

Back to the 19th century

Trump administration preparing green light to child labor

By Patrick Martin
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The US Department of Labor is moving to lift longstanding restrictions on hazardous work by teenagers in nonagricultural employment. The agency gave notice of a proposed rule under the title, “Expanding Apprenticeship and Employment Opportunities for 16 and 17-Year Olds Under the FLSA.”

The FLSA is the Fair Labor Standards Act, first passed in 1938 as part of the Roosevelt-era “New Deal,” which gave legal sanction to the minimum wage and “time-and-a-half” overtime and outlawed what was termed “oppressive child labor.”

Despite the Orwellian language about “expanding opportunities” for young workers, the proposed new rule is really about expanding the opportunity for employers to exploit teenagers as low-wage labor, while dramatically increasing the risks that these children will be exposed to, as they operate heavy equipment and dangerous tools like chainsaws for much longer periods of time.

The abstract of the new rule, published May 9 as part of a semi-annual announcement of ongoing rule-making and rescissions across the entire federal government, notes that the Secretary of Labor issues “Hazardous Occupations Orders” (HOs) as “the means by which the Secretary declares certain occupations to be particularly hazardous” for young workers.

The abstract goes on to say, “In this Notice of Proposed Rulemaking, the Department will consider whether certain HOs as well as the conditions that apply to the employment of all apprentices and student learners in hazardous occupations, should be updated to reflect the current economic and work environments and to allow for safe and meaningful apprenticeship

opportunities and student-learner programs.”

Translated from bureaucratic jargon, this means that the Department of Labor is preparing to allow younger workers to work at hazardous occupations for much longer periods of time each day they are employed. It would end the maximum of one hour a day, essentially to allow young workers to be trained in such occupations but not to work at them either part-time or full-time.

The rule-making change and its purpose was first reported Tuesday by Bloomberg Law, which cited unnamed officials in the Department of Labor acknowledging that the agency “plans to unwind decades-old youth labor protections by allowing teenagers to work longer hours under some of the nation’s most hazardous workplace conditions...”

Among the 17 occupations currently labeled hazardous are roofing, operating chainsaws, and the use of other power-driven machinery. In seven of these occupations, the Department of Labor can grant waivers permitting teenagers to work up to an hour a day, allegedly for training purposes. In ten of the occupations, even such limited employment is banned.

Bloomberg Law obtained a summary of the new draft regulation, not yet made public by the Department, which justifies the relaxation of safety restrictions as an effort “to safely launch more family-sustaining careers by removing current regulatory restrictions on the amount of time that apprentices and student learners may perform” hazardous work.

This language is an effort to put a worker-friendly gloss on an extremely anti-worker policy. Teenagers are supposedly to be launched into “family-sustaining careers” by becoming full-time breadwinners in

hazardous occupations. It would be more accurate to say that they are being launched into physically destructive work in which the very possibility of any sort of career will be continually threatened by the risk of hideous and even life-threatening injuries.

Bloomberg Law, part of the media empire of billionaire Michael Bloomberg, seeks to put a favorable spin on this revelation, claiming that it “fits with the Trump administration’s broader goal of expanding earn-as-you-learn apprenticeship programs by replacing government red tape with industry-generated standards.”

Again, the terminology is completely loaded. Safety regulations imposed by law are defined as “government red tape.” The absence of such legal restrictions, with open season on worker safety, is rebranded as “industry-generated standards.” Of course, if they are “industry-generated,” that means such standards will be based on what produces the maximum profit for the industry in question, regardless of the toll in pain and suffering, disability, and even human life.

Like much of the Trump administration’s ultra-right agenda, the promotion of child labor builds on initiatives taken by the Obama administration before it. Eric Seleznow, who oversaw efforts to expand apprenticeships under Obama’s Secretary of Labor Thomas Perez—now chairman of the Democratic National Committee—told Bloomberg Law that many private employers and school systems wanted to expand training in hazardous jobs.

“I hate to use the word hazardous because 18-year-olds are allowed to do it; a 17-and-a-half-year old is not,” Seleznow told Bloomberg Law. “An apprenticeship provides that close supervision on the job, which can help prevent it from being hazardous.”

By this pigheaded logic, allowing younger teens to work longer hours at hazardous jobs will make it “safer” for them to continue working the same jobs once they reach their 18th birthday. More likely, it means that they will suffer devastating injuries at an even younger age.

There is significant congressional Democratic support for the loosening restrictions on child labor. Bloomberg noted that Senator Amy Klobuchar of Minnesota had asked Secretary of Labor Alexander Acosta at a March 14 hearing if he would consider lifting the restriction on working hours for teenagers.

According to the Bloomberg account, “Relaying concerns from the manufacturing industry, she questioned how a one-hour time limit could be truly about safety concerns when teens can work a full day on this machinery once they turn 18.”

Acosta assured her that the department was looking into it, adding, “We’d rather that they learn to use equipment the right way when they’re 17 than use it for the first time when they’re 18.”

Child safety advocates have noted that the workplace death rate among teenagers has been slashed from 70 a year to 20 a year over the past two decades. The changes proposed by the Department of Labor would virtually assure a reversal of that trend.

The proposed rule on child labor is only one of a vast number of socially retrograde measures being considered by the Department of Labor. Among those listed in its May 9 announcement are:

- * Revising or entirely removing an Obama-era rule requiring certain industries to track workplace injuries and illnesses and submit reports electronically to the federal Occupational Safety and Health Administration.

- * Rescinding regulations to implement the nondiscrimination and equal opportunity requirements of the Job Training Partnership Act of 1982.

- * Expanding the exemption for employers who object to providing contraceptive coverage for workers in their health plans, either on religious or “moral” grounds.

- * Loosening safety regulations for cranes used by the railway industry in track maintenance.

- * Permitting coal mining companies to train workers on how to find refuge during a disaster only once a year, rather than every three months.

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