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United States Senate

WASHINGTON, DC 20510

March 6, 2023

The Honorable Marty Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Walsh:

I write to commend the Department of Labor (Department) on its recent announcement regarding new efforts to combat exploitative child labor. Alarmingly, child labor is on the rise, with a 69 percent increase in violations since 2018. Recent reporting indicates that companies across the Nation are using vulnerable children for labor, some of whom are migrants who came to this country without their parents. Many of these children are working in dangerous or hazardous conditions, are struggling or have dropped out of school, or are being taken advantage of by predatory actors. Children do not belong in factories or working during hours where they should be studying, spending time with their families, or just simply being children.

The Fair Labor Standards Act (FLSA) of 1938 was landmark legislation that established foundational labor laws in the United States, including prohibitions on oppressive child labor, which, with some exceptions, prohibit the employment of children under the age of 14 in any occupation or the employment of children under 18 years old in hazardous occupations.

During the Trump Administration, the Department of Labor led an unconscionable effort to roll back child labor protections for hazardous jobs. One of the elements of those efforts was the elimination of data collection requirements from the Administration for Children and Families. Even today, legislators in states like Iowa and Minnesota, are responding to a tight labor market by trying to weaken child labor laws to let companies hire young children. As this troubling trend grows, it is imperative that we tackle this issue with a whole-of-government approach. I stand ready to assist the Department of Labor in these critical efforts.

As the new interagency child labor task force is established, I would like to offer my thoughts as Chair of the Subcommittee on Children and Families.

- The Department should lead a complete revamp of data collection and coordination initiatives across government, academia, and relevant stakeholders to better understand how and where child labor violations are happening and how to best target our efforts.

- Given the complex nature of child labor issues, the Department should seek out as many opportunities for coordination across the government to find all the points of discovery and intervention for violations.
- The rise of subcontractors, labor brokers, and staffing agencies has allowed companies who violate child labor laws to avoid responsibility. The Department should examine which existing authorities are options to bring accountability across supply chains.

The Department's enforcement actions and recent reporting suggest the scope and prevalence of child labor violations is significant. However, I am concerned that the recent reporting is only picking up on some cases of child labor and missing how widespread violations potentially are. In your recent press release, the Department highlights a new National Strategic Enforcement Initiative on Child Labor that will be "data-driven." I encourage this effort to go further and consider increased data collection on both the survey and administrative sides of the Department so that we can begin to better understand where child labor violations are happening and how to target our response most effectively. Additionally, we need better coordination of data, including through the Wage and Hour Division and the Occupational Safety and Health Administration, to identify the sectors where this is most prevalent.

I am committed to advancing the requests of Congress included in the Department's recent announcement on new efforts to combat exploitative child labor, including increased resources for enforcement and updates to the FLSA. The Department will require increased funding for enforcement agencies so that limited resources do not hamper this important work. I understand that increased staffing levels and the ability to vigorously pursue cases in court would make a difference. Further, the current levels for civil monetary penalties for companies flouting child labor laws are unacceptably low. Congress must increase the maximum fines for violations and work to further prohibit the use of child labor so that these penalties do not just become the cost of doing business. Additionally, we must guarantee protections for those who come forward to report child labor violations and make sure that those protections extend to the parents, guardians, and individuals in the lives of these children who may participate in reporting and investigating illegal child labor. Lastly, I plan to examine the current list of hazardous occupations for children under the FLSA and determine which updates should be made to reflect the modern labor market.

Recent cases of child labor violations demonstrate that we need more accountability and liability across supply chains. Policymakers will need to address the rise of subcontractors, labor brokers, and staffing agencies that allow companies violating child labor laws to avoid responsibility. Companies should be responsible for ensuring that third-party companies hiring on their behalf do not violate labor laws and do not bring child labor into their supply chains.

Thank you for your consideration. I commend you and the Administration for being a champion for children and families across our Nation. I look forward to working with your Department to craft responsive policies that protect children from exploitative labor and dangerous conditions in the workplace.

Sincerely,



Robert P. Casey, Jr.
United States Senator