laws. An adequate child-labor law should provide that a child must obtain such a certificate before he can legally be employed, and that in order to obtain it he must be of a certain age and must have attained a minimum standard of education and physical fitness.¹

To-day nearly all the States require children to secure employment certificates before going to work.

THE ISSUING OFFICER.

The proper enforcement of the child-labor law depends upon the officer in charge. The issuing of certificates involves interviews with children and parents, as well as explanations and instructions regarding provisions in the law which are sometimes complicated. The officer who issues employment certificates should, therefore, be above the average in intelligence, patient and courteous at all times, and determined to see that the child's rights are preserved and that the child's needs are made the first consideration. Often the work of issuing employment certificates is delegated to an untrained clerk or some other person unfitted for such work. Too much importance can not be attached to the personality of the issuing officer. The duty of issuing employment certificates is placed upon school officials in many States, in others it devolves upon factory inspectors, industrial commissions, health officers, or court officials.

¹ See Standards of Child Welfare, Separate No. 2, Child Labor. Report from Conference Series No. 1. Bureau Publication No. 60. Children's Bureau, U. S. Department of Labor.

REQUIREMENTS FOR EMPLOYMENT CERTIFICATES.

PROOF OF AGE.

The most important duty of the issuing officer is to determine whether or not the child applying for an employment certificate is of legal age to work. The minimum age for employment in industrial occupations is generally 14. In many States children under 16 may not be employed in processes which involve unusual risk. In some States no reliable evidence of the child's age is required by law—an unsupported affidavit or a school record of age may be accepted as sufficient proof.

The parent's affidavit or the date of birth as it appears on the school record can not always be relied upon. The school may have the child's age registered incorrectly. There are parents who look forward to the time when their children may become wage earners and deliberately plan to evade the law by entering the children in school as 6 or 7 years of age when they are only 5 or 6. A few years later his parent asks for the child's working papers, claiming that the child is 14, when in reality he is only 12 or 13 years of age. The school record shows he is 14, and the employment certificate is issued.

No system can be devised that will keep all children in school up to the age prescribed in the law until birth registration is everywhere compulsory and every child's age is a matter of public record. Certain States permit the issuing officer to accept any one of several kinds of proof of age specified in the law without regard to the order in which they are named. A birth certificate, a baptismal record, a passport, a school record, or the parents' affidavit may be accepted as evidence of the child's age. Under such circumstances the tendency of many officers is to accept the evidence that can be secured most easily. This evidence may be wholly unreliable, and as a result the child may be permitted to work before he is of legal age. Other States provide in their statutes that certain specified evidence, such as a birth certificate, a baptismal certificate, or a passport, must be demanded in a prescribed order. For instance, if a birth certificate can not be secured, and the issuing officer is satisfied it is not obtainable, then a baptismal certificate may be accepted. Although such a provision would seem to insure the production of the most reliable evidence, officers frequently accept the written statement of the parent that a birth certificate can not be secured, and take the evidence next in order, particularly if the child is foreign born and it

seems a hardship to delay the issuance of the certificate until the parents obtain the birth certificate from Europe.

Since it is of interest to the child and to the community that every effort be made to secure proper evidence of the child's age, the official in charge of issuing employment certificates should give the parents the necessary directions for securing that evidence. Frequently parents are ignorant and helpless in the matter of correspondence; they do not know where to write for the required document and they do not know whether or not a fee is charged for a birth certificate. Instead of writing directly to the proper official they sometimes write to friends or relatives at home to secure the papers for them. If the papers are not forthcoming the parent then has no official statement to offer at the issuing office as proof that the evidence is not obtainable. In some cities the issuing officers give the parents or children printed directions for securing evidence of age. Even this, however, is not always satisfactory, and in some cities the officials in charge of issuing certificates have found that a great deal of time is saved and many mistakes avoided if they themselves send for the proof of age.

