

GAO

Report to the Honorable  
Don J. Pease, House of Representatives

April 1990

# CHILD LABOR

## Increases in Detected Child Labor Violations Throughout the United States





United States  
General Accounting Office  
Washington, D.C. 20548

Human Resources Division

B-239180

April 30, 1990

The Honorable Don J. Pease  
House of Representatives

Dear Mr. Pease:

Because of your concern regarding illegal child labor in the United States, you asked us to investigate the recent increase in child labor violations. In November 1989, we provided you some preliminary national information.<sup>1</sup> In this report we provide national, regional, and state data on child labor violations and on workplace fatalities, injuries, and illnesses suffered by child workers. We also provide information concerning the Department of Labor's enforcement activities to limit child labor violations.

We analyzed data from the Department of Labor on violations, penalties, and enforcement resources, primarily for fiscal years 1983 through 1989. We also analyzed data from the Department of Labor on work-related fatalities the Department investigated and data from state labor departments on injuries and illnesses for 1987 and 1988. To determine the process for identifying and reporting child labor violations we interviewed headquarters and regional Department of Labor officials.

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## Results in Brief

Our analysis shows that since fiscal year 1983 there has been an overall increase in detected child labor violations nationwide—a trend that can be seen in most regions and states. We could not determine the causes of this increase nor could we identify any reliable statistics or estimates on the number of work-related injuries and illnesses suffered by minors nationwide or over time. However, about one-half of the states provided data for workers under age 18 for 1988, and they reported at least 30,000 illnesses and injuries. The Department of Labor investigated at least 29 work-related fatalities of minors in fiscal years 1987 and 1988.

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<sup>1</sup>William J. Gainer, Director of Education and Employment Issues, "Sweatshops" and Child Labor Violations: A Growing Problem in the United States, presentation before the Capitol Hill Forum on the Exploitation of Children in the Workplace, November 21, 1989. In addition, with your agreement, we provided summary information on child labor violations in testimony before the Subcommittee on Employment and Housing, House Government Operations Committee. See Child Labor Violations and Sweatshops in the U.S. (GAO/T-HRD-90-18, Mar. 16, 1990).

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Information in the inspection reports and review by Labor officials indicated that 11 of these cases involved both violations of safety and health standards and likely violations of child labor laws.<sup>2</sup>

The Department of Labor has about 1,000 compliance officers who enforce wage-related legislation. About five percent of the agency's enforcement resources are devoted to child labor regulations. The law permits Labor to levy civil monetary penalties of up to \$1,000 per violation; however, Labor has acknowledged that such penalties have not been sufficient to deter violators. Labor has announced plans to increase penalties, and we believe doing so may help curtail violations. Additional steps, including legislative action, may be necessary if Labor's changes fail to raise penalties sufficient to deter violators.

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## Background

The Fair Labor Standards Act (FLSA) is the primary federal law regulating wages and working conditions of American workers, including children. The act sets minimum age standards for work (minimum age regulations), limits the hours and occupations in which youth aged 14 and 15 can work (hours regulations), and restricts employment in specific hazardous occupations for youth under age 18 (hazardous order regulations).

The Wage and Hour Division (WHD), within Labor's Employment Standards Administration, is responsible for the administration and enforcement of FLSA's child labor standards. WHD has fewer than 1,000 compliance officers nationwide to enforce FLSA, including its child labor provisions, and other wage-related statutes. In fiscal year 1989, WHD inspected about 1.5 percent of all establishments Labor estimates as covered by FLSA.

Since 1974, FLSA has permitted Labor to assess a civil monetary penalty for each violation of federal child labor laws. Although the penalty can be as high as \$1,000, the act also requires Labor to consider factors such as the size of the business charged with the violation and the gravity of the violation when determining the penalty amount.

Workers, including child workers, also receive workplace protection from Labor's Occupational Safety and Health Administration (OSHA),

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<sup>2</sup>The 29 cases include fatalities investigated by state-operated safety and health programs that are approved and monitored by the Department of Labor.

which establishes mandatory safety and health standards for employers, investigates workplace fatalities, and enforces compliance with those standards through inspections and penalties for violations. States also protect employed children through their own enforcement of state child labor laws.

## More Illegally Employed Minors Detected in Most States and Regions Since Fiscal Year 1983

The Department of Labor detected about 22,500 illegally employed minors in fiscal year 1989, up from over 9,200 in fiscal year 1983 (see p. 16). Some reasons that Labor officials gave for the increase include (1) low unemployment rates, which have led to a shortage of adult workers in some areas,<sup>3</sup> and (2) Labor's increased emphasis on child labor issues. We were unable to determine the extent to which these or other factors have contributed to the growth of detected child labor violations (see p. 23).

The number of minors found to be working illegally in fiscal year 1989 was higher than in fiscal year 1983 in all 10 Labor regions and in 42 states.<sup>4</sup> (See p. 17.) However, some states and regions have experienced significant annual fluctuations in the number of detections. Regional Labor officials explained that these are likely caused by the occurrence of several very large cases in some states during a particular year and by variations in the regions in enforcement emphasis (see p. 18).

Nationwide, Labor detects most illegally employed minors in the retail and service industries, and, in particular, in restaurants and grocery stores. The data on most regions and states illustrate a similar concentration of illegally employed minors in retail trade industries. The percentage of illegally employed minors in retail trade industries ranged from 45 to 92 percent among the 10 regions in fiscal year 1989 (see p. 21). In over 40 states, at least 45 percent of all illegally employed minors worked in the retail trade industry in fiscal year 1989 (see p. 22).

Detected child labor violations have grown from about 10,000 in fiscal year 1983 to nearly 25,000 in fiscal year 1989, an increase of almost 150

<sup>3</sup>The national total civilian unemployment rate declined from 9.6 percent in 1983 to 5.3 percent in 1989. Some states, such as Massachusetts, recorded even lower rates, with the total civilian unemployment rate falling to 3.2 percent in 1987 before rising to 4.0 percent in 1989.

<sup>4</sup>The Department of Labor divides the United States into 10 regional areas (see fig. I.1).

percent.<sup>5</sup> The increase in violations has occurred in all types of child labor standards: hours, minimum age, and hazardous order restrictions. The number of work-hour violations in fiscal year 1989 was three times what it had been in fiscal year 1983 (over 15,000 compared with about 5,000), and the number of minimum age and hazardous order violations doubled. Again, with some fluctuation, this growth has occurred in all Labor regions and in most states. (See p. 22.)

## Children Are Being Injured, Sometimes Fatally, at Work

No comprehensive national work-related injury and illness data for minors exist. However, available evidence suggests that children are frequently the victims of injuries in the workplace. Data provided to us by 26 states show that in 1988, children under age 18 suffered over 31,500 work-related injuries and illnesses (see p. 25). (States differ in their definition of a reportable injury or illness.)

Our review of 29 child fatality cases inspected by OSHA in fiscal years 1987 and 1988 identified 11 cases that Labor officials said probably involved child labor violations and violations of health or safety standards. The fatalities in these 11 cases occurred in activities covered by agricultural and nonagricultural hazardous orders, such as roofing, excavating, and using power-driven hoisting equipment and woodworking machinery, and minimum age standards. (See p. 26.) We were only able to confirm that 4 of the 11 cases were referred by OSHA to state labor departments or WHD for action on child labor violations (see pp. 28-29).

## Options to Improve Enforcement of Child Labor Laws

We have identified options to control "sweatshops" or multiple labor law violators that we believe are also applicable to child labor violations.<sup>6</sup> These options are (1) improved agency coordination, especially with regard to referrals, and (2) increased penalties sufficient to deter violations. Enforcement efforts might be improved by a greater emphasis on exchanging information about employers violating different agencies' laws. For example, OSHA could refer cases involving potential child labor violations to WHD or state labor departments, as it did in some, but not all, of the fatality investigations we reviewed.

<sup>5</sup>The number of detected violations is slightly greater than the number of illegally employed minors because a minor may be employed in violation of more than one child labor standard. In fiscal year 1989, there were 1.1 violations per illegally employed minor.

<sup>6</sup>U.S. General Accounting Office, "Sweatshops" in the U.S.: Opinions on Their Extent and Possible Enforcement Options (GAO/HRD-88-130BR, Aug. 30, 1988), and "Sweatshops" in New York City: A Local Example of a Nationwide Problem (GAO/HRD-89-101BR, June 8, 1989).

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Labor has recently taken some steps in this direction. In April 1990, OSHA and the Employment Standards Administration signed a memorandum of understanding increasing interagency cooperation and facilitating the cross-referral of violations between OSHA inspectors and Employment Standards Administration compliance officers.

We have also recommended that the Congress amend the Fair Labor Standards Act to provide penalties that are sufficient to deter violations of minimum wage, overtime, and recording requirements, for which in most cases there are no civil monetary penalties.<sup>7</sup> We believe that penalties should also be sufficiently large to deter child labor violations.

Although there are specified penalties for child labor violations, the maximum penalty of \$1,000 has not been changed since 1974. Because of inflation, a maximum \$1,000 penalty in 1989 is worth only \$428 in 1974 dollars (see p. 26). Moreover, in many cases, the penalty assessed is far less than \$1,000 and is further reduced through negotiations and employer appeals to administrative law judges (see p. 26.)

Labor has acknowledged that the existing penalty structure has been inadequate to deter child labor law violators, and announced on February 7, 1990, a new program of increased fines that it believes will better deter child labor violations (see p. 28). The administrative change allows the assessed penalty to be as high as \$1,000 per violation rather than capping the amount at \$1,000 per child as Labor had done in the past. However, given that the number of violations is only slightly larger than the number of illegally employed minors, this change alone will not significantly increase the total penalties assessed (see p. 28). Labor also announced that it will consider other changes, such as assessing a larger penalty if the employer is a repeat offender of FLSA's child labor provisions, but it has not yet implemented these additional changes.

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## Conclusion

We believe that the increased interagency cooperation reflected in the new memorandum of understanding between OSHA and the Employment Standards Administration should contribute to increased protection for children who work. We agree with Labor that penalties that have been assessed for child labor violators have not been sufficient to deter violators. It remains to be seen whether Labor's increased penalties will provide sufficient deterrence for violators.

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<sup>7</sup>Changes Needed to Deter Violations of the Fair Labor Standards Act (GAO/HRD-81-60, May 29, 1981).

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## Matter for Consideration

If Labor's administrative actions do not result in penalties sufficient to deter child labor violations, the Congress may wish to consider legislative changes to set higher penalties (see p. 29).

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As discussed with your staff, we did not obtain written agency comments on this report. We did, however, discuss its contents with WHD and OSHA officials and incorporated their suggestions where appropriate. As arranged with your office, we plan no further distribution of this report until 15 days after its issue date. At that time, we will send copies to the Secretary of Labor and other interested parties. If you have any questions concerning this report please call me at (202) 275-1793. Other major contributors to this report are listed in appendix X.

Sincerely yours,



Franklin Frazier  
Director, Education  
and Employment Issues





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**Abbreviations**

FLSA	Fair Labor Standards Act
OSHA	Occupational Safety and Health Administration
WHD	Wage and Hour Division

# Child Labor: Increases in Detected Child Labor Violations Throughout the United States

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## Background

The Fair Labor Standards Act (FLSA) is the primary federal law regulating the wages and working conditions of child workers. The act gives the Department of Labor the authority to regulate child labor in the areas of minimum age of employment, hours of work, and hazardous occupations.

