

TESTIMONY

OF

RICHARD W. BLOOMINGDALE, SECRETARY-TREASURER

PENNSYLVANIA AFL-CIO

ON

HOUSE BILL 2369 - CHILD LABOR ACT

FOR THE

PENNSYLVANIA HOUSE LABOR RELATIONS COMMITTEE

HONORABLE ROBERT E. BELFANTI, JR., CHAIRMAN

HONORABLE GENE DIGIRALAMO, CHAIRMAN

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HARRISBURG, PA

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**Written Testimony on House Bill 2369
For the House Labor Relations Committee
Submitted by the
Pennsylvania AFL-CIO
May 20, 2008**

Good day Chairman Belfanti, Chairman DiGirolamo, Members of the House Labor Relations Committee and Committee Staff. My name is Richard Bloomingdale, Secretary-Treasurer of the Pennsylvania AFL-CIO. It is a pleasure for me to testify in regards to House Bill 2369, known as the "Child Labor Act" on behalf of the 850,000 affiliate union members including their children and all children working in the Commonwealth. This State has a long standing history of Child Labor Laws, since the mid 1800's child labor has been a continual issue. In Fact, in 1881, at the first national convention of the American Federation of Labor (AFL), a resolution was passed calling on states to ban children under 14 from all gainful employment. Labor has continually protected the welfare of children, and this issue remains an import priority today. House Bill 2369 DOES NOT completely provide the protection that the young workers of Pennsylvania need.

Labor leaders have passionately opposed the use of child workers. Protecting the welfare of children was and still is an important priority. We fought the exploitation of children in coal mines, canning factories, garment mills, and glass factories. Activists abhorred the poor working conditions, lack of safety standards, long hours and low wages. Many children were paid \$1.00 to \$3.00 a week, endured poor working conditions with little or no safeguards, acquired life-long physical ailments and were prevented from attending school and the opportunity to better themselves.

If the intent of this bill is truly an attempt to update and align it with the federal guidelines for the purpose of avoiding confusion then it should be done in a manor that does not expose and exploit minors. The Child Labor provisions of the Fair Labor Standards Act are designed to protect the educational opportunities of youths and to prohibit their employment in jobs and under conditions detrimental to their health and well-being. I mention this to all of you here today, because of the intent of House Bill 2369. If truly attempting to align the two laws then it is the AFL-CIO's belief that Pennsylvania's legislation should strive to do the same.

The AFL-CIO understands the intent and commends the Committee for recognizing that this law could use updating and refining; however we do NOT feel that it is necessary to take steps backwards from current law to do so. House Bill 2369 is exactly that, A STEP BACK.

The Bureau of Labor Statistics releases nationwide demographics of non-fatal work-related injuries that resulted in days away from work, some of which also included job transfer or restriction. These numbers do exclude farms with less than 11 employees. The two categories provided that are of interest to us are the 14-15 and 16-19 years of age, I understand that 18 & 19 year olds are not included in our topic but the numbers are still too high. In 2006 for 14 & 15 year olds there were 170 injuries, this number drastically changes when you look at the next category of 16-19 years old, where the number of injuries is an astounding 39,330.

In 2005 federal charges were settled with Wal-Mart Stores Inc., the world's largest retailer was accused of 24 Child Labor violations. Teenage workers were given hazardous responsibilities while working; the teens used equipment such as chain saws, paper bailers and fork lifts. Several years before the Wal-Mart Case, Tyson Food Inc., a large competitor in the meat and poultry industry was fined \$59,274, the maximum allowed at the time, for violating child labor laws after a 15-year-old boy was electrocuted and killed while working at a chicken slaughtering plant in Arkansas, and after a 14-year-old was seriously injured in a poultry processing plant in Missouri, when he fell into an auger and suffered severe nerve damage and second-degree burns to both legs. Both teens had been working late at night.

Currently the Law in this state provides that minors 16 and 17 years of age are allowed to work a maximum of 28 hours per school week, and allowing 8 hours on both Saturday and Sunday, 44 hours per week during the summer session, and a maximum of 8 hours per day. Proposed law would expand upon this. During the school year minors would be able to work 10 hours per Saturday and Sunday, then during the summer months the hours per week would increase to 48 hours and 10 hours per day.

The longer the hours a minor/ student works, two things may occur:

one the more tired the student, the less attention and care is paid to the child's education which may lead to declining grades.

and two, the likelihood of job-related injuries increase, because the longer the work day, the more likely a young worker will become tired towards the end of a shift, which in turn may lead to less attention and care for safety precautions.

It is our belief that parts of this bill do nothing to protect children but rather exploits them by forcing them to work more hours. By allowing this you are imposing on valuable time and creating a risk of increased injuries.

I would like to note that the Pennsylvania AFL-CIO does recognize that several portions of this bill will provide for better protection, more clarification, and slightly more overlap with the Federal Labor Standards Act (FLSA) Child provisions. We commend this committee, the sponsors and co-sponsors for recognizing the need for this and all of your efforts thus far. But I would also like to note that in 2007 the PA Department of Labor and Industry reported that there were nearly 150 child labor cases; that is about 1 claim every 2-3 days in our Commonwealth. In 2008, there have been 35 claims already this year. I must also note that not all claims result in child labor violations; however some may also result in several violations. This shows that there are still deficiencies that need to be addressed, and it is our opinion that they are not sufficiently done so in House Bill 2369s current form.

Thus the Pennsylvania AFL-CIO urges this committee to OPPOSE House Bill 2369, because of its inability to provide the necessary oversight and guidelines which protects the young workers of Pennsylvania.

Thank you for your attention.

I will be glad to answer any questions.

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