The issuing officer must be ever on the alert to examine carefully the proof of age submitted, in order to protect the interests of the children. Frequently children present evidence with altered dates or changed names. Some issuing officers have found it advisable to stamp the evidence of age when it is submitted, in order to prevent its subsequent use by another child.

The Minimum Standards for Children Entering Employment adopted by the Children's Bureau Conference on Child Welfare Standards (May, 1919) contain the following section on employment certificates:

Provision shall be made for issuing employment certificates to all children entering employment who are under 18 years of age.

An employment certificate shall not be issued to the child until the issuing officer has received, approved, and filed the following:

1. Reliable documentary proof of the child's age.
2. Satisfactory evidence that the child has completed the eighth grade.
3. A certificate of physical fitness signed by a public-health physician or school physician. This certificate shall state that the minor has been thoroughly examined by the physician and that he is physically qualified for the employment contemplated.
4. Promise of employment.

The certificate shall be issued to the employer and shall be returned by the employer to the issuing officer when the child leaves his employment.

The school last attended, the compulsory education department, and the continuation schools shall be kept informed by the issuing officers of certificates issued or refused and of unemployed children for whom certificates have been issued.

Minors over 18 years of age shall be required to present evidence of age before being permitted to work in occupations having an age prohibition.

Record forms shall be standardized and the issuing of employment certificates shall be under State supervision.

Reports shall be made to the factory inspection department of all certificates issued and refused.

EDUCATIONAL REQUIREMENTS.

A child should not be given a certificate to work until he has reached a minimum educational standard. It is generally agreed that no child should be permitted to leave school for work in the shop, on the farm, or in the home until he has secured the minimum education which is necessary for his success and happiness in life. The extent of illiteracy found among men drafted for the United States Army shows the necessity for educating our boys and girls at any cost. In some States a child need not meet any educational requirement in order to secure an employment certificate, and even illiterate children may be given permits to work. The laws of a few other States require merely that the child must have been in attendance at school a specified number of days during the year preceding his application for an employment certificate. In other States the child must be able to read and to write simple sentences legibly, but it is not always specified or required that he be able to do so in English. Some State laws require that the child must have completed a certain grade in school. For example, some States provide for the completion of the fourth or fifth grade while others make provision for as high as an eighth-grade education.

In certain States the law requires that the school principal certify that the child has fulfilled the educational requirements of the law; and the issuing officer must accept such certification. In other States the law provides that in addition to the "school record" issued to the child by the school principal a test be given by the issuing officer in order that he may satisfy himself that the child has reached the minimum standard of education. If the children are not successful in the test they are refused employment certificates.

There are children who are mentally deficient and can not meet even a low educational requirement. The parents and teachers, realizing this, think that the children would be better off at work than at school. But mentally defective children are undoubtedly subject to greater risk in industry than are normal children. Training should be provided for them especially designed to develop skill of hand. The time spent at such training will not be wasted; for the majority are not so hopelessly defective that they can not acquire some dexterity, and as a result they will be better able to hold their own when they finally go to work.

The educational minimum laid down in the Children's Bureau Standards of Child Welfare for children entering employment are as follows:

All children shall be required to attend school for at least nine months each year, either full time or part time, between the ages of 7 and 18.

Children between 16 and 18 years of age who have completed the eighth grade and are legally and regularly employed shall be required to attend day continuation schools eight hours a week.

Children between 16 and 18 who have not completed the eighth grade or who are not regularly employed shall attend full-time school.

Vacation schools placing special emphasis on healthful play and leisure time activities shall be provided for all children.

PHYSICAL REQUIREMENTS.

A child should not be given a permit and allowed to work until a public medical officer or one appointed by the board of education or the labor department has given him a physical examination and found him to be physically fit for employment. The need for medical supervision of children as they enter industrial life has been emphasized by the fact that of two and one-half million men examined to determine their physical fitness for the Army, one-third were rejected, many of them on account of physical deficiencies that had originated in childhood. In many States a physical examination is not required before the employment certificate is granted. As a result, numbers of working children break down from heart weakness, tuberculosis, nervous conditions, and general debility. Many others are handicapped because of defective vision or because they are undersized or are lacking in general strength.

