

**DOCUMENT: 13**

**Children's Bureau  
U.S. Department of Labor, 1938**

Fair Labor Standards for Children

The Fair Labor Standards Act of 1938 sets minimum standards for employment of children in establishments that product goods for interstate commerce. The child-labor provisions of the act are administered by the Children's Bureau of the United States Department of Labor.

*Child Labor Provisions  
Fair Labor Standards Act*

Sixteen years is made the basic minimum age for employment in establishments covered by the act.

Children 14 and 15 years of age may work for their parents or may be employed under conditions that do not interfere with their health, schooling, or well-being as such conditions are determined by the Chief of the Children's Bureau. In no case may this employment be in mining or manufacturing occupations.

Children 16 and 17 years of age are excluded from occupations determined by the Chief of the Children's Bureau to be particularly hazardous or detrimental to their health or well-being.

Establishments violating these provisions are forbidden to ship goods in interstate commerce. Employers may protect themselves against unintentional violations by obtaining for minors whom they employ certificates showing that they are of legal age for employment. In nearly all the States, State certificates of age are now accepted under the Federal act.

*Children Not Covered*

The child-labor provisions of the Fair Labor Standards Act apply only to industries producing goods for interstate commerce. There are all sorts of jobs for children in connection with local industries that do not cross State lines, where child workers are not protected by the Federal act.

Children employed in agriculture during periods when they are not legally required to go to school are not covered by the child-labor provisions of the act. Of the children under 16 in nonagricultural employment in the United States, it is estimated that about 3/4s are in strictly intrastate employment, not covered by the act.

### *Child-Labor Amendment*

The pending child-labor amendment to the Constitution would give Congress the power to protect children working in local industries that do not cross State lines, as well as in industries that ship goods in interstate commerce.

The child-labor amendment has already been ratified by 28 states. Favorable action by eight more States would complete ratification.

### *Why Child-Labor Laws are Important*

The number of children employed tends to rise when business is good and to fall when business is poor, except when controlled by law or regulation.

During the business depression of the early 1930's, the number of child workers fell off rapidly. The National Recovery Administration codes set a basic minimum age of 16 years for employment. While the codes were in force, although business conditions were improving, extremely few children under 16 were employed in industry and commerce. After the codes were declared invalid the number of children employed again increased.

These trends are shown in reports of work permits issued for children in States and cities reporting to the Children's Bureau since 1920.

Where no change was made in the legal minimum age for employment the number of children employed increased during the first half of 1937 and decreased again in the second half of the year. This corresponded to the general business trend.

On the contrary, the number of work permits issued for children under 16 fell almost to zero in States where a basic minimum age of 16 years for employment was adopted under the State child-labor laws.

### *State Child-Labor Laws*

Under present State laws the basic minimum age for children working in factories and stores, at least during school hours, is

16 years in 12 States:

Connecticut  
Massachusetts  
Montana  
New York  
Ohio  
Pennsylvania

Rhode Island  
South Carolina  
Utah  
Wisconsin  
West Virginia

15 years in 4 States:

California  
Maine  
Michigan  
Texas

14 years in 31 States and the District of Columbia. One State has no minimum age for employment.

*How Does Your State Measure Up?*

Are children under 16 protected from employment that interferes with their health, schooling, or well-being?

Are young workers under 18 protected from employment in hazardous occupations? From overlong working hours? From night work?

Are the standards for children working in local industries that do not cross State lines the same as the standards for children working in industries covered by the Fair Labor Standards Act?

*Could This Story Be True in Your State?*

Paul and Jack had always done things together. When they were 14 they both got jobs as soon as the school term ended.

Paul, who worked for a factory that shipped its products into other States, lost his job in the fall when the Fair Labor Standards Act of 1938 went into effect. So he decided to go back to school. He was a few weeks late, but the teacher said he could soon catch up with his class if he studied hard.

Jack's job was in a local butcher shop, where the hours were long and the boss had never bothered to get guarded grinding and slicing machines. This shop did not come under the Fair Labor Standards Act, as none of the products of the shop were sent out of the State, and Jack kept right on working all winter.

"You thought your job was so grand," crowed Jack to Paul. "Now I have the laugh on you." But one night when Jack was working overtime and had not had time to stop for supper, his hand slipped—or his timing was poor—or perhaps his attention wandered for a minute. However it happened, the meat grinder caught two of his fingers and crushed them so that they had to be cut off at the first joint.

“I guess it’s your turn to laugh,” said Jack with a crooked sort of grin when Paul came to see him in the hospital. “With two short fingers, maybe I’ll never be able to learn the skilled trade I’ve always wanted to learn.”

But Paul did not want to laugh. “It’s not fair,” he said. “Why doesn’t our State pass a law like the Fair Labor Standards Act that would apply to every industry in the State and give the same protection to everyone?”