

DISCUSS
THIS
ARTICLE

Boys on the midnight shift
at an Indianapolis glass factory, 1908



Minimum Age and a Minimum Wage

Seventy-five years ago, Congress passed the nation's most important legislation dealing with workers' rights BY JOSEPH BERGER

By the time he was 12, Furman Owens, a lanky youth in overalls who possessed the weary eyes of a middle-aged man, had been working in South Carolina's mammoth textile mills for four years. Every day he breathed in cotton dust and risked fingers and limbs in the powerful looms.

Furman couldn't read or write. He didn't even know the alphabet.

"Yes, I want to learn but can't when I work all the time," he told photographer Lewis Hine in 1909. Hine used his box camera to document scores of child laborers like Furman across the country.

In the first decades of the 20th century, almost 2 million children in the U.S. under 15 worked in coal mines, glass and garment factories, canneries, and on farms. These weren't the after-school

jobs many kids have today. These children often worked 12-hour days, six days a week, sometimes in treacherous conditions where they could be scorched by hot machinery or suffer lung disease or mangled arms.

It was a different time with a different mind-set. And many struggling families, especially immigrants, depended on their children's incomes to help ward off starvation.

"It was not considered exploitative," says Daniel B. Cornfield, a sociology professor at Vanderbilt University in Nashville, Tennessee. "The idea of all family members participating in the enterprise was the norm."