Even in States where the laws make some physical requirement it may be merely that the issuing officer "satisfy himself" of the child's physical ability to perform the work he intends to do, or that he is authorized to require a physician's certificate to that effect. Such requirements often provide no protection at all to the child. In many States, however, the law specifies that before a child is granted an employment certificate he must be examined by a public medical officer or a physician appointed by the board of education, who certifies that the child is "in sound health," of "normal development," or "physically able to perform the work which he intends to do."

When the law requires that the child shall be in "sound health" or of "normal development" the physicians are in need of a standard for determining what is "sound health"; they also need to know what is considered normal development for children of different ages. Some State enforcing authorities require that employment certificates be granted only to those children who can meet a certain prescribed physical standard.

Where the State laws require the child to be examined in order that his fitness to undertake a particular job may be ascertained, it is important that the examining physicians have definite knowledge of industrial conditions and of the particular work which the children are

to perform. Various efforts are being made to study at first hand the occupations in which children of certificate age are engaged, but further study is required before examining physicians can have adequate knowledge of the physical and nervous strain involved in different occupations. A physician might refuse to give a boy with heart disease a certificate to work as a messenger boy, but he might, through ignorance of the duties involved, allow that same boy to do other work which requires lifting heavy weights.

A detailed record card showing the physical condition of each child should be kept in the issuing office. If the child has any physical defects every effort should be made to see that they are corrected before an employment certificate is issued, for unless he is put in good physical condition before entering employment the medical examination does little good. This is especially necessary in States which do not require a child to be physically examined after he has once gone to work. In some places where a physical examination is required, a child who has defective vision, defective teeth, or diseased tonsils or adenoids is refused an employment certificate until the defects are corrected, and a certificate is unconditionally refused to a child who has heart disease or is tuberculous or whose physical condition is such that employment during the period of adolescence would be detrimental to his future health.²

FURTHER SUPERVISION OF WORKING CHILD'S HEALTH.

The responsibility of the issuing officer should not end with the physical examination. The children rejected because they are physically unfit should be followed up to see that their defects are corrected. In some cities if the parent can not afford to pay for treatment the children are referred to a dispensary. A few issuing officers refer children who are physically unfit for employment to the school nurses or public-health nurses, in order that they may be advised regarding treatment. In one city the official who issues the employment certificates has cooperated with certain local agencies in an effort to secure milk and nourishing food for underfed and anemic children. Arrangements have been made to send some of these children to the country, while convalescent care has been secured for others. A fund has also been established in order that children who can not afford to buy eyeglasses may be supplied with them free of charge.

In some States children are examined not only when they start to work but also each time they change positions, in order that the examiners may judge whether the child is physically fit for his new

² A committee on physical standards for working children, appointed by the Children's Bureau, has prepared a report on standards of normal development and physical fitness, including a record form for the use of examining physicians.

occupation. They are thus able to determine what effect industry has had upon the child and may correct any physical defects that may have developed while he has been working. Such examinations show which children are not gaining as much as they should in weight and which ones have actually lost weight. The health of children in industry can not properly be protected until there is adequate medical supervision of all employed children.

COOPERATION OF THE ISSUING OFFICE WITH THE COMPULSORY-SCHOOL-ATTENDANCE DEPARTMENT.

It is important that the issuing officer work in close cooperation with the school officials, the compulsory-school-attendance department, and the factory-inspection department if the child-labor and compulsory-school-attendance laws are to be properly enforced.

A compulsory-school-attendance law should provide for attendance at school of all children who are not legally employed, and adequate administrative machinery should be devised for its enforcement. Sometimes the compulsory-school-attendance law ignores the child entirely after he has reached the legal age for going to work, so that a child may leave school as soon as the law allows, secure a certificate for work, and yet be idle for long periods. He may not be at work, but the educational authorities can not require that he return to school.

