

**US Child Labor Violations:
Findings from a National Study of Young Retail
and Service Sector Workers**

**Kimberly Rauscher, ScD
Carol Runyan, PhD
Michael Schulman, PhD
Michael Bowling, PhD**

***University of North Carolina
Injury Prevention Research Center***

BACKGROUND

- 2.4 million 16- & 17-year-olds work each year
- Work = positive & negative
- 200,000 injured & 70 killed annually
- Child labor laws created to minimize risks
 - Limit types of jobs teens can perform
 - Limit hours teens can work and timing of hours
 - Require proof of age – “work permits”

BACKGROUND

- Onus on employers to comply – not youth
- Ensuring compliance is govt. responsibility
 - Enforcement problematic recently
 - Departments of labor (state & fed)
 - short staffed
 - investigations declining
- Suggests youth may be illegally employed & at risk

RESEARCH AIMS

1. To understand the scope of child labor violations among retail and service sector workers.
2. To determine if and how reports vary by socio-demographic characteristics and the industries in which teens work.

METHODS

Sample and Data Collection

- Cross-sectional survey data collected in 2003
- Telephone interviews with representative sample of working teens
- 14-18 years old
- Worked for at least 2 months in prior 12 months
- Restricted to Retail and Service

METHODS

Violations Investigated

- Work Permit (mandated)
- Hour Related
 - Exceeded maximum weekly hours allowed (school-yr)
 - Exceeded nightwork restrictions (school-yr)
 - Working “Off the Clock”

All violations are age dependent and were defined using the applicable state or federal law in place during 2003.

METHODS

Violations Investigated

Hazardous Orders

Group 1: All Industry

- Motor vehicle
- Power-driven equip. or tools
- Heavy equip. or machinery
- Forklift/power-driven hoisting equipment

Group 2: Food Service and Grocery Stores

- Power-driven food slicer or grinder
- Dough mixing or rolling machine
- Box crusher
- Paper baler or compactor

METHODS

Socio-demographic Characteristics

- Gender
- Age in referent job: 14-15, 16-17
- Race: white / minority
- Socioeconomic Status: mother's education
- Industry – Retail / Service

RESULTS

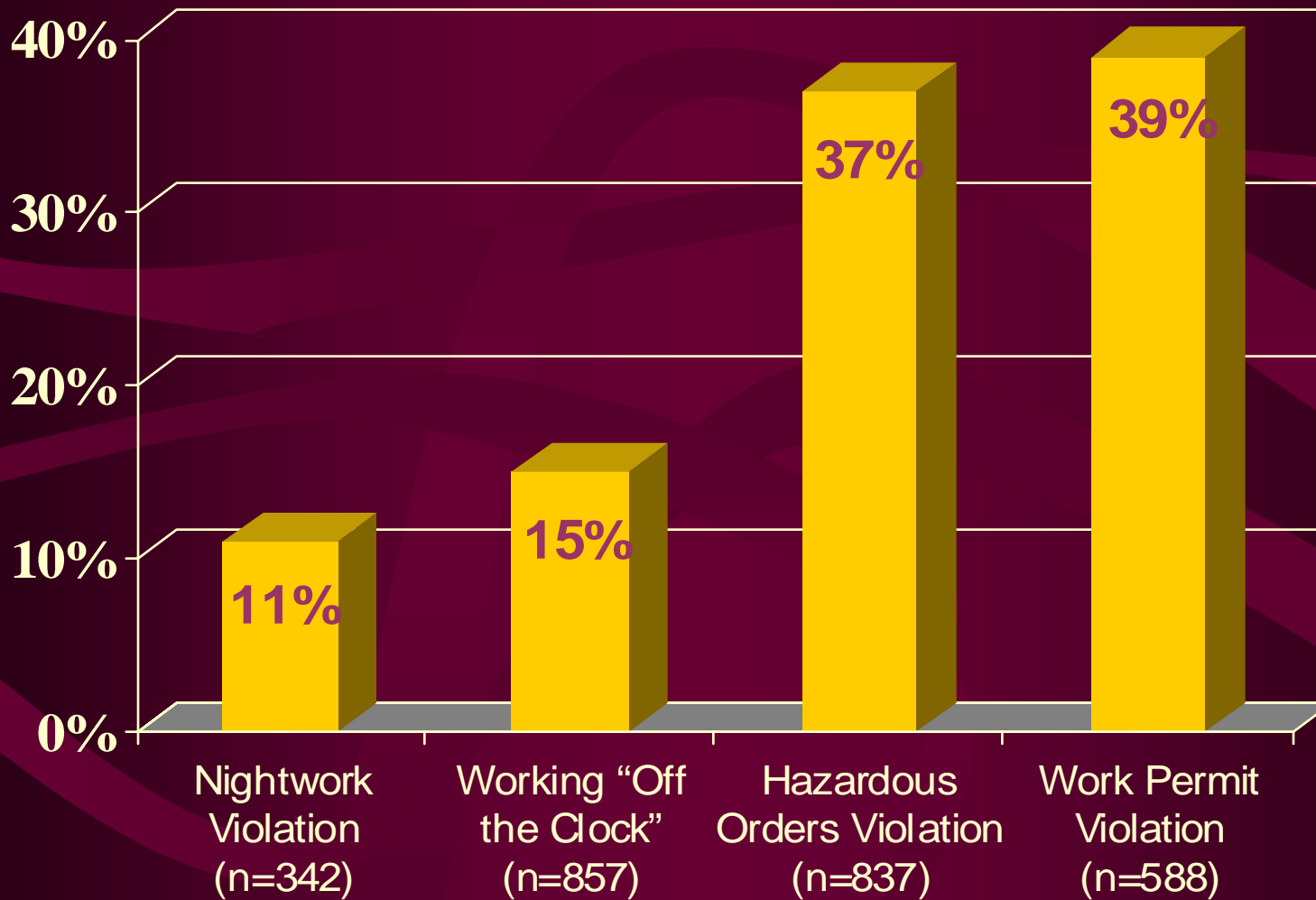
RESULTS

Sample Characteristics (n=858)

- 68% Retail / 32% Service
- 52% female
- 82% white
- SES
 - 35% high school diploma or less
 - 16% graduate education