In nonagricultural industries, the act generally sets a basic minimum working age of 16, although 14- and 15-year-old children may work in specified occupations in retail, food service, and certain other industries. The act limits the number of hours and times that 14- and 15-year-old children may work in these occupations. They are allowed to work only outside school hours and no more than 3 hours a day during a school day and 18 hours in a school week. During periods of the year when there is no school, 14- and 15-year-old youth may work up to 8 hours a day and 40 hours per week. They may work no earlier than 7 a.m. and no later than 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

In agriculture, the basic minimum working age is also 16, although the law permits, under certain conditions, employment of children as young as 10 years of age.<sup>1</sup> In addition, the law does not limit the number of hours children engaged in agricultural employment can work outside of school hours.

The act sets a higher minimum age for children working in occupations determined to be particularly hazardous. Under this authority, Labor has issued hazardous occupations orders in 17 nonagricultural occupation and industry areas (see app. II). These orders prohibit children under the age of 18 from working in certain occupations and industries. For example, youth under age 18 cannot be employed to operate meat-slicing machines or drive delivery vehicles on a regular basis. In agriculture, certain activities, such as operating corn pickers, are prohibited for children under age 16.<sup>2</sup>

Employers found in violation of any of these provisions are subject to civil monetary penalties of up to \$1,000 for each violation. In cases

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<sup>1</sup>For example, children as young as 10 and 11 may work outside of school hours to hand harvest certain crops at their permanent residence for up to 8 weeks in any calendar year. The Secretary of Labor must approve applications for such employment.

<sup>2</sup>In both agriculture and nonagricultural industries, children may be exempted from these orders for specified reasons, such as to participate in an apprenticeship or other training program.

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where Labor has determined that a violation is willful, the act also provides for a fine of up to \$10,000. For a second willful violation, the act provides for a fine of up to \$10,000, imprisonment for up to 6 months, or both.

The Wage and Hour Division (WHD), a unit of Labor's Employment Standards Administration, is responsible for the administration and enforcement of federal child labor standards. WHD compliance officers investigate child labor violations as part of their investigations for compliance with other FLSA provisions, such as minimum wage and overtime standards. In addition, WHD compliance officers investigate suspected child labor violations in response to complaints or referrals from sources such as newspapers, schools, or state agencies.

Labor is only able to inspect a fraction of the workplaces covered by FLSA in any particular year. For example, in fiscal year 1989, WHD's nearly 1,000 compliance officers made 39,986 on-site FLSA investigations, representing 1.5 percent of the 2.6 million business establishments Labor estimates as subject to FLSA. According to data WHD gave us, the reported number of hours spent in investigating child labor violations has remained less than 5 percent of the overall hours spent on enforcement during fiscal years 1983 through 1989. WHD's data show the hours that compliance officers devoted to enforcement of child labor laws was 3.9 percent of their total enforcement hours in fiscal year 1983, and 4.9 percent in fiscal year 1989. The amount of enforcement time compliance officers spent on child labor law enforcement during fiscal years 1983 through 1989 is shown in table I.1.

In correspondence to GAO, the Assistant Secretary of Labor for Employment Standards concluded that this analysis underestimates the amount of effort put into the Employment Standards Administration's overall child labor enforcement program. The Secretary believes that compliance officers usually do not record the time they spend looking for child labor violations if they do not find apparent violations during an FLSA investigation for minimum wage or overtime violations. In fiscal year 1989, compliance officers recorded hours spent on child labor enforcement in 13,719 cases or about 34 percent of all cases. However, the Secretary contends that compliance officers routinely check for child labor violations on all FLSA investigations although they do not record such activity. In addition, Labor notes that 3,271 of the 39,986 on-site FLSA investigations (about 8 percent) in fiscal year 1989 were child labor investigations, which accounted for all of the detected illegally employed minors.

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**Table I.1: Hours Expended Nationwide by  
WHD on Labor Enforcement Activities**

<b>Fiscal year</b>	<b>Total enforcement hours</b>	<b>Total child labor enforcement hours</b>	<b>Percentage of time spent on child labor enforcement</b>
1983	1,195,004	46,327	3.9
1984	1,231,648	43,572	3.5
1985	1,265,264	48,177	3.8
1986	1,311,985	46,933	3.6
1987	1,191,858	58,972	4.9
1988	1,286,188	59,907	4.7
1989	1,252,729	61,687	4.9
<b>Total</b>	<b>8,734,676</b>	<b>365,575</b>	<b>4.2</b>

Although we have not attempted to assess whether the level of enforcement effort is adequate to address the child labor violation problem, recent actions by Labor demonstrate the difference in the number of violations that can be found with increased enforcement activity. During a 3-day period in March 1990, approximately 500 WHD federal investigators participated in Operation Child Watch, an effort Labor described as a crack down on child labor violations. As of April 3, 1990, Labor reported that the effort resulted in the identification of 11,000 illegally employed minors, about one-half the number detected in all of fiscal year 1989.

Children also receive workplace protection from Labor's Occupational Safety and Health Administration (OSHA). OSHA enforces employer compliance with mandatory safety and health standards through workplace inspections by its compliance officers in 28 states and through inspections conducted by 22 state-operated safety and health programs, which OSHA approves and monitors. OSHA compliance officers investigate suspected violations in response to complaints and referrals, target particular high-risk workplaces and assess penalties for violations. States also protect employed children through enforcement of their own state child labor laws.

## **Objectives, Scope, and Methodology**

Our objective in this review was to develop information on the extent of child labor violations in the United States. Based on discussions with staff from Representative Pease's office, we agreed to provide information on (1) trends in detected child labor violations, (2) data on injuries and fatalities sustained by children at work, and (3) Labor's enforcement of child labor provisions of FLSA.

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To provide a nationwide perspective on trends in detected violations and children illegally employed, we obtained and analyzed Wage and Hour Management Information System data from the Department of Labor for fiscal years 1983 through 1989. We limited our review to these years because a previous GAO report focused on the increase in detected violations in one federal region in fiscal years 1983 through 1987.<sup>3</sup> To be consistent with this earlier study, we used fiscal year 1983 as the base year for examining the nationwide increase in violations. In addition, 1983 and 1984 provide appropriate baseline data because the increase in violations began in 1985.

To determine the process for identifying and reporting child labor violations, we interviewed officials at Labor headquarters in Washington, D.C.; officials at three Labor regional offices—Boston, Chicago, and San Francisco—and officials in WHD's San Francisco and Sacramento area offices. We also reviewed the Wage and Hour Division Field Operations Handbook and the standard forms used in documenting investigations and assessing penalties against employers. Because of time constraints, we did not verify the accuracy or completeness of Labor's data on detected child labor violations or civil monetary penalties assessed.

We obtained Labor officials' comments on the reasons for the increase in child labor violations and Labor's enforcement efforts. In addition, we interviewed Labor officials in the Bureau of Labor Statistics and OSHA regarding the employment of children and work-related injuries and fatalities sustained by youth under age 20.

To develop information on Labor's enforcement efforts, we obtained and analyzed various quarterly and annual reports on Labor's allocation of staff years for FLSA enforcement, which includes child labor enforcement activities. We also analyzed information provided by Labor on child labor civil monetary penalties for fiscal years 1983 through 1989.

To determine the extent of work-related injuries and deaths sustained by children, we obtained and analyzed data provided by states. We requested statistics from all 50 states and the District of Columbia, and we received data from 34 states for 1987 and 1988 for workers under the age of 20. We also analyzed fatality cases investigated by OSHA in fiscal years 1987 and 1988 where workers under age 18 were killed.

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<sup>3</sup>The Fair Labor Standards Act: Enforcement of Child Labor Provisions in Massachusetts (GAO/HRD-88-54, Apr. 28, 1988).



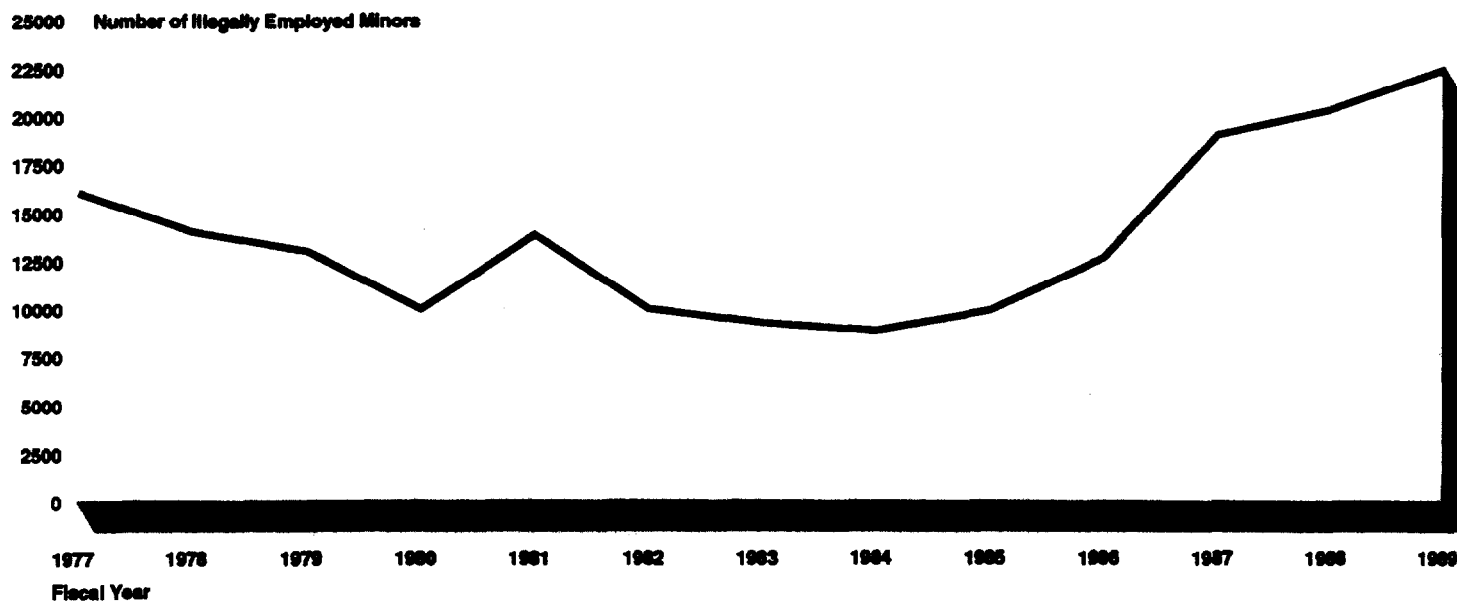
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Except with regard to verification of Labor's data, our work was conducted in accordance with generally accepted government auditing standards from October 1989 through February 1990.

## Increase in the Detected Illegal Employment of Children

The number of children detected working in violation of federal child labor laws increased from over 9,200 in fiscal year 1983 to about 22,500 in fiscal year 1989, an increase of 145 percent. The fiscal year 1989 total is far above the 16,021 illegally employed minors detected in fiscal year 1977. (See fig. I.1).

