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Child Labor Recommendations of White House Conference on Child
Health and Protection

The subject of the employment of children and young persons was taken up by the White House Conference on Child Health and Protection, held in Washington, D.C., November 19-22, 1930 through its Committee on Vocational Guidance and Child Labor, of which Anne S. Davis, director, vocational guidance bureau, Chicago Board of Education, was chairman. The child-labor section of this committee, of which Ellen Nathalie Matthews, director of the industrial division of the Children's Bureau of the United States Department of Labor, was chairman, was divided into four subcommittees (1) Subcommittee on the employment of children in non-agriculture occupations (Julia C. Lathrop, chairman); and (2) subcommittee on employment of children in agriculture (Dr. Samuel McCune Lindsay chairman of the National Child Labor Committee, chairman); (3) subcommittee on hazardous occupations, industrial accidents, and workmen's compensation for injured minors (Fred M. Wilcox, chairman of the Industrial Commission of Wisconsin, chairman); and (4) subcommittee on administrative problems with reference to laws affecting the employment of minors (Frances Perkins, industrial commissioner New York State Department of Labor, chairman). Following are the summarized recommendations of these four subcommittees as presented to the conference, which have recently become available. The detailed reports of these subcommittees and their recommendations will, it is expected, be published later in the complete report of the White House conference.

Recommendations of Committee

In order that children and young persons may be protected against the dangers of premature employment and employment under adverse conditions, certain economic, social and educational measures are needed as well as adequate legislative restrictions and safeguards.

Economic, Social and Educational Measures
Income and Unemployment

Inasmuch as many child workers are from the families of unskilled and other low-paid wage earners, or, in the case of children in agriculture, are from farm families among whom the struggle for existence is most acute, and as the incomes of such families are for the most part below the recommended for any reasonable standard of living, child labor is plainly in a large measure a question of poverty. It is urged therefore, that special attention be directed toward the solution of such problems as adult unemployment, farm economics and a living wage, since an income earned by the chief wage earner of the family sufficient to maintain a decent standard of living is basic to a normal solution of the problem of child labor as of other problems of child welfare.

Mothers' Aid

The children of widows form a small percentage of child workers. The extension of systems of State aid to widows and dependent children in the form of mothers' aid laws adequately administered and carrying aid sufficient in amount to enable such children to remain in school up to the age of at least 16 years is recommended. Although almost all the States now have mothers' aid laws, the maximum expenditure permitted by the laws of the great majority of them is too small to maintain an adequate standard of living, and the actual grants, owing to small appropriations, are frequently much less than the maximum amounts allowed by law.

Scholarships

The development of scholarship funds to enable children and young persons to remain in school who would otherwise be obliged to go to work is recommended. Such funds where established are frequently financed by private agencies and administered in cooperation with public school officials, but they might be made a recognized item in the public school budget.

Special Educational Measures

Numerous studies of working children have shown that causes connected with school have furnished for large proportions of young workers the chief motive in withdrawal from school to go to work. It is generally admitted that in spite of great and continuing improvements, the type of instruction and the school curricula provided are not yet sufficiently individualized to meet the abilities and needs of all pupil. Especially is this true in the case of pupils of somewhat inferior mental ability. Although some mentally superior children leave school for gainful employment at an early age, most studies have found that children who go to work have on the whole somewhat lower ratings on standard intelligence tests than those who remain in school. Unless special provisions are made for them, such dull children are likely to develop habits of failure, lose confidence in themselves and interest in school, and withdraw as soon as possible. Yet these children are often in greater need of supervision and protection during early adolescence than those of better mental development. This committee therefore strongly urges as a child labor measure that some content of education that will mean real development for them be found and provided for children of this type during the years when they are most in need of guidance.

Legislation

Under present conditions it is believed to be in the public interest that general legislative standards be set up for all kinds of gainful employment of children, and that special consideration be given the legal regulation of certain employments, such as agriculture, industrial home work, street work, employment outside of school hours, and theatrical work. Among special problems created by some of these kinds of work are problems involving interstate relations, as for example, the problem of the migrant worker.

General Legislative Standards

The committee recommends the following general standards for all kinds of nonagricultural employment with only such exceptions as are specially noted.

