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DEPARTMENT OF LABOR
Harry C. Harper, Commissioner
Division of Engineering & Safety

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WHAT IS MEANT BY THE TERM CHILD LABOR?

In New Jersey, as in many other states, the term "child labor" refers to the employment of children under 18 years of age. This does not mean that children under the age of 18 may not be employed, but rather, that such employment is restricted in various ways in order to protect the welfare of the children.

WHAT IS THE PURPOSE OF A CHILD LABOR LAW?

The purpose of a child labor law is to prevent the employment of children who are too young to work, to eliminate the employment of children at occupations which are unsuitable or injurious, and to provide safeguards against excess hours, night work, and other harmful situations for those children who are employed. We, as citizens of the State of New Jersey, believe that every child is entitled to healthful development, to educational opportunities, and to time for proper play and recreation.

The loss of schooling is one of the most serious results of the unregulated employment of children. Compulsory school attendance laws require the attendance of a child in the school but they have no jurisdiction over the activities of the child during the hours schools are not in session. Attendance at school by children who are over-tired from late work the night before, does not provide proper educational opportunities for them. The child labor law is a supplement to the compulsory school attendance law. The results of insufficient and irregular schooling are well known in the direct effect they have on the child's later years.

The purpose of education is not to make all children alike, but rather, to emphasize individual differences, permitting each child to develop his capacities to the fullest extent in line with his own special talents and interests. Work opportunities aid in such development and frequently provide the necessary financial consideration required to make additional educational opportunities available. Developing a child's latent abilities and interests does not mean, however, that he should be permitted to operate a dangerous wood-working machine at an early age, for an employer, merely because he is interested in the building and the making of things. Such employment might easily lead to the loss of a hand or an arm or to some other serious accident because the child has not yet developed sufficient muscular coordination to meet the intricate demands required by such employment. A good child labor law, strictly enforced, will prevent such a tragedy.

Long hours of work, night work, or work without sufficient rest periods can hamper a child's physical growth, interfere with his play and recreation, and be the underlying cause of later emotional instability. Well formulated child labor laws give consideration to the differences in various types of employment, to the physical development of the child seeking a job, and to his own individual relationship to his own school program.

DOES NEW JERSEY HAVE A CHILD LABOR LAW?

Yes, New Jersey has a child labor law which was passed in 1940 and amended in 1941. This law restricts the employment of any child under 18 years of age in every kind of employment except in occasional and non-recurrent occupations, when the child is not required to attend school, and in domestic and agriculture pursuits outside of school hours or during school vacations in connection with a minor's home and directly for his parent or legal guardian.

The following types of restrictions are found in New Jersey's child labor law:

1. minimum age,
2. employment certificates,

3. hours of work,
4. night work,
5. rest periods,
6. record keeping,
7. prohibited hazardous occupations.

MINIMUM AGE RESTRICTIONS

The first consideration in any child labor law is the minimum age at which a child may be employed. Ages vary under the New Jersey Law from 12 to 16 for various types of employment, with 18, for certain hazardous occupations.

Boys and girls 12 years of age may be employed in agriculture while boys as young as 12 may deliver newspapers over regular routes in residential areas. Girls must be 18 years of age to deliver newspapers.

While agriculture is considered to be difficult work, a study of the tasks at which younger children are employed reveals them to be fruit and vegetable harvesting and the simpler tasks in connection with poultry raising. Crop picking, by far the most prevalent type of child labor in agriculture, is largely a summer occupation, away from hazardous substances and machinery. Work is irregular due to weather conditions; rarely are hours long, while wage payments on a piece work basis eliminate the strain of being required to meet a certain standard. The more hazardous types of agriculture work, of which there are many, are prohibited for minors by the hazardous occupation section of the act.

The minimum age for the employment of boys and girls in factory employment, in the manufacturing part of a bakery, and in laundries is 16. Male minors 16 years of age may also be employed as pinsetters in public bowling alleys.

The minimum age for all other types of employment is 14 except for certain prohibited hazardous occupations where 18 is the minimum age.



In the familiar school setting these children talk over their proposed jobs and secure their employment certificates before beginning work.



Like many other 14 and 15-year old children, these girls work in a cafeteria during the summer at one of many such places serving New Jersey summer residents.

THE EMPLOYMENT CERTIFICATE—WHAT IS IT? HOW IS IT SECURED? OF WHAT VALUE IS IT?