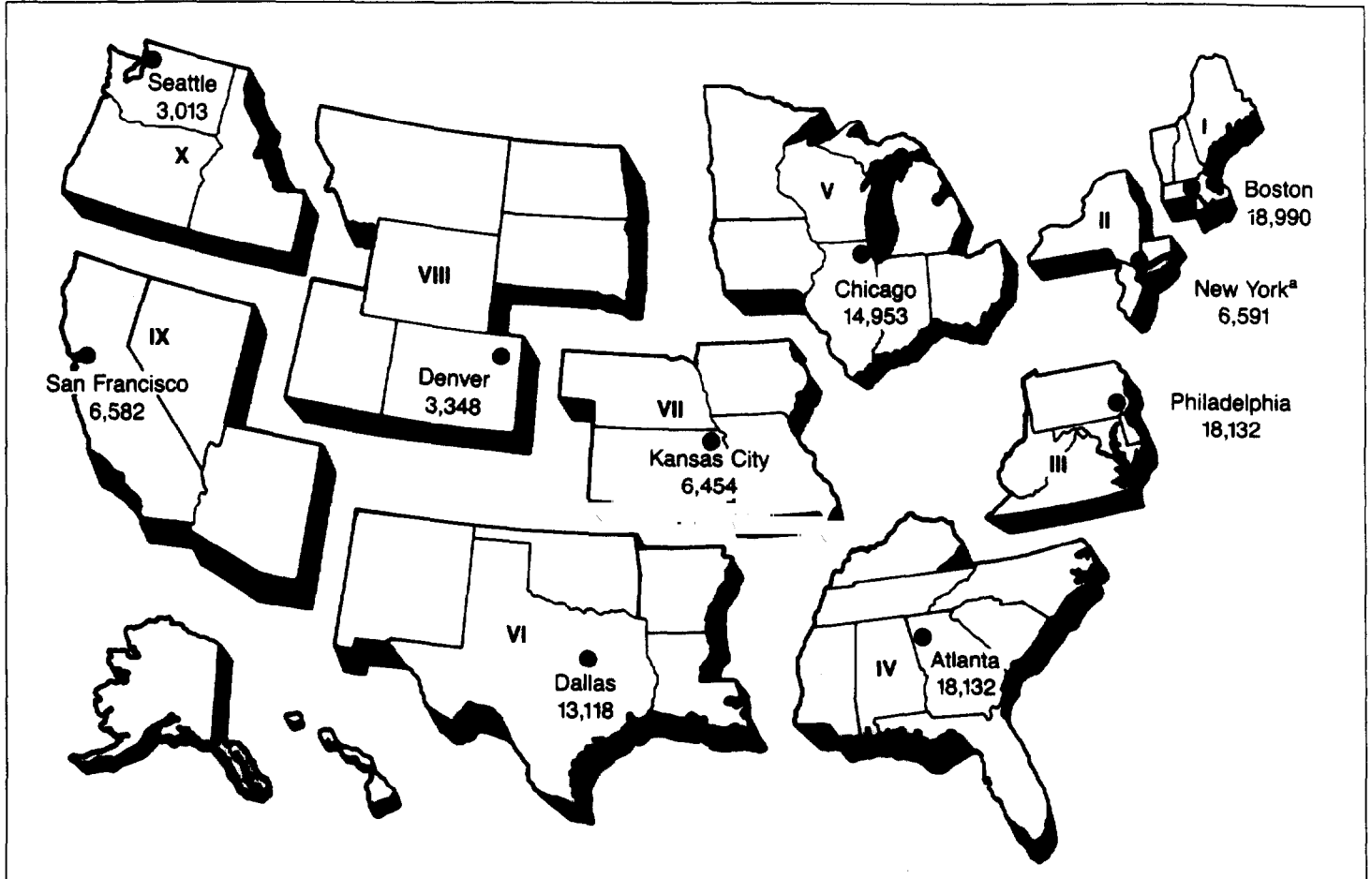
Figure I.1: Federally Detected Illegally Employed Minors (Fiscal Years 1977-89)



Department of Labor statistics show that the problem of illegally employed children affects all parts of the country. While some regions detected more illegally employed children than others, for fiscal years 1983 through 1989, every Labor region identified at least 3,000 illegally employed minors (see fig. I.2). The number ranged from 3,063 in the Seattle region (Region X) to nearly 19,000 in the Boston region (Region I). As appendix III shows, the number of illegally employed minors more than doubled in 7 of the 10 Labor regions.

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**Figure I.2: Detected Illegally Employed Minors, by Region (Fiscal Years 1983-89)**



Note: Region IX includes Guam.

<sup>a</sup>Includes Puerto Rico and U.S. Virgin Islands.

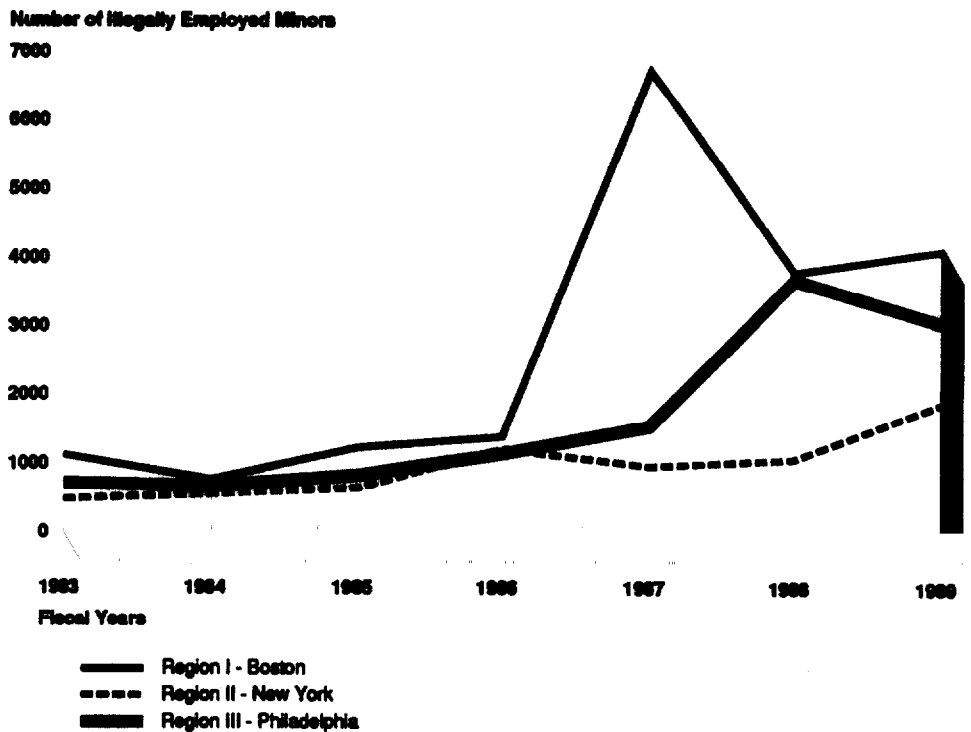
In 42 of the 50 states, Labor detected more illegally employed minors in fiscal year 1989 than in 1983. (See app. III.) In Massachusetts, which had the largest increase, the number of illegally employed children increased from about 500 in fiscal year 1983 to almost 3,000 in fiscal year 1989.

Within this overall increase, some regions and states experienced considerable fluctuations. Figures I.3 through I.5 illustrate the trends in each federal region. Appendix III provides state trend data and the number of children detected as illegally employed in each region. For example, Region I (Boston) detected 737 minors illegally employed in fiscal year

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1984. Detections increased to 6,713 in fiscal year 1987 before declining to 4,104 in fiscal year 1989. Discussions with regional Labor officials suggest that at least part of this variation is caused by several large cases that greatly increased the number of detected illegally employed minors and by regional variations in the training and emphasis on detecting child labor violations compared with other FLSA violations.<sup>4</sup>

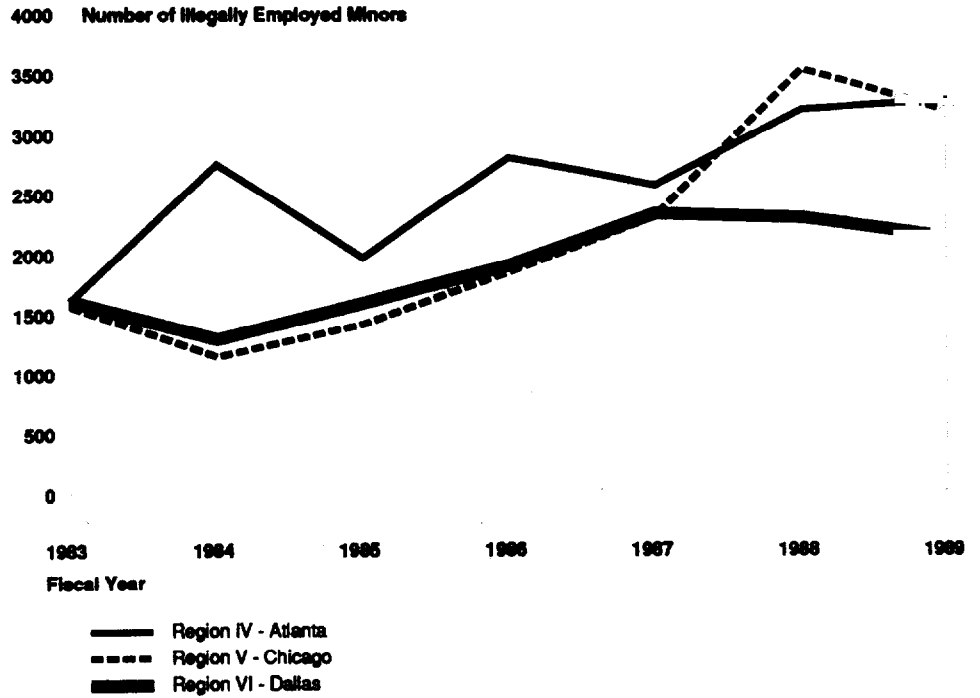
**Figure I.3: Detected Illegally Employed Minors, Labor Regions I Through III (Fiscal Years 1983-89)**



<sup>4</sup>The WHD assistant regional director in Region I stated that two cases accounted for nearly 3,000 illegally employed minors in fiscal year 1987. Officials in other regions corroborated the importance of one or two large cases in explaining some annual fluctuations in detections in other states and regions. Region I officials also believed that they place a greater emphasis on detecting child labor violations than other regions. In addition, some Region I area offices have a greater proportion of targeted inspections than offices in other regions and program a greater proportion of targeted inspections towards child labor.

