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THE PRESENT LEGAL STATUS
OF CHILD LABOR IN THE
UNITED STATES

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OUTLINE 4. THE PRESENT LEGAL STATUS OF CHILD LABOR IN THE UNITED STATES

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In all except two States the minimum age for work, at least in factories and often in many other employments, is placed as high as 14 years, and seven States have an age minimum of 15 years or over. Thirty-four States provide an 8-hour day or 44 or 48 hour week for children under 16, and 42 prohibit their work at night.¹

Few State laws apply specifically to work in agricultural pursuits or domestic service. Although a number of laws apply to "all gainful occupations" and would therefore nominally cover farm work and housework, almost the only prohibition of these types of child labor is that which results indirectly from the operation of the compulsory school-attendance laws. Its effectiveness, therefore, depends wholly upon the strictness with which these laws are enforced.

The provisions of the Federal laws (see Outline 1, Topic II, D, 3 and 4, p. 8) affected only children employed in two occupational groups—the manufacturing and mining industries.

Certain of the important phases of child-labor regulations are summarized² in the following outline:

I. REGULATION BY THE STATES

A. *Age minimum*³

1. In factories, stores, etc. (This minimum age applies to work in at least factories and stores, and often to other occupations, with or without exemptions, as indicated. Lack of any regulation for stores is classed as an exemption, as is also a specific exemption of canneries. Exemptions not applying to factories and stores do not affect the classification of a State.)
 - (a) Over 14 years (with exemptions limited to outside school hours)—4 States: Maine (15), Michigan (15), Ohio (16), Rhode Island (15). (See also Idaho, under (d).)

¹ These general statements take no account of limitations upon the application of the laws or of exemptions, which often decidedly weaken the provisions. For details, see summary under I. Regulation by the States.

² In analyzing these provisions the States are usually arranged in groups, the basis of classification being the attainment of certain standards of protection of children from early labor, long hours, and other industrial hazards. But it should be remembered that such a classification is at best but a rough approximation of the actual position of any State in regard to its restrictions upon child labor. The laws of the various States are so differently expressed, and many of them are so burdened with exemptions the actual effect of which can not be determined, that accurate classification is impossible. For instance, a State with a minimum age of 15 years with exemptions permitting children over 12 to work under certain conditions may actually afford much less protection to its children than one with a minimum age of 14 with no exemptions. Moreover, the exemptions may be of such widely varying degrees of importance that the fact that two States are classified under the same heading does not necessarily imply that their standards are even approximately the same.

³ For compulsory school-attendance provisions, which may sometimes indirectly affect the minimum age of employment during school hours, see B, 1, p. 33.

- (b) Over 14 years (with exemptions not limited to outside school hours)—3 States: California (15), Montana^{3a} (16), Texas (15).
- (c) Fourteen years (without exemptions)—13 States: Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Nebraska, New Hampshire, New York, North Dakota, Pennsylvania, Tennessee.
- (d) Fourteen years (with exemptions limited to outside school hours)—13 States: Alabama, Arizona, Arkansas, Colorado, Idaho,⁴ Kansas, Minnesota, Nevada, New Jersey, Oregon,⁵ Virginia, West Virginia, and Wisconsin.
- (e) Fourteen years (with exemptions not limited to outside school hours)—13 States and the District of Columbia: Delaware, District of Columbia, Florida (14 for factories, 12 for stores), Georgia,^{3a} Iowa, Mississippi,^{3a} Missouri, New Mexico, North Carolina,^{5a} Oklahoma, South Carolina,^{3a} South Dakota, Vermont, and Washington.
- (f) Lower than 14 years—2 States: Utah (no age minimum⁶), Wyoming (no age minimum⁶).
2. In mines and quarries (for boys).
- (a) At least 16 in both mines and quarries (without exemptions)—25 States: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maryland, Nevada, New York, North Carolina, Ohio, Oklahoma, Oregon,⁷ Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin.
- (b) At least 16 in mines, 14 in quarries (without exemptions)—one State: New Jersey.
- (c) Sixteen in mines (without exemptions); no provisions for quarries—four States: Colorado, Missouri, Montana, North Dakota.

