



**Testimony of National Safety Council
to
U.S. House of Representatives
Committee on Education and the Workforce
Subcommittee on Workforce Protections
Hearing on
“Examining the Policies and Priorities of the Wage and Hour Division”
February 14, 2024**

Chair Kiley, Ranking Member Adams, and members of the Subcommittee, the National Safety Council (NSC) appreciates the opportunity to submit these comments on the safety and health of young workers in the United States. While this hearing will cover all areas of remit within the Wage and Hour Division at the Department of Labor, NSC is focusing our comments on vital protections for young workers.

NSC believes safety sensitive jobs require employees with appropriate training, experience, and maturity to be done safely and prevent injury and illness to themselves, colleagues, and the public, and we know young workers may not meet these requirements for all types of jobs.¹ All provisions of Fair Labor Standards Act (FLSA), including those governing hazardous occupations, should remain in place, implemented, and enforced nationwide to keep young workers safe, regardless of citizenship status.

NSC is America’s leading nonprofit safety advocate and has been for 110 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace and roadway. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our more than 13,000 member companies and federal agencies represent employees at nearly 41,000 U.S. worksites.

Federal enforcement of the FLSA child labor provisions falls to the Wage and Hour Division within the Department of Labor, and employers found to be in violation may be subject to monetary penalties, civil fines, and criminal penalties.² In addition to the FLSA, state laws govern the employment of workers under the age of 18. State laws may provide more protection than federal standards, but not less. Where state law is stronger than federal law, the state law takes precedence.³ State labor departments may also conduct investigations and issue violations.

NSC has been disappointed to see recent state actions that weaken safety protections for young workers. Some state proposals include:

¹ “Safety Sensitive” refers to jobs that impact safety of the employee and the safety of others as a result of performing that job. For example, 49 CFR §382.107 defines safety sensitive for commercial motor vehicle operators.

² 29 USC 216

³ Section 18 FLSA

- Elimination of age verification and parent/guardian permission requirements
- Elimination of work certificate requirements
- Extended work hours⁴
- Subminimum wage for youth⁵

In addition, some states have proposed or lifted restrictions on youth performing hazardous work, directly conflicting with the standards of FLSA.⁶ In instances where standards set by the state are weaker than those outlined in the FLSA, federal law supersedes the state law.

Child labor violations have increased 283% since 2015.⁷ The Department of Labor has reported an 88 percent increase in the number of children employed illegally by companies since 2019.⁸ Nearly 5,800 children were employed in violation of federal labor laws during the federal fiscal year, which ended September 30, 2023 – representing a 49 percent increase from the same period the previous year.⁹ As of September 2023, the Wage and Hour Division has over 800 child labor investigations underway.¹⁰

Given the data, it is imperative the Wage and Hour Division prioritize outreach to employers on the FLSA and have the necessary authority and tools to investigate allegations of child labor violations. NSC believes the Wage and Hour Division should receive additional funding for this purpose. The safety and health of children should be a paramount priority for the Department of Labor and this Committee.

All workers, including young workers, deserve to return home safely. For additional information and details, please see the [NSC Young Worker Policy Position](#). We welcome the opportunity to work further with the Committee and the Wage and Hour Division on this important issue.

⁴ <https://www.revisor.mn.gov/bills/bill.php?f=SF1102&y=2023&ssn=0&b=senate> and <https://www.njleg.state.nj.us/bill-search/2022/A4222>

⁵ https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49885

⁶ <https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=sf167> and <https://www.revisor.mn.gov/bills/bill.php?b=senate&f=SF0375&ssn=0&y=2023>

⁷ <https://www.dol.gov/agencies/whd/data/charts/child-labor>

⁸ <https://blog.dol.gov/2023/10/19/wage-and-hour-division-working-to-keep-kids-safe>

⁹ Ibid.

¹⁰ Ibid.