In most States the exemption of an employed child is limited to the period when he is actually at work, and when he is unemployed he is supposed to go back to school. But frequently there is no machinery for enforcing this provision and no way for officials to know when a child is not at work.

In order that children may not be idle for long periods after leaving school, many States have found it advisable not only to require attendance at school when the child is not lawfully employed but also to permit no child to leave school and secure an employment certificate until he first has a promise of employment and brings to the issuing officer a statement from the employer that he will employ the child. It is sometimes required that this statement shall include the kind of work the child will do, and the number of hours per day and per week he is going to work. If the work the child intends to do is in violation of the child-labor law, the issuing officer must require him to secure other employment that is legal before a certificate is granted him. In some localities the issuing officer reports daily to each school the names of children who have been granted certificates. In addition, children who are refused employment certificates for any reason are reported to the compulsory-school-attendance department, which sees that they return to school.

In one city a child to whom a school record has been issued is not dropped from the school roll until the school authorities have been notified by the issuing officer that an employment certificate has been granted him. If, in the meantime, the child is absent from school he is reported to the truant officer, who visits the child's home and makes inquiries regarding him. If the parent states that the child is at work, the officer finds out whether or not an employment certificate has been issued to him. Violations of the child-labor law discovered in this way by the truant officer are reported to the department that enforces the child-labor law.

In order that the compulsory education law pertaining to unemployed children may be enforced, a number of States have found that an effective method is to require that—

- (1) Each child have a promise of employment before he leaves school and secures an employment certificate.
- (2) The certificate be mailed to the employer.
- (3) The employer return the certificate to the issuing officer when the child leaves his job or is for any reason discharged.
- (4) In order to secure a new certificate the child must get another promise of employment and apply again to the issuing officer.

If, after a certificate has been returned by the former employer, the child fails to apply within a few days for a subsequent one, the issuing officer should report him to the truant officer, whose duty it is to see that he returns to school until he secures other employment. Such provisions should insure the attendance at school of all children of school age who are not employed.

SUPERVISION OF CHILDREN WORKING ON EMPLOYMENT CERTIFICATES.

It is becoming generally recognized that children should have some supervision after they start to work. If the child must return to the employment-certificate office each time he changes his position, the issuing officer has an opportunity to question the child regarding his employment. In this way much valuable information may be secured regarding the conditions under which children work. Such information may lead to better working conditions for children and may perhaps assist the school authorities in adapting the curriculum to the needs of the children. The certificate office under this plan is given a measure of supervision over working children up to at least the age of 16, and is in a position to help enforce the laws relating to occupations prohibited to children as well as the laws concerning the hours of employment.

DAYTIME CONTINUATION SCHOOLS.

A satisfactory program for the care of children of employment-certificate age should require a further period of compulsory attendance during a few hours each week at daytime continuation schools provided to meet the needs of working children. In most States children who secure employment certificates and are at work are exempt from further attendance at school. An increasing number of States are finding it advisable to secure legislation providing for continuation schools for these children. In some localities where attendance at continuation schools is compulsory, the officer who issues employment certificates also assigns the children to continuation classes. The compulsory continuation school provides a practicable method of keeping children under the supervision and control of school authorities during the first critical years of their working lives when they most need protection.

VOCATIONAL GUIDANCE AND PLACEMENT BUREAUS.

In order that children may be saved from the wasteful hunt for a job, and in order that they may be assisted in finding work to which they are suited and in which they may advance, a few cities have established vocational guidance and placement bureaus in connection with the employment-certificate office. Every child leaving school is thus offered the benefit of occupational advice and guidance. The first aim of such bureaus is to keep children in school by pointing out to them and to their parents the value of further education; by showing them that increased training means increased earnings, better health, and greater efficiency, and that there are in reality few good opportunities in industry which offer training and advancement to young children. If the child can not be persuaded to return to school, the officer may assist him in finding the employment best suited to him and may also give him some degree of supervision after he starts to work.

