

CHILD LABOR IN THE UNITED STATES

A Call for Corporate Responsibility



INTRODUCTION

Child labor is one of the few issues where there's universal agreement: **No one wants children to suffer for the products we consume.**

Nearly every country in the world has laws against it, yet child labor persists across global supply chains. According to the International Labor Organization (ILO), 160 million children between ages 5 and 17 are engaged in child labor, with about half of them working in hazardous conditions.¹

160 MILLION CHILDREN
BETWEEN AGES 5 AND 17 ARE
ENGAGED IN CHILD LABOR,
WITH ABOUT HALF OF THEM
WORKING IN HAZARDOUS
CONDITIONS.

When confronted with these figures, many assume child labor is confined to the world's poorest regions, far removed from corporates in Europe or North America. However, recent reports from the U.S. Department of Labor reveal that child labor is rising in America.²

This article will explore why corporate human rights due diligence is crucial by examining child labor in the U.S. Drawing on the practical experience of The Centre for Child Rights and Business ('The Centre') and CORE, we'll share key insights and offer actionable steps for companies to address child labor in their supply chains.

¹ International Labour Organization (ILO) – [Global estimates 2020, trends and the road forward](#)

² US Department of Labor – [Fiscal Year Data of WHD – Child Labor](#)

WHAT IS CHILD LABOR?

Child labor is work that deprives children of their childhood, potential, and dignity, and harms their physical or mental development.

Not all work performed by children is child labor. We do not talk about children assisting in a family business or earning pocket money outside school hours and during school holidays. The term is defined as **work that deprives children of their childhood, potential, and dignity, and harms their physical or mental development.** It refers to work that is mentally, physically, socially, or morally dangerous and harmful to children. It also includes work that interferes with their schooling, whether by depriving them of the opportunity to attend school, forcing them to leave school prematurely, or requiring them to combine school attendance with excessively long and heavy work.³

The concept of child labor also covers the worst forms of child labor, such as work that is hazardous to children's health, safety, or morals. This includes forced labor, sexual exploitation, involvement in illicit activities (such as drug trafficking), and employment in dangerous industries like mining, construction, or agriculture. These extreme conditions violate children's rights and undermine their well-being.

While forced labor is one of the worst forms of child labor, children can still be engaged in child labor without it necessarily being forced labor.

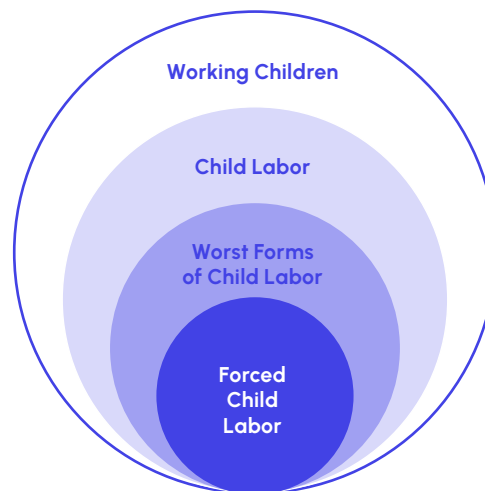


Figure showing the relationship between the different concepts⁴

³ International Labour Organization (ILO) – [What is child labour.](#)

⁴ Figure based on ILO [Toolkit on Developing National Action Plans on Forced Labour Section 2](#)

WHY MUST COMPANIES ADDRESS CHILD LABOR?

The UN Guiding Principles on Business and Human Rights clarify that businesses must respect human rights, including child labor even when leverage may be low.

Many companies feel they have little control over child labor in their supply chains due to the complex, systemic nature of the issue. This often leads to the mistaken belief that without direct leverage, there is no responsibility. However, the UN Guiding Principles on Business and Human Rights (UNGPs) clarify that businesses must respect human rights, including addressing child labor even when leverage may be low or lacking as companies are required to find ways to increase it or seek it.

While states are responsible for enforcing human rights protections, weak governance, corruption, and lack of resources often impede their effectiveness. As a result, **companies must actively prevent and mitigate human rights violations, including child labor, by conducting due diligence throughout their operations and supply chains. Even if companies lack immediate leverage, they are expected to find ways to increase and build it through due diligence.**

These principles are embedded in international standards, such as the OECD Due Diligence Guidance for Responsible Business Conduct, and in binding regulations like the EU Corporate Sustainability Due Diligence Directive (CSDDD), Germany's Supply Chain Due Diligence Act, the Netherlands' Child Labor Due Diligence Act, and Canada's Fighting Against Forced Labor and Child Labor in Supply Chains Act. Increasingly, companies are being held accountable for their human rights impacts by governments, consumers, and investors.