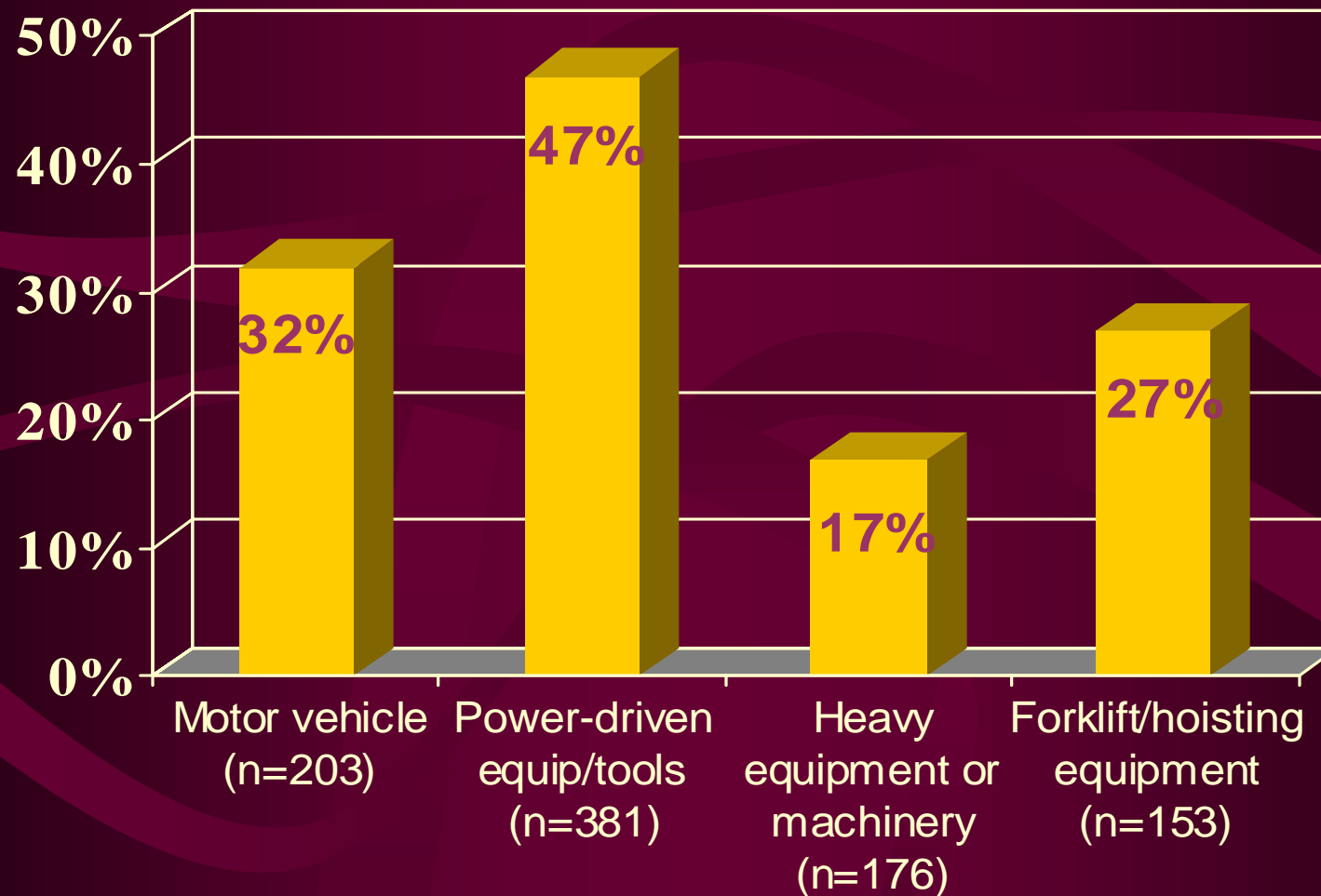
RESULTS

Child Labor Violations



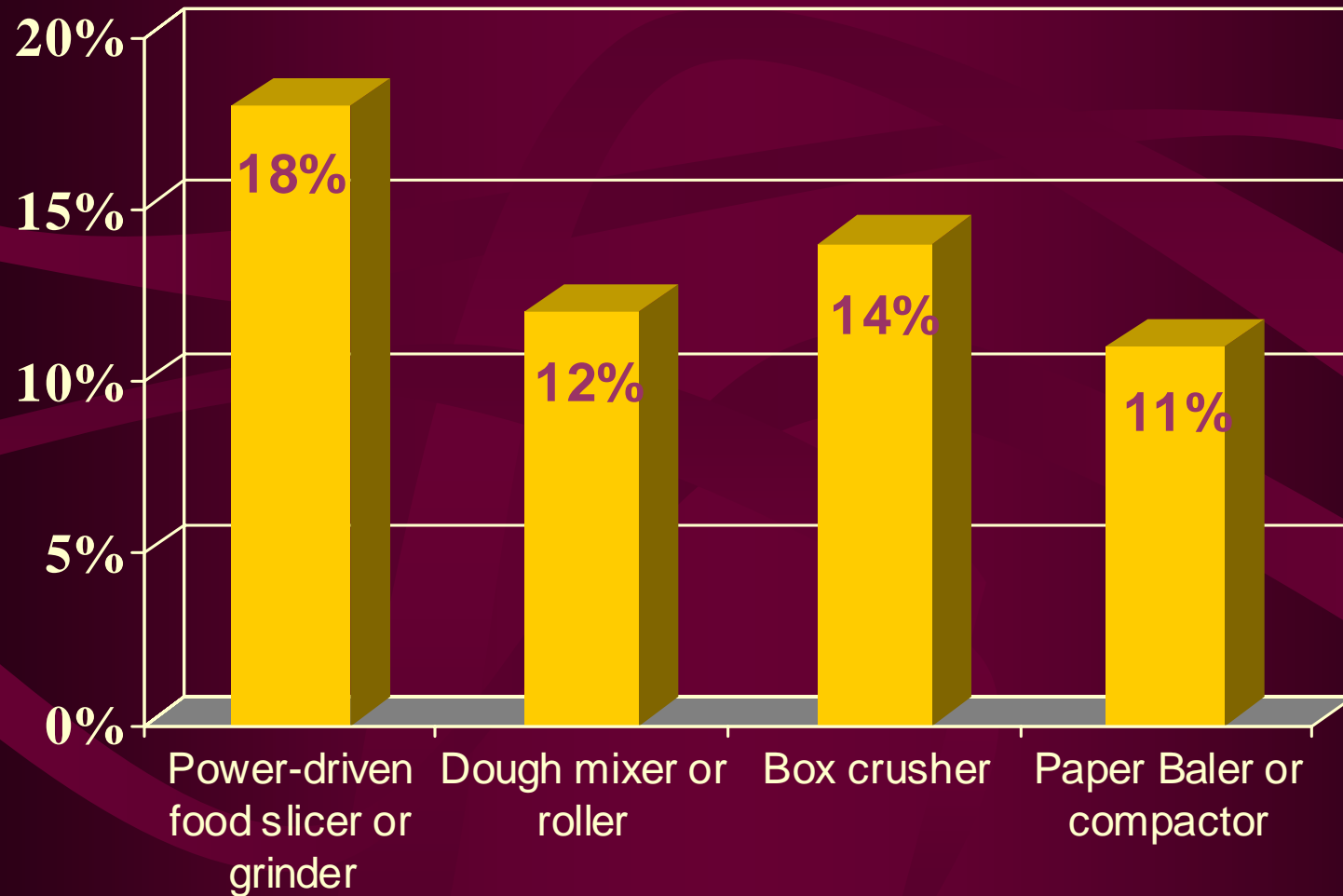
RESULTS

Group 1 Hazardous Orders Violations



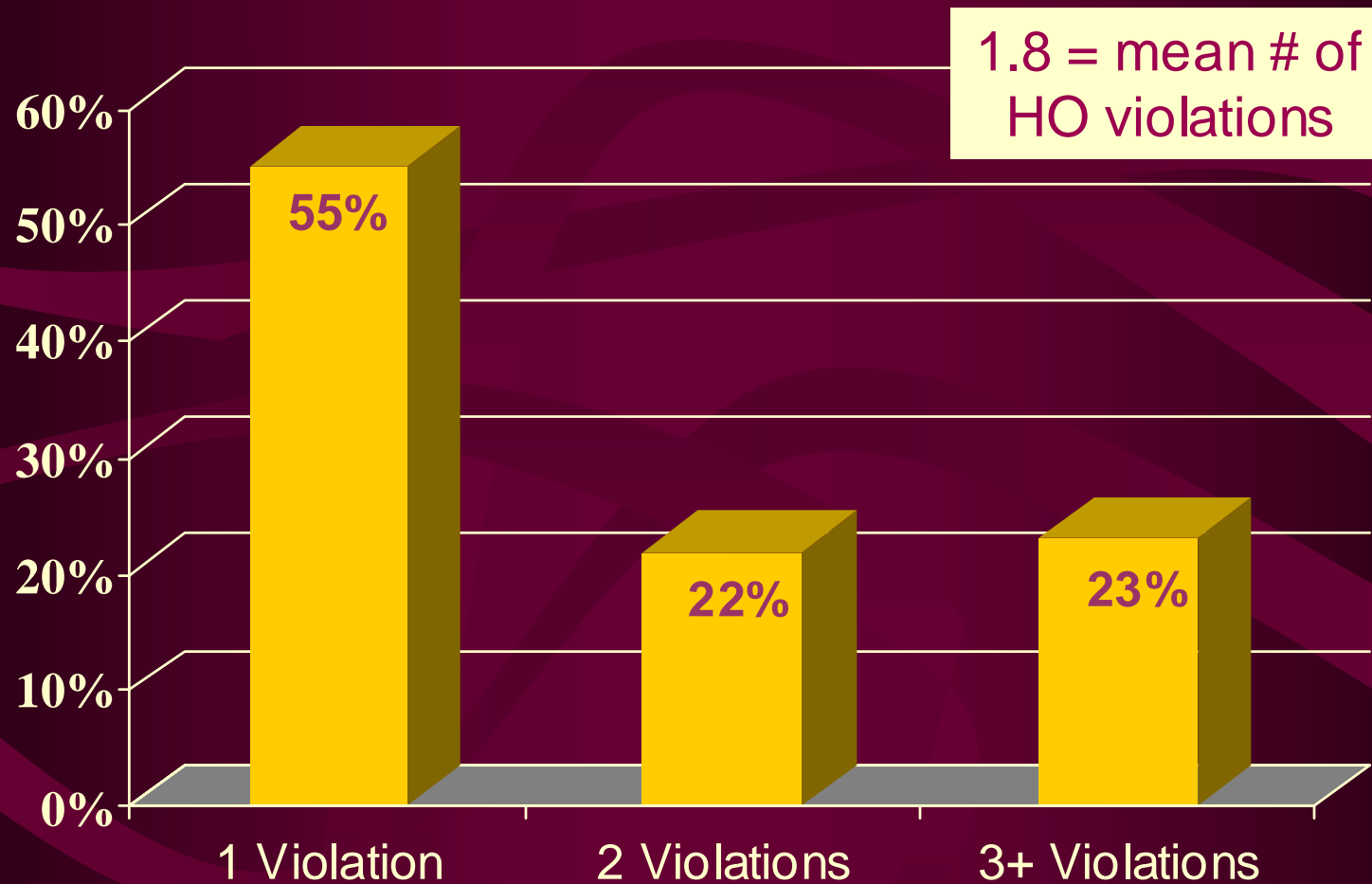
RESULTS

Group 2 Hazardous Orders Violations