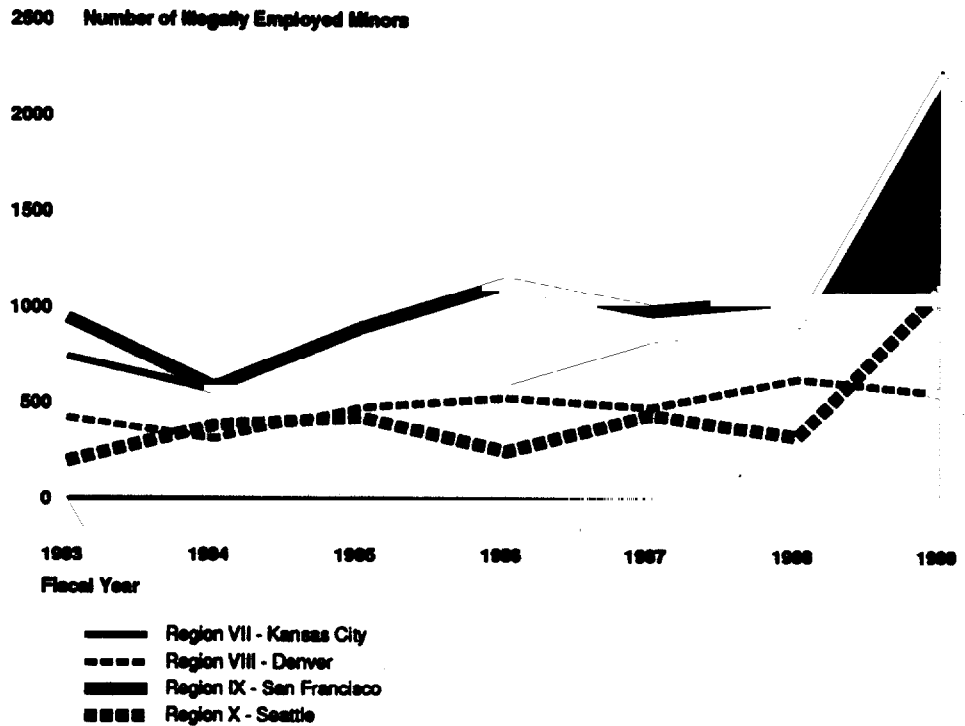
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Figure I.4: Detected Illegally Employed  
Minors, Labor Regions IV Through VI  
(Fiscal Years 1983-89)



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**Figure I.5: Detected Illegally Employed Minors, Labor Regions VII Through X (Fiscal Years 1983-89)**



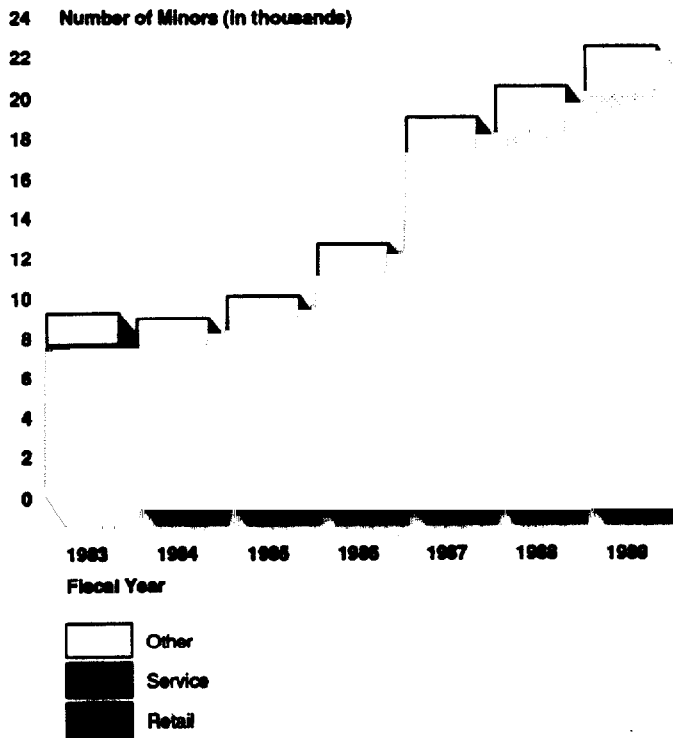
**Most Illegally Employed Minors Found in Retail Trade Industries**

Department of Labor statistics show that an increasing proportion of minors illegally employed are working in the retail trade industry. Of those children found by Labor to be illegally employed, the number in the retail trade industry increased from about 6,100 (66 percent) in fiscal year 1983 to almost 17,800 (79 percent) in fiscal year 1989.<sup>5</sup> (See fig. I.6).

<sup>5</sup>In 1989, about one-fifth of all employed workers aged 16 through 19 worked in sales occupations in retail trade industries. Although teenage employment in all retail trade occupations grew about 20 percent between 1983 and 1989, that is far less than the growth in the number of illegally employed minors detected.

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**Figure I.6: Detected Illegally Employed Minors, by Major Industry Group, for the United States (Fiscal Years 1983-89)**



Note: The figure uses data for both agricultural and nonagricultural violations.

Federal child labor violations are concentrated within certain segments of the retail trade industry. In fiscal year 1989, almost three-fourths of all illegally employed minors were in two retail trade sectors. Restaurants accounted for 44 percent of all illegally employed minors while grocery stores had another 29 percent. Labor located another 6 percent of illegally employed minors in other retail sectors.

Labor's data for most regions and states illustrate a similar industrial pattern of illegal employment of minors. The percentage of detected illegally employed minors in retail trade industries ranged from 45 to 92 percent among the 10 regions in fiscal year 1989. Labor regions with high percentages of detected illegal minor employment in retail trade were: Region II (New York), 88 percent; Region I (Boston), 89 percent; Region III (Philadelphia), 91 percent; and Region VII (Kansas City) and Region X (Seattle), 92 percent.

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In over 40 states at least 70 percent of all illegally employed minors worked in service and retail trade industries in fiscal year 1989. In 41 states, Labor detected at least 45 percent of all illegally employed minors in the retail trade industry in fiscal year 1989. States where retail trade accounted for over 90 percent of all illegal employment included Massachusetts, Missouri, New Jersey, and Washington. In Missouri, grocery stores accounted for over 75 percent of illegal minor employment, and in Washington, grocery stores accounted for over 90 percent of all illegal employment. In California, Illinois, and Ohio, over 75 percent of all illegal employment of minors was detected in restaurants. (See app. IV.)

However, retail industries did not dominate all state totals. Retail trade accounted for only 19 percent of detected illegally employed minors in Tennessee in fiscal year 1989. In Mississippi, retail trade accounted for 20 percent of illegal employment of minors, with 79 percent of these minors working in "other" nonretail trade or nonservice industries, such as construction or manufacturing. In Georgia, most federally detected illegal child employment occurred in service industries (60 percent), such as janitorial services, amusement parks, and other service sectors. Other states with large numbers of illegally employed minors in service industries include Maryland (68 percent), Utah (45 percent), and Colorado (42 percent).

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## **Increase in All Types of Violations**

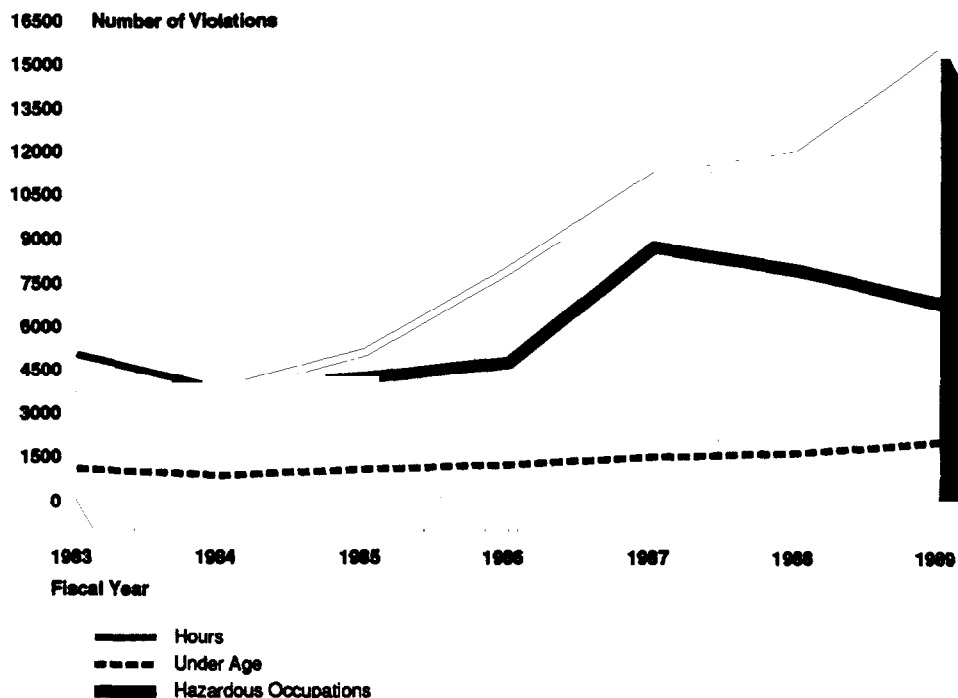
Between fiscal years 1983 and 1989, child labor violations detected by Labor increased from about 10,000 to almost 25,000, an increase of almost 150 percent.<sup>6</sup> The greatest growth occurred in work-hour violations, which tripled from about 5,000 in 1983 to over 15,000 in 1989 (see fig. I.7). Violations of federal minimum age and hazardous order standards roughly doubled. Our analysis shows that for the 7-year period, Labor identified over 60,000 work-hour violations, over 9,000 minimum age violations, and almost 40,000 hazardous occupation violations. (See app. V.) Again, this increase occurred, with fluctuations, among all 10 regions and most of the 50 states.

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<sup>6</sup>The number of detected violations is greater than the number of illegally employed minors because a minor may be employed in violation of more than one child labor standard.

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**Figure I.7: Detected Federal Child Labor Violations, by Type, for the United States**  
 (Fiscal Years 1983-89)



## Reasons for the Increase in Violations

Although reasons for the increase in violations are not readily identifiable, Labor officials cited the Department's increased emphasis on child labor issues and its greater success in detecting child labor violations as contributing significantly to the recent growth in detected violations. The officials also said that the growth in violations is at least due in part to a generally healthy economy in the 1980s and low unemployment rates, which have led to a shortage of adult workers in some areas. We were unable to determine the extent to which these or any other factors have contributed to the growth of child labor violations.

The national unemployment rate has declined since the early 1980s. The total national civilian unemployment rate has declined annually between 1983 and 1989, from 9.6 percent to 5.3 percent. Some states, like Massachusetts, have experienced even lower jobless rates, with the unemployment rate falling from 6.9 percent in 1983 to 3.2 percent in 1987 before rising to 4 percent in 1989. These statistics tend to support labor officials' views that a tight labor market exists; therefore, employers may be using more child labor to meet labor shortages.



Another factor possibly contributing to the increase in child labor violations is the decline in the number of young workers. From 1983 through 1989, the increase in the number of youth working was small. The Bureau of Labor Statistics reported that 6.8 million youth aged 16 through 19 were employed in 1989, 12.4 percent below the 7.7 million employed in 1980.<sup>7</sup> There are also fewer workers aged 14 and 15. Between 1981 and 1988, both the absolute number of youth aged 14 and 15 and the number employed dropped significantly.<sup>8</sup> In contrast, total national employment grew appreciably faster. Between 1981 and 1989, total civilian employment increased from about 100 million to over 117 million, a 17-percent increase.

A smaller pool of young workers may contribute to violations in the hazardous orders, minimum age, and hours violations. Employers looking for entry level workers or those who prefer to hire children may have difficulty finding older teens to fill jobs, so they may try to hire even younger workers (those aged 14 and 15) for employment in prohibited occupations at higher wages than these younger workers could receive in approved employment. Employers who have youth aged 14 and 15 on the payroll may also encourage them to work hours that are longer than those permitted by federal law.

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## **Injuries, Illnesses, and Fatalities Sustained by Children at Work**

To our knowledge, no reliable nationwide statistics or estimates are available on fatalities and injuries suffered by minors in work-related accidents. Neither an extensive literature search nor our request for data from the Bureau of Labor Statistics and Office of Workers' Compensation Programs yielded a comprehensive picture of the problem.<sup>9</sup>

We were able to obtain data directly from 34 states, but the data they provided differed in the seriousness of the injuries reported and the ages included in the statistics. Appendix VI provides examples of the diversity in the definitions used by the states in recording injuries and illnesses as work related. For example, California defines a work-related injury as one that causes the employee to miss 1 or more days of work.