We see that the principles of the UNGPs are being translated into enforceable legal standards that hold companies accountable for their adverse human rights impacts. The UNGPs form the basis for all existing due diligence regulations.

WHAT IS THE STATUS OF CHILD LABOR IN THE US?

The number of minors employed in violation of child labor laws increased by a staggering 283% since 2015.

Why focus on the United States as an example? In recent years, the US has seen a dramatic rise in child labor violations. **According to the US Department of Labor (DOL), the number of minors employed in violation of child labor laws increased by 37% in 2022 compared to the previous year, and by a staggering 283% since 2015.** Minors found working in hazardous occupations grew by 26% over the past year and by 94% since 2015, reflecting a significant and escalating issue. These figures represent only reported cases, suggesting the real number is likely higher.⁵

Media reports highlight hazardous conditions faced by young, often unaccompanied migrants. For instance, federal investigations in 2022/2023 uncovered at least 102 minors, aged 13 to 17, working overnight shifts in hazardous conditions at 13 meat processing plants across eight states.⁶ In another case, they found a company employed at least 11 children – nine of whom operated hazardous machinery – at its meatpacking and food processing facility in Minnesota⁷ and tragically, a 16-year-old died at a sawmill in Wisconsin after being trapped in machinery.⁸ **These examples illustrate that child labor is not just a distant issue – it is happening on our doorstep and is not necessarily a topic only in hidden sub-tiers of companies' supply chains.**

The rise in child labor in the US is attributed to legislative changes, economic pressures, and demographic shifts. **Notably, the US is the only country that has not ratified the United Nations Convention on the Rights of the Child (CRC),** the most widely ratified human rights treaty globally aimed at protecting children from violence and exploitation and ensuring their education and healthy development. While many assume that, even without ratification of the CRC, the US upholds international child rights principles, an assessment on a state-by-state basis by Human Rights Watch challenges this assumption.⁹

Further to this, **the US is also only one of 11 countries in the world that has not ratified the ILO C138 – the Minimum Age Convention –**, which is a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work.

The Fair Labor Standards Act (FLSA) is a key piece of U.S. legislation enacted in 1938 that establishes various labor regulations, including minimum wage, overtime pay, recordkeeping, and youth employment. Its primary objectives are to protect workers from unfair labor practices. **The FLSA sets baseline standards that all employers must comply with across the United States, including minimum wage and overtime pay regulations.** The FLSA includes specific provisions regarding the employment of minors, but states may have additional laws that either align with or exceed these federal protections.

However, the Act contains exemptions for agricultural labor and provides far weaker protections for child labor in agriculture compared to other sectors. For instance, children as young as 12 can work unlimited hours on farms,

Since 2022, several states have rolled back child labor laws, lowering standards below federal levels.

and hazardous work is permitted for 16-year-olds in agriculture, while in other industries, the minimum age is 18. **Many states have minimal or no regulations for agricultural child labor**, leading to significant gaps in protections.¹⁰ Even for non-agricultural child labor, state laws can be complex and allow children to fall through the gaps. Laws also differ from state to state, with different penalties and fines, making it difficult for employers to understand their legal obligations.

There is a growing push from various industry groups to lower child labor standards, often justified by arguments about parental rights and the benefits of work for minors¹¹ as well as economic reasons, such as addressing labor shortages.¹² This aligns with a broader trend of prioritizing business interests over child welfare in legislative decisions.

Since 2022, several states have rolled back child labor laws, lowering standards below federal levels. For instance, in at least fourteen states, new bills have been introduced to extend work hours, lower the age for hazardous jobs, and eliminate parental consent requirements for minors to work.¹³ These developments increase the risk for children to be left unprotected and exposed to hazardous work conditions.

Unaccompanied and undocumented minors – primarily from Central America, are particularly vulnerable due to their unresolved immigration status or undocumented status, which prevents them from accessing federal support programs. While those that are classified as “unaccompanied” are receiving some form of care either through the Office of Refugee Settlement or a sponsor,¹⁴ undocumented minors are completely off the grid and receive no protection at all. Their vulnerability is further compounded by language barriers that limit their access to information about their working rights or the ability to raise complaints. Financial pressures and lack of social protections push these children into labor, often in dangerous conditions.

