

TESTIMONY
OF
THE PENNSYLVANIA AFL-CIO

ON

CHILD LABOR ACT
HOUSE BILL 927
BEFORE
THE HOUSE LABOR & INDUSTRY COMMITTEE
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Testimony Before the House Labor & Industry Committee
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Good afternoon Chairman Miller, Chairman Keller, Committee Members and Committee Staff. My name is Michael Stefan; I am the Legislative Representative of the Pennsylvania AFL-CIO. President Bloomingdale and Secretary Treasurer Snyder send their apologies for not being able to testify today, but would also like me to send their greetings and thanks for allowing our organization the opportunity to testify on a topic which we have worked on since its origin.

Child labor has a long history in Pennsylvania, and has significantly changed from the days of “breaker boys,” and young girls in garment factories. However, it is important that we remember our history as we continue to try to improve our laws for the future.

Almost one year ago this committee held a hearing on two very similar pieces of legislation, introduced by Representative Murt and Representative Gibbons. At that hearing we heard from the past administration, which sought to create a more comprehensive child labor law which would suitably reinforce protections, clarify and strengthen the Department’s ability to enforce provisions, and to better suit minors and industries of Pennsylvania.

The PA AFL-CIO acknowledges that portions of the current child labor law are antiquated, unclear, and inconsistent with current federal standards. While we recognize these faults, we also find it necessary to be clear with our position of opposition towards any expansion of working hours for minors, as well as any, as we view, steps backwards in child labor laws.

We do ask that this hearing be only the beginning of a substantive conversation regarding this issue. While it may be necessary to update this law, it is also important that we do not place any additional burden on minors. It is particularly important that we

keep in mind the economic state of our Country, and the sad reality that when unemployment is so high, and Main Street is hurting, the likelihood of a child's wages to supplement a parent's becomes more likely. With this sad reality comes the temptation to loosen restrictions of child labor.

After reviewing House Bill 927, along with House Bill 1576, and previous introduced versions, we have developed a list of recommendations. Our recommendations are a mix of technical and substantive.

Definitions

While some technical differences exist, and can be discussed at a later time, one definition does not appear in House Bill 927 which would seem to provide flexibility and practicality to the law. Currently the "school vacation" is defined to mean the time period between June and Labor Day, however the recommended definition in House Bill 1576 would give the school district in which the minor resides the ability to set the vacation period. This will allow schools to incorporate additional days added to the end of the school year. This is not a big change from current law, but would provide more flexibility to the law where no two schools are guaranteed to be the same.

Consecutive Days of Work

Current law and House Bill 927 both provide that a minor may not work more than six days consecutively in a single week. We are unsure if, by including the phrase, "in a single week," provides a "loophole" to the sections intent.

For example, if a minor would work the last six days in week one, and then the first three days of week two, a employer would essentially be abiding by the plain language of the law, but also forcing a minor to work nine consecutive days.

Our recommendation would be to remove, “in a single week,” to ensure that the law would plainly state that no minor may work more than six consecutive days.

Prohibited Employment

House Bill 927 strips from the current law, in regards to general limitations of employment of minors, three sections of prohibited employment (4(d)(3), (4), (5)). The removal of these sections, and without being listed under the Fair Labor Standards Act as prohibited employment, would then remove the occupations from this section. Last session’s legislation which was considered to be the department’s language kept this language in, which leads one to believe that in order for these occupations to remain prohibited, they must remain listed.

Similarly, House Bill 927 removes from section five of Pennsylvania’s current child labor law, prohibited forms of employment for minors under 16 years of age. This specifically removes: stripping and sorting tobacco, working on scaffolding, and working in a tunnel. To our knowledge only working on scaffolding is listed as a prohibited form of employment for minors under the age of 16, therefore we leave open for interpretation the ability of 14, and 15 year olds to strip and sort tobacco and work in tunnels, both of which has already been determined by this state to be unfit for minors, evident by its existence in current law.

We view the removal of these prohibited forms of employment as a step backward in child labor law – a step backward which would undoubtedly expose minors to dangerous forms of work, which should only be performed by trained adults.

Newspaper Delivery

House Bill 927 and House Bill 1576 propose changing the start time for newspaper delivery from 6:00am to 5:00am. It is the PA AFL-CIO’s longstanding position to oppose this. It is our organization’s belief that no 11-year-old should be working at 5:00

in the morning, safety being our biggest concern. Our recommendation would be to leave the starting time for minors at 6:00am. If it is imperative to deliver papers earlier than that, we would suggest hiring an adult, or at the very least a person with a valid driver's license, for those routes.

Hours of Employment

The PA AFL-CIO, as evident by my last remarks, OPPOSES any expansion of work hours. House Bill 927 increases a minor's work hours from 8 to 10 hours, on Saturday and Sundays of school weeks, and any day during school vacation. Additionally, it seeks to raise the amount of hours a week from 44 to 48 during school vacation weeks.

Increasing hours on Saturday and Sunday of school weeks will hurt school performance. It does not take scientific evidence to realize that if a child works from 10am – 8pm on Saturday and Sunday, no time will be designated for school work, studying, or other extracurricular activities.

Why would we want children working nearly 50 hours in a given week during vacation months? This seems to be an attempt by business to hire less people. Let me remind you that Pennsylvania's unemployment remains severely high. This legislative body should be looking to create jobs, not give reasons to hire less, especially at the expense of our children.

The Pennsylvania AFL-CIO will continue to oppose any expansion of work hours for minors and ask this committee to consider changing this legislation to continue the hours of employment which currently exist.

We would also recommend removing the exemption of school week hours to students who are exempt from compulsory attendance. This would remove, what may appear to some students, as an incentive to dropping out of school.

Penalties

Pennsylvania's penalties for violations have not changed for more than a decade, therefore, we recommend making the penalties stronger, providing for more of a deterrence to businesses which sadly decide to break the law, and abuse their ability to employ children.

The Pennsylvania AFL-CIO would like to see penalties increased to replicate those proposed in House Bill 1576.

Effective Date

As suggested by the Department of Labor and Industry last year, we too would recommend that this legislation once passed should not take effect for at least 180 days rather than the 90 days which is currently in House Bill 927.

With the vast amount of employers, schools, parents and municipalities across Pennsylvania, 180 days seems to be more appropriate to ensure adequate time has been allotted to become knowledgeable of any changes which this law may implement.

Conclusion

To conclude, I would again like to thank this Committee for allowing us to testify today on this topic.

The Pennsylvania AFL-CIO does however and would continue to OPPOSE any legislation which would loosen child labor laws, and expand working hours for children. It is imperative at a time such as this, when our economy is still struggling, and parents are still unable to find work, that we do not pass laws which may further hurt employment opportunities, and would also likely increase the opportunity for children's wages to supplement their parent's income.

It would be a travesty if our society would promote sending a child to work, in unsafe conditions, for low wages, and for longer hours. Perhaps that doesn't sound so far removed from the days of the "breaker boys."

Thank you and I would be glad to answer any questions you may have.