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<sup>7</sup>Between 1980 and 1989, the labor force participation rate for black teenagers and white female teenagers aged 16 to 19 increased but the rate for white male teenagers aged 16 to 19 declined.

<sup>8</sup>There were 700,000 fewer youth aged 14 and 15 in 1988 than in 1981, a decrease from 7.3 to 6.6 million. The number of employed youth aged 14 and 15 fell from 1.1 million to 900,000.

<sup>9</sup>WHD compliance officers collect some injury, illness, and fatality data. The collection is limited, however, to data that are reported to Labor or are identified during investigations for child labor violations.

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In contrast, Tennessee records injuries based on 7 or more days of lost work time. In addition, only 26 states could give us data for work-related injuries to children who would be covered by FLSA, that is, children under age 18. The other eight states could only provide data that included youth aged 18 and 19—youth who would not be covered under FLSA's child labor provisions but would be distinguished from adults for some other purposes, such as federally funded job training programs.

As shown in appendix VII, the 26 states reported to us that about 27,500 minors under age 18 were injured at work in 1987, and that over 31,500 were injured in 1988. Data provided by eight other states that included youth aged 18 or 19 or both in their count of minors show that another 36,000 youth under the age of 20 were injured at work in 1987, and that nearly 38,900 were injured in 1988. As shown in table I.2, the 34 states recorded almost 134,000 work-related injuries to minors during the 2-year period.

**Table I.2: Work-Related Injuries to Youth as Reported by 34 States, 1987-88**

	1987	1988	Total
<b>Total (34 states)</b>	<b>63,479</b>	<b>70,383</b>	<b>133,862</b>
Under age 18 (26 states)	27,480	31,509	<b>58,989</b>
Under age 20 (8 states)	35,999	38,874	<b>74,873</b>

We looked with great detail at injury statistics in California. Almost one-third of all injuries reported by the 34 states during 1987 and 1988 occurred in California. State data show disabling nonfatal work injuries and illnesses to workers under age 20 increased almost 11 percent in 1988, from about 18,000 in 1987 to nearly 20,000 in 1988. In California, as we found in other states, most injuries generally involved strains, sprains, cuts, punctures, lacerations, and dislocations. California data indicate that in 1988, nearly one-half of all injuries occurred in the retail trade industry and about one-third occurred in restaurants and grocery stores.

Other studies also suggest that many children are injured on the job. In 1986, the most recent year for which complete data are available, data from the New York State workers' compensation board indicated that 1,333 awards were made to children under 18 years of age for a work-related injury, with 41 percent or 541 awards made for permanent disability.<sup>10</sup> Another study of adolescents' visits to Massachusetts hospital

<sup>10</sup>R. Israel, "New York State Workers Compensation Board," 1988, cited in P. Landrigan and S. Pollack, The Health Hazards of Child Labor, Mt. Sinai School of Medicine, January 31, 1989.

emergency rooms found that for those injuries with identifiable locations where the injury had occurred, 24 percent had occurred on the job.<sup>11</sup>

As for child worker deaths, we reviewed 29 cases of fatalities of children under age 18 inspected by OSHA or state-operated safety and health programs in fiscal years 1987 and 1988.<sup>12</sup> Officials in the Wage and Hour Division identified 11 of these cases as probably involving at least one hazardous order violation. These deaths occurred in certain activities covered by the hazardous orders such as roofing, excavation, and the use of power-driven hoisting equipment, and woodworking machinery. Further, 10 of these cases also involved violations of safety or health standards that contributed to the fatality.<sup>13</sup> We present the details of these 11 cases in appendix VIII.

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## Penalties May Be Inadequate to Deter Violations

Although the act permits the Department of Labor to levy civil monetary penalties of up to \$1,000 per violation, the full deterrent effect of such penalties is rarely exercised. The Congress has not increased the maximum penalty under FLSA since 1974, and inflation has eroded its value by over 50 percent as of 1989. Further, because of Labor's assessment formula and employer appeals, the assessed penalty is often far less than the \$1,000 maximum.

Inflation has eroded the maximum \$1,000 civil monetary penalty significantly since 1974. In 1989, the maximum \$1,000 penalty was worth only \$428 in 1974 dollars.

In many cases no penalty is assessed or the assessed penalty is far less than \$1,000.<sup>14</sup> FLSA requires Labor to consider such factors as the size of the business charged with a child labor violation and the gravity of the violation when determining the amount of the penalty. In the formula

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<sup>11</sup>Anderka M, S.S. Gallagher, and C.A. Azzara, "Adolescent Work-Related Injuries," paper presented at the American Public Health Association's Annual Meeting, Washington, D.C., 1985.

<sup>12</sup>This is not the total number of work-related fatalities for minors during this period. As OSHA has acknowledged, many employers fail to report workplace fatalities to OSHA even though they are required to do so.

<sup>13</sup>For these cases the average penalty OSHA assessed for a health and safety violation that the agency judged as contributing to the fatality was \$460. Because, during the inspection process, OSHA also cited other violations that did not contribute to the fatality, the average penalty OSHA assessed per case totaled \$906.

<sup>14</sup>In cases where an officer finds a minimal violation, such as a first-time violation involving only one or two children, WHD may assess no civil monetary penalty.

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Labor developed in 1974 to compute civil monetary penalty assessments, WHD area offices were required to assign a monetary value to each violation, allowing for an aggregate penalty of up to \$1,000 per minor found illegally employed. WHD's formula also provided for reduced assessments when specific criteria were met. For example, penalties were reduced by (1) 50 percent if there was no evidence of recurring or willful violations or serious injury to a minor and (2) 20 percent if the employer had fewer than 100 employees.

Between fiscal years 1983 and 1989, WHD assessed U.S. businesses almost \$10.9 million in fines for child labor violations. During the 7-year period, yearly assessments more than tripled, from \$829,625 in fiscal year 1983 to \$2,768,755 in fiscal year 1989. However, our analysis of WHD penalty data show that while the number of assessments has grown, the average penalty assessment has remained constant. In fiscal year 1983, WHD levied 567 assessments involving 5,050 children working in violation of child labor laws for an average assessment of \$164 per minor. In fiscal year 1989, WHD levied 894 assessments involving 16,790 minors for an average assessment of \$165. (See table I.3.)

**Table I.3: Child Labor Civil Monetary**  
**Penalty Assessments by WHD**  
(Fiscal Years 1983-89)

<b>Fiscal year</b>	<b>Assessments</b>	<b>Number of minors involved</b>	<b>Amount assessed</b>	<b>Average assessment per minor</b>
1983	567	5,050	\$829,625	\$164
1984	721	6,563	1,088,619	166
1985	758	6,324	1,021,603	162
1986	843	9,758	1,492,195	153
1987	811	10,160	1,525,864	150
1988	902	13,838	2,139,820	155
1989	894	16,790	2,768,755	165
<b>Total</b>	<b>5,496</b>	<b>68,483</b>	<b>\$10,866,481</b>	<b>\$159</b>

Often the assessed penalty is reduced upon appeal. Under FLSA and Labor regulations, employers may appeal penalties for child labor violations within 15 days of the assessment to WHD headquarters or Labor's regional solicitor's office. If the employer takes exception to the amount assessed by the area office, WHD policy allows the regional administrator to negotiate the final penalty assessment with employers. Moreover, employers who are still dissatisfied may appeal the assessments to Labor's Chief Administrative Law Judge, who assigns it to an administrative law judge for formal hearing and final decision in the administrative process. In most instances an appeal is likely to result in a reduced

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penalty assessment. Our analysis of WHD child labor penalty data indicates employers paid \$7.7 million in fines for child labor violations between fiscal years 1983 and 1989, about 71 percent of the \$10.9 million assessed.

As Labor has recently acknowledged, the existing penalty structure has been inadequate to deter child labor law violators. In view of a record number of child labor violations in fiscal year 1989, the Department of Labor announced on February 7, 1990, new administrative steps to permit compliance officers to levy higher penalties. Under the new approach, Labor can fine an employer up to \$1,000 for each child labor violation instead of the \$1,000 maximum previously assessed for each child found to be illegally employed. In addition, the announcement noted that Labor would consider additional changes that may further increase penalty assessments in situations where the employer is a repeat offender of FLSA's child labor provisions or the illegal employment is for an extended period of time.

Based on past experience, Labor's revision in calculating child labor civil monetary penalties may have little effect on the actual penalties assessed because Labor finds relatively few minors working in violation of more than one section of the act. For example, in fiscal year 1989, about 22,500 children were detected working illegally and there were about 25,000 recorded violations, or about 1.1 violations per child.

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## **Options to Improve Enforcement of Child Labor Laws**

We have identified options to control "sweatshops" or multiple labor law violators that we believe are also applicable to child labor violations.<sup>15</sup> These options are (1) improved agency coordination, especially with regard to referrals, and (2) increased penalties sufficient to deter violations. Enforcement efforts might be improved by greater emphasis on exchanging information about employers violating the laws for different agencies. For example, OSHA could refer cases involving potential child labor violations to WHD or state labor departments, as it did in some but not all of the fatality investigations we reviewed. Of the 11 workplace fatality cases involving minors that were inspected by OSHA or state health and safety programs, OSHA had referred 4 cases to WHD or state labor departments for action. However, 2 cases were not referred

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<sup>15</sup>"Sweatshops" in the U.S.: Opinions on Their Extent and Possible Enforcement Options (GAO/HRD-88-130BR, Aug. 30, 1988), and "Sweatshops" in New York City: A Local Example of a Nationwide Problem (GAO/HRD-89-101BR, June 8, 1989).

and OSHA was unable to determine whether the remaining 5 were referred.

Labor has recently taken some steps to improve interagency coordination. In April 1990, OSHA and the Employment Standards Administration signed a memorandum of understanding to improve enforcement coordination and better protect all child workers. Both agencies will cooperate in developing and conducting training programs on each other's regulations and requirements; exchange information relating to complaints or investigations and all other information necessary to assure coordinated enforcement; and work together to facilitate referrals of violations from among relevant state agencies. This agreement extends nationwide the kind of coordination that has existed since 1989 in the New York federal region between WHD and OSHA offices to exchange the names of suspected violators of each other's laws and to train each agency's inspectors to identify situations that merit referral.

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## **Conclusion**

We believe that the increased interagency cooperation reflected in the new memorandum of understanding between OSHA and the Employment Standards Administration should contribute to increased protection for children as well as other workers. We agree with Labor that penalties that have been assessed for child labor violations have not been sufficient to deter violators. It remains to be seen whether Labor's increased penalties will provide sufficient deterrence for violations.

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## **Matter for Consideration by the Congress**

We have recommended that the Congress amend the Fair Labor Standards Act to provide penalties sufficient to deter violations of minimum wage, overtime, and recording requirements for which there are no civil monetary penalties.<sup>16</sup> We believe that penalties should also be sufficiently large to deter child labor violations. If Labor's administrative actions do not result in penalties sufficient to deter child labor violations, the Congress may wish to consider legislative changes to set higher penalties.

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<sup>16</sup>Changes Needed to Deter Violations of the Fair Labor Standards Act (GAO/HRD-81-60, May 28, 1981).

