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the employment of children below the minimum legal age. In most countries, the minimum age for full-time work is the school-leaving age.

child labors, child labor, child labours

Summary Article: Child Labor
From Encyclopedia of Business in Today's World

Children have been used as cheap labor from the earliest times of human existence. Historically children were viewed by parents as a source of labor on farms or in areas of “woman's work.” Grown children were the “social security” of their parents for whom they would provide. In a great many areas of the world today this system of children as a labor asset is still the norm. It has only been with the rise of modern industrial societies where the economic surpluses are sufficiently large that a leisure class of children attending school instead of working has been affordable.

Well before 1900 reformers began a campaign to reduce or exclude the labor of children from the economy of the United States and from those in Europe. The Census of 1900 reported that over two million children were working on the streets or employment centers of the United States. The report sparked a national movement to reform child labor practices.

The Keating-Owen Act of 1916 (Wick's Bill) signed by President Woodrow Wilson was declared unconstitutional by the Supreme Court in the case of 

Hammer v. Dagenhart (247 U.S. 251) in 1918. The Court ruled that the law exceeded the authority of Congress to regulate interstate commerce. In December 1918 Congress passed the Revenue Act of 1919, which included a second child labor law. The law known as the Child Labor Tax Law sought to regulate child labor through taxation. However, the Supreme Court ruled the law unconstitutional in 

Bailey v. Drexel Furniture Company 259 U.S. 20 (1922). The Court reasoned that the power of Congress was being excessively widened so that it interfered with the right of the states to regulate local trade.

In 1924 Congress proposed the Child Labor Amendment to the United States Constitution. The Amendment was actively opposed by some business interests. It failed in the 1920s and 1930s; however, today it is in a state of legal limbo because it could be adopted in the future. Ten more states are needed for its adoption. Because the Child Labor Amendment would lodge exclusive jurisdiction over child labor in the Congress of the United States many states have rejected it. The Amendment was a response to decisions of the Supreme Court of the United States that upheld child employment and rejected state legislative efforts to ban or limit child employment practices. The latest case before the Amendment was proposed was the Supreme Court’s decision declaring the Child Labor Law unconstitutional. The law sought to regulate the employment of children in canneries, mills, mines, quarries, manufacturing centers or workshops if under the age of 14. In 1941 the Supreme Court

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reversed its decision on the *Dagenhart Case* in *U.S. v. Darby Lumber Co.*, 312 U.S. 100. The ruling upheld the constitutionality of the Fair Labor Standards Act, which is still in force today.

Child labor opponents were successful in eliminating the labor of small children from the economy by the 1940s. The exclusion of children from the economy as laborers reduced the supply of labor to the benefit of adults and included them in the controls put on labor sought by labor unions. Today the exclusion of children from the labor markets in Western countries is enforced through child labor laws that impose penalties for employing underaged workers. Household chores, family farm work, and work in a business owned by the child’s family is generally excluded.

Child labor laws were enacted to achieve several policy goals. The main goal was the protection of children by restricting their hours of work and the type of work they could perform. More specifically child safety was sought by keeping them from working in places or with things that could put them at risk in hazardous or unsanitary conditions; or by protecting them from overly strenuous or immoral working conditions. Occupations that are dangerous to children include work that poses a physical danger. Operating a log shredding machine, or handling explosives in a quarry are such occupations from which children have been excluded. In general child labor legislation has been applied to commercial enterprises. However, in many jurisdictions restrictions are also placed on nonprofit organizations as well.

Child labor legislation applies to minors and not to children who have reached the age of their majority. However, the age of a minor is defined by these laws which can vary from state to state in the United States or from country to country around the world. For example while 18 is the normal age for a young person’s majority, some industries like the steel industry have required parental permission for young people under the age of 21 to work in areas that are hazardous.

Laws in many jurisdictions are clear that parents may not contract away their children through a binding employment contract. The law operated on the basis that benefits conferred by law to children many not be nullified by claims to parental rights. In some states for a minor to work in certain businesses not just parental permission is required. In addition there may be specific conditions, supervision, or other conditions and approvals that are required. Child actors are required to have a tutor who teaches them as a requirement of employment. The requirement is one that must be ratified by the parents. For example children who work may not have their compulsory education disrupted by work. They must be enrolled in a school whether public or private or educated by a tutor.

**Employer Responsibilities**

When children are employed even with a legal permit it is incumbent upon the employer to assume extra responsibilities. Employer responsibilities include seeing that all employment instructions are carefully issued and followed. The delegation of this duty to subordinates is not sufficient in law to absolve the employer of responsibility if an accident were to happen to the child or if the child were to cause some serious damage in the course of employment. If an employer is given legal notice of failure(s) to engage in due diligence in the employment of a child or children then sterner measures can be employed to force compliance. Among the sterner measures may be penalties or stricter regulations of the actions of subordinates.

Employers who are found guilty of employing under aged children or for work proscribed for children can be punished according to law. Those found guilty of technical violations may be held accountable.
and their certificate of employment for the child(ren) may be nullified. The penalties for which employers found liable for violations of child employment laws can include criminal penalties, or civil penalties including revocation of a license to employ them. The fact that the actual work was performed through a sub-contracting party such as a natural person or a corporation will not be sufficient to excuse an employer from responsibility as the original employer. Some states still hold employers responsible even if the work methods of independent contractors are outside of the control of the child's employer.