An employment certificate is, in most cases, a certificate authorizing the employment of the minor whose name, address, date of birth, and other personal information appear on the certificate, by the employer whose name, address, and type of business also appear on the certificate. Employment certificates are issued by the Boards of Education in the various municipalities of the State through a person designated for this responsibility who is known as the "Issuing Officer". Frequently this is the Supervising Principal, although he does often designate some other person for the task. The issuing officer has full responsibility for the issuance of these certificates in conformity with the law and may at any time recall or refuse to issue one if he feels that the best interests of the child will not be served by the proposed employment.

Every care is taken to make certain that the anticipated employment will be of benefit to the child. First, a birth certificate or other acceptable proof of age must be presented by the child so that the issuing officer can be certain that the child has reached the required age for the proposed employment.

Second, the prospective employer must submit to the issuing officer a signed statement known as a "Promise of Employment" in which he indicates the nature of his business, the type of work, the hours, and the wage of the proposed employment.

The child is also required to secure from the principal of the last school he attended, if he no longer attends school, a statement indicating the grade completed. For minors who are still attending school, a further statement from the school principal that the contemplated employment will not, in his opinion, interfere with the child's school program, is required in addition to the regular statement regarding the grade completed.

Furthermore, a physical examination by the school physician or any other authorized physician must be given the child. With the report, the physician must certify that in his opinion the proposed employment will not interfere with the child's physical development. Whenever the physician feels work may be done only within certain limits, these limitations appear on the certificate.

Only when these four papers are in proper order may the issuing officer authorize the child's employment.

Such certificates are of two types, vacation employment certificates permitting employment only during school vacations and during the hours schools are not in session and regular certificates permitting full employment.

Exceptions to the above are as follows:

1. Agriculture permits do not require the employer's promise of employment but require instead the parent's written request for such permit. Agriculture permits are valid for agricultural employment for a period of six months from date of issuance for any employer.

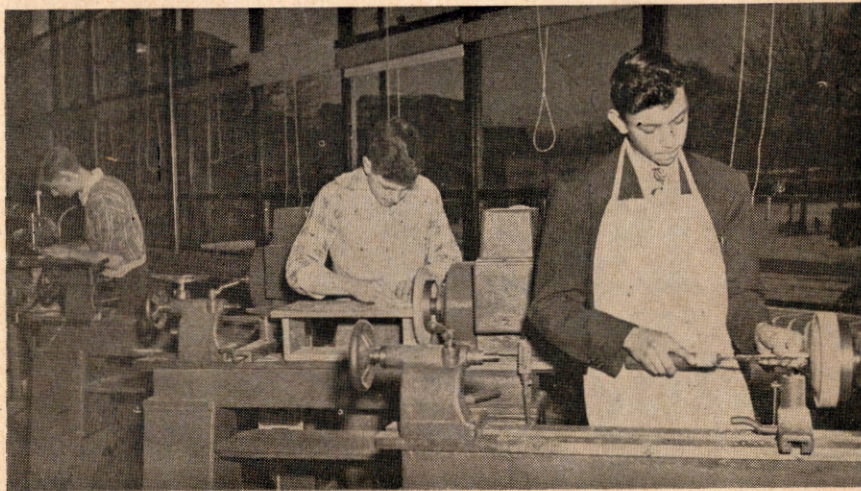
2. Street trades permits do not require the employer's promise of employment but a parent's written request for such permit. They are valid for newspaper delivery by boys 12 to 16 and for other street trades for boys 14 to 16.

3. Pinsetters' permits are issued to male minors 16 to 18 years of age who attend school and who are to be employed as pinsetters in public bowling alleys. They are valid for a three months period only. Before such permit may be re-issued, a physical examination is again required with the further statement from the superintendent or supervising principal of the schools indicating that the boy in his opinion may be employed without injury to health or interference with his progress in school.

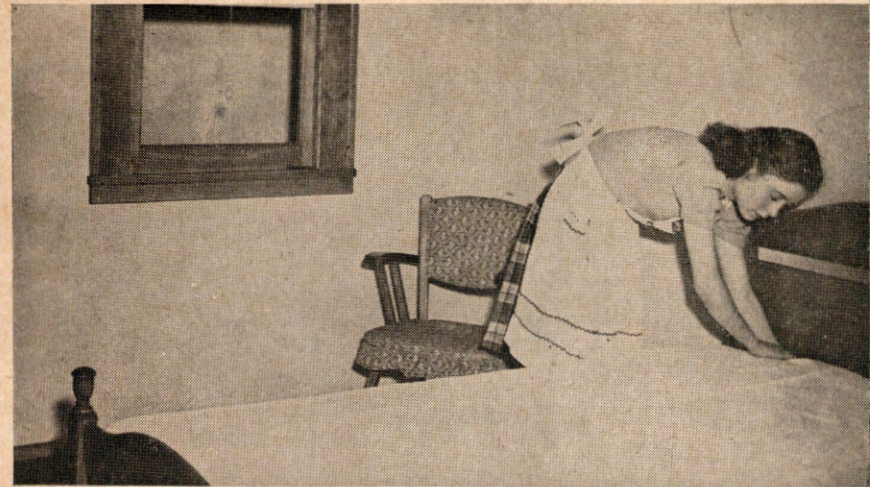
An employment certificate of one of the above five types is required before a minor under 18 years of age may be employed in any kind of work except agriculture where the maximum age for the required permit is 16.

