

Holding the line

Child labor standards

State solutions to the U.S. worker rights crisis

Report • By **Nina Mast** • July 23, 2025

What does current federal law say about child labor?

The 1938 **Fair Labor Standards Act** (FLSA) sets guidelines for the hours and nonhazardous jobs for which employers can hire minors under 16. The FLSA also empowers the Secretary of Labor to prohibit all minor employment in occupations that are particularly dangerous through “hazardous occupations orders.” It **covers** employers that conduct at least \$500,000 in annual sales or any employees engaged in interstate commerce (this coverage is interpreted broadly with respect to child labor—if a firm engages in any form of interstate commerce, its minor workers are covered). Federal law sets an important but limited and increasingly outdated floor for child labor standards. For example, federal child labor standards in agriculture are much weaker than in nonagricultural employment, hazardous occupations orders have not been updated in decades, and there are no work hours protections for minors over the age of 15 (see **Table 1**).

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What are the threats to federal child labor standards?

Threats to federal child labor standards include federal proposals to weaken child labor protections and **ongoing state-level efforts** to erode the FLSA by proposing or enacting state child labor legislation that conflicts with federal law:

- Project 2025, the anti-worker policy roadmap being implemented by the Trump administration, proposes:
 - **Eliminating** federal hazardous occupations orders, which protect minors from employment in particularly dangerous jobs, like mining and roofing; and
 - Allowing states to **obtain waivers** from the

Table 1

Federal law sets minimum standards for child labor in agricultural and nonagricultural employment

Law	Nonagricultural employment	Agricultural employment
Minimum age for “nonhazardous” employment	14 with exceptions for delivering newspapers; performing in radio, television, movie, or theatrical productions; and performing nonhazardous work for parents in a family business	10 with parental consent on farms not covered by the minimum wage requirements of the Fair Labor Standards Act 12 with parental consent 14 with no restrictions on nonhazardous work
Minimum age for hazardous employment	18	16
Maximum hours of employment for youth under 16	No work during school hours When school is in session: max 3 hours/day on a school day, max 8 hours/day on a nonschool day, max 18 hours/week	Federal law does not limit the number of hours or times of day, other than outside of school hours, that youth can work in agriculture
Minimum hourly wage and overtime	Adult minimum: \$7.25 per hour “Youth” minimum: \$4.25 per hour for employees under 20 years of age during their first 90 consecutive calendar days of employment Overtime for all workers: 1.5 times regular hourly wage after 40 hours/week	Many agricultural employers are exempt from federal minimum wage requirements Agricultural employers are exempt from federal overtime requirements

Source: EPI summary of U.S. Department of Labor [Child Labor Bulletins](#) No. 101 and No. 102.

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FLSA—including provisions that prevent harmful forms of child labor.

- In recent years, a coordinated, industry-backed campaign to erode child labor standards has generated proposals in dozens of states to weaken or eliminate state standards exceeding the minimal federal “floor” for child labor protections. Some state lawmakers have gone even further, [proposing or enacting](#) bills that directly conflict with federal minimum standards, while stating intent to build pressure for the eventual relaxation or elimination of FLSA standards for the whole country. Common targets for these attacks on state child labor standards include:
 - Eliminating youth work permits
 - Eliminating hours of work guidelines for 16- and 17-year-olds
 - Eliminating meal or rest break requirements for minors

- Expanding employers' ability to hire minors for previously prohibited hazardous jobs
- Lowering the age at which minors can serve alcohol and/or work in establishments serving alcohol
- Establishing or expanding laws that allow employers to pay students or other youth a **subminimum wage**
- Creating new exemptions from state child labor protections, for example for homeschooled youth or youth in certain occupations
- Creating new systems—such as unregulated “internship” or “work-based learning” programs—that allow employers to skirt child labor laws or hire minors for otherwise prohibited hazardous work

By repeatedly proposing—and in some cases implementing—standards that conflict with federal law, these states are chipping away at the already fragile federal floor for workplace protections.

How can states maintain and strengthen child labor protections?

States have legal authority to establish their own child labor standards; the FLSA sets a floor above which states can adopt and enforce their own stronger standards.

States have historically played a prominent role in setting child labor standards—some states have protections in place that predate the FLSA, and many have long legislated above federal law. Other states maintain standards that generally mirror the FLSA, with few additional protections, and some states have standards that are significantly weaker than the FLSA. In many cases, a state's standards are stronger than the FLSA in some areas and weaker in others. When a state standard is weaker than the FLSA, federal law applies. However, since only federal agencies can enforce federal laws, state laws that fall short of federal law increase the risk of federal violations while shifting the enforcement burden to already-overburdened federal agencies. Amid Trump administration attacks, federal agencies are now facing even more pronounced staffing shortages that will further limit their enforcement capacity.