5 US Department of Labor – [Fiscal Year Data of WHD – Child Labor](#)

6 US Department of Labor – [More than 100 children illegally employed in hazardous jobs, federal investigation finds; food sanitation contractor pays \\$1.5m in penalties](#)

7 US Department of Labor – [National food manufacturer agrees to pay \\$140k in penalties after federal investigation finds 11 teens employed illegally in Minnesota meat snack plant](#)

8 US Department of Labor – [Department of labor fines Wisconsin Sawmill Nearly \\$1.4m after allowing teens to operate dangerous machinery](#)

9 Human Rights Watch – [How Do US States Measure Up on Child Rights?](#)

10 Campaign to End US Child Labor: [A Shared Agenda](#)

11 Economic Policy Institute – [Child labor laws are under attack in states across the country](#)

12 Human Rights Watch – [Fighting the US Increase in Child Labor](#)

13 Human Rights Watch – [How Do US States Measure Up on Child Rights?](#), William Finnegan – [Child Labor is on the Rise](#)

14 <https://www.hhs.gov/programs/social-services/unaccompanied-children/index.html>

KEY LEARNINGS FROM THE CENTRE'S WORK ON THE GROUND

In 2022, The Centre began tackling child labor in the U.S. Since then, the work has expanded significantly, driven by a growing need for companies to identify and address child labor risks in their supply chains. **The Centre conducted nearly two dozen risk assessments across 15 states for major brands and their suppliers and numerous policy reviews.** Their fieldwork has taken them into meat and poultry processing plants, fruit and vegetable processing facilities, manufacturing facilities, and other business operations. The team spoke with everyone from management to security, sanitation staff, vendors, and, of course, workers – many of whom come from all corners of the globe, work long shifts during day and night, and often face language barriers.

In addition, The Centre's teams have met with local CSOs and NGOs on each location to better understand the contextual risk of child labor in the communities. These meetings have provided The Centre with a rare insight into the situation of vulnerable families and children across the US including the “working poor”.

Reflecting on this work, there are several key learnings that were identified and provide insights into the practical challenges for implementing effective due diligence. The learnings include:

These valuable insights from practice can guide the development of effective due diligence steps to combat child labor in the US.

⚡ Awareness of child labor risks is low:

Despite the media coverage of child labor, many suppliers are unaware of the risks and believe that child labor happens in other countries and not in the US. Age verification procedures are weak and often rely solely on ID cards, which can be easily falsified.

⚡ Certain vendors are riskier: Vendors relying on staffing agencies or with high turnover are more prone to child labor risks. Age verification is taken lightly, and there is rarely any follow-up or monitoring of the badges that provide workers with access to the facility floor. Night shifts are often carried out without oversight of plant management.

⚡ Workers are silenced and fearful: Awareness of grievance mechanisms is almost non-existent, and many workers are afraid to speak up because of their immigration status, and they are afraid they would make the situation worse for any underage children working in the facility if they would report child labor.

⚡ Corporate child labor policies are weak:

Many companies lack robust child labor policies (or any child labor policies at all), meaning the message isn't getting through to their supply chains, and there are no clear roles or protocols to follow in case of a suspected child labor case.

⚡ Raising or reducing the minimum age isn't the solution:

Some suppliers have raised the minimum working age to 21, while some states have decided to lower the minimum age. But this does not address the child and human rights violations children in child labor situations are exposed to. Reducing the minimum age will only increase the number of children whose right to education is violated; increasing the minimum age will increase the number of working-age children (16, 17) pushed into hazardous and informal work.

⚡ Migration is here to stay: As migration into the U.S. continues, so does the need for stronger awareness, training, and policies around child labor and continuous protection of vulnerable families and children.

RECOMMENDATIONS FOR ACTION

Failure by the State to meet its duty to protect undeniably makes it harder for companies to meet their responsibility to respect human rights, including children's rights, as set out in the UNGPs. However, this failure does not absolve companies of their obligation to act, a point reinforced by current and upcoming due diligence regulations. With that in mind, let's explore the steps businesses can take to establish effective due diligence processes.

"Identifying risks is just the first step. What comes next is critical: concrete actions to mitigate and remediate child labor. While the drivers are many, so are the opportunities for positive change. The challenge is ensuring that these opportunities uplift people without compromising their rights, health, or safety. After all, every child deserves a future that doesn't come at the expense of their well-being."