RESULTS

Multiple Hazardous Orders Violations



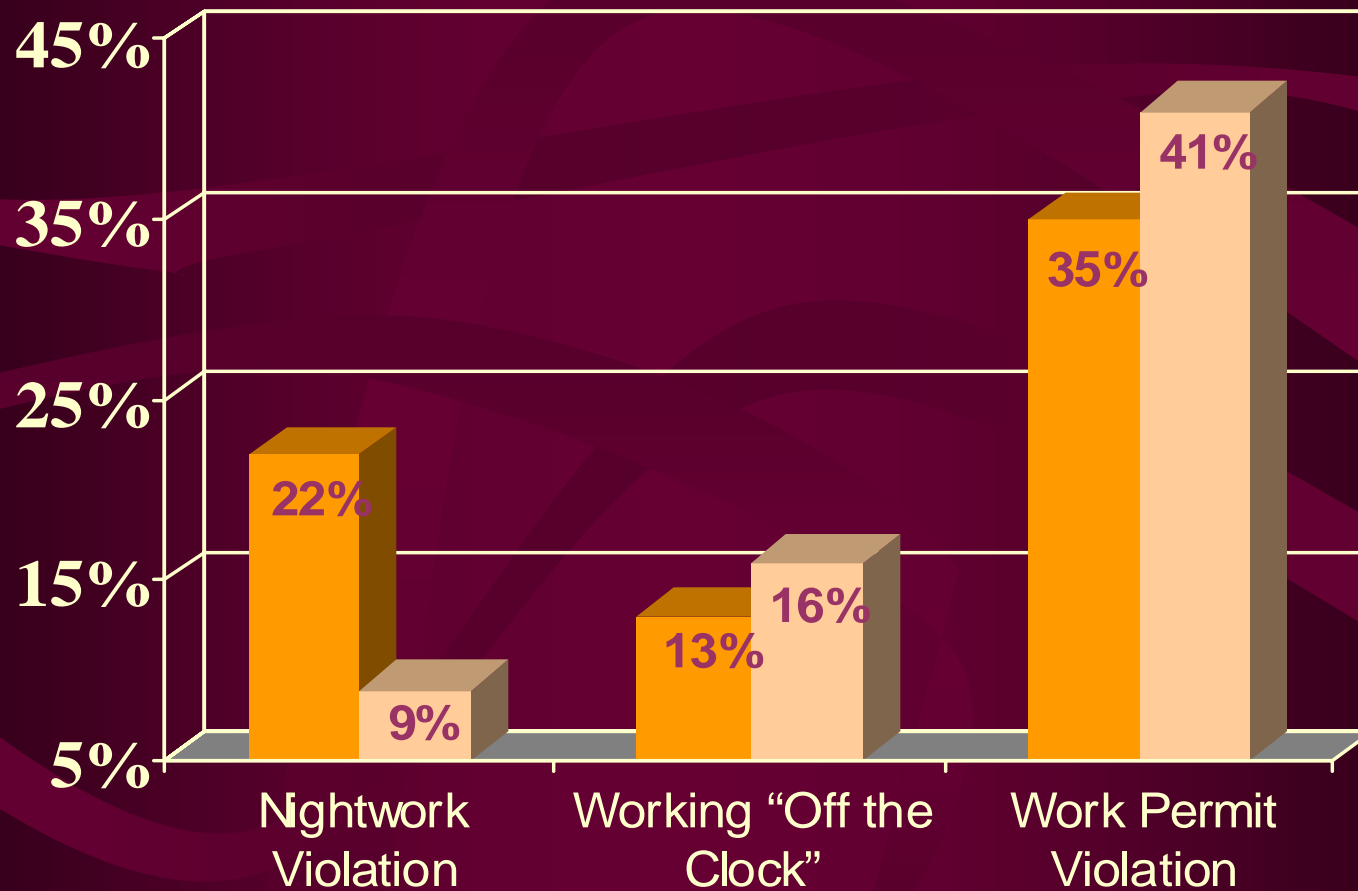
Socio-demographic Differences

Aim 2: To determine if and how reports vary by socio-demographic characteristics and the industries in which teens work.

