

THE CHILDREN'S ACT FOR RESPONSIBLE EMPLOYMENT (CARE ACT)

WHAT IS THE CARE ACT?

The CARE Act, introduced by Representative Lucille Roybal Allard (D-CA), is legislation that would amend the Fair Labor Standards Act of 1938 (FLSA) by correcting inequities in current labor law that currently allow children employed in agriculture to work longer hours, at younger ages, and in more hazardous conditions than children working in other sectors.

WHY IS THE CARE ACT NECESSARY?

The CARE Act takes a critical first step in protecting the safety, health and overall well-being of the estimated 400,000 children employed in the United States agricultural industry. Children as young as twelve years old currently work long hours under extreme weather conditions on farms throughout the country. These children work with hazardous tools and heavy machinery that can lead to fatal accidents or loss of limbs. They are also exposed to dangerous pesticides that can cause respiratory illness, neurologic impairments, and severe skin conditions.

Furthermore, most farmworker children struggle to keep up with their studies as they often do not attend school regularly, move often, and face additional educational barriers, such as limited English proficiency. Current law prohibits a fifteen-year-old from working in an office for more than three hours on a school day yet simultaneously allows a twelve-year-old to work unlimited hours in the fields on a school day. Consequently, it is estimated that farmworker children drop out of school at four times the national rate.

WHAT DOES THE CARE ACT DO?

The bill closes loopholes in current law, strengthens existing regulations, and imposes increased penalties on employers that consistently

violate child labor laws. Specifically, the bill would:

- Amend the Fair Labor Standards Act (FLSA) by bringing the age and work hour standards for children working in agriculture up to the standards set under FLSA for all other forms of child labor;
- Preserve the FLSA's family farm exemption so that children would continue to be able to work for their parents on their own farms;
- Increase the civil monetary penalties for child labor violations from \$11,000 to \$15,000 (with a minimum penalty of \$500), establish higher fines for repeat or willful violations, and increase criminal penalties to a maximum of five years imprisonment;
- Strengthen provisions for pesticide exposure in agriculture that weigh the additional risks posed to children, including a requirement that the Worker Protection Standard for pesticides be one of the hazardous orders for minors by the Secretary of Labor.

EQUAL PROTECTION FOR ALL CHILDREN

All children are entitled to grow up in a safe environment and to have access to a high quality education. For too long, discriminatory child labor laws have deprived farmworker children of these fundamental rights by subjecting them to dangerous conditions and long work hours that threaten their health, safety, and academic development. The CARE Act would help keep these children out of the fields and in the classroom during school hours and ultimately provide them with equal protection and opportunity to achieve their full potential.



For more information about the CARE Act, contact Wendy Cervantes, Vice President of Immigration and Child Rights Policy at First Focus. WendyC@firstfocus.net; 202.657.0637.

(Photo: Association of Farmworker Opportunity Programs)

The First Focus Campaign for Children is a 501(c)(4) nonprofit organization affiliated with First Focus, a bipartisan children's advocacy organization. The Campaign for Children advocates directly for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions.