In response to increasing child labor violations, many states are already **taking action** to strengthen state child labor standards and enforcement. Given the very real risk that aspects of FLSA child labor protections could be eliminated (or will go unenforced), all states should at a minimum lock in existing FLSA standards and ensure state capacity to enforce them. Beyond this, states have critical opportunities and responsibilities to modernize child labor standards beyond the minimal, outdated FLSA floor to ensure that minors who must work or choose to work can access safe work experiences that don't harm their health or education. Fortunately, state lawmakers have an **array of options** to consider and tested legislative models to use as a guide.

Step I: Update state statutes to lock in current federal protections.

State standards should be at least as strong as those in the FLSA. Ensuring that state standards mirror FLSA minimums protects both employers and children from the risks and confusion that arise when state standards contradict federal law. For example, after a Utah employer was fined for violating **federal child labor law** for incorrectly following state child labor guidelines that were weaker than FLSA standards, Utah **enacted a bill** to align state guidelines on hours of work for minors under 16 with FLSA standards.

Weaker standards often appear in areas of state code covering work hours or prohibited hazardous occupations. For example:

- **Idaho** allows employers to schedule 14–15-year-olds up to nine hours a day or 54 hours per week. Federal law allows employers to schedule 14–15-year-olds up to three hours a day or 18 hours per week in a school week and up to eight hours per day and 40 hours per week in a nonschool week.
- **Iowa** allows employers to hire 14-year-olds in industrial laundries and 15-year-olds in light assembly work, **among other weaker standards**. Federal law **does not permit** 14–15-year-olds to work in these settings.
- **West Virginia** allows employers to hire 16–17-year-olds enrolled in a “youth apprenticeship program” for all 17 hazardous occupations prohibited for minors under federal law. Federal law allows 16–17-year-olds to perform certain types of intermittent work in **only seven of these occupations** when enrolled in a bona fide registered apprenticeship program meeting certain stringent standards.

State policymakers should review their child labor statutes alongside federal child labor laws to identify areas of weakness. At a minimum, states should ensure that their guidelines for hours of work and hazardous occupations orders are at least as protective as the FLSA.

Getting started: Key questions for auditing state child labor laws

- What is the minimum working age?
- Are work permits required for minors? If so, for what age of minors are they required and what is the work permit process?
- What are the work hours guidelines for minors generally and for minors under 16?
- Is there a list of prohibited hazardous occupations for minors? How does this list compare with federal hazardous occupations orders?
- Who is covered by work hour and hazardous occupations guidelines? Does state law allow

exemptions for certain industries/occupations or youth enrolled in certain programs (for example, minors employed in agriculture, homeschooled students, or students enrolled in work-based learning programs)?

- Are there criminal and/or civil penalties for child labor violations? Are minors employed in violation of the law entitled to additional remedies beyond workers' compensation?

Step II: Close coverage gaps and address weaknesses in FLSA minimum protections

States can address many longstanding limitations and gaps in federal child labor protections. Examples of priority actions for state lawmakers to consider include:

1. **Maintain effective youth work permit systems:** Youth work permits have been shown to **reduce child labor violations** and aid in enforcement. The FLSA *suggests*—but does not require—that employers maintain certificates confirming the age of minors they employ. It also does not require minors to receive a permit as a condition of employment. Instead, youth work permit policies have historically been left to states. Most states already have some sort of permit system in place. Youth work permits are often simple, one-page forms that engage employers, parents, youth, and sometimes educators, in ensuring a child's employment is legal, safe, and age-appropriate. Permits remind employers of existing child labor laws, inform parents of their child's rights and affirm their consent, and aid state agencies in investigations of potential violations. States without work permit systems should implement them and states with existing work permit systems should assess and modernize their systems, as recently done in **Illinois** and **New York** and proposed in **California**.
2. **Implement or expand work hour guidelines for 16- and 17-year-olds:** The FLSA sets standards to protect children from excessive hours of work, especially during the school year. However, the FLSA was passed at a time when **fewer than half of students** completed high school, and its hours of work guidelines have never been updated to cover older minors (16- and 17-year-olds). In the absence of state standards, older teens can be scheduled to work unlimited hours per day or per week, including during school weeks. Some states have already adopted standards to address this gap, but fewer than half of states have hours guidelines in place for older teens. States should set maximum daily and weekly work hours for 16–17-year-olds and prohibit overnight work during the school week. Minimum standards should include limiting employers to scheduling 16–17-year-olds for no more than 32 hours in a school week, as **nine states already do**,¹ and prohibiting employers from scheduling 16–17-year-olds to work after 10 p.m. or before 6 a.m. (or similar), as 20 states and D.C. already do.²
3. **Update prohibitions on hazardous child labor:** The FLSA prohibits minors under 18 from working in a list of **17 nonagricultural occupations** and **11 agricultural occupations**