Malin Liljert,
Director of CRIB Global Consultancy Services
at The Centre for Child Rights and Business

Companies that are at risk of being linked to child labor impacts in their value chain must implement a robust human rights risk management system. The following key aspects can be considered when addressing child labor in the US:

AN APPROPRIATE POLICY COMMITMENT THAT IS EMBEDDED THROUGHOUT THE BUSINESS:

Many companies lack a proper child labor policy. It's crucial to establish robust policies and ensure they're communicated and implemented across the supply chain. **A dedicated policy enables the development and allows for tailored strategies by clearly outlining the company's commitments and actions.** It should provide clear guidance for employees and suppliers, aiming at consistent understanding of expectations regarding child labor across the supply chain and enhances monitoring and accountability through defined metrics and roles. For the integration of child labor policies into a company's core operations, a robust governance structure is critical, ensuring consistent and effective implementation. It requires a definition of roles and responsibilities to ensure consistent policy enforcement and to support transparency through regular monitoring and reporting.

ACTION
#1

ACTION #2

PROCESSES TO IDENTIFY, PREVENT AND ACCOUNT FOR CHILD LABOR IMPACTS OCCURRING IN OWN OPERATIONS OR THEIR VALUE CHAIN:

Identifying and assessing impacts

To manage child labor impacts, a company must first know what those impacts are or could be. It should identify where and how children may be at risk of child labor through the company's own operations or business relationships. **These assessments should not be a one-off exercise.** Instead, they should be part of a continuous process to allow for changes over time, as required by international standards and due diligence regulations.

Prevention and mitigation measures

Once companies have identified how they may be involved with child labor impacts, they need to put effective prevention and mitigation measures in place. While developing and rolling out measures, businesses should adopt a child-centered approach is considered and embed it into all respective processes and corporate culture. For instance, in a case where international standards differ from the local law, companies should always operate based on the higher standards and stricter laws, providing a higher level of protection.

At the same time, companies should ensure that they do not discriminate against young workers.¹⁵ For example, **instead of just raising the minimum age and excluding young workers from accessing work, businesses should focus on providing decent work opportunities for young people** – jobs with fair pay, safe conditions, and reasonable hours and not exclude them from access to safe work. A child-centered approach aims to positively impact the child or young worker and his/her family in all interventions.

The key learnings highlight a critical need to raise awareness among key functions in own operations and suppliers – especially human resources and security staff. **Businesses should share practical guidance with employees and suppliers on how to effectively identify and prevent child labor and exploitative working conditions in their operations and supply chains.** Content should focus on how to implement effective processes, such as:

- communication of minimum age for general and hazardous work in own operations and towards labor provider agencies,
- robust age verification mechanisms for own employees as well as workers hired via labor providers,
- special management measures on contracting that specifically mention the extra protections applying to young workers,
- systems to identify hazards and assess risks for young workers incl. tasks that are conducted by workers hired via labor providers,
- strengthening of subcontractor management and responsible recruitment strategies.

¹⁵ "Young worker" refers to a person who has reached the minimum legal working age. The ILO definition is referring to age 15 to 24, while "children" are all persons under the age of 18 as defined by the International Labour Organization (ILO) Worst Forms of Child Labour Convention (No. 182). 8

ACTION #2

Companies also should review how their own purchasing practices might contribute to enhancing risk factors. **When purchasing practices push suppliers to lower costs or accelerate production, this can lead to negative impacts on workers including child labor.** For instance, suppliers might temporarily hire children, including the children of current workers or via unchecked recruitment agencies, to meet these demands. This pressure can also result in excessive working hours for young workers, potentially violating national labor laws. Additionally, when suppliers are forced to limit breaks to keep up with production requirements, workers, including young ones, may be exposed to dangerous working conditions.

Finally, **zero-tolerance clauses on child labor that result in immediate termination of business relationships are not always effective** and may even encourage factories to conceal violations. Instead, a less punitive approach that gives the factory or worksite an opportunity to address the issue and close gaps that led to the violation is a more pragmatic approach, more likely to lead to stronger preventative mechanisms and long-term improvements at the factory or worksite.