RESULTS

Child Labor Violations, by Industry

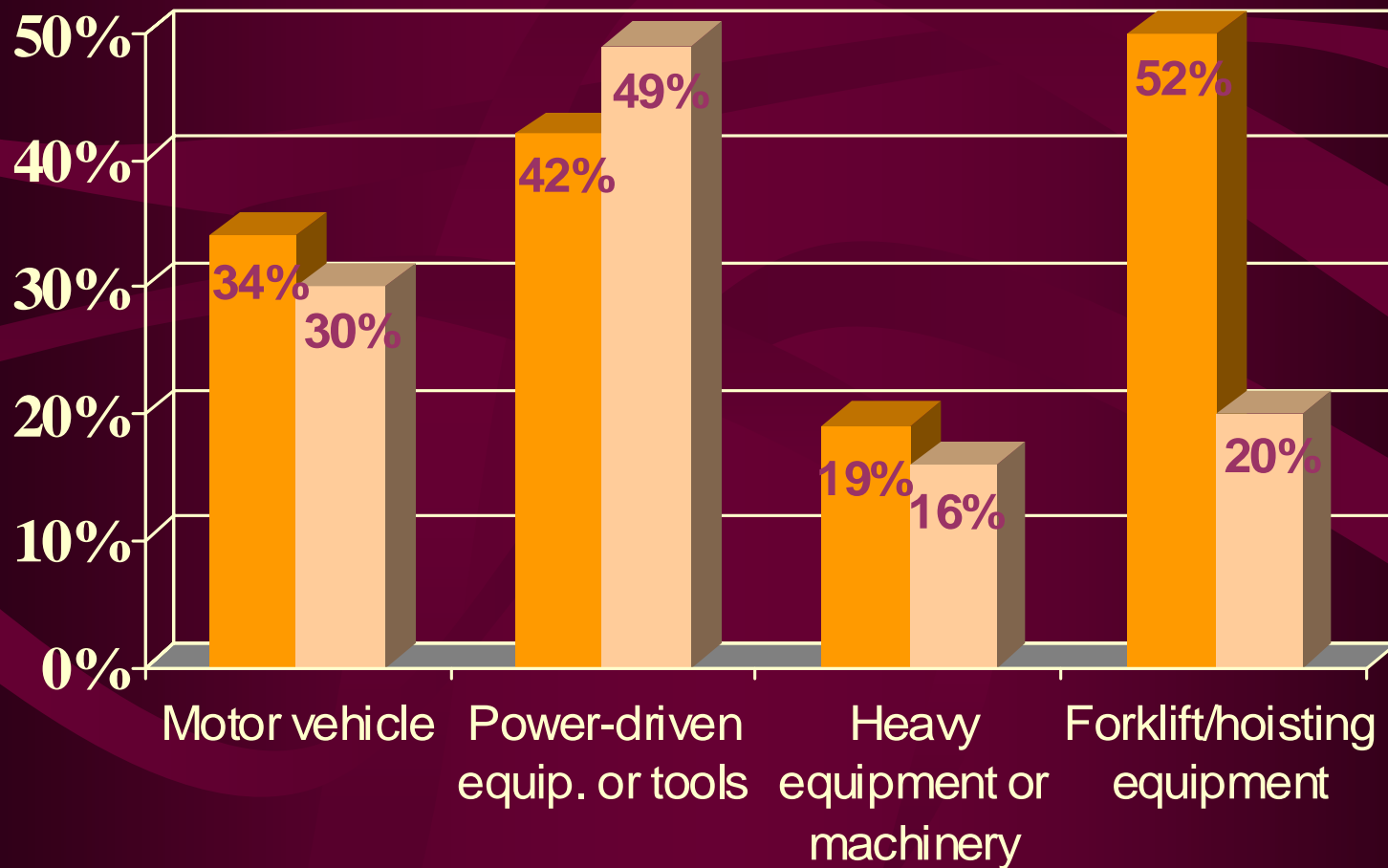
■ Services ■ Retail



RESULTS

Hazardous Orders Violations, by Industry