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# Hazardous Occupations Orders in Nonagricultural Occupations

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The Fair Labor Standards Act provides a minimum age of 18 years for employment in any nonagricultural occupations that the Secretary of Labor declares to be particularly hazardous. The 17 hazardous occupations orders now in effect apply either on an industry basis, specifying only those occupations in the industry that are not covered, or on an occupational basis prohibiting employment irrespective of the industry in which the occupation is found. The activities are as follows:

1. Manufacturing and storing explosives.
2. Motor-vehicle driving and outside helper.
3. Coal mining.
4. Logging and sawmilling.
5. Operating power-driven woodworking machines.
6. Employment resulting in exposure to radioactive substances.
7. Operating power-driven hoisting apparatus.
8. Operating power-driven metal-forming, punching, and shearing machines.
9. Mining, other than coal mining.
10. Slaughtering or meat-packing, processing, or rendering.
11. Operating power-driven bakery machines.
12. Operating power-driven paper products machines.
13. Manufacturing brick, tile, and kindred products.
14. Operating power-driven circular saws, band saws, and guillotine shears.
15. Wrecking, demolition, and ship-breaking operations.
16. Roofing operations.
17. Excavation operations.

# Detected Illegally Employed Minors, by State and Region (Fiscal Years 1983-89)

State	Fiscal year							Difference fiscal years 1983-89
	1983	1984	1985	1986	1987	1988	1989	
<b>Region I</b>								
Connecticut	61	39	55	90	78	278	345	284
Maine	197	172	222	56	195	95	18	-179
Massachusetts	514	327	453	731	3,968	2,225	2,988	2,474
New Hampshire	193	139	403	370	2,361	940	542	349
Rhode Island	102	29	52	111	73	169	133	31
Vermont	23	31	17	7	38	72	78	55
<b>Total</b>	<b>1,090</b>	<b>737</b>	<b>1,202</b>	<b>1,365</b>	<b>6,713</b>	<b>3,779</b>	<b>4,104</b>	<b>3,014</b>
<b>Region II</b>								
New Jersey	56	197	182	128	237	252	453	397
New York	287	242	390	1,009	621	740	1,222	935
<b>Total</b>	<b>343</b>	<b>439</b>	<b>572</b>	<b>1,137</b>	<b>858</b>	<b>992</b>	<b>1,675</b>	<b>1,332</b>
<b>Region III</b>								
Delaware	1	0	7	14	1	7	27	26
D.C.	0	0	0	0	1	9	34	34
Maryland	30	65	64	144	213	98	165	135
Pennsylvania	534	419	545	745	1,179	3,276	2,555	2,021
Virginia	50	104	135	204	90	240	195	145
West Virginia	69	52	48	11	32	41	66	-3
<b>Total</b>	<b>684</b>	<b>640</b>	<b>799</b>	<b>1,118</b>	<b>1,516</b>	<b>3,671</b>	<b>3,042</b>	<b>2,358</b>
<b>Region IV</b>								
Alabama	162	175	283	343	239	298	281	119
Florida	443	1,741	742	1,235	878	1,332	1,202	759
Georgia	161	175	215	351	277	240	612	451
Kentucky	135	55	117	166	293	53	17	-118
Mississippi	110	44	63	99	168	63	159	49
North Carolina	352	326	238	226	340	543	643	291
South Carolina	78	51	106	75	116	385	148	70
Tennessee	168	174	196	297	252	283	208	40
<b>Total</b>	<b>1,609</b>	<b>2,741</b>	<b>1,960</b>	<b>2,792</b>	<b>2,563</b>	<b>3,197</b>	<b>3,270</b>	<b>1,661</b>
<b>Region V</b>								
Illinois	308	410	388	389	351	954	633	325
Indiana	463	184	299	290	385	741	554	91
Michigan	145	83	119	473	721	942	404	259
Minnesota	50	59	91	160	154	216	457	407
Ohio	439	278	397	409	581	509	828	389
Wisconsin	156	122	113	117	110	165	306	150
<b>Total</b>	<b>1,561</b>	<b>1,136</b>	<b>1,407</b>	<b>1,838</b>	<b>2,302</b>	<b>3,527</b>	<b>3,182</b>	<b>1,621</b>

(continued)



**Appendix III  
Detected Illegally Employed Minors, by State  
and Region (Fiscal Years 1983-89)**

State	Fiscal year							Difference fiscal years 1983-89
	1983	1984	1985	1986	1987	1988	1989	
<b>Region VI</b>								
Arkansas	203	82	88	194	306	262	331	128
Louisiana	304	189	245	199	193	359	255	-49
New Mexico	53	128	109	95	274	271	173	120
Oklahoma	231	157	246	229	261	316	230	-1
Texas	818	728	896	1,178	1,295	1,086	1,135	317
<b>Total</b>	<b>1,609</b>	<b>1,284</b>	<b>1,584</b>	<b>1,895</b>	<b>2,329</b>	<b>2,294</b>	<b>2,124</b>	<b>515</b>
<b>Region VII</b>								
Iowa	89	102	240	115	181	285	171	82
Kansas	177	96	119	137	209	56	220	43
Missouri	162	175	159	189	309	445	1,668	1,506
Nebraska	304	182	79	164	136	125	160	-144
<b>Total</b>	<b>732</b>	<b>555</b>	<b>597</b>	<b>605</b>	<b>835</b>	<b>911</b>	<b>2,219</b>	<b>1,487</b>
<b>Region VIII</b>								
Colorado	203	114	324	266	239	218	282	79
Montana	15	6	7	4	7	0	31	16
North Dakota	11	32	25	24	2	9	11	0
South Dakota	0	0	13	7	13	55	1	1
Utah	65	95	49	178	155	313	207	142
Wyoming	118	54	49	41	58	27	20	-98
<b>Total</b>	<b>412</b>	<b>301</b>	<b>467</b>	<b>520</b>	<b>474</b>	<b>622</b>	<b>552</b>	<b>140</b>
<b>Region IX</b>								
Arizona	42	32	142	95	52	198	60	18
California	659	237	490	743	631	619	793	134
Hawaii	7	10	28	0	81	52	22	15
Nevada	226	248	223	284	215	172	170	-56
<b>Total</b>	<b>934</b>	<b>527</b>	<b>883</b>	<b>1,122</b>	<b>979</b>	<b>1,041</b>	<b>1,045</b>	<b>111</b>
<b>Region X</b>								
Alaska	3	25	2	0	60	7	580	577
Idaho	9	13	11	7	17	16	35	26
Oregon	79	174	132	140	224	203	118	39
Washington	96	159	269	93	131	94	366	270
<b>Total</b>	<b>187</b>	<b>371</b>	<b>414</b>	<b>240</b>	<b>432</b>	<b>320</b>	<b>1,099</b>	<b>912</b>
<b>Total without territories</b>	<b>9,161</b>	<b>8,731</b>	<b>9,885</b>	<b>12,632</b>	<b>19,001</b>	<b>20,354</b>	<b>22,312</b>	
Guam, Puerto Rico, and U.S. Virgin Islands	82	129	44	49	80	57	185	103
<b>U.S. total</b>	<b>9,243</b>	<b>8,860</b>	<b>9,929</b>	<b>12,681</b>	<b>19,081</b>	<b>20,411</b>	<b>22,497</b>	

# Detected Illegally Employed Minors in Fiscal Year 1989, by Industry, for All States and Regions

State	Grocery	Restaurant	Other	Total retail	Services	Other industries <sup>a</sup>	Total
<b>Region I</b>							
Connecticut	126	92	12	230	113	2	345
Maine	3	12	0	15	3	0	18
Massachusetts	1,800	993	60	2,853	95	40	2,988
New Hampshire	43	248	50	341	178	23	542
Rhode Island	0	120	8	128	1	4	133
Vermont	2	74	0	76	1	1	78
<b>Total</b>	<b>1,974</b>	<b>1,539</b>	<b>130</b>	<b>3,643</b>	<b>391</b>	<b>70</b>	<b>4,104</b>
Percent	48%	37%	3%	89%	10%	1%	
<b>Region II</b>							
New Jersey	79	228	105	412	14	27	453
New York	385	286	388	1,059	136	27	1,222
<b>Total</b>	<b>464</b>	<b>514</b>	<b>493</b>	<b>1,471</b>	<b>150</b>	<b>54</b>	<b>1,675</b>
Percent	28%	31%	29%	88%	9%	3%	
<b>Region III</b>							
Delaware	0	27	0	27	0	0	27
D.C.	0	34	0	34	0	0	34
Maryland	0	52	1	53	112	0	165
Pennsylvania	938	1,464	24	2,426	61	68	2,555
Virginia	3	167	5	175	10	10	195
West Virginia	3	42	6	51	4	11	66
<b>Total</b>	<b>944</b>	<b>1,786</b>	<b>36</b>	<b>2,766</b>	<b>187</b>	<b>89</b>	<b>3,042</b>
Percent	31%	59%	1%	91%	6%	3%	
<b>Region IV</b>							
Alabama	78	44	44	166	45	70	281
Florida	140	712	170	1,022	136	44	1,202
Georgia	31	77	5	113	368	131	612
Kentucky	0	8	0	8	0	9	17
Mississippi	6	25	1	32	1	126	159
North Carolina	16	459	12	487	25	131	643
South Carolina	1	79	3	83	5	60	148
Tennessee	17	9	13	39	151	18	208
<b>Total</b>	<b>289</b>	<b>1,413</b>	<b>248</b>	<b>1,950</b>	<b>731</b>	<b>589</b>	<b>3,270</b>
Percent	9%	43%	8%	60%	22%	18%	
<b>Region V</b>							
Illinois	45	479	29	553	18	62	633
Indiana	167	248	38	453	26	75	554
Michigan	181	130	47	358	4	42	404

(continued)