- A. *Age minimum* – An age minimum of 16 years is advocated for employment in any occupation, except as noted below. More and more generally employers are indicating that they do not want child workers under 16, and more and more generally children are remaining in school up to that age. It is the minimum age recommended by physicians who have given special consideration to the subject of physical standards for children going to work, on the ground that employment during earlier years of adolescence is detrimental to health and normal physical development, the indispensable asset of the industrial worker. Studies of working children also have shown that physical defects are accentuated by the conditions of work and that young workers are more susceptible to disease and industrial poisons and more prone to accident than those of more mature years.

Higher age minima should be set for physically or morally dangerous or injurious employments. This is now done under the child labor laws of many States for specified occupations and industries, the prohibition of a few employments extending up to the age of 21 years.

Where the 16-year minimum for full-time employment is adopted children between 14 and 16 might be permitted to work outside of school hours and during school vacations in a carefully restricted list of occupations.

- B. *Educational minimum* – All children should be required to attend school full time for at least nine months, and in any case for the entire period in which the schools are in session, between the age at which compulsory school attendance begins and 16 years of age, unless physically or mentally incapacitated for attendance, and up to the age of 18, unless the minor is actually and legally employed or is a graduate from a 4-year high school course. A 16-year minimum for leaving school for work would seem to make unnecessary a grade requirement, such as completion of the 8th grade, as a child who has not completed the 8th grade at 16 years of age probably is unable to do so.

Particular consideration should be given the subject of public provision of educational opportunities for employed youth, including continuation schools, cooperation with industry in vocational education, etc.

- C. *Physical minimum* – A child should not be allowed to go to work until he has had a physical examination by a public physician appointed for this purpose and has been found to be in sound health, of normal development for a child of his age, and physically fit to be employed in any occupation not prohibited by law.

There should be periodical physical examinations of all working minors who are under 18 years of age.

D. *Hours of work* – No minor under 18 years of age should be employed more than 8 hours a day, or more than 6 days a week, or more than 44 hours a week. When the 8-hour day was first established for children, this was shorter than the common working-day for adults. Since the 8-hour day is now the standard for large numbers of adults, the question of a shorter working day for minors between 16 and 18 years might well be considered.

Night work (usually defined in child labor laws as between 7 p.m. and 6 a.m. or 6 p.m. and 7 a.m.) should be prohibited for minors under 18, except that boys between 16 and 18 might be permitted to work up to 10 p.m. Consideration should be directed to the extension of the night-work prohibition for morally hazardous occupations past the age of 18, as is now done under some State child labor laws.

E. *Conditions of work* – Young workers should not be permitted to be employed in places and establishments that do not conform to generally recognized standards as to cleanliness, sanitation, and safety.

F. *Employment certificates* – Employment certificates should be required for all employed minors under 18 years of age.

Administration of Laws

A system of issuance of employment certificates to minors should be developed which will insure that those not legally qualified to enter employment do not do so, but which is as simple as is consistent with complete protection of the minor from employment without the safeguards of the law.

The enforcement of school attendance should be sufficiently effective to keep in school all minors required by law to attend, up to the age when they are legally permitted to work, and after that age unless they are actually and legally employed up to the age when they are no longer subject to the full-time attendance law, and should insure the attendance at classes of suitable content of temporarily unemployed minors of compulsory school-attendance age. Special attention should be devoted to the problems of school attendance of children in rural districts and of the education of the so-called migratory child workers.

Such clear and definite legal standards should be set up by both child labor and compulsory school-attendance laws, without limitations and exemptions, and such correlation between school attendance and employment certificate requirements should be effected as will obviate the difficulties now resulting in many States from confused and defective legislation.

Inspection of places of employment should be sufficiently frequent and thorough to obtain compliance on the part of employers with the legal provisions applying to minor workers – compliance to be voluntary but if necessary to be brought about by persecutions and the imposition of penalties adequate to deter violations. The methods of inspection should be adapted to this work and appear to be best developed by the use of a special personnel in the State labor department for the enforcement of child labor and closely related laws, as those governing hours of labor of women.

Official personnel qualified by education, experience, and training adequately compensated and appointed under the merit system, should be provided in sufficient numbers for effective certificate issuance, school-attendance enforcement and inspection. Supervision and assistance should be given by State agencies in the development of effective administration of each of these activities.

Minimum Wage

Although the United States Supreme Court has declared unconstitutional the fixing of mandatory minimum-wage rates for women, the decision does not apply to minors. The establishment of a minimum-wage scale for minors is recommended, in order that the industrial exploitation of children and young persons, at least so far as the remuneration for their work is concerned, may be prevented.