^{3a} No age minimum for stores.

⁴ Compulsory school attendance law in effect raises the minimum age to 15 for employment during school hours (child whose bodily or mental condition renders attendance at school inexpedient exempted).

⁵ The only exemption is for employment during school vacation of two weeks or more, which is permitted to child over 12 in work not detrimental to health or morals in judgment of State board of inspectors of child labor. Board interprets this to exclude work in factories and stores, except errands for small stores not in congested districts.

^{5a} Minimum age in factories and canneries, 14; in stores, 14 except under regulations prescribed by State child-welfare commission.

⁶ No age minimum except that fixed indirectly by the compulsory school attendance law for work during school hours. In Wyoming no child whose attendance at school is required by law may be employed in factories or stores during school hours. Certain specific dangerous or injurious manufacturing processes are prohibited under 16 in Utah and under 14 in Wyoming.

⁷ No minimum age specified in law, but board of inspectors of child labor, under its power to refuse to issue certificates to children not physically able to do work required, refuses to issue certificates to children under 16 to work in mines or quarries.

- (d) Sixteen in mines (with exemptions); no provisions for quarries—two States: Iowa (16 during school term; 14 at any time), Washington.
- (e) Lower than 16 in mines and quarries—4 States: Michigan (15 in mines during school hours, no minimum age specified outside school hours; 15 in quarries during school hours, 14 in quarries outside school hours); New Hampshire (14 in quarries; no specific provisions for mines); Rhode Island (mines and quarries not specified, but act fixing a minimum age of 15 during school hours and 14 outside school hours in factories, etc., applies to every person, firm, or corporation employing any child under 16, "whatever the business conducted"); Wyoming (14).
- (f) Lower than 16 in mines (without exemptions); no provisions for quarries—six States: Idaho (14), Louisiana (14), Minnesota (14), New Mexico (14), South Carolina (14), South Dakota (14).
- (g) No minimum age provisions specified in law for either mines or quarries—six States and the District of Columbia: District of Columbia, Florida,^{7a} Georgia, Maine, Massachusetts, Mississippi, Nebraska.
3. In occupations dangerous to life or limb or injurious to health or morals.
- (a) Most States have laws prohibiting children under specified ages from work in at least a certain number of dangerous or injurious occupations. Much variation is found in both the number and the type of occupations and processes prohibited, but many of the laws enacted within the past 10 years follow rather closely the sections of the so-called "uniform child labor law" relating to this subject.⁸
- (b) Determination of dangerous or injurious occupations by State boards. In the following 21 States a State board of labor or of health has authority to determine what occupations or processes are dangerous or injurious to children under specified ages, usually 16 or 18, and to prohibit their employment therein: Alabama, Arizona, Arkansas, California, Delaware, Illinois, Massachusetts, Michigan, Missouri, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Utah, West Virginia, Wisconsin, Wyoming.

^{7a} By implication from employment-certificate law, minimum age in mines would be 14.

⁸ See secs. 3, 4, 5, 18, 19, and 21 of the uniform child labor law (Reading References, p. 43)