DOWNLOAD

Stats on child labor around the world

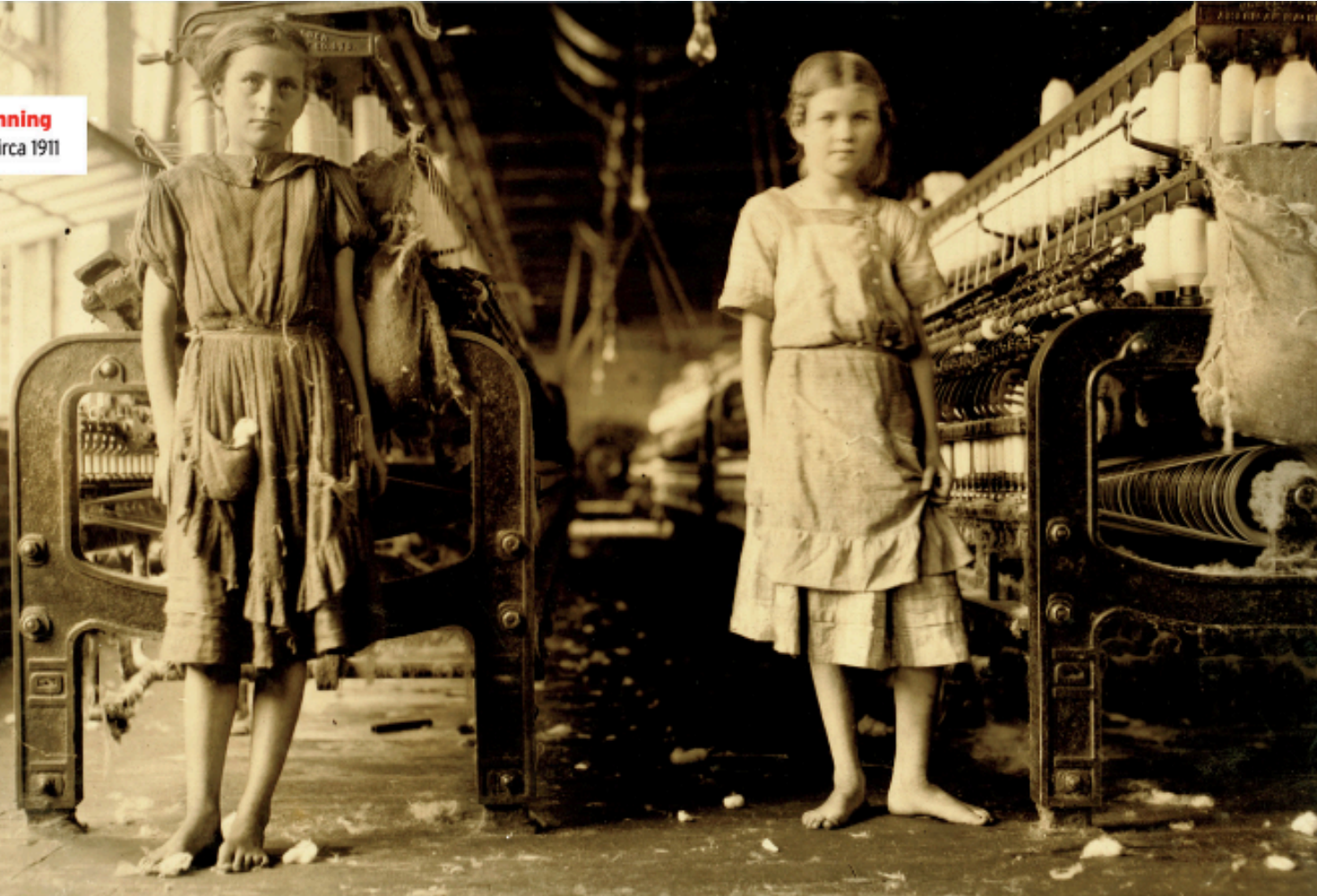


Furman Owens, 12, working at a South Carolina textile mill, 1909

All that began to change 75 years ago, in 1938, with the passage of the Fair Labor Standards Act, one of the most groundbreaking initiatives for human rights in the nation's history. FLSA is one of the signature accomplishments of President Franklin D. Roosevelt's New Deal (see box, p. 18). It set standards for the age at which children could be employed, what kinds of jobs they could do, and for how many hours. Children under 18 could not perform certain dangerous work, and children under 16

LIBRARY OF CONGRESS (ALL PHOTOS)

Girls spinning cotton, circa 1911



could not work during school hours.

It also created a federal minimum wage for all workers: 25 cents an hour in 1938—when many people worked for \$1.50 a day. And it set a standard work week at 40 hours, requiring employers to pay time-and-a-half for hours worked beyond that.

The Industrial Revolution

How could a democratic country like the United States ever allow young children to work at such **grueling** jobs, or men and women to toil for so little pay?

The answer has to do with a sea change in American society. The U.S. in the early 19th century was largely a country of family farmers and solitary artisans, like carpenters and cotton loomers. During the Industrial Revolution, the invention of steam power, new machines, railroads, and assembly-line methods of production radically transformed the kinds of work Americans

did. But families continued the practices they'd inherited from farming days, putting their children to work alongside them in factories or mines. Back then, government was also less involved in regulating business; and in many states, schooling wasn't compulsory.

In New York's garment industry, kids often helped their mothers and fathers as they bent over sewing machines in home workshops or in sweatshops, factories where workers toiled in poor conditions for little pay. The youngest victims of New York's notorious Triangle Shirtwaist Factory Fire of 1911, in which 146 garment workers died, were 14-year-olds Kate Leone and Rosaria Maltese (see *Timeline*, p. 18).

Factory owners liked hiring children for their nimble fingers and reluctance to complain. They could also pay them less. In the coal mines, "breaker boys" as young as 8, their faces blackened with coal

dust, some with chronic coughs, could be found separating pieces of coal from slate as ore came pouring down chutes. By 12—the age today that they might be starting middle school—some would graduate to actual mining. One labor reporter in 1877 writing about kids working in a coal mine described how painful it was to see "these little fellows go to work in this cold, dreary room at seven o'clock in the morning and work 'til it is too dark to see any longer" for "\$1 to \$3 a week."

States began setting limits on child labor a century before FLSA took effect. Massachusetts passed the nation's first child labor law in 1836. It said children under 15 must be given time off to attend school at least three months a year. Other states followed, with more than 1,600 laws regulating child labor by the late 1800s. But many states, particularly in the South, didn't impose limits or didn't enforce them, and some states excluded immigrants from coverage.

At the federal level, efforts to enact child labor laws foundered. A 1916 federal law prohibited the movement of goods across state lines if child labor laws were

Federal Minimum Wage, Through the Years

25¢
1938

\$2.10
1975

\$7.25
Today

SOURCE: U.S. DEPT. OF LABOR



1800s-1900s

Immigration

Millions of immigrants flock to the U.S. Desperately poor, many work long hours in grimy factories for meager pay. States begin enacting laws to protect workers.