**Appendix IV  
Detected Illegally Employed Minors in Fiscal  
Year 1989, by Industry, for All States  
and Regions**

<b>State</b>	<b>Grocery</b>	<b>Restaurant</b>	<b>Other</b>	<b>Total retail</b>	<b>Services</b>	<b>Other industries<sup>a</sup></b>	<b>Total</b>
Minnesota	6	132	16	<b>154</b>	24	279	<b>457</b>
Ohio	59	650	16	<b>725</b>	78	25	<b>828</b>
Wisconsin	45	200	13	<b>258</b>	17	31	<b>306</b>
<b>Total</b>	<b>503</b>	<b>1,839</b>	<b>159</b>	<b>2,501</b>	<b>167</b>	<b>514</b>	<b>3,182</b>
Percent	16%	58%	5%	<b>79%</b>	5%	16%	
<b>Region VI</b>							
Arkansas	78	14	3	<b>95</b>	97	139	<b>331</b>
Louisiana	29	138	13	<b>180</b>	51	24	<b>255</b>
New Mexico	1	139	9	<b>149</b>	21	3	<b>173</b>
Oklahoma	167	32	18	<b>217</b>	2	11	<b>230</b>
Texas	188	311	68	<b>567</b>	219	349	<b>1,135</b>
<b>Total</b>	<b>463</b>	<b>634</b>	<b>111</b>	<b>1,208</b>	<b>390</b>	<b>526</b>	<b>2,124</b>
Percent	22%	30%	5%	<b>57%</b>	18%	25%	
<b>Region VII</b>							
Iowa	13	87	11	<b>111</b>	11	49	<b>171</b>
Kansas	26	155	5	<b>186</b>	16	18	<b>220</b>
Missouri	1,255	335	11	<b>1,601</b>	20	47	<b>1,668</b>
Nebraska	6	105	27	<b>138</b>	10	12	<b>160</b>
<b>Total</b>	<b>1,300</b>	<b>682</b>	<b>54</b>	<b>2,036</b>	<b>57</b>	<b>126</b>	<b>2,219</b>
Percent	59%	31%	2%	<b>92%</b>	2%	6%	
<b>Region VIII</b>							
Colorado	0	131	2	<b>133</b>	118	31	<b>282</b>
Montana	14	5	0	<b>19</b>	2	10	<b>31</b>
North Dakota	0	5	1	<b>6</b>	2	3	<b>11</b>
South Dakota	0	1	0	<b>1</b>	0	0	<b>1</b>
Utah	11	57	11	<b>79</b>	94	34	<b>207</b>
Wyoming	0	8	3	<b>11</b>	2	7	<b>20</b>
<b>Total</b>	<b>25</b>	<b>207</b>	<b>17</b>	<b>249</b>	<b>218</b>	<b>85</b>	<b>552</b>
Percent	5%	37%	3%	<b>45</b>	40%	15%	
<b>Region IX</b>							
Arizona	0	15	3	<b>18</b>	6	36	<b>60</b>
California	46	623	13	<b>682</b>	29	82	<b>793</b>
Hawaii	0	10	12	<b>22</b>	0	0	<b>22</b>
Nevada	8	86	15	<b>109</b>	48	13	<b>170</b>
<b>Total</b>	<b>54</b>	<b>734</b>	<b>43</b>	<b>831</b>	<b>83</b>	<b>131</b>	<b>1,045</b>
Percent	5%	70%	4%	<b>79%</b>	8%	13%	
<b>Region X</b>							
Alaska	14	564	0	<b>578</b>	0	2	<b>580</b>
Idaho	0	9	0	<b>9</b>	16	10	<b>35</b>
Oregon	17	55	13	<b>85</b>	5	28	<b>118</b>

(continued)

**Appendix IV  
Detected Illegally Employed Minors in Fiscal  
Year 1989, by Industry, for All States  
and Regions**

<b>State</b>	<b>Grocery</b>	<b>Restaurant</b>	<b>Other</b>	<b>Total retail</b>	<b>Services</b>	<b>Other industries<sup>a</sup></b>	<b>Total</b>
Washington	334	3	1	<b>338</b>	7	21	<b>366</b>
<b>Total</b>	<b>365</b>	<b>631</b>	<b>14</b>	<b>1,010</b>	<b>28</b>	<b>61</b>	<b>1,099</b>
Percent	33%	57%	1%	<b>92%</b>	3%	5%	
<b>Total without territories</b>	<b>6,381</b>	<b>9,979</b>	<b>1,305</b>	<b>17,665</b>	<b>2,402</b>	<b>2,245</b>	<b>22,312</b>
Guam, Puerto Rico, and U.S. Virgin Islands	74	4	50	<b>128</b>	8	49	<b>185</b>
<b>U.S. total</b>	<b>6,455</b>	<b>9,983</b>	<b>1,355</b>	<b>17,793</b>	<b>2,410</b>	<b>2,294</b>	<b>22,497</b>
Percent	29%	44%	6%	<b>79%</b>	11%	10%	

<sup>a</sup>Includes agriculture, mining, construction, manufacturing, transportation, wholesale trade, and finance.

# State and Regional Trends in Types of Violations (Fiscal Years 1983-89)

Table V.1: Violations of Hours Standard

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Region I</b>								
Connecticut	0	3	5	30	1	189	247	475
Maine	180	74	214	46	16	89	17	636
Massachusetts	303	238	362	593	1,994	2,162	2,941	8,593
New Hampshire	119	87	380	353	1,418	797	468	3,622
Rhode Island	15	4	20	75	48	144	104	410
Vermont	6	14	4	5	27	46	63	165
<b>Total</b>	<b>623</b>	<b>420</b>	<b>985</b>	<b>1,102</b>	<b>3,504</b>	<b>3,427</b>	<b>3,840</b>	<b>13,901</b>
<b>Region II</b>								
New Jersey	28	33	49	50	183	132	312	787
New York	114	133	86	444	218	378	627	2,000
<b>Total</b>	<b>142</b>	<b>166</b>	<b>135</b>	<b>494</b>	<b>401</b>	<b>510</b>	<b>939</b>	<b>2,787</b>
<b>Region III</b>								
Delaware	0	0	5	13	1	5	27	51
D.C.	0	0	0	0	0	7	28	35
Maryland	23	26	58	135	194	93	159	688
Pennsylvania	226	166	135	459	911	527	1,643	4,067
Virginia	32	31	100	87	19	152	171	592
West Virginia	32	25	12	5	21	8	7	110
<b>Total</b>	<b>313</b>	<b>248</b>	<b>310</b>	<b>699</b>	<b>1,146</b>	<b>792</b>	<b>2,035</b>	<b>5,543</b>
<b>Region IV</b>								
Alabama	34	59	61	98	73	118	92	535
Florida	269	310	455	1,020	675	753	1,021	4,503
Georgia	47	130	143	261	196	193	498	1,468
Kentucky	68	26	73	83	45	29	3	327
Mississippi	67	26	43	58	122	43	65	424
North Carolina	92	166	134	153	207	266	481	1,499
South Carolina	60	29	93	65	86	144	113	590
Tennessee	57	73	46	235	114	251	184	960
<b>Total</b>	<b>694</b>	<b>819</b>	<b>1,048</b>	<b>1,973</b>	<b>1,518</b>	<b>1,797</b>	<b>2,457</b>	<b>10,306</b>
<b>Region V</b>								
Illinois	193	196	111	76	225	512	500	1,813
Indiana	243	52	58	99	286	512	373	1,623
Michigan	111	31	40	410	572	848	302	2,314
Minnesota	43	37	64	139	132	160	428	1,003
Ohio	166	151	310	265	409	429	650	2,380
Wisconsin	27	41	39	36	30	28	217	418

(continued)

**Appendix V  
State and Regional Trends in Types of  
Violations (Fiscal Years 1983-89)**

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Total</b>	<b>783</b>	<b>508</b>	<b>622</b>	<b>1,025</b>	<b>1,654</b>	<b>2,489</b>	<b>2,470</b>	<b>9,551</b>
<b>Region VI</b>								
Arkansas	44	12	18	31	31	47	24	207
Louisiana	269	101	137	134	173	125	196	1,135
New Mexico	33	125	65	42	40	51	151	507
Oklahoma	139	105	77	45	85	231	64	746
Texas	506	385	428	786	774	605	716	4,200
<b>Total</b>	<b>991</b>	<b>728</b>	<b>725</b>	<b>1,038</b>	<b>1,103</b>	<b>1,059</b>	<b>1,151</b>	<b>6,795</b>
<b>Region VII</b>								
Iowa	35	51	55	48	34	119	95	437
Kansas	93	18	88	68	191	43	182	683
Missouri	98	71	120	106	245	353	455	1,448
Nebraska	163	82	40	127	117	84	114	727
<b>Total</b>	<b>389</b>	<b>222</b>	<b>303</b>	<b>349</b>	<b>587</b>	<b>599</b>	<b>846</b>	<b>3,295</b>
<b>Region VIII</b>								
Colorado	117	36	205	206	153	161	136	1,014
Montana	12	1	3	0	3	0	23	42
North Dakota	9	22	9	20	0	7	3	70
South Dakota	0	0	13	5	13	55	1	87
Utah	53	86	40	90	110	185	136	700
Wyoming	112	36	32	22	21	23	11	257
<b>Total</b>	<b>303</b>	<b>181</b>	<b>302</b>	<b>343</b>	<b>300</b>	<b>431</b>	<b>310</b>	<b>2,170</b>
<b>Region IX</b>								
Arizona	34	19	57	73	32	144	19	378
California	312	104	326	559	550	392	452	2,695
Hawaii	3	0	27	0	3	51	22	106
Nevada	219	212	146	167	155	94	161	1,154
<b>Total</b>	<b>568</b>	<b>335</b>	<b>556</b>	<b>799</b>	<b>740</b>	<b>681</b>	<b>654</b>	<b>4,333</b>
<b>Region X</b>								
Alaska	1	9	0	0	56	2	578	646
Idaho	5	1	7	1	3	2	19	38
Oregon	63	21	60	48	72	84	63	411
Washington	20	23	7	30	24	38	11	153
<b>Total</b>	<b>89</b>	<b>54</b>	<b>74</b>	<b>79</b>	<b>155</b>	<b>126</b>	<b>671</b>	<b>1,248</b>
<b>Total without territories</b>	<b>4,895</b>	<b>3,681</b>	<b>5,060</b>	<b>7,901</b>	<b>11,108</b>	<b>11,911</b>	<b>15,373</b>	<b>59,929</b>
Guam, Puerto Rico, and U.S. Virgin Islands	67	69	28	36	66	42	133	441
<b>U.S. total</b>	<b>4,962</b>	<b>3,750</b>	<b>5,088</b>	<b>7,937</b>	<b>11,174</b>	<b>11,953</b>	<b>15,506</b>	<b>60,370</b>

**Appendix V  
State and Regional Trends in Types of  
Violations (Fiscal Years 1983-89)**

**Table V.2: Violations of Age Standard**

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Region I</b>								
Connecticut	1	6	3	45	4	16	17	<b>92</b>
Maine	9	9	25	12	0	0	0	<b>55</b>
Massachusetts	109	11	42	107	41	60	18	<b>388</b>
New Hampshire	14	9	19	14	18	82	123	<b>279</b>
Rhode Island	0	1	5	6	24	10	2	<b>48</b>
Vermont	4	10	5	0	0	29	5	<b>53</b>
<b>Total</b>	<b>137</b>	<b>46</b>	<b>99</b>	<b>184</b>	<b>87</b>	<b>197</b>	<b>165</b>	<b>915</b>
<b>Region II</b>								
New Jersey	14	13	3	4	17	9	32	<b>92</b>
New York	55	25	30	34	61	54	68	<b>327</b>
<b>Total</b>	<b>69</b>	<b>38</b>	<b>33</b>	<b>38</b>	<b>78</b>	<b>63</b>	<b>100</b>	<b>419</b>
<b>Region III</b>								
Delaware	0	0	6	2	1	0	0	<b>9</b>
D.C.	0	0	0	0	0	4	0	<b>4</b>
Maryland	0	0	4	5	31	21	11	<b>72</b>
Pennsylvania	44	29	36	50	107	251	123	<b>640</b>
Virginia	5	11	1	4	7	29	6	<b>63</b>
West Virginia	4	3	4	1	4	3	1	<b>20</b>
<b>Total</b>	<b>53</b>	<b>43</b>	<b>51</b>	<b>62</b>	<b>150</b>	<b>308</b>	<b>141</b>	<b>808</b>
<b>Region IV</b>								
Alabama	16	33	11	17	15	25	23	<b>140</b>
Florida	50	75	107	42	61	156	101	<b>592</b>
Georgia	64	48	21	31	42	15	124	<b>345</b>
Kentucky	28	3	43	46	21	10	2	<b>153</b>
Mississippi	13	5	10	10	64	9	52	<b>163</b>
North Carolina	25	100	40	69	29	70	46	<b>379</b>
South Carolina	2	1	6	9	5	7	77	<b>107</b>
Tennessee	10	7	9	5	91	9	24	<b>155</b>
<b>Total</b>	<b>208</b>	<b>272</b>	<b>247</b>	<b>229</b>	<b>328</b>	<b>301</b>	<b>449</b>	<b>2,034</b>
<b>Region V</b>								
Illinois	5	10	19	15	31	64	112	<b>256</b>
Indiana	59	30	62	40	42	109	80	<b>422</b>
Michigan	6	5	8	156	42	25	2	<b>244</b>
Minnesota	1	6	13	9	12	62	24	<b>127</b>
Ohio	74	70	10	22	114	95	59	<b>444</b>
Wisconsin	2	3	4	6	21	4	51	<b>91</b>