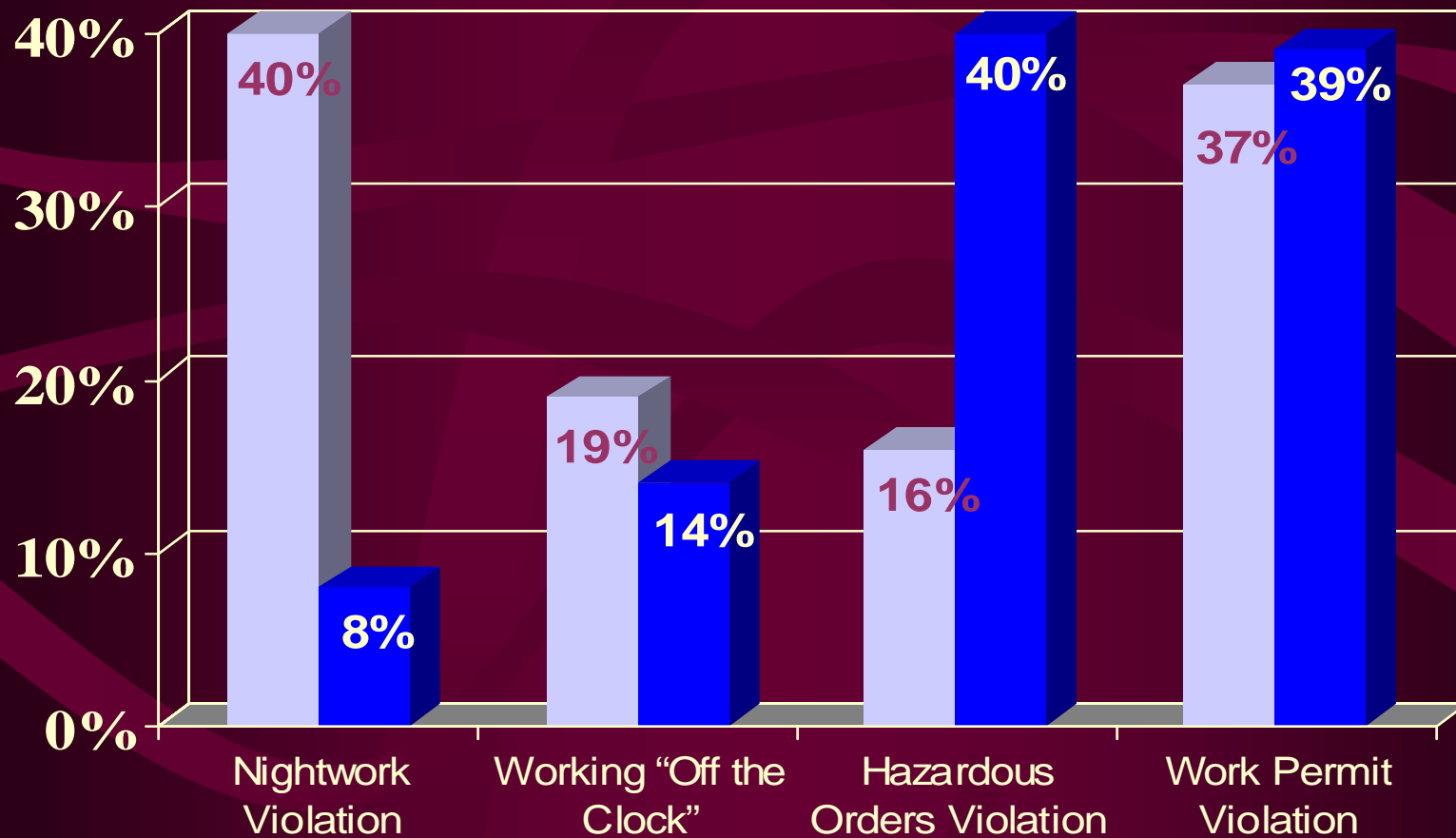
■ Services ■ Retail



RESULTS

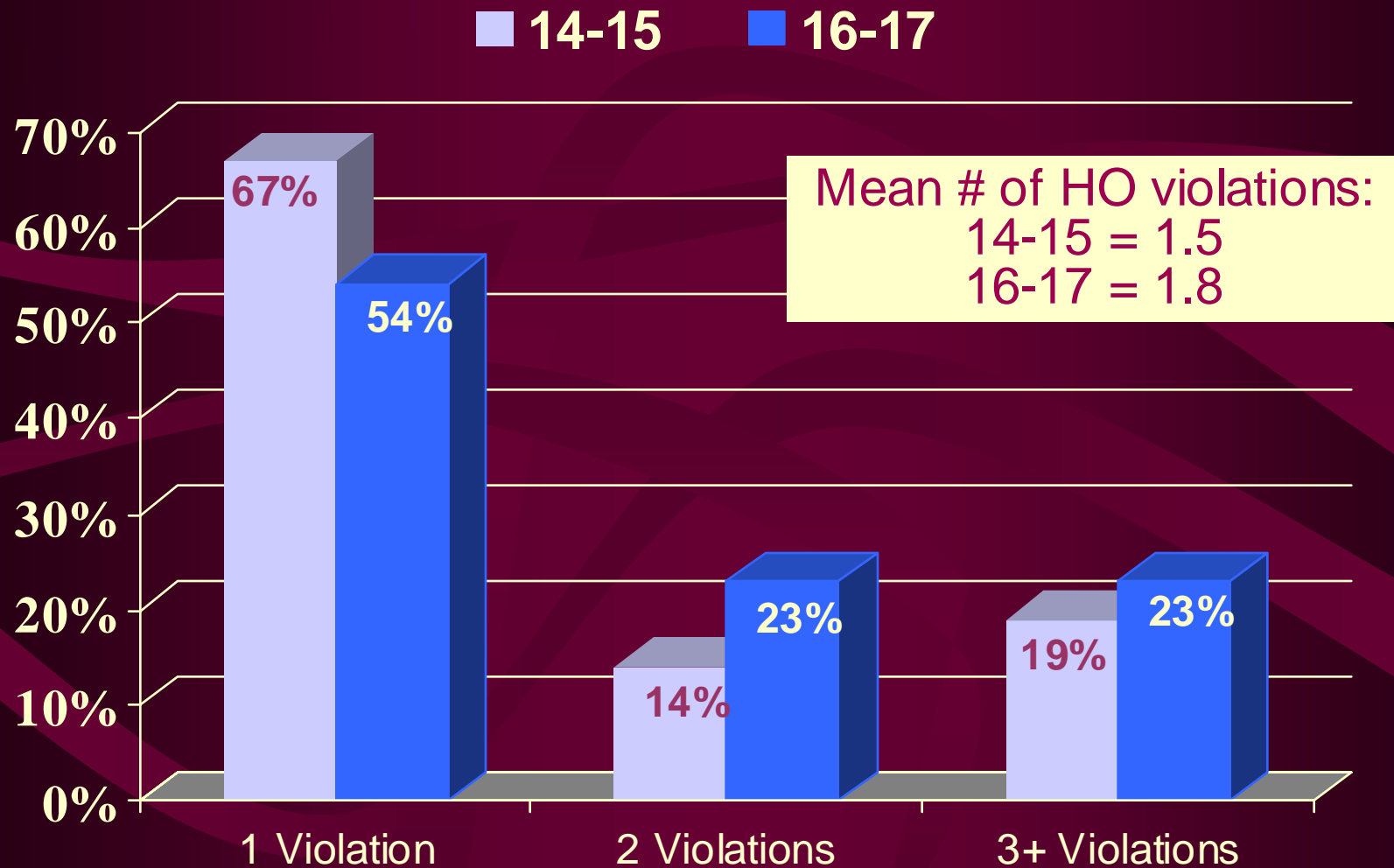
Child Labor Violations, by Age