By placing the full responsibility for the issuance of employment certificates in the hands of the school authorities, New Jersey citizens have carefully protected a child's right to an education. Should the child's employment interfere with his school program, proper action may be taken by the school. This may mean only disciplinary action or a basis for conference but it may also mean the recalling of the certificate and termination of the child's employment. Thus, no work activity of a child may interfere with his school program.

Vocational guidance is a part of most school curricula. The vocational counselor, through intelligent use of a child's employment certificate record



Too young for work at hazardous woodworking machinery, the child labor inspector will carefully check these boys' ages and have those under 18 assigned to tasks involving the use of hand tools only.



Housework provides weekend as well as full time jobs for properly certificated boys and girls.

is in a better position to deal with various vocational problems as they arise and to more adequately counsel with the child. With a proper employment certificate on file for the young person, the employer is protected from employing persons who are too young or physically incapable of engaging in the proposed occupation.

After the employment certificate is issued, the employer must observe certain requirements in connection with the child's work.

HOURS OF WORK AND NIGHT WORK

No child under the age of 16 may be employed in any kind of work during the hours the schools in the district are in session. Moreover, no child who resides outside the state of New Jersey may be employed during the time the law of the state of his residence requires his attendance at school.

The combined hours of work and school for all minors under the age of 16 may not exceed 8 per day, except in agriculture.

Hours of work for minors under the age of 18 are limited to 8 per day, 6 days and 40 hours per week except in agriculture where the daily limit is 10 hours and in domestic service and messenger boys for communications companies under supervision of the Federal Communications Commission. There are no hourly restrictions on these two types of work except the restriction of combined hours of work and school.

There are no night work restrictions for minors under the age of 18 in agriculture, domestic service and messenger work for communications companies under supervision and control of the Federal Communications Commission.

Night work for minors under 16 years of age is prohibited between 6:00 p. m. and 7:00 a. m. in all other types of employment except concert and theatrical performers and boys engaged in newspaper delivery over regular routes in residential areas. Theatrical performers may be employed until 11:00 p. m. while newspaper delivery boys working on regular routes in residential areas who are between 14 and 16 may begin work at 5:30 a. m., although they may not work after 6:00 p. m.

Minors 16 to 18 years of age except in the unrestricted occupations (domestic service, agriculture and messenger boys for communications companies)

may not be employed between the hours of 10:00 p. m. (11:00 p. m. for males in summer) and 6:00 a. m. with the following exceptions:

1. Concert and theatrical performers may work until 11:00 p. m.
2. Pinsetters in public bowling alleys may work until 11:30 p. m.
3. Female minors in factories and laundries may not work before 7:00 a. m. while both male and female minors may at no time be employed after 10:00 p. m.

MEAL PERIODS

No minor under the age of 18 may be employed in any occupation more than 5 hours without at least one half hour meal period.

PROHIBITED HAZARDOUS OCCUPATIONS FOR MINORS UNDER 16

No minor under 16 years of age may be employed, permitted or suffered to work in, about, or in connection with power driven machinery. This prohibition is all-inclusive and exempts no power driven machine whatever. All types of trucks, household machinery, agricultural machinery, the simple machines in restaurants, stores, and soda fountains are included if they are operated by power.