THE COOPERATION OF THE COMMUNITY.

The employment-certificate official—no matter how efficient he is—can not alone make a child-labor law really protect the children. He must have the backing of the community.

1. The community should first of all be aroused to an understanding of the necessity of adequate enforcement of the child-labor and compulsory-school-attendance laws.

2. The community should maintain officials in charge of such work who will conscientiously enforce the laws for the benefit of the

children. A sufficient number of assistants must be given the issuing officer if he is to do his work effectively.

3. The community should work for complete birth registration in order that the real ages of the children applying for employment certificates may be readily ascertained. Information from such reliable age records should prevent the issuing officer from granting employment certificates to any children not of legal age.

4. The community should see that a sufficient number of truant officers are provided to enforce the compulsory-school-attendance laws. In many rural districts these laws are poorly enforced. In some States the school term is so short that children are in school only a small part of the year. Only a few States make an effort to return to school children of employment-certificate ages who are not at work.

5. The community should modify the school curriculum in such a way that it will better meet the needs of the children. Many children leave school because they are not interested in the academic work which the school offers. They may be refused employment certificates and forbidden to work, but if they are to be kept in school it is not enough merely to pass a law requiring attendance. The school must provide training which parents and children alike will consider so well worth having that they are willing to forego the immediate assistance which the child's wages would afford. All-day industrial and vocational schools have been established in a number of States to meet the needs of such children.

6. Local committees should be able to offer their assistance to the issuing officers in States where a physical examination is required, in following up children who are refused certificates because of physical unfitness in order to see that they have the necessary treatment. They may make provision for the care of those children who can not afford medical treatment. Every effort should be made to safeguard the health of working children.

7. The community should make provision for the care of the families of those children whose earnings are needed at home. Sometimes this can be done by providing scholarships for children of school age. Certain States have met the needs of some children by means of mothers' pensions.

8. The community should work to secure daytime continuation schools to give working children further training.

Some States recognize the fact that all children whether at school or at work should be assured an education and that children who must leave school for work at an early age should be given opportunities to improve their education and receive further training. Under the Federal vocational education act, the Government will

give one dollar for every dollar spent by any community or State on continuation schools.

Local committees can doubtless ascertain where their present laws are lax and what action should be taken to make their laws really protect the children.

Following is a list of Children's Bureau publications relating to employment certificates and the enforcement of child-labor laws:

- No. 12. Administration of Child-Labor Laws: Part 1, Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. (Industrial Series, No. 2.) 1915.
 - No. 17. Administration of Child-Labor Laws: Part 2, Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. (Industrial Series, No. 2.) 1917.
 - No. 41. Administration of Child-Labor Laws: Part 3, Employment-Certificate System, Maryland, by Francis Henry Bird and Ella Arvilla Merritt. (Industrial Series, No. 2.) 1919.
 - No. —. Administration of Child-Labor Laws: Part 4, Employment-Certificate System, Wisconsin, by Ethel Hanks. (Industrial Series, No. 2.) 1921. (In press.)
 - No. 53. Advising Children in their Choice of Occupation and Supervising the Working Child, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. (Children's Year Leaflet, No. 10.) 1919.
 - No. 60. Standards of Child Welfare: A report of the Children's Bureau conferences, May and June, 1919. (Conference Series, No. 1.) 1919. Separate, No. 2: Child Labor.
 - No. 64. Every Child in School. (Children's Year Follow-up Series, No. 3.) 1919.
 - No. 78. Administration of the First Federal Child-Labor Law. (Legal Series, No. 6; Industrial Series, No. 6.) 1921.
 - No. 79. Physical Standards for Working Children: Preliminary report of the committee appointed by the Children's Bureau of the United States Department of Labor to formulate standards of normal development and sound health for the use of physicians examining children entering employment and children at work.
- Chart Series No. 1. State Child-Labor Standards, January 1, 1921.
- Chart Series No. 2. State Compulsory School-Attendance Standards Affecting the Employment of Minors, January 1, 1921.