■ 14-15 ■ 16-17



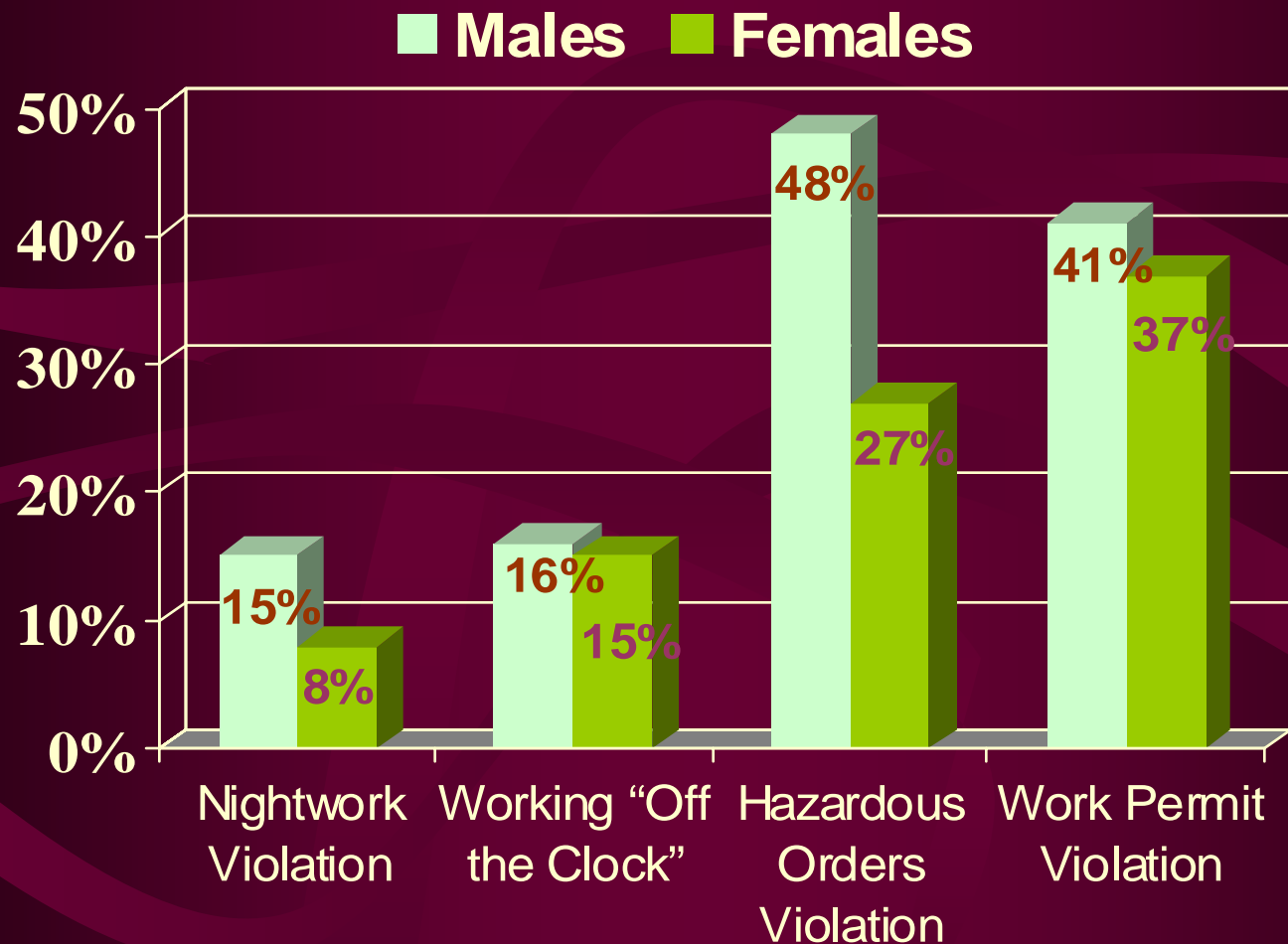
RESULTS

Multiple Hazardous Orders Violations, by Age



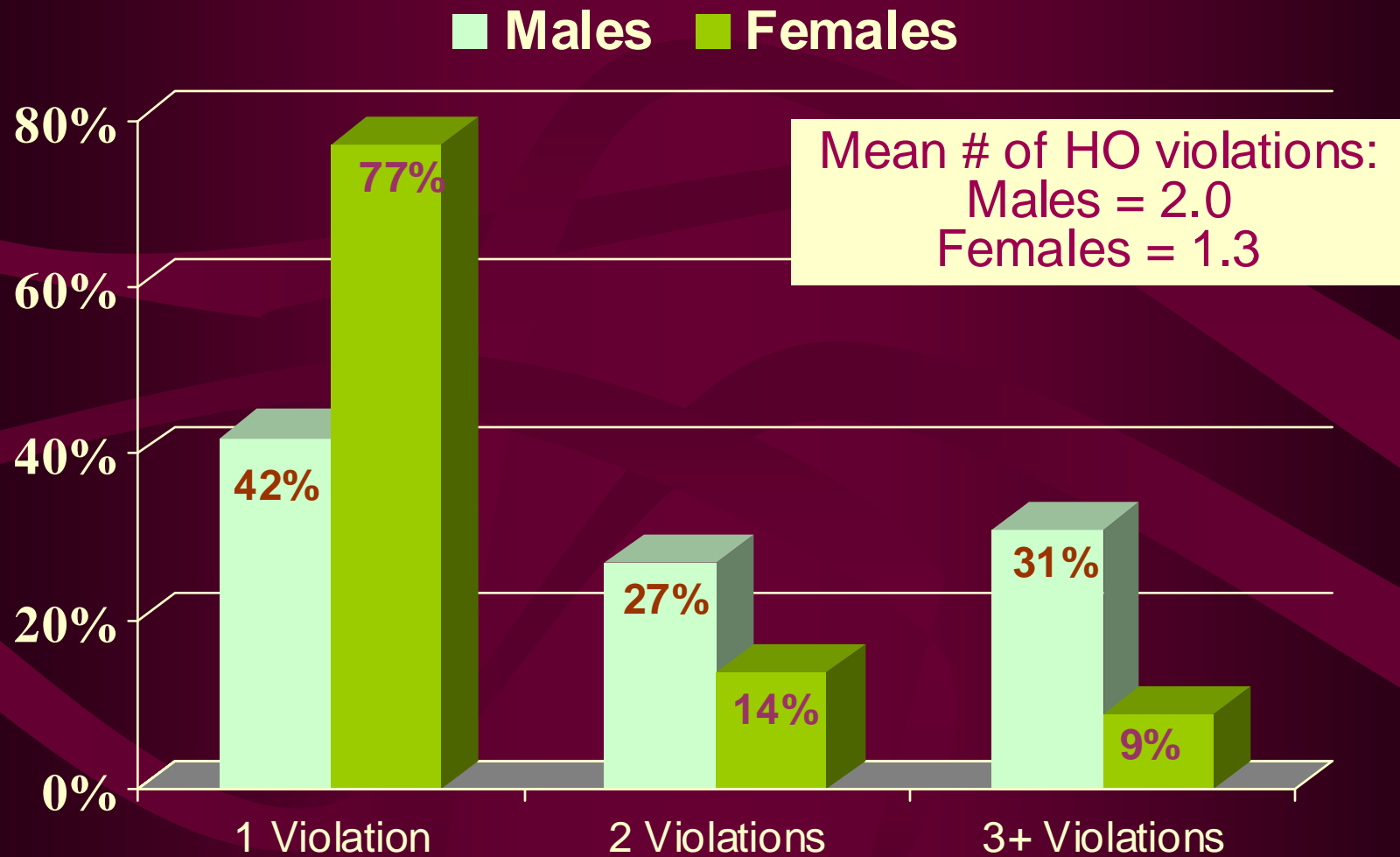
