The Fair Labor Standards Act (FLSA) is a U.S. federal law first enacted in 1938 to protect American workers from being forced to work excessive hours for meager wages. This particular piece of Depression-era legislation was lauded by President Franklin D. Roosevelt as the most important law passed since the Social Security Act of 1935. The FLSA set a federal minimum wage, established maximum work-week hours, guaranteed time-and-a-half for overtime in certain jobs, banned oppressive child labor laws, and instituted a system of recordkeeping. What is more, the FLSA was part of a larger legislative strategy to stimulate relief for the American worker while helping American businesses recover from the stock market crash of 1929.

Considered a landmark piece of legislation that was responsible for changing the course of the nation's social and economic development, the FLSA was established only after contentious negotiations between liberal Democrats on the one hand, and Republicans and conservative Democrats on the other, as well as judicial setbacks. Since 1938, the FLSA has been revised and amended over 40 times, and it remains a cornerstone of U.S. labor policy. These amendments were intended to clarify various aspects of the law's benefits, and to expand the law to include previously exempted work sectors and groups.

The impact of the FLSA on American families has greatly differed through the years, and has largely been shaped by the social milieu of the day, whereby race, gender, age, and class are the predominant predictors of this policy's effects over time. In general, support for higher labor standards was extremely popular among the American public at the time that the law was enacted. Nonetheless, some groups were apprehensive about the more nuanced aspects of the legislation.

The debate over setting fair labor standards in the United States stemmed from differences of opinion concerning the need for and constitutionality of government regulation of workers’ wages and hours. Liberal Democrats, who were proponents of higher labor standards, reasoned that shortened work hours would relieve some workers from working unnecessarily long hours while creating new jobs for others. A minimum wage, they argued, would anchor the whole wage structure at a point from which collective bargaining could take place. Proponents characterized the existing labor environment as “sweated labor.” They supported the president's view that no self-respecting democracy could justify the existence of child labor, the chiseling of worker's wages, or the lengthening of work hours.

Republicans and conservative Democrats, both opponents of higher labor standards statutes, characterized the whole process as tyrannical industrial dictatorship, arguing that such laws only served as thinly veiled attempts at socialist planning. Republicans and conservative Democrats casted American businesses as victims of a multiplying and hampering federal bureaucracy, and maintained that government interference would stifle the “genius” of American business. The Supreme Court was another major obstacle to wage-hour and child-labor laws. In several major court decisions, the constitutionality of government regulations of business trade and industry codification was challenged. In *Hammer v. Dagenhart*, the court struck down a federal child-labor law. In *Schechter Corp. v. United States* it was decided that the newly established industry codes restricted trade practices, and the Court unanimously agreed that the industry code system was an unconstitutional delegation of government power to private interests. In the case of *Adkins v. Children's Hospital*, the Court...
narrowly struck down the District of Columbia law establishing equal rights for women.

In particular, African Americans, women, and those in exempted occupational groups have historically been the driving force behind the expansion of fair labor standards to include all American workers.

**African Americans**

African Americans were conflicted regarding their support for the FLSA. Because the FLSA emerged from the National Industrial Recovery Act (NIRA), which established the National Recovery Administration (NRA, variously dubbed the “Negro Removal Act,” “Negroes Ruined Again,” and “Negroes Robbed Again” by the African American leadership and press), there was immense suspicion regarding how “fair” labor standards would be, considering historical evidence to the contrary. While ostensibly race neutral, the FLSA was seen by African Americans as effectively antiblack. Specifically, section 7(a) of the NIRA expanded the collective bargaining rights of trade unions, providing them with increasing power over specific industries.

As labor laws strengthened the power of trade unions, African Americans experienced massive job loss, and were increasingly excluded from union activities when many businesses became “closed shops.” Under closed shop agreements employers agreed to hire union members only, once employed, one must remain a member of the union to remain employed. As a result, African Americans appealed to legislators for an antidiscrimination clause to be added to fair labor standards in order to curtail the discriminatory practices upheld in trade unions and by potential employers. It was not until the passage of the Civil Rights Act of 1964 that antidiscrimination legislation became codified in federal law.

**Women**

White males were the primary benefactors of the FLSA, particularly those who worked in skilled and semiskilled labor. Women were more likely to be domestic workers or engage in unskilled labor, which was not covered by the FLSA, thereby remaining unprotected by fair labor standards. The bifurcation of labor in the United States into “women's” and “men's” work effectively locked women out of many industries. Other sexist laws, such as women not being legally allowed to be the head of the household, fed into justifications for lower pay rates for them.

The passage of the Equal Pay Act of 1963 legally prohibited employment discrimination on the basis of gender. Additionally, future amendments to the FLSA considered the role of motherhood in the lives of working women. For instance, the Family and Medical Leave Act of 1993 ensured that eligible employees received 12 weeks of unpaid leave to tend to family and medical issues such as childbirth, adoption, ill parents, or other family and medical responsibilities.

**Age**

Age was one of the central factors surrounding the push for fair labor standards. Initially, the emphasis was on protecting the young; the later focus shifted to security for aging workers. Before FLSA, children worked under the same conditions as adults: long hours for minimum pay. Initially, FLSA set a minimum working age for boys at age 16 and for girls at age 18. Over time, child labor laws have become more detailed as the government has attempted to both protect children from labor abuses and allow them to help to make a financial contribution to their families. As a result, the FLSA and child labor regulations have established minimum age standards for youth employment. According to these standards, employable youth are divided into three categories: 16 and 17, 14 and 15, and under 14 years of age.
The FLSA, through its child labor regulations stipulates standards specific to this population, governing maximum work days per week, hours per day, and type of duties performed. Similarly, the Age Discrimination in Employment Act of 1967 was established to prohibit discrimination against persons 40 years of age or older. Before this, as workers aged, they faced denial of health benefits and training opportunities. Although the FLSA’s initial focus was on abolishing child-labor abuses, through many amendments it has codified protections for the safe and productive employment of youth and much-needed protections for aging workers.

**Occupational Status**

Occupational status impacted the effects of the FLSA on American families. At the time that the FLSA was established, only 700,000 employees were covered by the law based on industry of occupation. Occupations such as domestic, agricultural, and unskilled labor were not protected by the FLSA. Since its enactment in 1938, FLSA has been expanded and currently over 130 million workers are protected by the law. A 1974 amendment expanded, coverage to domestic workers, and the 1983 Migrant and Seasonal Agricultural Worker Protection Act expanded coverage to agricultural workers.

Overall, the FLSA applies to all U.S. workers employed in interstate commerce or in the production of goods for commerce, or those employed by an enterprise engaged in commerce or the production of goods for commerce. Once thought of as a stop-gap to relieve the American society from the effects of the stock market crash of 1929, the FLSA lives on as a major component of U.S. labor policy. The FLSA established the 40-hour maximum work week and the federal minimum wage standard, abolished oppressive child labor, guaranteed overtime pay, and established an administrative recordkeeping structure to allow oversight over the labor conditions of the American worker.

Just as American society has changed, so has the FLSA and its impact on American families, and the impact has been as diverse as American families. The struggle for antidiscrimination, led by African Americans, has resulted in the protection of all racial and ethnic minorities from discrimination in the labor force. Similarly, the challenge to gender inequality has led to the narrowing of the gender wage gap, as well as expanded benefits that consider the condition of motherhood. Likewise, the trade union movement is responsible for the wide array of industries that are unionized, whereby workers are empowered through collective bargaining.

**See Also:** Child Labor; Civil Rights Act of 1964; Family and Medical Leave Act; Living Wage; Minimum Wage

**Further Readings**
