



# in our own backyard

THE HIDDEN PROBLEM OF  
CHILD FARMWORKERS IN AMERICA  
<http://www.ourownbackyard.org>

## Part I: The Hidden Problem

### **What is Child Labor?**

Jim Leonard, a volunteer lawyer for Farmworker Justice, briefly describes laws governing child labor in the United States.

*Source: Farmworker Justice, 2007,  
<http://www.fwjjustice.org/>*



The federal child labor law in the United States, which is supposed to protect children under the age of 18 who work, has many loopholes -- particularly for children who work on farms. Here are some examples –

- For jobs that are considered to be particularly hazardous, no child under the age of 18 can do the job, except for particularly hazardous jobs in agriculture, where the minimum age is 16. For children who work on farms owned or operated by a parent or guardian, there is no minimum age for doing particularly hazardous work
- No child under age 16 working on a farm (except a family-owned or –operated farm) can handle or apply toxic pesticides that have acute effects that can quickly cause such problems as blurred vision, irregular heartbeat, and paralysis. However, there is no bar to children, no matter how young they are, handling or applying toxic pesticides that have chronic effects that take longer to show their symptoms, such as sterility (the inability to have children), blood disorders, and abnormal kidney and liver functions. (The number of pesticide-related illnesses for workers of all ages has been estimated at over 300,000 per year.)
- No child under age 16 working on a farm (except on a family-owned or -operated farm) can work on a ladder or scaffold at a height of over 20 feet. However, there is no bar to children, no matter how young they are, working on silos, grain bins, windmills and towers, or climbing up trees to pick fruit or nuts, that are higher than 20 feet. (Almost 20,000 farmworkers of all ages are injured in falls from heights each year.)
- For children who work on farms, the only limitation on the hours they can work is that they cannot work during school hours. Thus there is not limit on how early in the day they may begin work or how late they may work, and not even any limit on the number of hours they can work during the day. And if these children work more than 40 hours a week, they are not entitled to time and on-half overtime pay, because of a loophole in the overtime law affecting farmworkers. Moreover, because of other loopholes in the law, children on farms are permitted in some cases to work as early as age 12, and even at younger ages.
- For all other children, such as those who work in fast food restaurants and department stores, the minimum age at which they can work is age 14, and 14- and 15-year-olds in such jobs cannot work more than 3 hours a day or more than 18 hours a week when school is in session, and cannot work more than 8 hours a day or more than 40 hours a week when school is not in session.