



in our own backyard

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

Part III: What Can Be Done?

CARE Act Summary

The Child Labor Coalition summarizes and explains provisions of the CARE Act.

Source: Children in the Fields Campaign



Summary of the Children’s Act for Responsible Employment (CARE Act)



Representative Lucille Roybal-Allard (D-CA) introduced the Children’s Act for Responsible Employment (CARE Act) on September 16, 2009. The CARE Act addresses the inequities and harsh conditions faced by the estimated 400,000 children currently employed in agriculture in the U.S. Below is a summary of the bill.

Provisions of the CARE Act:

- Amends the Fair Labor Standards Act of 1938 (FLSA) by bringing the age and work hours standards for children working in agriculture up to the standards set under FLSA for all other forms of child labor.

*There is currently a loophole that permits children working in agriculture to work longer hours, at a younger age, and in more hazardous conditions than children working in other jobs. **The FLSA currently allows children as young as 12 years of age to work in agriculture**, while children in non-agricultural work must be at least 14 years of age (often, they must be 16 or older), and are limited to 3 hours of work a day outside of school hours while school is in session. Farmworker youth can work an unlimited number of hours, as long as those hours are outside of school time. The CARE Act would eliminate these loopholes and require children to be a minimum of 14 to work for wages in agriculture. The Secretary of Labor would determine if specific agricultural jobs are safe for 14- and 15-year-olds to perform—as is done with all other industries.*

- Preserves the FLSA’s family farm exemption. Under the CARE Act, farmers’ children of any age would continue to be able to work for their parents on their own farms.
- Increases the civil monetary penalties for child labor violations from \$11,000 to \$15,000, with a minimum penalty of \$500, and higher fines for repeat or willful violations. It also increases criminal penalties to a maximum of five years imprisonment.

These increased penalties will serve as a stronger deterrent for employers who consistently violate child labor laws.

- Requires greater data collection from the Department of Labor on the industries in which minors are employed (specifically agriculture), a record of the types of violations found, and an annual report on child labor in the U.S. It also requires employer reporting of serious work-related injuries or illnesses of minors.

Agriculture is consistently rated as one of the three most dangerous industries. Yet, the U.S. Labor Department currently does not collect data on the number of child laborers in the U.S., their occupations, or their serious injuries. The lack of data undermines the public’s ability to understand the scope of the problem.

- Strengthens provisions for pesticide exposure in agriculture to take into account additional risks posed to children. Requires the Worker Protection Standard for pesticides be included in the hazardous orders for minors by the Secretary of Labor.

Children working on farms are consistently exposed to hazardous pesticides. Children have a high skin to body weight ratio and are in a more rapid stage of development, which makes them more vulnerable than adults to pesticide exposure. This provision will protect children from more exposure to pesticides.

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