Special Problems

Agriculture – Although some regulation of the employment of children in agriculture by the child-labor laws is advocated, the most effective approach to its control would seem to be the extension of school-attendance requirements for rural children. Special regulations in regard to schooling and living conditions also are necessary in the case of migrant agricultural workers.

- A. School attendance: Rural children should be afforded educational opportunities equivalent to those afforded city children. The ages for compulsory attendance and the number of months' attendance required should be uniform throughout the State. Certain minor adaptations of the school term to the needs of farm work may be permitted as a method of improving attendance, but this must not decrease the length of the school term, which in no case should fall below nine months.

There should be no distinction in the enforcement of the school-attendance law for resident and nonresident or migratory children.

- B. Employment: No child under 16, resident or nonresident, should be permitted to be employed in agriculture whether at home or away from home during the hours that the public schools are in session.

Children under 14 should not be hired out for agricultural work, either independently or as part of a family group, employed on a contract basis or otherwise, except that children

12 to 14 years of age might be employed outside of school hours in light agricultural tasks involving work for only a few hours a day during a short season.

The hours of work for children under 16 engaged in agricultural work but not on the home farm should be limited to an 8-hour day when school is not in session and, when school is in session, to be combined 8-hour day for work and school.

Special attention should be given the subject of prohibition of employment about dangerous agricultural machinery. (See "Hazardous occupations," below)

Work permits, valid for the entire season, should be required for children under 16 engaged in agricultural work not on the home farm.

Hazardous occupations – In order to insure protection from occupational hazards for young workers it is urged that in every State the agencies responsible for the administration of child labor and workmen's compensation laws develop a program for continuous study of all industrial injuries to minors under 18 years of age. Such a program should include compilation and publication of adequate annual statistics of accidents; investigation of the causes of at least all serious injuries; education of employers in the special importance of preventing injuries to minors; and education of the public in the importance, as measures of child protection, of suitable legislation dealing with the safety of all workers, of prohibition of the employment of young persons in dangerous occupations, and of compensation for injured minors.

That this program may be as effective as possible from the point of view of the country as a whole, it is recommended that the States compile their statistics of accidents to minors on a comparable basis, and that the Federal Government through the Children's Bureau of the United States Department of Labor cooperate with the States by compiling and publishing annual statistics of industrial accidents to minors in the different States, as is now done by the Children's Bureau for other statistics relating to children, such as statistics of employment certificates and of juvenile court cases.

For the further protection of young workers from industrial hazards, it is essential that power be given to State labor departments to determine dangerous and injurious occupations and to prohibit minors' employment therein. Our present body of knowledge of the hazards of the industries and occupations in which minors are employed is so fragmentary and incomplete that a careful and comprehensive study is recommended both of occupations in which minors are engaged and of those in which industrial hazards occur, and also of possible safeguards in such occupations in order that a scientific basis for such prohibitions may be found and that legislative prohibitions may be kept abreast of new industrial hazards.

In view of the wide scope of the problem affecting minor workers throughout the country, it is recommended that a continuing committee be appointed, of which the members of the subcommittee on hazardous occupations, industrial accidents, and workmen's compensation for injured minors might form a nucleus, to work in

cooperation with the Children's Bureau of the United States Department of Labor and State departments of labor in studying all phases of the problem of protection of minor workers from dangerous and injurious employments.

Minors injured in industry are entitled to more adequate compensation than is now afforded under most State laws. Basic to a State program for the adequate compensation of such injured minors is a workmen's compensation law which is liberal in its general provisions. With reference to provisions relating especially to minors, it is urged that in all States not yet having such laws legislation be passed providing:

- (1) That at least the employee's future earning capacity be considered as the basis on which compensation should be computed in the case of minors permanently disabled.
- (2) That minors illegally employed when injured should not only be brought under the workmen's compensation law, but that in addition provision should be made for the payment of extra compensation in such cases.

The migrant worker – The migrant child worker creates special problems. Attention should be given to the subject of the general welfare of children in labor camps such as those operated in connection with industrialized agriculture and with canneries. All labor camps should be under the supervision of a State agency empowered to make and enforce regulations as to sanitation, etc. Special arrangements should be made under the public-school system for provision of school facilities for migrant children and for their attendance when schools are in session. It is recommended that State aid be made available for districts unable to meet the expense involved.