RESULTS

Child Labor Violations, by Gender



RESULTS

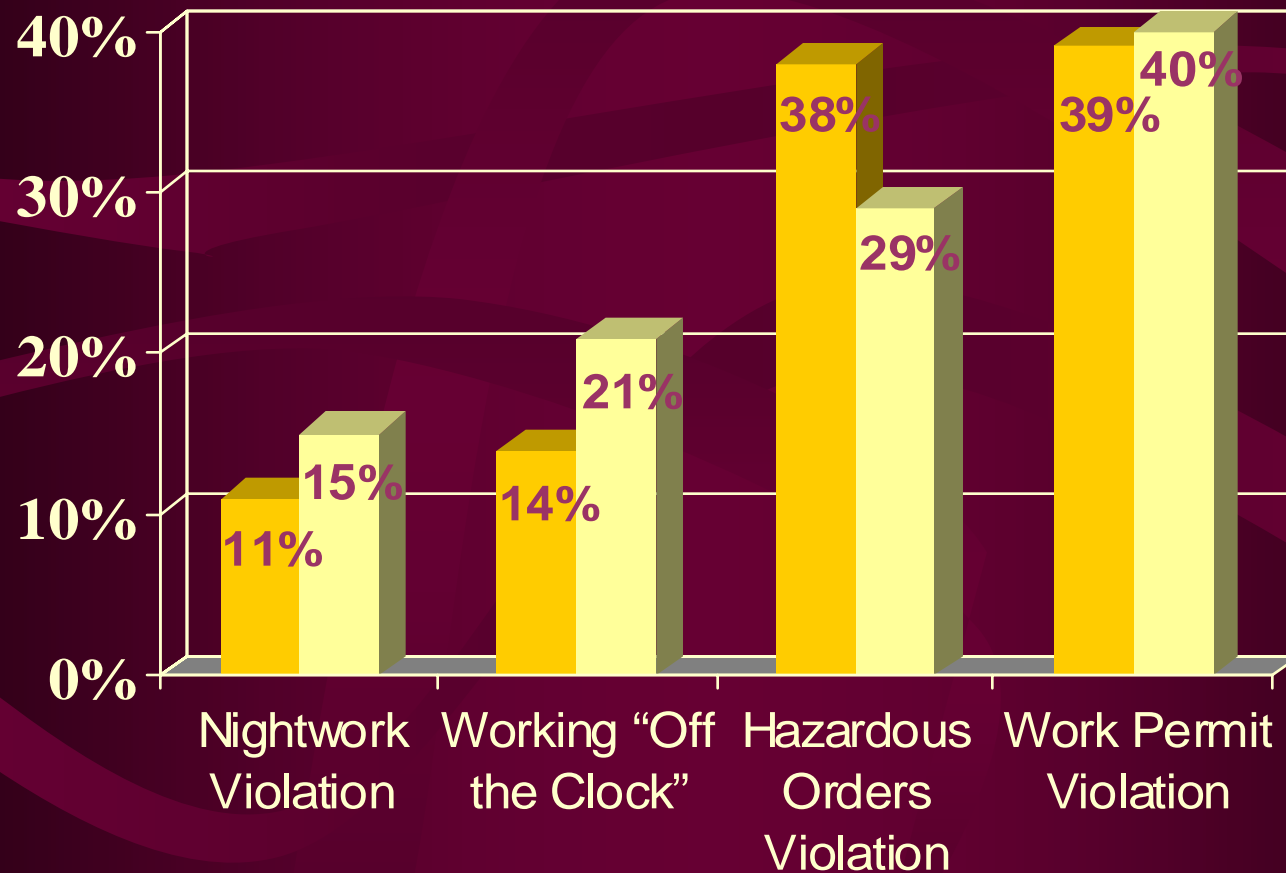
Multiple Hazardous Orders Violations, by Gender



