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Child Labor

Is Child Labor a real problem in the United States at the present time?

At what age should children be allowed to go to work?

How many State laws meet this standard?

What happened when the child-labor provisions of the codes came to an end?

Why ratify the child-labor amendment?

Before Congress submitted the child-labor amendment to the States in 1924, it had enacted two Federal child-labor laws, each of which in turn had been declared unconstitutional by the Supreme Court. Both of these early laws set 14 as the minimum age for employment in factories, mills, canneries, and workshops, with an 8-hour day, 48-hour and 6-day week, and prohibition of night work for children between 14 and 16; and 16 as the minimum age for children in mines and quarries.

The child-labor amendment is not a law, but an enabling act, giving Congress power to pass Federal child-labor legislation. Its text is as follows:

Section 1. The Congress shall have the power to limit, regulate and prohibit the labor of persons under 18 years of age.

Section 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

The amendment has been ratified by 28 States:

Arizona	Iowa	Nevada	Oregon
Arkansas	Kansas	New Hampshire	Pennsylvania
California	Kentucky	New Jersey	Utah
Colorado	Maine	New Mexico	Washington
Idaho	Michigan	North Dakota	West Virginia
Illinois	Minnesota	Ohio	Wisconsin
Indiana	Montana	Oklahoma	Wyoming

When 36 states have ratified, the child-labor amendment will be a part of the Federal Constitution, and it will be possible to establish national minimum standards for child employment on a permanent basis.

There were 667,118 child works 10 to 15 years of age, inclusive, in the United States in 1930, according to census figures. During the depression, the total amount of child labor decreased, but the number of children working in certain undesirable occupations, or under sweatshop conditions, increased.

Effectiveness of Code Regulation – In 1933, under the N.R.A. codes, 16 years was set as the minimum age for industrial employment; in certain dangerous occupations the age limit was 18. As a result, child workers under 16 virtually disappeared from industry and commerce.

In States and cities reporting regularly to the Children's Bureau, where nearly 125,000 children of 14 and 15 years left school for work in 1929 (last predepression year), work permits obtained in 1934 (first full code year) showed a reduction of 90 percent.

Return of Child Labor – When the codes were declared invalid in May 1935, the trend was reversed. During the last 7 months of 1935 the number of children under 16 leaving school for work in areas reporting to the Children's Bureau was about 12,000, which is 55 percent above the total for the 12 months of 1934.

(Recommended by International Association of Governmental Labor Officials, October 1935)

Sixteen years for factory work and for all employment during school hours; 14 years for nonfactory work outside school hours.

Should be required for minors under 18 years, based on proof of age.

Minors under 18 should be prohibited from work in a comprehensive list of hazardous occupations, and a State agency should be authorized to extend the list.

Eight-hour day for minors under 18 years.

Forty-hour week for minors under 18 years. (This was the basic week for adults and minors alike under the N.R.A. codes.)

Should be prohibited for 13 night hours for children under 16 years.

Should be prohibited for 8 night hours for minors between 16 and 18 years.

(In this tabulation, the District of Columbia is counted as a State)

Ten States approximate this standard:

Connecticut
Montana
New York

South Carolina
Ohio
Pennsylvania

Rhode Island
South Carolina
Wisconsin

Utah

Thirteen States meet this standard:

*California	North Carolina	Pennsylvania	District of
Michigan	Ohio	Utah	Columbia
Nevada	*Oklahoma	*Washington	
New York	Oregon	Wisconsin	

*Where continuation schools exist

No State meets this standard in all respects, although many States prohibit work in some hazardous occupations, and 14 States have an agency authorized to extend the list.

Nine States meet this standard:

California	North Carolina	Utah	District of
Montana	North Dakota	Washington	Columbia
New York	Pennsylvania		

No State meets this standard:

Rhode Island and North Carolina have a 40-hour week for children under 16.

Six States have a 44-hour week for minors:

Mississippi (under 16)	Pennsylvania (under 18)
New Mexico (under 16)	Utah (under 18)
New York (under 16)	Virginia (under 16)

Eleven States meet this standard:

Iowa	Ohio
Kansas	Oklahoma
Kentucky	Oregon
New York	Utah
North Carolina	Virginia
	Wisconsin

Eight States meet this standard:

Arkansas	Massachusetts
California	Ohio
Connecticut	Washington
Kansas	District of Columbia