1909 Labor Strike

About 20,000 garment factory workers in New York strike to protest poor working conditions. After 13 weeks and the arrests of 700 women, the factories agree to a 52-hour workweek and four paid vacation days a year.

1911 The Triangle Shirtwaist Fire

A fire at a garment factory in New York kills 146 people, mostly young immigrant women and teenagers. In its aftermath, New York enacts a series of safety laws and other states follow suit.

violated, but it was declared unconstitutional by the Supreme Court, which said it interfered in the private negotiations of employers and workers. Congress passed a constitutional amendment in 1924 regulating child labor, but it languished as too few states signed on.

Labor unions and organizations like the National Child Labor Committee fought on fiercely. In 1908, the committee shrewdly hired Hine, who traveled the country taking pictures that received widespread attention and helped change public opinion. He photographed children like a grimy 5-year-old boy named Manuel in Biloxi, Mississippi, who woke up at 3 a.m. and spent his day peeling shells off iced shrimp.

The unions also campaigned for a federal minimum wage. The first federal law, applying only to women and children in the District of Columbia, was passed by Congress in 1918. But the Supreme Court declared it unconstitutional in 1923, saying it violated the right of contract under the Fifth Amendment.

In 1933, President Roosevelt used the crisis spawned by the Great Depression to pass laws creating programs like Social Security for the elderly that reformers had long fought for. Roosevelt's first effort

to pass a national minimum wage of 25 cents per hour was declared unconstitutional by the Supreme Court in 1935 in *Schechter Poultry Corp. v. United States*. But on June 25, 1938, President Roosevelt signed the Fair Labor Standards Act. The

Supreme Court, which by 1941 included half a dozen Roosevelt appointees, unanimously upheld the law.

The law has since been amended periodically, expanding the types of workers and work places covered. Today, children

The New Deal

FDR introduced social programs to lift the U.S. from the Great Depression

On Oct. 29, 1929, the stock market crashed, ushering in the Great Depression. Speculators lost fortunes, banks failed, and Americans saw their life savings wiped out overnight. The crisis also left a fourth of U.S. workers unemployed, with no security net.

Franklin Delano Roosevelt, who'd promised Americans a "new deal," won the election of 1932 in a landslide. In his inaugural address, he pledged to act quickly to help struggling farmers, the unemployed, and the poor.

In his first 100 days, FDR signed 15 major pieces of New Deal legislation. By 1938, his administration had established the Social Security system to guarantee pensions to retirees; the Works Progress Administration (WPA) to put millions back to work



FDR signing the nation's first Farm Bill in 1933. It gave farmers subsidies and let them refinance debt.

building parks and highways; and the Federal Deposit Insurance Corporation to insure money kept in banks. The Fair Labor Standards Act, enacted to protect workers' rights, was also part of the New Deal. These programs vastly expanded the size and role of government in ways still debated today.

On Dec. 7, 1941, Japan attacked Pearl Harbor, drawing the U.S. into World War II. Most historians say it was the war, which got U.S. factories humming again, that finally ended the Depression. —Veronica Majerol

TIMELINE FROM LEFT TO RIGHT: PHOTOSEARCH/GETTY IMAGES; THE GRANGER COLLECTION; NEW YORK/THE GRANGER COLLECTION; LAWBERTY/GETTY IMAGES; CARL MYDANS/TIME & LIFE PICTURES; CREATIVE/GETTY IMAGES; AP PHOTO (FDR); DANIEL BERTHIAUX/GETTY IMAGES (TODAY)



1935 Unions

Congress passes the National Labor Relations Act (Wagner Act), which prohibits employers from discriminating against union workers and assures workers the right to negotiate terms of employment.



1938

The Fair Labor Standards Act

Part of FDR's New Deal, the FLSA sets a federal minimum wage and a minimum age for most kinds of work.

1936 Child Labor Laws

Under the Walsh Healey Act, the U.S. government agrees not to purchase goods made by children under 16.

under 16 may only do work such as newspaper delivery or acting. Because of the familial nature of work on small farms, children of any age can work on their parents' farms, but children under 16 can't be employed by others during school hours, and those under 14 can't perform tasks considered hazardous.

