

# ARE WE SUBSIDIZING AGRICULTURE WITH CHILD LABOR?

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There is a contradiction of US interests opposing child labor in the international context while allowing agricultural exceptionalism to undermine child labor protections here in the US. Agriculture is the largest employer of children worldwide. According to the [UNFAO](#), "Poverty and child labor interact in a vicious cycle and are mutually reinforcing. In rural areas, there is need to fight poverty and hunger in order to fight child labor."



Photo from [Association of Farmworker Opportunity Programs](#)

**In November of 2011**, Nestle was publicly criticized for purchasing cocoa from farms using child labor in the harvest. In fact, there was international outcry over this discovery. The US Government issued a report in which it found that more than 1.8 million children worked in cocoa farming in West Africa. The report stated that more than half of the children *living in agricultural households* worked in agriculture. It goes on to refer to child labor in agriculture as a *human rights issue* that needs to be addressed. In fact, it said outright that sustainable agricultural practices cannot include child labor and that children involved in cocoa production need to be protected. [Green America](#) organized a rally and national campaign against child labor in chocolate production. Petitions were mounted in the US to boycott Hershey, Mars and Nestle to encourage them to stop using child labor on cocoa farms.

**In November of 2011**, Human Rights Watch published a [report](#) on child labor in US agriculture exposing the fact that children *as young as seven* are working on farms, often 10 or more hours per day at the peak of harvest. This same report noted that agriculture is the most deadly industry open to children.

International fair trade organizations all agree that child labor is not acceptable in the production of our food. The UN Food and Agriculture Organization has been working for many years to end child labor in agriculture around the world. The United States and Somalia are the only countries in the world who have not ratified the [International Convention on the Rights of the Child](#).

A recent study showed that the economic downturn and global conflicts have led to an upturn in the use of child labor. As poverty increases internationally, so does the tendency to [use child labor](#).

**In November 2011** during his campaign for president, Newt Gingrich stated that poor children should clean their schools for money and then went on to explain that current child labor laws are "truly stupid." The American Federation of State, County and Municipal Employees immediately wrote and circulated a [letter of protest](#) explaining why the US enacted labor laws outlawing child labor. It states that allowing children to work denies them the chance at a real education and allows employers to exploit children. It goes on to explain that in the past children were often injured or killed on the job. There was universal outcry over Gingrich's suggestion.

## **Agriculture: The Exception to the Rule?**

Interestingly, concurrent with these incidents and reports there was a debate in America over children working agriculture. Agriculture is excluded from child labor laws in the US. Currently, children as young as 10 can **legally** be employed as farm workers. Many who are younger than this are working. The [Association of Farmworker Opportunity Programs](#) estimates close to 500,000 children work in American farm fields. Lack of enforcement of current laws means there are likely even more kids in the fields than estimated, especially young children who accompany their parents to work. These are not all children of farmers.



Photo from [Media Voices for Children](#)

## **Just the facts, ma'am**

There are various levels of employment for children on farms. Any farmer may hire a worker who is 16 or older for any work – hazardous or not. Children aged 14-15 can be hired for any non-hazardous job outside of school hours, 12-13 year olds can work in non-hazardous jobs with written parental consent outside of school hours and 10-11 year olds can work if the Department of Labor has granted a waiver to the farm owner. These 10 year olds can only be hired as hand harvesters for no more than eight weeks a year. And finally, the children of farmers can work at any age and any job for their parents.

Hilda Solis, Secretary of Labor has introduced legislation to change child labor laws regarding farm and ranch work. Many in the agricultural community believe these changes would seriously impact farmers, ranchers and rural communities. The [three primary agents](#) responsible for deaths and injuries to children on the farm are: tractors, farm machinery, and livestock. The proposed regulations would prohibit anyone under the age of 16 from operating power equipment like tractors and augers, from working in grain elevators and from handling pesticides. The goal of the changes is to prevent serious or fatal accidents involving young people.

There are exemptions to the regulations for children who work on farms owned by their parents. Parents will continue to have the freedom to work children as much or little as they want without interference from the Department of Labor. But the changes would exclude them from working on neighbor's or other relative's farms or ranches. The [changes to current law](#) also exclude children from working with livestock, but this does not include the showing of cattle, hogs and sheep at county fairs or at other 4-H competitions.

Solis suggested [amending these laws](#) based on the facts below.

- An estimated 300 children die each year in farming accidents
- Farm children are twice as likely to die from an accident than their urban counterparts
- An estimated 30,000 children under 20 years of age are injured each year in farming accidents

- If children who visit or work on *non-family farms* are added the total is estimated to be close to 100,000 injuries
- Nearly 950 children suffer some type of permanent disability because of farm accidents annually
- Children under the age of 16 comprise 20% of all farm fatalities

Since the introduction of these proposed changes to labor law, the airwaves and [ether](#) have been full of [articles](#) about how harmful to agriculture (and to children) these changes will be. The American Farm Bureau Foundation (AFBF), and members of farm bureaus across the country have spoken out against changes to agricultural child labor laws. Included in the objectors are the National Pork Producers Council, the American Sheep Industry Association and the National Turkey Federation. AFBF believes that the Department of Labor is overstepping their authority. In comments submitted to the DOL on the proposed changes, AFBF urged the department to “maintain the integrity of the family farm exemption approved by Congress.”

Thirty senators signed on to a letter put forward by AFBF asking Secretary Solis to abandon the proposed rules changing on-farm labor by children. Their stance is that limiting the ability of farmers and ranchers to hire children will threaten our ability to train future farmers.

The question that arises is: if a farm is unable to survive without child labor (which is in many cases free), is that a good enough reason for circumventing international labor standards? Do we want to subsidize farms by continuing laws that imperil children?

#### **Tainted History of the Agricultural Exclusion**

The National Labor Relations Act (NRLA) enacted during Roosevelt’s New Deal included all workers with the exception of agricultural and domestic workers. Some [authors](#) have concluded that this was done in response to pressure from southern legislators who wanted to maintain control over a non-white, submissive workforce. The [National Agricultural Law Center](#) has several legal arguments available online that explain the history of the NRLA. The arguments state that there was a desire among southern agricultural interests to preserve an *exploited, economically deprived* non-white labor force to the benefit of growers who were essentially still working within the model of southern plantation agriculture. Compromises with southern congressmen resulted in the exclusions in labor law for agriculture, including the exclusion of child labor law enforcement. The color of the work force has changed but the effects of the exclusion from labor laws have not. They have perpetuated a population of poor, exploited workers.

The lack of attention to this issue domestically underscores how farm labor issues are obscured more because of an *exploited, economically deprived* immigrant workforce. By proposing changes to US labor law, the Department of Labor is signaling a change in perspective. In the US, the agrarian ideal has perpetuated a myth that has led to the exclusion of agriculture from fair labor laws, including the use of children in the fields. The myth exalts life on the farm including the virtues of farm life and the rural work ethic. Farmers are viewed as a unique and enviable, independent-minded group who value family and community while dealing with daily hardships to provide us all with delicious fresh foods. This idyllic pastoral image obscures the reality of rural poverty and labor abuses. The changes proposed by Secretary Solis take the first step to shining a light on the rural reality by asking us all: do we want to support an industry reliant on the labor of children?

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