that have been found to be particularly hazardous for minors. Many of these hazardous occupations orders have never been updated. And new orders have not been created to account for new forms of hazards in our modern economy, particularly in agriculture. Moreover, the FLSA opens the door to dangerous exemptions from some hazardous orders,³ with language that allows student apprentices and learners enrolled in approved training programs to do certain types of hazardous work under close supervision. State lawmakers can update prohibitions on hazardous child labor by **expanding existing hazardous orders**, creating new orders to cover hazardous occupations not covered under federal law, and ending student learner and apprentice exemptions. Lawmakers can use the 2002 National Institute for Occupational Safety and Health **recommendations** to the U.S. Department of Labor as a guide for revising state hazardous orders. For example, Illinois recently **updated and clarified** state law to prohibit employment of minors in hazardous workplaces not covered under federal law, such as gun ranges and establishments primarily involved in the sale of tobacco or alcohol.

4. **Extend equal protections to children working in agricultural occupations:** Agriculture is the **most dangerous sector of employment** for minors, yet federal child labor standards remain much weaker in agriculture than in nonagricultural industries. State lawmakers can address this longstanding gap in federal law by aligning agricultural child labor standards for work hours and hazardous work with standards for nonfarm work. For example, in 2025, New Jersey lawmakers **introduced a bill** to raise the minimum age for agricultural employment to 14 and align work hours and hazardous work protections in agriculture with nonagricultural standards, among other updates to protections for farmworkers of all ages.
5. **Increase civil penalties to deter violations and update them based on inflation:** Under most existing state penalty structures, civil monetary penalties for child labor violations are very limited and, in some cases, nonexistent. Some states levy no civil penalties at all, and many states have not reviewed or updated penalty amounts in decades. In **Indiana**, for example, penalties range from a warning letter for an initial violation to a maximum of only \$400 for a *fourth* violation within two years. Low or nonexistent penalties that can easily be absorbed as a “cost of doing business” do not deter employer violations and leave state enforcement agencies with few tools for ensuring compliance by bad actors. To ensure penalties serve as effective deterrents and enforcement tools, state lawmakers should set meaningful minimum penalties for first offenses and very high maximum penalties for serious or repeat offenses, as **Illinois** did in 2024. States can use federal civil penalties and annual adjustments as a benchmark; for example, current federal maximum civil penalties for a child labor violation **range from \$16,035 to \$145,752**, and rates are adjusted for inflation each year.
6. **Strengthen state enforcement capacity and authority:** Ensuring adequate **state enforcement** of child labor laws will become particularly important as federal enforcement capacity is diminished.
 - States should ensure funding for dedicated child labor enforcement staff so as not to take resources away from other wage and hour investigations. For

example, a Virginia lawmaker **recently requested** an increased budget appropriation for child labor enforcement.

- States should grant labor agencies sufficient authority to fulfill enforcement goals. For example, Nebraska **recently enacted a bill** that gives its labor agency power to subpoena records from employers suspected of violating the law.

7. **Eliminate youth subminimum wages:** The FLSA allows workers under age 20 to be paid as little as \$4.25 per hour for their first 90 days of employment and allows employers to pay a lower minimum wage to full-time students in certain occupations, student learners, and apprentices. In recent years, some states have **taken action** to close these gaps so that all workers—regardless of their age—have a right to the minimum wage. All states should follow suit.

Step III: Modernize child labor standards to protect children’s health and wellbeing, safeguard their right to education, and improve their career prospects

The most effective child labor laws implement evidence-based guardrails to prevent excessive and hazardous work—as discussed above—alongside innovative policies to empower youth workers, deter violations, and provide meaningful redress and support to victims if violations occur. State lawmakers need not be bound by traditional areas of policy covered by the FLSA and can also:

1. **Require workers’ rights education:** If young workers do not know their rights, they will be less likely to report unsafe or illegal working conditions. States can invest in labor education to address this information gap. For example, California **mandated** that high schools annually teach students about workplace rights and the labor movement following a curriculum developed by the UC Berkeley Labor Center.
2. **Mandate employer training on child labor laws and commitment to following the law:** For example, **Washington** requires businesses who hire minors to obtain a special endorsement on their business license affirming compliance with child labor laws.
3. **Encourage reporting by protecting whistleblowers and victims:** Most labor investigations depend on worker reporting. Because young workers lack experience and knowledge about workplace rights and may fear employer retaliation, loss of wages, or immigration enforcement, many workplace abuses go unreported and uninvestigated. To address these enforcement challenges, state lawmakers should:
 - Provide multiple avenues for child labor victims to be made whole after they report violations and risk losing their job. In most states, civil penalties for child labor violations are deposited into the state’s General Fund, and minors receive no compensation in the form of damages owed by the employer. Moreover, when a child is injured or killed on the job while employed illegally, they (or their family

members in the event of the child's death) are generally limited to the workers' compensation system as their sole source of financial compensation. However, **several states** have enacted or proposed bills to make aggrieved minors eligible for additional compensation in the form of damages; for example, Colorado recently made it possible for minors who are injured while employed under illegal conditions to pursue private **legal action** and receive **monetary damages**.

- Enact whistleblower and anti-retaliation protections to protect workers who report labor abuses, as recently done in **Minnesota**.
- Remove provisions of state law that may *discourage* reporting of violations, such as those holding parents criminally responsible for allowing a child to be employed under illegal conditions, as **Colorado** recently did.
- Provide wraparound services to victims of illegal child labor to address root causes of excessive or hazardous work. For example, unaccompanied migrant youth should be provided with legal services, assistance in securing safe and age-appropriate work, and connections to community-based organizations or local government agencies that can provide additional supportive services.

4. **Use innovative enforcement strategies to meaningfully hold employers**

accountable: Civil monetary penalties are a necessary but insufficient deterrent. State lawmakers should take a holistic approach to changing employer behavior and significantly increase the financial and reputational costs associated with breaking the law. They should:

- Use “hot goods” provisions and “stop work” orders to immediately disrupt the normal business of employers who are actively violating the law. “Hot goods” provisions allow courts to stop the flow of goods produced using illegal child labor and are **currently in place** federally. “Stop work” orders allow labor agencies to require the cessation of business until child labor violations are addressed, increasing the cost of violating the law. New Jersey **permits such orders** to be used when minimum wage violations are occurring.
- Bar violators from receiving public funding as proposed in **Alabama**, and implement other penalties, like revoking an employer's permission to hire minors when they violate the law, as enacted in **Washington**.
- Create lead corporation accountability, so corporations are held jointly responsible for violations committed by their subcontractors or staffing agencies as proposed in a **federal bill**.
- Make employer violations data more accessible to the public—as recently mandated in **Colorado**—or publicly shame companies that violate the law by posting about violations on the state labor agency's website—similar to **New Jersey and New York**.
- You can read more about these and other policies to address and deter violations here: **[Policies for states and localities to fight oppressive child labor](#)**.

1. Connecticut (32 hours), Florida (30), Kentucky (30), Maine (24), Michigan (24), New Hampshire (30), New York (28), Pennsylvania (28), Washington (20). See <https://www.dol.gov/agencies/whd/state/child-labor>.

2. Alabama (10 p.m. to 5 a.m.), Arkansas (11 p.m. to 6 a.m.), California (10 p.m. to 5 a.m.), Connecticut (10 or 11 p.m. to 6 a.m.), Florida (11 p.m. to 6:30 p.m.), Indiana (10 p.m. to 6 a.m.), Kentucky (11 p.m. to 6 a.m.), Louisiana (11 p.m. or 12 a.m. to 5 a.m.), Maine (10:15 a.m. to 7 a.m.), Massachusetts (10 p.m. to 6 a.m.), Michigan (11:30 p.m. to 6 a.m.), Minnesota (11 p.m. to 5 a.m.), New Jersey (11 p.m. to 6 a.m.), New York (10 p.m. to 6 a.m.), North Carolina (11 p.m. to 5 a.m.), Ohio (11 p.m. to 7 a.m.), Pennsylvania (12 a.m. to 6 a.m.), Rhode Island (11:30 p.m. to 6 a.m.), Tennessee (10 p.m. to 6 a.m.), Washington (10 p.m. to 7 a.m.), and D.C. (10 p.m. to 6 a.m.). See <https://www.dol.gov/agencies/whd/state/child-labor>.

3. Hazardous occupation (HO) 5. Power-driven woodworking machines; HO 8. Power-driven metal-forming, punching and shearing machines; HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants; HO 12. Balers, compactors, and power-driven paper-products machines; HO 14. Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs; HO 16. Roofing operations and work performed on or about a roof; HO 17. Trenching and excavation operations.