PROHIBITED OCCUPATIONS FOR MINORS UNDER THE AGE OF 18

No minor under the age of 18 may be employed, permitted or suffered to work in, about or in connection with any of the following:

the manufacture or packing of paints, colors, white lead or red lead; the handling of dangerous or poisonous acids or dyes;



12 years is the minimum age for agriculture work including greenhouse and horticultural work.

injurious quantities of toxic or noxious dust, gases, vapors or fumes; work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

the manufacture, transportation or use of explosives or highly inflammable substances;

oiling, wiping or cleaning machinery in motion or assisting therein;

operation or helping in the operation of power driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

grinding, abrasive, polishing or buffing machines, provided that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch;

cutting machines having a guillotine action;

corrugating, crimping or embossing machines;

paper lace machines;

dough brakes or mixing machines in bakeries or cracker machinery; calender rolls or mixing rolls in rubber manufacturing;

centrifugal extractors or mangles in laundries or dry cleaning establishments;

ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;

mines or quarries;

steam boilers carrying a pressure in excess of fifteen pounds;

construction work of any kind;

fabrication or assembly of ships;

operation or repair of elevators or other hoisting apparatus;

any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a public bowling alley, or in a pool or billiard room; provided, however, that male minors 16 years of age or over may be employed as pinsetters only in public bowling alleys without these prohibitions applying.

No girl under the age of 18 years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm, or corporation engaged in the business of transmitting or delivering goods or messages.

RECORD KEEPING AND POSTING

Employers of persons under 19 years of age, except in agriculture, and domestic service are required to keep on file the following information with respect to all persons under the age of 19:

Name,
Address,
Date of birth,
Time of beginning and ending daily work periods and time of beginning and ending daily meal periods,
Number of hours worked per day,
Wages.

A schedule of hours of labor for minors employed and an abstract of the child labor law are required to be posted wherever persons under 18 years of age are employed except in agriculture and domestic service.



Like many other boys of his age, this 15-year old boy works 2 hours on a school day and 8 hours on Saturday in a grocery store.



Using a skill developed in his vocational course in school, this 16-year old boy is a valuable asset in the manufacture of wooden novelties.

PENALTY FOR LAW VIOLATION

Under the New Jersey Child Labor Law, a violation of any part of the act is a criminal offense punishable by prosecution in the criminal courts of the State. It provides for the punishment of those who employ, permit or suffer any minor to be employed in violation of the act, of those who obstruct agents of the Department of Labor and of those who have children under their control or custody and permit their employment in violation of the act.

Punishment shall be by fine of not less than twenty five dollars and not more than five hundred dollars or by imprisonment of not less than ten nor more than ninety days or by both fine and imprisonment.

Each day during which any violation continues shall be a separate and distinct offense and the violations with respect to each minor so employed shall constitute a separate and distinct offense.

DOUBLE LIABILITY UNDER THE WORKMEN'S COMPENSATION LAW

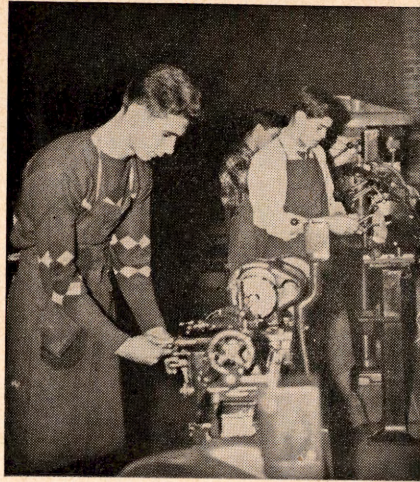
Revised Statutes 34:15-10 of the New Jersey law which is a part of the State Workmen's Compensation Act, was amended April 12, 1945 to provide for a compensation or death benefit payable to the employee or his dependents which shall be double the amount payable under the regular schedule if the injured employee, at the time of his accident or compensable occupation disease, is a minor under 14 years of age employed in violation of the labor law or a minor between 14 and 18 years of age employed, permitted, or suffered to work without an employment certificate or special permit if required by law or at an occupation prohibited at the minor's age by law.

DOES THE FEDERAL GOVERNMENT FIT INTO THE PICTURE IN ANY WAY?

Yes, the Federal government controls child labor mainly through the child labor provisions of the Fair Labor Standards Act of 1938. This act sets minimum ages for the employment of children in or about establishments producing goods for shipment in inter-state or foreign commerce. Two other acts of the Federal government contain child labor provisions. One is the Public Contracts Act which requires that any contractor who manufactures or furnishes goods for the United States Government in an amount in excess of \$10,000.00 shall agree, as one of the conditions of his contract, not to hire boys under the age of 16 and girls under the age of 18 in such work. The second is the Sugar Act of 1937 which provides for the payment of benefits to growers of sugar cane and sugar beets. One of the conditions imposed upon such beneficiaries is that they do not employ minors under the ages of 14 and that the work hours of minors between the ages of 14 and 16 be limited to 8 hours per day.

