

CHILD LABOR ISSUE BRIEF

Background

The exploitation of children as laborers is a growing problem in the United States. In February 2023, the United States Department of Labor reported that since 2018 there has been a [69% increase](#) in children being employed illegally by companies. This problem is particularly acute for migrant children. A recent *New York Times* article reported that [migrant children are being exploited](#) in increasing numbers, especially when they arrive in the United States without their parents. Over [250,000 parentless, migrant children](#) have arrived in the United States in the past two years.

Exploited children, working in violation of state and federal child labor laws, often find themselves in dangerous conditions, such as slaughterhouses or construction, and sometimes without sufficient pay to comply with minimum wage, overtime, or other hour limitations. In addition to the potential physical harm, exploitation in the workplace threatens children's educational, emotional, and social development.

Role of State Attorneys General

State attorneys general play an important role in enforcing child labor laws and stopping the exploitation of children. Since the early twentieth century, states have regulated and limited child labor. Similar to the federal Fair Labor Standards Act, state laws limit the conditions and amount of underage work. For example, New York [restricts the number of hours youth under 18 can work](#) and their working conditions. With limited exceptions, children under 14 may not work at all. Children ages 14-15 can work limited hours, but not in a factory workroom or otherwise using dangerous materials. Minors aged 16-17 may work in factories or in the trades, but cannot use certain power-driven machines, construction work, or a helper on a motor vehicle.

State attorneys general have the authority to directly enforce child labor laws on their own or on behalf of their respective state agencies with regulatory oversight (i.e., Departments of Labor). For those states with criminal jurisdiction, such as [California](#) and [Illinois](#), state attorneys general can enforce criminal violations of state child labor laws, as well.

Examples of State Attorneys General Actions

Here are several examples of enforcement activity by state attorneys general to address child labor violations:

- In April 2023, Massachusetts Attorney General Andrea Campbell [settled with two Dunkin' franchisees](#) for \$370,000 after an investigation revealed several child labor law violations. The violations included failure to obtain valid work permits, employing minors after 8 p.m., employing 16-17 year olds for more than 9 hours per day, and employing minors earlier than 6 a.m.

- In March 2023, Minnesota Attorney General Keith Ellison [sought](#) a restraining order and is pursuing an investigation, in conjunction with the Minnesota Department of Labor and Industry, into child labor violations at Tony Downs Food Company. Tony Downs Food Co. is a meat processing company that is alleged to have children as young as 13 working in hazardous conditions, including operating meat grinders.
- In September 2022, New Jersey Attorney General Matthew Platkin [obtained a settlement with Chipotle](#) for \$7.7 million for violating child labor laws. The New Jersey Department of Labor found approximately 30,600 alleged child labor violations related to minors working at Chipotle restaurants from 2017 to 2020. The violations included minors working too many hours and not getting “timely and sufficient” meal breaks.
- New York Attorney General Letitia James successfully [brought criminal charges](#) against Luke Park, owner of the Park Family Farm, arising from child labor violations related to the death of a 14-year-old boy. The defendant was sentenced in 2019 to 60 days in jail, 3 years of probation, and restitution of \$10,500. The victim was killed while working on a New Holland LS170 Skidloader with a hydraulic lift and fork attachment, which is prohibited under New York’s child labor laws.

Despite these efforts, some states are [attempting to rollback child labor protections](#). Legislation in [Iowa, Missouri, and Ohio](#) would allow teens to work more hours and in dangerous conditions. Legislation in [Arkansas](#) and [Georgia](#) would eliminate the requirement for youth work permits and age verification. Public advocacy by state attorneys general to limit abusive child labor is needed more than ever.

The Leadership Center for Attorney General Studies is a non-partisan organization dedicated to educating the public about the important role state attorneys general play in addressing pressing issues, enforcing laws, and bringing about change.