

TESTIMONY

OF

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THE PENNSYLVANIA AFL-CIO

ON

H.B. 1714

BEFORE THE

HOUSE LABOR & INDUSTRY COMMITTEE

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Introduction

Good morning Chairmen Dawkins, Mackenzie, and members of the House Labor & Industry Committee. My name is Angela Ferritto, and I am the President of the Pennsylvania AFL-CIO. I am here today on behalf of our affiliated labor organizations and the 700,000 working members that we represent.

Thank you for the opportunity to present testimony to you today regarding the significance of child labor laws across the Commonwealth of Pennsylvania and on House Bill 1714.

It is a fundamental right for all workers to have protection from bad acting employers – this is critically important for children targeted and exploited by against child labor law violations.

History of Child Labor Laws in PA

From the earliest days in our country, children have been integrated into the workforce. By the early 1800s, children as young as seven worked helping to spin and weave cotton and wool in the textile trade. By 1828, half of workers employed in Philadelphia's Manayunk district were under the age of fifteen. Spanning throughout the region, children working in factories were making just one dollar per week working long hours with little break from sunrise to sunset.

According to the 1820 census, 40% of workers in the dangerous and rapidly expanding textile industry alone were children. Across the state in these factories in Pittsburgh, children as young as eight were working up to 12 hours each day for the same wages, six days a week. Children performed extensive, dangerous work virtually nonstop under these conditions, often sleeping in factories and in the streets between shifts. This also meant for families struggling to survive, their children often must work full time, leaving to children to sacrifice an education and ending up illiterate for jobs that barely paid while creating rippling long-term impacts.

Furthermore, nonwhite children often worked for even less money and in even more deplorable conditions. Children worked in dangerous textile and manufacturing factories, in fields carrying water to canal diggers, ran errands for contractors or engineers, and tended animals like horses. Boys were able to be paid at a cheaper rate, so the management of some companies even specifically targeted advertised for child laborers to fulfil certain tasks to leave adults free for more technical labor.

In 1834, National Trades Union delegates called for federal and state legislation to ban child labor. Within three years, Pennsylvania State Senators started to hold hearings on the issue of child labor, gathering testimony from teachers, factory managers, and other witnesses. These witnesses testified the conditions children were working under, such as working in factories from 6am until 8pm with one single 45-minute break for dinner. Many children had to walk more than a mile between work and home each way, with

many children too exhausted or unable to make the trip between long work hours. It was not uncommon for children to be whipped, physically or verbally abused, or have their wages withheld for arbitrary assessment of their work or for being inattentive. It was not uncommon around this time to see children choosing to sleep in alleys or in their workplaces between shifts to be able to get sleep.

Multiple factory owners testified that desperately impoverished parents and orphanages pushed children into work. It was noted that child labor was inexpensive but also only minimally increased factories' actual profit margins. Physician John Bullock also testified to confirm that child laborers were in poor health, with many injured, losing limbs, or killed by factory machinery.

In 1849 Pennsylvania became one of few states to lead in beginning to address these issues. Children were restricted to no more than ten hours of work each day with no more than sixty hours per week. Children under twelve were also prohibited from working in textile factories – which were dangerous and had high rates of exploitation and grave injury – and children under sixteen were only permitted to work so long as they attended school for at least three months each year.

Unfortunately – just as we face similar enforcement issues with child labor law enforcement at the state and federal levels today – the law was poorly enforced and child labor became increasingly more frequent. For impoverished families, many parents were forced to exaggerate their children's ages to obtain work to survive. Through the Civil War, young teenage children produced ammunition for the U.S. Army in Philadelphia. After the Civil War, child labor began rapidly expanding from factories into other including restaurants, bars, entertainment establishments (including brothels and saloons), and more prevalently in agriculture.