The child labor provisions of the Fair Labor Standards Act contain the following:

1. No minor under the age of 16 is to be employed during school hours.
2. No minor under the age of 16 to be employed at any time in manufacturing, mining or processing occupations or in occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined or processed.
3. No minor under the age of 16 to be employed in the operation of any power driven machinery except office machines and in other specified occupations.
4. No minor under 18 to be employed in any occupation declared hazardous by order of the chief of the Children's Bureau.



Machine shops offer a variety of interesting jobs for 16 and 17-year old boys with machines such as the lathe or drill press; only if he is a bona fide apprentice, may a boy under 18 grind his own tools.



Housework has its hazards too, but 16-year old minors may safely operate these power driven household machines.

Hazardous occupation orders have been issued by the Secretary of Labor for the following occupations:

1. Occupations in, or about plants manufacturing explosives or articles containing explosive components;
2. Occupations of motor vehicle driver and helper;
3. Coal mine occupations;
4. Logging occupations;
5. Occupations involving the operation of power driven woodworking machines;
6. Occupations involving exposure to radioactive substances;
7. Occupations involved in the operation of power driven hoisting apparatus.

No minor under the age of 14 may be employed in any occupation and the employment of minors between the ages of 14 and 16 must be safeguarded as to hours and night work where the Federal laws apply.

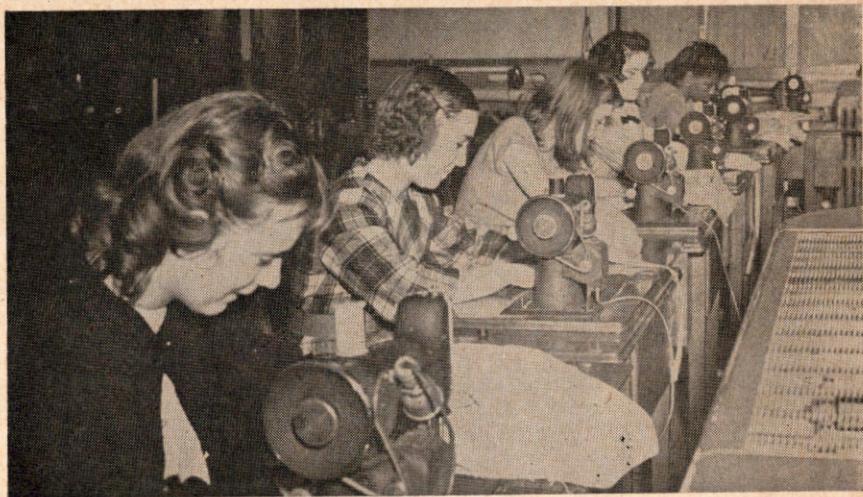
It must be remembered that the areas covered by Federal restrictions are limited and that the great field of child labor activity is found in types of employment in which the Federal government is without jurisdiction. Child labor laws are, therefore, chiefly the responsibilities of the several states.

WHAT IS THE PUBLIC'S RESPONSIBILITY IN CONNECTION WITH CHILD LABOR?

No law is of any value merely because it is on the statute books. It becomes an asset only when it is enforced. Every citizen in the community can give valuable assistance in the enforcement of New Jersey's Child Labor Law. This is accomplished by a more thorough understanding of the purposes of the law, more observance of the conditions under which children work and a closer relationship with and support of the State's Child Labor Law Enforcement Agency in the Department of Labor.

As a citizen you should do the following:

1. Know the child labor laws in the state.
2. If you at any time employ children, be certain that their employment is in compliance with the law.
3. Speak to persons whom you see employing children in violation of the law. Many of these persons may not be aware of the restrictions of the law. Your reminder of the requirements will be of real benefit to these employers.
4. If you have children who are employed, make certain that all parts of the law are being observed in connection with their work.
5. Report persistent cases of law violations to the Department of Labor for inspection and action. It is obvious that inspectors in the Department of Labor cannot visit every employer of children. An intelligent, informed and cooperative citizenry can render real service to their communities and to the protection of children in the community by reporting such situations for investigation and action.



16 and 17-year old girls often find their first regular jobs as sewing machine operators in the clothing manufacturing trades.



A 17-year old boy at work in a print shop—a typical skilled trade learned by minors.

20 May '52

15 May '53

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NEW JERSEY STATE DEPARTMENT OF LABOR

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Photographs by staff photographer with the cooperation of Mr. Paul Lose Superintendent, Mr. Russell Reed, Principal, the teachers, and the children of Junior High School No. 2, Trenton, N. J.