B. Educational minimum

1. Compulsory attendance at all-day school (all laws have exemptions, many of them seriously crippling the effect of the compulsory provision) required up to the age of—
 - (a) Eighteen years: Eight States—Idaho, Montana (where continuation schools are established, required only in first-class districts; elsewhere 16), Nevada, Ohio, Oklahoma, Oregon, Utah, Washington (where continuation schools are established; elsewhere 16).
 - (b) Seventeen years: Five States—Delaware (17 outside Wilmington, 16 in Wilmington), Maine, Maryland (17 outside Baltimore, 16 in Baltimore), North Dakota, South Dakota.
 - (c) Sixteen years: Twenty-eight States—Alabama, Arizona, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (in parish of Orleans, elsewhere 14), Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, Wisconsin, Wyoming.
 - (d) Fifteen years: One State—Arkansas.
 - (e) Fourteen years: Six States and the District of Columbia—District of Columbia, Georgia, Mississippi (county may release itself from act by majority vote of qualified electors), North Carolina (act not in force in any county having a higher compulsory education law), South Carolina, Texas, Virginia (localities may obtain exemption).
2. Compulsory continuation-school attendance for employed children required (under certain specified conditions) up to—
 - (a) Eighteen years: Thirteen States—California, Illinois^{9a} (to 16, September 1, 1921; to 17, September 1, 1923; to 18, September 1, 1925), Indiana (local school authorities may establish schools and require attendance), Missouri (penalty section applies, however, only to non-attendance of children under 16 years of age), Montana, Nevada, New York,⁹ Ohio,^{9a} Oklahoma, Oregon, (evening-school attendance accepted as substitute), Utah, Washington,^{9a} Wisconsin.

⁹ By September, 1925, a sufficient number of schools shall be established so as to afford the required instruction to all minors under 17 subject to the act, and by September, 1923, so as to afford the required instruction to all minors under 18 subject to the act.

^{9a} Attendance compulsory after schools have been established; no compulsory provision for establishment.

- (b) Seventeen years: One State—Michigan.
- (c) Sixteen years: Twelve States—Arizona, Connecticut,^{9a} Delaware, Florida (evening-school attendance accepted as substitute), Iowa, Kentucky,^{9a} Massachusetts, Nebraska, New Jersey, New Mexico, Pennsylvania, West Virginia.

3. Educational requirements for regular employment certificates. (Compulsory school attendance provisions which in effect may raise these requirements for many children in certain States are not included. Grade of school work required only is given, without regard to such additional requirements as ability to read and write English.)

- (a) Completion of seventh or eighth grade or of "common" or "grammar" school course (see also under *b, c, d, and e*): Eleven States—California, Delaware (in Wilmington, by ruling of board of education; in rest of State, indirectly through compulsory education law; with exemptions), Indiana, Kansas, Minnesota, Montana, North Dakota (school attendance for 9 years, exclusive of kindergarten, accepted as substitute), Ohio, Oregon (ruling of industrial welfare commission), Vermont, Wisconsin (school attendance for 9 years, exclusive of kindergarten, accepted as substitute).
- (b) Completion of eighth grade; or literacy in English and attendance at evening or continuation school: One State—Nebraska.
- (c) Completion of eighth grade for child under 16 (certificate requirement extends to 18): One State—Utah.
- (d) Completion of eighth grade for child 14 to 15 (with exemptions); no requirement for child 15 or over: One State—Washington (according to continuation school law).
- (e) Completion of sixth grade: Ten States—Connecticut,¹⁰ Illinois,¹⁰ Iowa,¹⁰ Maine, Massachusetts, Michigan, New York (eighth for child under 15), Pennsylvania,¹⁰ Rhode Island, West Virginia.
- (f) Completion of fifth grade: Five States—Alabama,^{10a} Arizona,¹⁰ Kentucky,¹⁰ Maryland,¹⁰ New Jersey.¹⁰
- (g) Completion of fourth grade: One State—Arkansas.

^{9a} Attendance compulsory after schools have been established; no compulsory provision for establishment.

¹⁰ Completion of designated grade in specified subjects. In Connecticut these qualifications may be increased by the local school authorities, but the State board of education or a local school official designated by that board may release a child from these requirements.

^{10a} Completion of sixth grade, beginning September 1, 1926.

- (h) No grade specified; proficiency in certain subjects required (usually ability to read and write English, or ability to read and write English and perform simple operations in arithmetic): Seven States and the District of Columbia—Colorado (evening-school attendance accepted as substitute), District of Columbia, Florida, Idaho (requirement specified, but no mention made of certificate), New Hampshire, Oklahoma (specified school attendance may be substituted), South Dakota (specified school attendance, or lawful excuse therefrom, may be substituted), Tennessee (by implication from compulsory school attendance law).
- (i) No requirement other than specified school attendance during preceding year: One State—Georgia.
- (j) No educational requirement; Ten States—Louisiana, Mississippi, Missouri, Nevada, New Mexico, North Carolina (State child-welfare commission may make rulings concerning requirements for issuance of employment certificates), South Carolina, Texas, Virginia, Wyoming (no legal provision for employment certificates applicable to general occupations).