Minimum Wage, Pros & Cons

The minimum wage has been raised more than 20 times since 1938 to its present level of \$7.25 (many states have higher levels). But it's still a contentious issue. Advocates of a higher minimum say it's too low to live on, especially if you're trying to support a family. Opponents say a higher minimum causes companies, especially small businesses, to hire fewer people, making it harder for teens and others trying to get a start in the work world.

And the issue of child labor in the U.S. still occasionally comes up. In June, a federal judge, citing the FLSA, ruled that Fox Searchlight Pictures had violated minimum-wage provisions by not paying two production interns on the movie *Black Swan*. They were supposed to be receiving "educational opportunities"—which exempts companies from paying minimum wage—but were mostly

assigned to clerical tasks like taking lunch orders.

Outside the U.S., child labor is still a huge issue. Sally Greenberg, executive director of the National Consumers League, says there are 250 million children under age 16 working around the world, many in factories and mines, just as Furman Owens did a century ago. In China, India, Bangladesh, and Honduras, periodic **exposés** show children working in garment factories, often producing clothes for popular brands in the United States and Western Europe.

In Bangladesh, 17 percent of children between the ages of 5 and 14 work for at least part of the day for the minimum wage of \$37 a month. Working conditions are so unsafe in that country that more than 1,100 people, mostly garment workers, were killed this year in the collapse of an eight-story industrial building (See *"The High Price of Cheap Fashion,"* Sept. 2, 2013).

Poverty and child labor have always been linked. Before minds could be changed in the U.S., "there had to be awareness that kids in the workplace perpetu-



Child Labor Today: A boy believed to be around 8 shovels coal in northeast India, 2011.

ated a cycle of poverty," says Greenberg of the National Consumers League. "Fathers and mothers had to be brought around to the idea that it was worse for the kids not to be exposed to education."

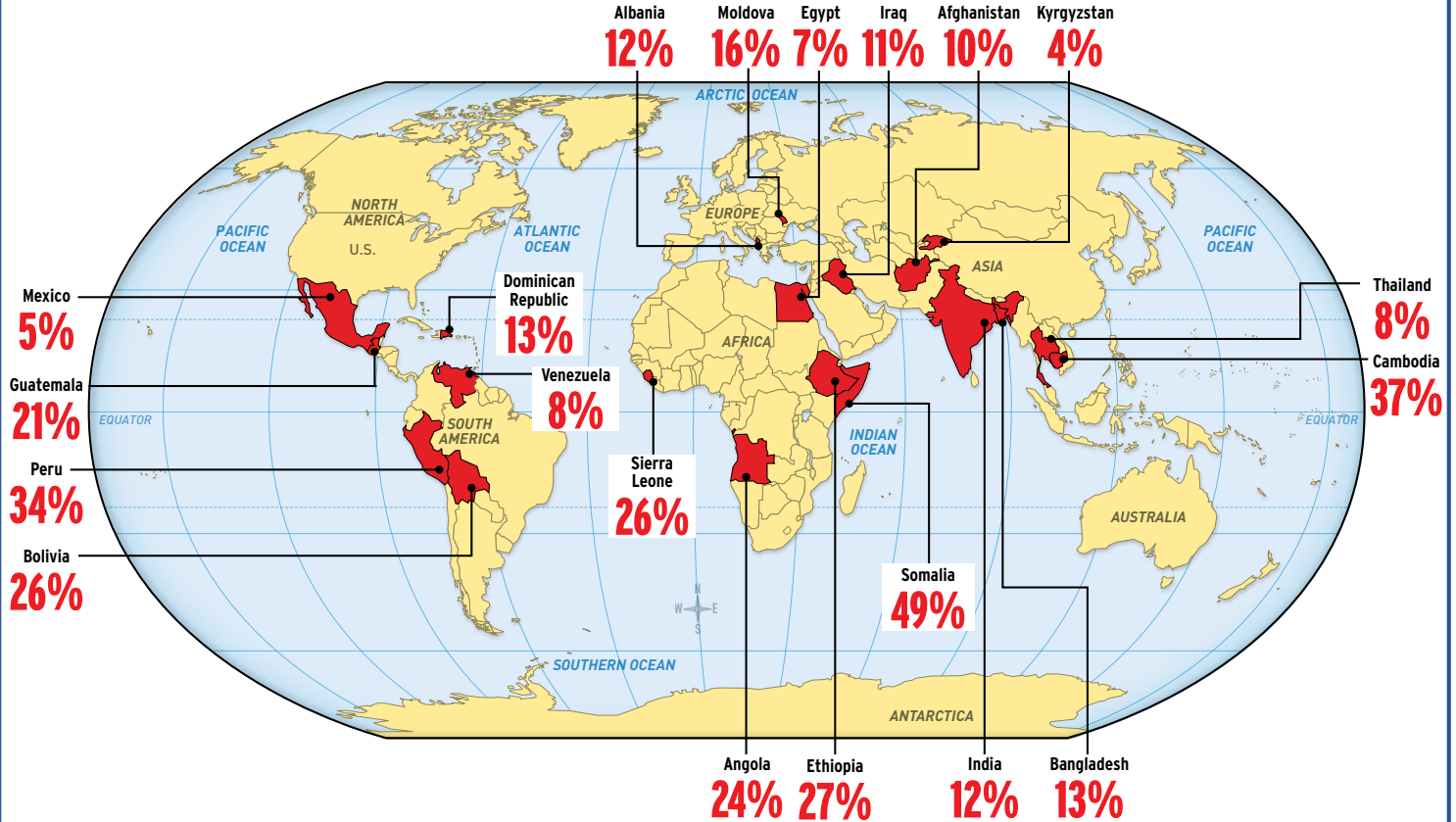
It's a lesson Greenberg hopes will soon take hold outside the U.S.