Employers who “in good faith” hire a minor are not excused from liability in case of injury to the child. The representation of good faith is not a defense even if the child lied about his or her age. In the case of injury parents are not necessarily to be held liable for the injury. Tort actions initiated against the party causing the injury may be only for the benefit of the child and not for any losses to the parents. This is because they are third parties that the law is not seeking to protect as it is seeking to do for children.

Child Labor in the Third World

In Third World countries where child labor laws are weak or nonexistent it is common to see babies and small children used as beggars. Their pitiful conditions are used to manipulate the sympathies of adults, often tourists or foreigners, in order to gain donations. It is not unusual for children to be deliberately injured in order to add to their wretchedness as objects of pity.

This form of child employment has been observed by Westerners in China, India, and Latin America as well as in other Third World countries.

In Africa child labor has been in such demand that in some countries large numbers of children leave their villages for places to work and never return. In some cases children are sent into the world to work by their parents. In other cases they are simply kidnapped and put to work as virtual slaves. In Brazil it is estimated that there are over two million child workers. Numerous cases of children working to break rocks, carry bricks, do farm work, shine shoes, pound clay, or many other jobs have been observed and documented in some cases. The economy has been growing, but the amount of poverty is such that child labor is tolerated despite the country's laws. The Philippines is estimated to have as many as one million child laborers under the age of 15.

The number of children regularly employed at sustained labor is estimated to be 270 million globally by UNICEF. This figure does not include children employed as domestic help. The United Nations Convention on the Rights of the Child (CRC) holds that child labor is a form of exploitation (Article 32). While it is considered exploitation to employ children before a certain age (excluding home chores and school work), the minimum age for some employment varies between countries. In the United States the minimum age is usually 16. The United States and Somalia were the only countries in the world to not sign the Convention on the Rights of the Child in the 1990s. American conservatives opposed the CRC as a device for the state to take away parental rights and for allowing children to become wards of the state.

Despite the Convention on the Rights of the Child, child labor is common wherever the educational system is weak or non-existent. Among the many occupations performed by children in the Third World are tasks such as factory work, agriculture, selling food or other jobs related to the family business, doing odd jobs on the streets such as polishing shoes, doing repetitive work or in some cases serving
as prostitutes. In many countries employers put children to work in hidden locations where they cannot be seen by reformers, the media or labor inspectors. Many are engaged in what have historically been called sweatshops. In the Third World child labor occurs in all types of weather for very small incomes.

One overriding reason for the continued existence of exploitative child labor is the fact that the labor of children supplies poor families with needed income. The short-term income gains for the family may be at the cost of long-term gains from education, but only if it is available. Opposition to limitations imposed by child labor laws is registered at times by youth rights groups. Their claim is that in some cases a child may be eager to earn a living or to provide for the family. In general scholars have concluded that the basic cause of child labor is the poverty of families. Both India and Bangladesh have an estimated 70 to 80 million child workers. Many children who work are below the age of 11. Many work in sweatshops that supply American or European retailers with commodities such as shoes or clothing. Wages usually are limited to a few dollars per week. Child labor in these countries occurs despite Indian and Bangladeshi child labor laws.

![Image of a child working in a tire shop in Gambia in 2008.](https://search.credoreference.com/content/topic/child_labor)

Corporate Responses

Retailers and manufacturers accused of ignoring the use of child labor have at times discovered that their accusers were correct and have taken steps to end the use of child labor in their products. In India raids by authorities in 2005 revealed that the embroidery industry in Delhi was employing young children at sweatshop wages. The use of children in the Oriental rug industry is ancient. Rug weaving is performed by young boys from an early age. The work gives them not only income but a future as a weaver. However, the carpet industry in Pakistan has moved beyond the traditional crafts industry of former times. It for at least a time was a center of child labor exploitation.

Companies accused of using child labor have included Wal-Mart, Nike, and the Gap Company. The latter strongly denied the accusation. The Firestone Tire and Rubber Company restructured its operations in
its Liberian rubber plantation when it was found that it was involved in child labor practices. A suit brought by the International Rights Fund on behalf of the exploited children was still in court in 2008.

In 2008 Agriprocessors, a kosher meatpacking company in Postville, Iowa, was raided by agents of Immigration and Customs Enforcement. Numerous undocumented workers who were illegal aliens were found, but so were 57 minors. All including those working below the age of 14 were recorded as evidence to be used in prosecuting the company.

Despite decades of progress, child labor is not confined to the Third World. It has been found to continue to exist in Europe and in the United States. In Great Britain a campaign to end child labor sponsored by UNICEF is underway to aid in the elimination of child labor.

See also
Antiglobalization Movement, Bangladesh, Corporate Social Responsibility, Democratic Globalization, India, Industrialized Countries, Less Industrialized Countries, Off-Shoring, Outsourcing, Sustainable Development, Underdevelopment, Working Hours

Bibliography