C. Physical minimum

(This summary covers only requirements of physical examinations for regular employment certificates. Examinations to determine age are not included.)

1. Examination by physician before child goes to work mandatory: Twenty-two States—Alabama, Arizona, California, Connecticut, Delaware, Illinois, Indiana,¹¹ Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina,¹² Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia. (See also Wisconsin, under 2.)
2. Examination by physician before child goes to work optional with issuing officer: Seven States and the District of Columbia—District of Columbia,¹³ Florida, Maine, Michigan, Nebraska, Oklahoma, Oregon,¹³ Wisconsin (required in Milwaukee for all applicants for first regular employment certificates, by order of industrial commission).

¹¹ But the law exempts from this requirement, upon written objection of parent, child who has been exempted from physical examination when attending school (parent's written objection required for latter exemption also).

¹² Examination within one year previous by school medical officer may be accepted as substitute.

¹³ Issuing officer must certify to child's physical fitness; therefore he might call upon a physician to do so.

3. No provision for requiring examination by physician before child goes to work (except in some States to determine age): Nineteen States—Arkansas, Colorado, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming (no legal provision for employment certificates applicable to general occupations).

D. Maximum hours

(The provisions here given are those applying, unless otherwise indicated, to children under 16 in factories and stores. The same regulations in some States apply to other occupations and also to children up to 18 or 21 years of age, to all females, or to all employees. Lack of any regulation or a lower standard for stores is classed as an exemption, as is also a specific exemption of canneries. Exemptions not applying to factories and stores do not affect the classification of a State.)

1. Maximum working day 8 hours, or not over 48 hours permitted per week (without exemptions): Twenty-three States and the District of Columbia—Alabama, Arizona, Arkansas, California, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Washington, West Virginia, Wisconsin, Wyoming.
2. Maximum working day 8 hours, or not over 48 hours permitted per week (with exemptions): Fourteen States—Colorado, Connecticut, Delaware, Iowa, Maine (8-hour day and 54-hour week; 54-hour week does not apply to boys in factories), Maryland, Mississippi, Missouri, Montana,¹⁴ New York, Texas (10-hour day and 48-hour week, under 15), Utah (boy under 14, girl under 16), Vermont, Virginia (8-hour day without exemptions, 44-hour week with exemptions).
3. Maximum working day 9 to 10 hours or over and 51 to 60 hours permitted per week (with and without exemptions): Eleven States—Florida, Georgia, Idaho, Louisiana, Michigan, New Hampshire, North Carolina (8-hour day, by ruling of State child-welfare commission, for child under 14 in stores, etc.^{14a}), Pennsylvania, Rhode Island, South Carolina, South Dakota.

¹⁴ Montana is classified here because work of children under 16 is prohibited entirely in factories; no provisions for stores except the hours of labor law applying to females.

^{14a} Minimum age in factories and canneries is 14.

E. Prohibition of night work

(The provisions here given are those applying to children under 16, unless otherwise indicated, in factories and stores. The same regulations in some States apply to other occupations and also to children up to 18 or 21 years of age, or to all females. Lack of any regulation for stores is classed as an exemption, as is also a specific exemption of canneries. Exemptions not applying to factories and stores do not affect the classification of a State.)

1. Night work prohibited (without exemptions): Twenty-six States and the District of Columbia—Alabama, Arizona, Arkansas, California, District of Columbia, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, Wisconsin, Wyoming.
2. Night work prohibited (with exemptions): Eighteen States—Colorado, Connecticut, Delaware, Florida, Georgia (under 14½), Iowa, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana,¹⁵ New York, Oklahoma, South Carolina, Vermont, Virginia.
3. No night-work prohibition for children under 16: Four States—Nevada, South Dakota (children under 14 prohibited from work in stores after 7 p. m.), Texas, Utah. (See also Montana, classified under 2.)

