

# Human Rights Watch

## Children's Rights

**<https://www.hrw.org/news/2010/05/05/us-child-farmworkers-dangerous-lives>**

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End Legal Double-Standard That Fails to Protect Children Working in Agriculture

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The United States is failing to protect hundreds of thousands of children engaged in often grueling and dangerous farmwork, Human Rights Watch said in a report released today. Human Rights Watch called on Congress to amend federal law that permits children under age 18 to work for hire in agriculture at far younger ages, for far longer hours, and in far more hazardous conditions than in any other industry.

In its 99-page report, "[Fields of Peril: Child Labor in US Agriculture](#)," Human Rights Watch found that child farmworkers risked their safety, health, and education on commercial farms across the United States. For the report, Human Rights Watch interviewed 59 children under age 18 who had worked as farmworkers in 14 states in various regions of the United States.

"The United States is a developing country when it comes to child farmworkers," said Zama Coursen-Neff, author of the report and deputy director of the Children's Rights Division at Human Rights Watch. "Children who pick America's food should at least have the same protections as those who serve it."

Child farmworkers as young as 12 years old often work for hire for 10 or more hours a day, five to seven days a week, Human Rights Watch found. Some start working part-time at age 6 or 7. Children, like many adult farmworkers, typically earn far less than minimum wage, and their pay is often further cut because employers underreport hours and force them to spend their own money on tools, gloves, and drinking water that their employers should provide by law.

Agriculture is the most dangerous work open to children in the United States, according to the Centers for Disease Control's National Institute for Occupational Safety and Health (NIOSH). Children risk pesticide poisoning, serious injury, and heat illness. They suffer fatalities at more than four times the rate of children working in other jobs. Some work without even the most basic protective gear, including shoes or gloves. Many told Human Rights Watch that their employers did not provide drinking water, hand-washing facilities, or toilets. Girls and women in these jobs are exceptionally vulnerable to sexual abuse.

As a result of their long working hours, children who do agricultural work drop out of school at four times the national rate. Human Rights Watch interviewed many children who had been held back in school one or more times and who said that no one in their families had graduated from high school.

Human Rights Watch called on the US Congress to amend the law governing child labor - the Fair Labor Standards Act (FLSA) - to end discrimination against child farmworkers. In other occupations, the law prohibits the employment of children under age 14, and limits children under 16 to three hours of work a day when school is in session. In agriculture, however, children can work on any farm at age 12, and at any age on a small farm. Unlike for other jobs, the law sets no limit on how early in the morning, how late at night, or how many hours children can work in agriculture, as long as they do not work during school hours. In addition, the law allows 16 and 17-year-olds to work under hazardous conditions in agriculture; in all other occupations the minimum age for hazardous work is 18.

"The current child labor law was drafted in the 1930's when many more children worked on family farms, but that era is long gone," Coursen-Neff said. "It's time the US updated its antiquated child labor laws to give children who work for hire in agriculture the same protections as all other working children."

In September 2009, Congresswoman Lucille Roybal-Allard of California introduced the Children's Act for Responsible Employment (HR 3564) in the House of Representatives. It has over 80 co-sponsors, and has been endorsed by over 80 organizations, including the AFL-CIO, American Federation of Teachers, NAACP, and United Farm Workers of America. No action has been taken on the bill, however.

Even the currently weak laws are poorly enforced. Enforcement of child labor laws overall by the US Department of Labor declined dramatically between 2001 and 2009. The US Department of Labor found only 36 cases of child labor violations in agriculture in 2009,

constituting only 4 percent of all child labor violations. Pesticide safety regulations of the US Environmental Protection Agency (EPA) make no special provisions for children.

Lax enforcement is exacerbated by workers' fears of reporting violations to authorities. Some 85 percent of crop workers in the United States are Hispanic. While many child farmworkers are US citizens, their parents may be undocumented or hold short-term agricultural visas, leaving the entire family in fear of deportation. Labor standards and their enforcement apply to all workers, irrespective of their immigration status.

Human Rights Watch called on the US Department of Labor to substantially increase its efforts to identify and punish the illegal use of child labor. All states should set or raise the minimum age for agricultural work to at least 14, Human Rights Watch said.

Child labor on US farms also violates the United States's international legal obligations under the Worst Forms of Child Labor Convention of the International Labor Organization (ILO). In March the ILO Committee of Experts expressed serious concerns regarding the significant number of injuries and fatalities suffered by children in US agriculture, and the exemptions in US law that allow young children to work. The committee called on the United States to take immediate action to comply with its treaty obligations.

On May 10, 2010, the United States will join over 80 other countries at a global child labor conference hosted by the Dutch government in The Hague. A goal of the conference is better enforcement of the Worst Forms of Child Labor Convention, with a focus on agriculture.

"The United States spends over \$25 million a year - more than all other countries combined - to eliminate child labor abroad, yet is tolerating exploitative child labor in its own backyard," Coursen-Neff said.

### **Voices of children, parents, and farmers:**

"I really didn't have a childhood, and I don't want [my own children] to go through what I did. You're a kid only once. Once you get old you have to work."

- 17-year-old boy who had been cutting Christmas trees, picking tomatoes, and working in other crops since age 12 in North Carolina

"[When I was 12] they gave me my first knife. Week after week I was cutting myself. Every week I had a new scar. My hands have a lot of stories."

- 17-year-old boy who started working at age 11 in Michigan

"You're put to work every day; you hardly get a break unless it's raining. Kids get so happy [when it starts to rain] that they're screaming."

- 15-year-old boy who works in Michigan during the summer

"Here there are a lot of chemicals in the field. . . . You can smell them. [Recently] the plane sprayed, sprayed the cotton. . . . I felt dizzy. I covered my face and kept working. No one told us to get out of the field."

- 18-year-old youth who had worked from age 8 or 9 hoeing cotton in Texas alongside other children

"I don't remember the last time I got to school registered on time. . . . I'm afraid it's going to hold me back on my education. . . . I got out of math because I was a disaster. I would tell the teacher, I don't even know how to divide, and I'm going to be a sophomore.' I'm going from place to place. It scrambles things in my head, and I can't keep up."

- 15-year-old girl hoeing cotton in Texas

"My son, he needs his playtime. He can't work 30 hours a week. He can work three to four hours a few times a week. . . . As an employer you can't say I'll hire 13-, 14- year olds.' No! I don't support that."

- Farm operator whose 12-year-old son works on his farm in Michigan

"I tell my daughter, I'm so sorry I stole your childhood from you."

- Mother whose 11-year-old daughter worked hoeing cotton and caring for her younger brothers

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