Monitoring effectiveness

A company needs to review whether its efforts to prevent and address child labor impacts are effective over time. Typically, companies rely on audits and on-site checks. In this approach, unannounced visits during night shifts should be a regular practice. **Based on the assessment of where and how a company can be linked to child labor, it should focus its efforts.** For instance, in many cases, companies must look deeper into their supply chains and not limit their efforts to processing and manufacturing.

Additionally, **companies should foster collaboration with suppliers to achieve improvement.** Most supply chain management programs are currently characterized by “policing” approaches. The underlying assumption in these instances is that suppliers and other business partners are unable or unwilling to respect human rights, and therefore company codes of conduct need to be imposed from the top down.

However, **due diligence regulations like the German Supply Chain Due Diligence Act (LkSG) requires obliged enterprises to collaborate with their suppliers** in order to fulfil their due diligence obligations. Suppliers may be willing to meet standards but are unable to do so in practice. As the emphasis on human rights due diligence for business partners across the entire supply chain intensifies, it is crucial to consider suppliers’ understanding of these regulations and their capacity to meet them.

Research demonstrates that with the right support and enabling conditions, working conditions can improve considerably. Therefore, **companies should establish processes for ongoing dialogue-based communication**, ideally directly involving key stakeholders on the ground (bottom-up approach), to encourage disclosure of problems and collaborative solution finding.

ACTION #3

INTRODUCING A CHILD LABOR REMEDIATION MECHANISM

Addressing child labor issues can be costly and complicated, and many companies do not remediate cases of child labor. While companies are not obligated to provide remedies for impacts, they did not cause or contribute to under the UN Guiding Principles (UNGPs), they may choose to do so or participate in broader remediation efforts.

From a child rights perspective, not providing remediation can cause significant harm to the child, who is likely to continue working elsewhere in conditions that undermine their rights and well-being, thus perpetuating the cycle of child labor.

For companies that have caused or jointly caused an actual adverse impact (like child labor), they are obligated to provide remediation according to the EU CSDDD.¹⁶ In either case, a proactive approach to child labor remediation can help reduce the risk of such impacts occurring again in the future.

To achieve this, companies need remediation mechanisms that clearly outline steps to take when a case of child labor is discovered. This also includes requiring suppliers to have a robust remediation plan. Engaging independent child rights experts and collaborating with relevant stakeholders is crucial for providing appropriate remediation on a case-by-case basis. Effective remediation approaches always prioritize the best interests of the child or young worker, rather than merely addressing business risks. The Centre's experience has shown that an effective remediation system involves costs and requires long-term commitment. It's important that companies' responsibility is not just pushed to the lower tiers but that buyers also take responsibility. This requires a fair, clearly communicated, and sustainable funding process, which ideally includes a cost-sharing policy. Companies should, therefore, clearly outline their expectations to business partners on how the responsibility for remediation costs will be shared.

ACTION #4

JOINING FORCES WITH OTHERS

As highlighted in this article, child labor in the U.S. is rooted in complex, multi-layered structural issues that cannot be tackled by individual companies alone. Engagement with child rights experts and collaboration through industry associations and multi-stakeholder initiatives is vital for pooling resources and sharing knowledge. For example, The Centre's CRIB Working Group brings brands and retailers together to collaborate, share best practices, and access the latest information related to child labor and child rights in supply chains.

Addressing child labor is not merely a compliance requirement; it is a critical aspect of responsible corporate behavior.

CONCLUSION

The rising incidence of child labor in the United States serves as a stark reminder that this issue is not confined to the world's poorest countries. Companies must recognize that child labor can manifest in various forms within their supply chains, often affecting vulnerable populations, including migrant workers and underprivileged youth.

Addressing child labor is not merely a compliance requirement; it is a critical aspect of responsible corporate behavior that demands urgent attention. By fostering awareness among employees and suppliers, implementing robust policies, and enhancing monitoring practices, businesses can play a vital role in combating child labor within their operations.

In doing so, they not only uphold human rights standards but also demonstrate a commitment to creating a future where every child can thrive and fully enjoy their childhood free from exploitation.

Acknowledgments

This white paper was authored by Theresa Quiachon (CORE) and Malin Liljert and Ellen Schliebitz (The Centre for Child Rights and Business). We extend our thanks to Cecilia Barral Diego, LL.M., and Serra Cremer, J.D. (CORE), as well as Ines Kaempfer (The Centre for Child Rights and Business) for their valuable contributions to the content and editing of the paper as well as to Leon Winkel for the design. Cover picture credit: Maryanne Gobble, Stocksy.