Industrial home work – The manufacture of articles in the home should be prohibited. When the home is converted into a workshop not only do young children work under unfavorable conditions but family life also suffers. Prohibition of home work was recommended by the New York Factory Investigating Committee in 1913, and the fact that the New York Commission to Examine Laws Relating to Child Welfare found in 1924 that the only excuse for “not now recommending the immediate complete prohibition of homework in tenements”¹ was the fact that it has “become so deeply entrenched in the industrial life of the State that gradual elimination was all that could be expected” is worthy of consideration by other States in which the problem is not now one of large proportions but in which the system of industrial home work may be beginning or on the increase.

Until home work is eliminated, all State labor laws should apply to industrial work of all kinds done in the home equally with factory work. Responsibility for compliance with the laws should be placed upon the manufacturer. A system of licensing of home workers through the State department of labor is recommended.

Street work – The child labor law should contain a regulation applying specifically to newspaper selling and other undesirable forms of street work, as the general child labor

¹ Manufacturing in Tenements, submitted by industrial commissioner to the Commission to Examine the Laws Relating to Child Welfare, New York department of Labor, p. 7, March and April, 1924.

law is not usually successfully applied to street work. Newspaper selling has such undesirable features as an occupation for children that a minimum age of 16 should be considered; if public opinion does not favor such a program of prohibition, the regulation should set a minimum age of at least 14 years, should prohibit work during school hours and at night, and should limit the hours of work as in other employment outside of school hours. The work of newspaper carriers and of other employed street workers should come under the provisions of the general child labor law including those regulating employment outside of school hours of children between 14 and 16.

Employment outside of school hours – The employment of children between 14 and 16 outside of school hours in a restricted list of employments should be so limited that the hours in school and at work shall not exceed eight a day. All other provisions of the child labor law should apply to such employment.

Because employment outside of school hours, especially in street work, is frequently resorted to because of inadequate recreational facilities, it is urged that the public provide recreational and leisure time activities that will be available for all school children of compulsory school-attendance age.

Theatrical exhibitions, etc. – More information as to the extent, kinds, and conditions of employment in theatrical performances and enlistment of public interest based on a better understanding of the facts are needed and surveys and studies are recommended.

Uniform legislation would appear to be especially desirable as regards employment in theatrical exhibitions because of the interstate aspect of the employment of children in traveling companies. An exchange of information on traveling children between law enforcing and other interested agencies would be helpful in protecting the children and developing standards.

Equalization of Opportunity and Protection

The task of the child labor section of this committee has been to set up certain standards for the health and protection of working children. It has reaffirmed the conviction expressed in the earliest child labor legislation that education and freedom from premature toil go hand in hand and must advance together, and it has given evidence to show that labor in immaturity thwarts normal physical development. It was agreed that children under 16 should not be permitted to leave school for work, and that boys and girls of 16 and 17 in industrial employment should not be suffered to enter occupations known to be physically or morally hazardous, to work more than 8 hours a day or 44 hours a week, or to work at night, and that minors should be given special protection from hazardous and injurious employments. These standards, in the opinion of the committee, represent the least that in the light of present knowledge and understanding of the mental and physical needs of the child and the adolescent should be done. They should be looked upon as merely a point of departure for higher goals which it is expected will be revealed through the constantly growing contributions of scientific research.

The committee believes that progress toward such goals would be enormously facilitated by establishing a national minimum standard. The control of child labor with its corollary, the extension of education, is one of the most important of the Nation's efforts to realize democracy, and as such it is of national importance and concern. For almost a hundred years the States have been regulating child labor. Progress there has been. But this progress has been slow and uneven. Some States still fall far below others in the amount of protection they afford. Grave injustice is seen in these inequalities – injustice to children in States with low standards because they are deprived of equal opportunity with others for health, education, and immunity from injurious labor; injustice to employers in States with high standards, since they must compete with employers whose labor costs are low because the labor is child labor; injustice to all the citizens in both groups of States, since civic and economic progress is hampered when the young are not equipped to become responsible and productive members of society and since the mobility of population characteristic of modern times brings many of the ill-equipped from States with low standards to those whose own standards are high.

The sheer fact of this conference, under the auspices of the President of the United States, with its nation-wide membership, inspires confidence that means will be discovered to equalize opportunity and protection for all children in all the States.