RESULTS

Child Labor Violations, by Race

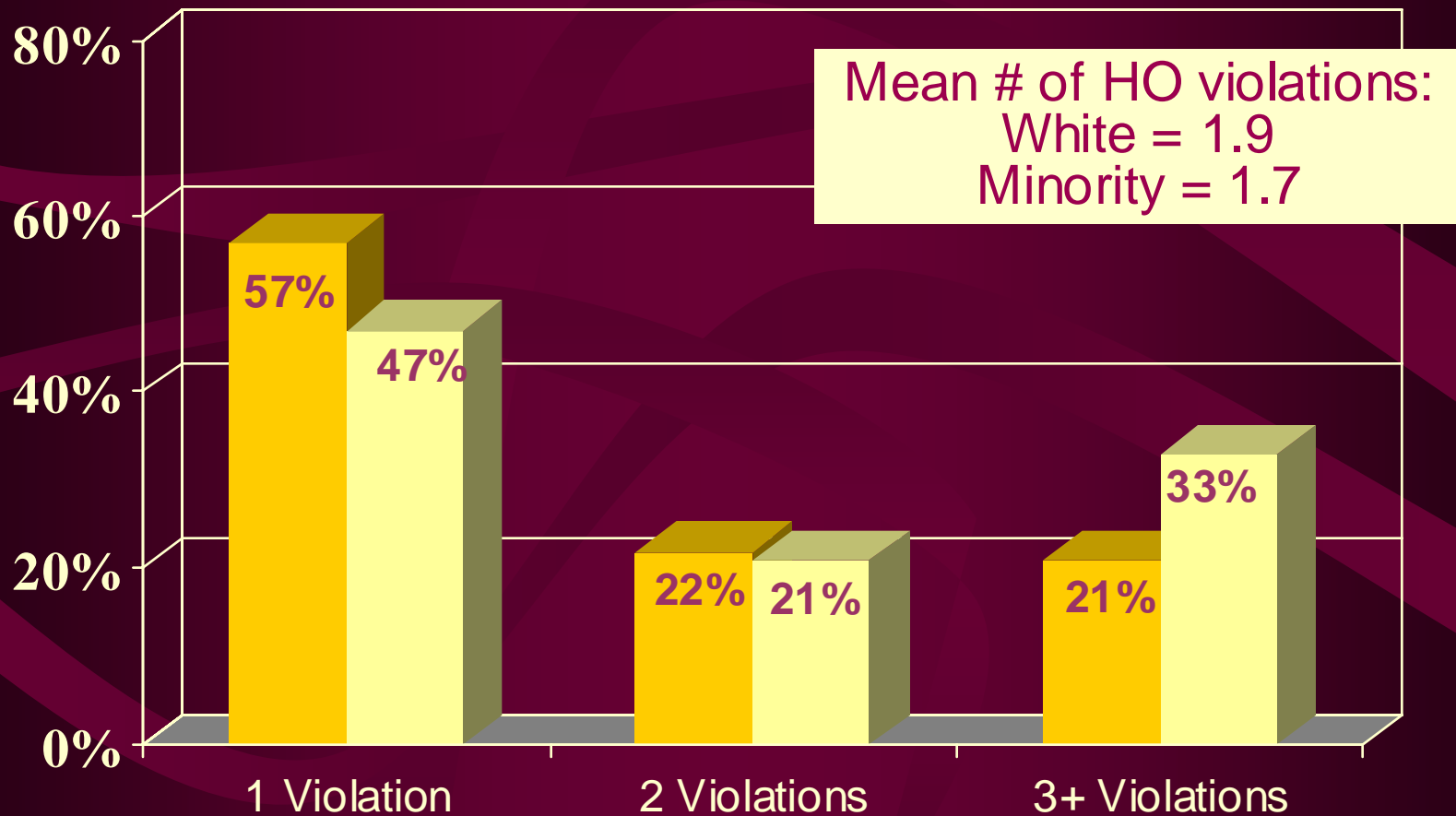
■ White ■ Minority



RESULTS

Multiple Hazardous Orders Violations, by Race

■ White ■ Minority



RESULTS

SES Differences

- Work permit violations among youth with parents with some graduate education (48%) vs. all other levels of education (37%)
- Drop in mean # of Hazardous Orders violations by SES

HS diploma or less	2.0
Some college	1.9
College degree	1.6
Graduate education	1.4

LIMITATIONS

- Possible misclassification of violations
- Small sample size, large confidence intervals
- English speaking only
- Telephone access
- Self-reports – potential for recall bias

STRENGTHS

- Self-reports captured violations undetected through enforcement
- Potential biases conservative - overall under-representation of violations & risks

CONCLUSIONS & IMPLICATIONS

- Findings signal significant failure of employers to fulfill their legal obligations, and of current enforcement efforts to ensure employers compliance
- Laws only as effective as the efforts put forth to enforce them

CONCLUSIONS & IMPLICATIONS

2002 USGAO Report: *Labor Can Strengthen Its Efforts to Protect Children who Work*

“...its [USWHD] efforts to improve employer compliance suffer from limitations that hamper its enforcement of the law” (p. 33).

CONCLUSIONS & IMPLICATIONS

Increasing shift at US WHD with less time on active enforcement & more on compliance assistance

- In 2005, only 1,784 child labor investigations carried out (the lowest number in 10 years)
- compliance assistance up 400% to 6,815 hours/year in 2005 from 1,314 hours 2001

Source: Child Labor Coalition Report, 2006

CONCLUSIONS & IMPLICATIONS

- Enforcement is critical to keeping young people safe at work. It is NOT up to the workers
- Further research on child labor violations should...
 - examine how shifts in enforcement activities over the last decade are affecting detection of violations & safety
 - explore the reasons for employer non-compliance to help inform future enforcement efforts
 - develop strategies to improve compliance

This project was funded by the
National Institute of Occupational Safety and Health and
the National Center for Injury Prevention and Control.

~~~~~

**Acknowledgements:**

Virginia Pate, MS, former graduate student,  
University of North Carolina Chapel Hill.

# ADDITIONAL SLIDES



# RESULTS

## Work Permits & Hazardous Orders Violations

|                           | Work Permit Compliance? |            |
|---------------------------|-------------------------|------------|
|                           | YES                     | NO         |
| <i>Any Hour Violation</i> | <b>39%</b>              | <b>45%</b> |
| Nightwork violation       | 13%                     | 22%        |
| Worked off the clock      | 13%                     | 14%        |
| Weekly hour violation     | 2%                      | 3%         |
| <i>Any HO Violation</i>   | <b>33%</b>              | <b>33%</b> |

# RESULTS

## Work Permits & Hazardous Orders Violations

### In Compliance:

#### Less likely to...

- Drive motor vehicle
- Operate heavy machinery
- Operate a dough mixer/roller

#### More likely to...

- Use power-driven equip. or tools
- Operate a forklift / hoisting equip.
- Power-driven food slicer / grinder
- Use a box crusher
- Use a paper baler / compactor

# BACKGROUND

## Allowable Hours

### *14- & 15-year-olds*

- Nightwork  
7am - 7pm (school), - 9pm (summer)
- Weekly Hours  
18/week (school), 40/week (summer)

### *16- & 17-year-olds (state regulations)*

- Nightwork  
10 - 11pm (school), 12am (summer)
- Weekly Hours  
20-54 (school), same or more (summer)

# BACKGROUND

## Hazardous Orders

- 17 non-agricultural
  - specific occupations (i.e., logging, mining)
  - equipment (i.e., power-driven meat slicer)
- 11 agricultural (*not-included in study*)

## “Regulation 3” Restrictions

*Additional jobs/equipment prohibited for 14-15yr olds*

- 9 “Occupational Standards” (across all industries)
- 10 “Special Provisions” (retail, food and gasoline service establishment)

# BACKGROUND

## “Work Permit” Requirements

- FLSA requires employers to keep proof of age
- USDOL approved *state-issued* work permits
  - Age certificate or Employment certificate
  - 4 States (ID, MS, SC, TX) have no WP system
  - most states mandate or issue upon request

# CONCLUSIONS & IMPLICATIONS

## Prior Literature on Violations

- 2003 Child Labor Coalition survey of 30 state DOLs
  - 4,755 minors illegally employed that year
- Same year, the US WHD found 7,228
- These statistics reflect only violations found as the result of a workplace investigation
  - likely to undercount
- 2001 Kruse and Mahoney (CPS, NLSY)
  - closer to 300,000 15-17-year-olds illegally employed annually

# CONCLUSIONS & IMPLICATIONS

**Substantial numbers of adolescents in the retail and service sectors are being employed in violation of the child labor laws.**

As many as...

- 264,000 of the estimated 2.4 million working 16- & -17-year-olds may be employed in violation of the FLSA's nightwork provisions
- 888,000 may be employed in violation of the its Hazardous Orders provisions.