In response to the rapid growth of child labor across the state, the Pennsylvania General Assembly adopted a law in 1868 limiting children to an eight-hour workday. By the 1870s, coal mining was the state's leading industry and was employing children as young as seven to sort coal for up to twelve hours a day, sometimes using them to fit into tight spaces. Around the age of ten, boys often started to work underground manning ventilation doors and tending to work animals like mules. It was common at this time for children to fall into machinery that permanently harmed, disfigured, or killed them. Parallel to the industry coal boom, Pittsburgh's glass industry rapidly expanded and exposed children to dangerous materials and temperatures of 100-130 degrees Fahrenheit.

From 1870 to 1880, the number of children reported working in mining, manufacturing, agriculture, services, and other trades rose from around 39,000 children to nearly 60,000. During this time, protests against child labor started taking place in Philadelphia, rallying for the State Assembly to adopt mandatory minimum age legislation. From 1879 to 1887, the General Assembly passed a number of bills that imposed fines on employers who employed children in a variety of jobs, industries, and workplaces. Still though,

enforcement of these new laws proved extremely problematic leaving the child labor issue to continue to expand.

In 1889, the Office of Factory Inspection was created in part to check for child labor law violations. In 1895, the Compulsory Education Act was adopted by the General Assembly which mandated that children between eight to thirteen attend school at least four months per year. Despite these efforts and investments, by the early 1900s, it was reported that roughly 120,000 children worked across the silk, textile, manufacturing, agriculture, and other trades.

Among increasing public outcries against child labor from virtually every economic class, Mary Harris “Mother” Jones rallied nearly two hundred adults and children from Philadelphia’s Kensington Mill district alone who marched to President Theodore Roosevelt’s retreat near Manhattan, New York, bringing important attention to the issue.

The Pennsylvania Society to Protect Children from Cruelty, the National and Pennsylvania Child Labor Committees, the Women’s Christian Temperance Union, the Philadelphia and Allegheny County Civics Clubs, the Public Education Association of Philadelphia, and the United Mine Workers of America were all leaders in lobbying for change. Their efforts – alongside activists like Mother Jones and others rallying support for stricter child labor laws, employer accountability, safer working conditions, and better wages so children didn’t have to work in factories to help support their families – eventually lead to the General Assembly to enact a handful of laws over the next decade to address child labor issues.

In 1915, Pennsylvania Governor Martin Brumbaugh enacted the 1915 Pennsylvania Child Labor Law, which formally set the minimum working age to fourteen. This law made it so that children were only permitted to work if they had successfully completed their education through the sixth grade. Additionally, it mandated that children could not work more than nine hours each day, for up to fifty-one hours per week. It also prohibiting children from working nights and from being employed to work in hazardous industries such as textiles and manufacturing.

A 1919 federal study of child labor laws across PA’s mining areas recommended tougher enforcement measures due to the nature of the job and use of children in a coming industry that was often exploiting young children around these laws. By 1925, the Bureau of Women and Children was created to monitor compliance of child labor laws across the state. Ten years later in 1935, Governor George Earle signed a law establishing the eight-hour workday and limiting a forty-four-hour work week for children between the ages of sixteen and eighteen. This law also further barred children under eighteen from working in certain dangerous occupations.

The 1915 and 1935 labor laws mentioned above are central to the Department of Labor and Industry’s regulation of child labor today. There have been amendments over the decades to these laws, including from those that permit fourteen-year old’s to work up to four hours per day for no more than eighteen hours per week during the school year.

These amendments also prohibit children from working in certain occupations and establishments, such as those relating to manufacturing and places that sell alcoholic beverages, while mandating that every worker must make the minimum wage.

Legislation and social advocacy lead the shaping of our child labor and safety laws across Pennsylvania and the nation. We must focus on strengthening our child labor laws to protect children from all walks of life and hold bad acting employers accountable – not crating obstacles for reporting violating reporters at the expense of children and their families who are being exploited. We can start by supporting higher fines and steeper repercussions for offending employers. We should also adequately fund the appropriate departments and agencies to better enforce our laws. And we should make sure that repeat offenders are faced with steeper penalties – not just financially, but criminally – for the continued violation of our laws and exploitation of minors.