F. Administrative provisions (child labor laws)

1. Employment certificates or work permits are required for children employed in factories (and in most States also in stores and other occupations) in 45 States and the District of Columbia (ages covered extend at least up to 16 unless otherwise indicated):
 - (a) Issued by local public-school official or his appointee (in 3 cases some other official also may issue, as indicated): Thirty-three¹⁶ States and the District of Columbia—Alabama, Arizona, Arkansas (or by State commissioner of labor and statistics^{16a}), California, Colorado (or by superintendent or principal of a parochial school), Delaware (outside special school districts, State superintendent of public instruction or his deputy is issuing

¹⁵ Montana is classified here because work in factories is entirely prohibited for children under 16; no night-work prohibition for stores.

¹⁶ Not including New Hampshire, where local public-school authorities issue certificates, but are under the supervision of the State board of education, or Maryland, where local school superintendents may issue only outside Baltimore. See under (c). (See also (b).)

^{16a} In practice, certificates are issued by State commissioner of labor and statistics, proof of age being forwarded to him by the school authorities.

- officer), District of Columbia, Florida, Georgia (14 to 14½), Illinois, Indiana, Iowa, Kansas (or by judge of juvenile court), Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico,¹⁷ New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Virginia, West Virginia.
- (b) Issued by local public-school official (continuation school law) and by judge (labor law): Two States—Nevada, Washington.^{17a}
- (c) Issued under State supervision (see also Arkansas under *a* and Washington under *b*): Eight States—Connecticut (secretary or agent of State board of education or specified school official designated by it); Maryland (State board of labor and statistics must issue in Baltimore and may issue elsewhere¹⁸); New Hampshire (local school officials issue certificates, but the State board of education, through its power to enforce the certificate law and to appoint the county school superintendents, who are the issuing officers, has the issuance under its control); North Carolina (State child-welfare commission, which enforces the child labor law, appoints the issuing officers and prescribes the conditions under which certificates shall be granted); Oregon (State board of inspectors of child labor either itself issues or appoints the issuing officers and directs the work); South Carolina (commissioner of agriculture, commerce, and industries issues permits based upon the parents' affidavits, which are obtained by the employer and forwarded to him); Vermont (commissioner of industries); Wisconsin (industrial commission issues in Milwaukee and appoints issuing officers elsewhere and supervises their work).
- (d) Issued by State factory inspector or city factory inspector, or, if specified evidence of age is not available, by judge of juvenile or district court: One State—Louisiana.

¹⁷ Employment certificate is not directly demanded as a prerequisite for employment, but the compulsory education law requires attendance at school of all children between 6 and 16 years of age, not physically or mentally incapacitated, or living more than 3 miles from a public school, unless they are 14 and excused to enter employment by the issuance of such a certificate.

^{17a} Industrial-welfare committee of State department of labor has the duty of supervising the administration of the law, and, in practice, also issues certificates.

¹⁸ Local school superintendents have coordinate authority outside Baltimore. The board issues certificates in Baltimore and in its branch offices; elsewhere the school superintendents appoint the issuing officers.

- (e) Issued by judge (see also under *a*, *b*, and *d*): One State—Texas. (This is not the usual type of employment certificate, but a temporary permit issued to child permitted to be employed under the legal working age—15).
2. No employment-certificate or work-permit system applicable to general occupations provided by law: One State—Wyoming.
 3. Employment certificates or work permits are not required for employed children: Two States—Idaho (employer must keep "age records" of children 14 to 16); Mississippi (employer required to obtain parent's affidavit of age and school attendance before employing child under 16).
 4. Inspection and penalties.

Provisions for the inspection of factories, stores, and other work places affected by the law and for the penalizing of offenders are provided for in the child-labor laws of almost all States. These provisions and the means for carrying them out vary greatly, however, from State to State, as does the effectiveness with which they are administered.

O