"Bangladesh and other places are a hundred years behind where we were during the Triangle shirtwaist era and the Progressive Era," she says, "when all these reforms for worker safety and health were implemented through very hard-fought battles." •

Joseph Berger is a reporter for The Times.

Child Labor Around the World

Percentages of children ages 5-14 engaged in child labor in selected countries



Uses copy machine, scanner, projector, or transparency maker for overhead projector. Copyright © 2013 by Scholastic Inc. All rights reserved. The New York Times Department permission to reproduce this downloadable page for use in their classrooms. © 2013 by Scholastic Inc. All rights reserved.

Minimum Age and a Minimum Wage

p. 16

1 Which of these accurately describes the history of child labor in the United States?

- a Child labor began during the Great Depression.
- b Child labor has been banned under federal law since 1867.
- c The nature of child labor changed during the Industrial Revolution.
- d all of the above

2 The Fair Labor Standards Act did all of the following except

- a set a standard age at which children could be employed.
- b create a federal minimum wage for all workers.
- c require employers to provide health insurance for all workers.
- d establish a standard work week of 40 hours.

3 Which president signed the Fair Labor Standards Act into law?

- a Andrew Johnson
- b Franklin D. Roosevelt
- c John F. Kennedy
- d Lyndon B. Johnson

4 A constitutional amendment regulating child labor

- a was passed by Congress but not ratified by enough states.
- b was added to the constitution in 1908.
- c is currently being reviewed by the Supreme Court.
- d was ratified in 1924 and then repealed two years later.

5 In 1908, Lewis Hine was hired by labor unions to

- a lobby Congress for a minimum wage.
- b take family farmers to court over job safety.
- c photograph child laborers to document their workplace conditions.
- d investigate the deadly Triangle Shirtwaist factory fire.

IN-DEPTH QUESTIONS

1 What checks and balances in the federal government are evident in the history of child labor legislation described in this article?

2 Why does sociologist Daniel Cornfield say that child labor at one time was “not considered exploitative”?

3 Why do you think labor conditions have been slow to change in places like Bangladesh? Do you think change will eventually come? Explain.

Minimum Age and a Minimum Wage

p. 16



ANALYZE THE PHOTO

- 1 How old do you think these glass-factory workers are? Why do you think they were hired?
- 2 What does the photo suggest about conditions at the factory?
- 3 How has employment changed for young people since this photo was taken in the early 1900s?

ESSAY

At what age should people be allowed to work? Why? What rules do you think employers of young people should have to follow?