We should not jeopardize the safety and wellbeing of children – regardless of their status – by mandating the reporting of their personal information and further subjecting them to ramifications for the egregious actions of their employers. Full stop.

Efforts to Roll Back Child Labor Protections

Child labor law violations are on the rise across the nation. While we should be focused on running good bills to strengthen child labor law protections and enforcement – bad faith bills are increasingly popping up in state legislatures across the U.S. To date, there have been at least sixteen states who have introduced legislation that aims to roll back child labor protections across the country.

According to reporting from the Economic Policy Institute, nationally, the number of minors employed in violation of child labor laws in 2022 was 37% higher than the year before – and 283% higher than in 2015. The number of children under eighteen employed in hazardous occupations, in direct violation of child safety laws aimed to prevent this, increased 26% between 2021-2022 – up over 94% from 2015.

Among efforts to roll back child labor laws and protections across the nation include pushes focused on extending youth hours of work and eliminating work permits, making it even more difficult to monitor, track, and prevent child labor law violations. The pursuit of these bills to revert to a more inexpensive workforce parallel back to our days of exploiting children for work to game the system. It also unfairly impacts children of varying immigration and asylum status and their families by expanding exploitation of minors who are illegally targeted and employed in hazardous jobs.

Child labor laws are set minimums to protect our children from exploitation, keep them safe, and ensure they're able to receive an adequate education. Lawmakers should be focused on increasing embarrassingly low fines for employers violating these laws and creating steeper penalties – financially and criminally – for repeat offenders.

Both violations of child labor laws and proposals to roll back child labor protections are on the rise across the country. The number of minors employed in violation of child labor laws increased 37% in the last year alone. According to the Economic Policy Institute, sixteen states have weaker standards permitting youth working for non-Fair Labor Standard Act-covered employers to start work earlier, end later, and work longer hours. Meanwhile, industry players are lobbying – to some success – laws that aim to eliminate age verification, guardian permission requirements, hazardous work restrictions, extended work hours for minors, subminimum wage for youth workers, and the elimination of work certification requirements.

It is reprehensible that in 2023, we have attempts across the U.S. to justify roll backs of child labor protections because “companies can’t find workers” while those same companies make record-break profits. Lawmakers should be focused on protecting and advancing the rights of workers of all ages and backgrounds while protecting poor and/or immigrant youth and their families from exploitation. While we believe in increasing accountability for bad-acting employers, we know that we need legislation aimed in good-faith at ensuring funding for better enforcement, increased wages and safety protections on the job, and stricter penalties for employers who are intentionally and repeatedly exploiting minors.

Furthermore, these efforts cannot aim – as HB 1714 is written – to specifically jeopardize (and by process, ultimately increase the fear and discourage the reporting of employers by) undocumented youth and their families for the reporting of the child labor exploitation of minors. We must not seek to harm those being victimized by bad bad-acting employers by mandating that their own names, addresses, and whatever lawmakers deem “relevant information” is which can in turn be used to further harm exploited youth in additional ways.

Ensuring that every Pennsylvania worker has safe and healthy working conditions are more important now than ever. The cost is even greater when it comes to protecting children being exploited by employers – many who are repeat offenders – who are skirting around the system with little accountability while children suffer the consequences.

With mandated reporting requirements of the child victims of exploitation on the job, we do not believe that House Bill 1714 is a good faith effort to positively impact the core issues at hand. We need higher fines for employers breaking our laws and criminal charges for repeat offenders who are risking children’s safety and well-being to turn cheap labor for their own benefit. Victims and their families should not risk further duress by the state for reporting their experiences of exploitation by their employers and should have stringer protections to speak out.

On behalf of the 700,000 hardworking people the Pennsylvania AFL-CIO represents, we strongly oppose HB 1714 and any legislative attempt that creates harmful barriers to our child labor laws and reporting standards in place of actual accountability for violations. Thank you.