(continued)

**Appendix V  
State and Regional Trends in Types of  
Violations (Fiscal Years 1983-89)**

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Total</b>	<b>147</b>	<b>124</b>	<b>116</b>	<b>248</b>	<b>262</b>	<b>359</b>	<b>328</b>	<b>1,584</b>
<b>Region VI</b>								
Arkansas	8	7	12	14	11	102	190	<b>344</b>
Louisiana	21	13	24	28	6	17	21	<b>130</b>
New Mexico	5	1	4	10	4	3	6	<b>33</b>
Oklahoma	27	7	26	7	5	6	7	<b>85</b>
Texas	100	106	148	113	99	62	36	<b>664</b>
<b>Total</b>	<b>161</b>	<b>134</b>	<b>214</b>	<b>172</b>	<b>125</b>	<b>190</b>	<b>260</b>	<b>1,256</b>
<b>Region VII</b>								
Iowa	5	2	20	1	2	14	50	<b>94</b>
Kansas	13	3	25	20	10	13	58	<b>142</b>
Missouri	34	15	17	8	86	18	20	<b>198</b>
Nebraska	11	9	5	3	11	3	18	<b>60</b>
<b>Total</b>	<b>63</b>	<b>29</b>	<b>67</b>	<b>32</b>	<b>109</b>	<b>48</b>	<b>146</b>	<b>494</b>
<b>Region VIII</b>								
Colorado	7	1	46	7	62	23	118	<b>264</b>
Montana	0	0	0	0	2	0	4	<b>6</b>
North Dakota	0	1	4	1	1	1	1	<b>9</b>
South Dakota	0	0	0	0	2	0	1	<b>3</b>
Utah	4	6	14	7	19	27	28	<b>105</b>
Wyoming	3	2	6	4	1	1	1	<b>18</b>
<b>Total</b>	<b>14</b>	<b>10</b>	<b>70</b>	<b>19</b>	<b>87</b>	<b>52</b>	<b>153</b>	<b>405</b>
<b>Region IX</b>								
Arizona	0	5	8	5	6	1	7	<b>32</b>
California	121	25	87	144	194	56	174	<b>801</b>
Hawaii	1	0	0	0	0	0	13	<b>14</b>
Nevada	0	11	7	17	8	15	3	<b>61</b>
<b>Total</b>	<b>122</b>	<b>41</b>	<b>102</b>	<b>166</b>	<b>208</b>	<b>72</b>	<b>197</b>	<b>908</b>
<b>Region X</b>								
Alaska	2	14	1	0	5	4	0	<b>26</b>
Idaho	6	1	1	0	2	1	4	<b>15</b>
Oregon	16	6	10	20	27	4	13	<b>96</b>
Washington	7	7	3	1	3	0	0	<b>21</b>
<b>Total</b>	<b>31</b>	<b>28</b>	<b>15</b>	<b>21</b>	<b>37</b>	<b>9</b>	<b>17</b>	<b>158</b>
<b>Total without territories</b>	<b>1,005</b>	<b>765</b>	<b>1,014</b>	<b>1,171</b>	<b>1,471</b>	<b>1,599</b>	<b>1,956</b>	<b>8,981</b>
Guam, Puerto Rico, and U.S. Virgin Islands	33	47	18	22	8	17	48	<b>193</b>
<b>U.S. total</b>	<b>1,038</b>	<b>812</b>	<b>1,032</b>	<b>1,193</b>	<b>1,479</b>	<b>1,616</b>	<b>2,004</b>	<b>9,174</b>



**Appendix V  
State and Regional Trends in Types of  
Violations (Fiscal Years 1983-89)**

**Table V.3: Violations of Hazardous Orders**

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Region I</b>								
Connecticut	63	37	63	33	86	100	127	509
Maine	14	127	3	8	179	7	0	338
Massachusetts	178	107	116	121	2,993	67	58	3,640
New Hampshire	101	60	22	19	1,061	105	45	1,413
Rhode Island	106	37	30	47	23	30	54	327
Vermont	18	12	13	2	13	18	12	88
<b>Total</b>	<b>480</b>	<b>380</b>	<b>247</b>	<b>230</b>	<b>4,355</b>	<b>327</b>	<b>296</b>	<b>6,315</b>
<b>Region II</b>								
New Jersey	19	161	134	82	50	147	143	736
New York	184	100	289	577	436	400	665	2,651
<b>Total</b>	<b>203</b>	<b>261</b>	<b>423</b>	<b>659</b>	<b>486</b>	<b>547</b>	<b>808</b>	<b>3,387</b>
<b>Region III</b>								
Delaware	1	0	1	0	1	4	0	7
D.C.	0	0	0	0	0	0	7	7
Maryland	10	43	5	17	39	12	13	139
Pennsylvania	317	283	444	356	250	2,583	1,047	5,280
Virginia	17	89	48	139	69	73	24	459
West Virginia	33	30	39	7	8	25	60	202
<b>Total</b>	<b>378</b>	<b>445</b>	<b>537</b>	<b>519</b>	<b>367</b>	<b>2,697</b>	<b>1,151</b>	<b>6,094</b>
<b>Region IV</b>								
Alabama	102	110	220	276	174	201	175	1,258
Florida	165	561	320	208	194	598	192	2,238
Georgia	56	29	62	65	82	36	50	380
Kentucky	64	28	44	86	281	21	11	535
Mississippi	48	22	23	51	49	30	154	377
North Carolina	136	53	97	99	114	227	145	871
South Carolina	3	6	4	4	26	243	55	341
Tennessee	109	107	174	62	97	26	14	589
<b>Total</b>	<b>683</b>	<b>916</b>	<b>944</b>	<b>851</b>	<b>1,017</b>	<b>1,382</b>	<b>796</b>	<b>6,589</b>
<b>Region V</b>								
Illinois	123	227	233	338	147	423	95	1,586
Indiana	181	100	218	161	80	146	148	1,034
Michigan	43	51	79	90	115	113	124	615
Minnesota	6	25	29	26	29	77	51	243
Ohio	259	63	69	149	178	67	204	989
Wisconsin	160	92	80	99	52	148	92	723

(continued)

**Appendix V  
State and Regional Trends in Types of  
Violations (Fiscal Years 1983-89)**

State	Fiscal year							Total
	1983	1984	1985	1986	1987	1988	1989	
<b>Total</b>	<b>772</b>	<b>558</b>	<b>708</b>	<b>863</b>	<b>601</b>	<b>974</b>	<b>714</b>	<b>5,190</b>
<b>Region VI</b>								
Arkansas	152	36	55	175	289	129	151	<b>987</b>
Louisiana	39	61	107	59	20	225	54	<b>565</b>
New Mexico	11	1	47	48	271	440	18	<b>836</b>
Oklahoma	110	72	159	203	172	104	198	<b>1,018</b>
Texas	130	248	239	258	368	339	294	<b>1,876</b>
<b>Total</b>	<b>442</b>	<b>418</b>	<b>607</b>	<b>743</b>	<b>1,120</b>	<b>1,237</b>	<b>715</b>	<b>5,282</b>
<b>Region VII</b>								
Iowa	56	59	187	78	152	200	57	<b>789</b>
Kansas	96	76	16	95	5	15	52	<b>355</b>
Missouri	40	110	26	94	56	114	1,226	<b>1,666</b>
Nebraska	137	121	40	50	26	60	50	<b>484</b>
<b>Total</b>	<b>329</b>	<b>366</b>	<b>269</b>	<b>317</b>	<b>239</b>	<b>389</b>	<b>1,385</b>	<b>3,294</b>
<b>Region VIII</b>								
Colorado	2	80	108	78	93	66	7	<b>434</b>
Montana	2	4	2	3	5	0	13	<b>29</b>
North Dakota	2	17	14	4	1	2	7	<b>47</b>
South Dakota	0	0	0	0	0	0	0	<b>0</b>
Utah	11	3	7	95	37	114	45	<b>312</b>
Wyoming	16	20	12	17	27	7	8	<b>107</b>
<b>Total</b>	<b>33</b>	<b>124</b>	<b>143</b>	<b>197</b>	<b>163</b>	<b>189</b>	<b>80</b>	<b>929</b>
<b>Region IX</b>								
Arizona	11	10	64	4	14	13	66	<b>182</b>
California	271	116	106	167	45	76	365	<b>1,146</b>
Hawaii	11	10	1	0	80	1	0	<b>103</b>
Nevada	5	24	91	134	70	64	9	<b>397</b>
<b>Total</b>	<b>298</b>	<b>160</b>	<b>262</b>	<b>305</b>	<b>209</b>	<b>154</b>	<b>440</b>	<b>1,828</b>
<b>Region X</b>								
Alaska	1	12	1	0	0	1	2	<b>17</b>
Idaho	0	22	3	7	9	13	10	<b>64</b>
Oregon	11	18	27	20	131	28	48	<b>283</b>
Washington	49	90	4	6	12	5	336	<b>502</b>
<b>Total</b>	<b>61</b>	<b>142</b>	<b>35</b>	<b>33</b>	<b>152</b>	<b>47</b>	<b>396</b>	<b>866</b>
<b>Total without territories</b>	<b>3,679</b>	<b>3,770</b>	<b>4,175</b>	<b>4,717</b>	<b>8,709</b>	<b>7,943</b>	<b>6,781</b>	<b>39,774</b>
Guam, Puerto Rico, and U.S. Virgin Islands	0	51	6	8	1	3	17	<b>86</b>
<b>U.S. total</b>	<b>3,679</b>	<b>3,821</b>	<b>4,181</b>	<b>4,725</b>	<b>8,710</b>	<b>7,946</b>	<b>6,798</b>	<b>39,860</b>

# Differences Among States in Definitions of Injuries and Illnesses

<b>Definition of an injury or illness</b>	<b>Number of states</b>	<b>Injury category<sup>a</sup></b>
First report of injury or illness to workers' compensation program	6	A
Injury or illness resulted in a workers' compensation claim	4	B
Injury or illness required medical treatment	3	C
Injury or illness resulted in lost workdays:		
1 or more	9	D
3 or more	4	E
7 or more	2	F
Different injury and illness definition for 1987 and 1988 or definition unknown for 1987 and 1988	6	G
<b>Total states reporting injury and illness data</b>	<b>34</b>	

<sup>a</sup>Individual states are classified by injury categories in appendix VII.

# State Injury and Illness Data

State	Injury category <sup>a</sup>	1987	1988	Total
<b>Under age 18 (26 states)</b>				
Arkansas	G	102	138	<b>240</b>
Colorado	E	176	191	<b>367</b>
Florida	D	•	792	<b>792</b>
Hawaii	D	775	1,000	<b>1,775</b>
Idaho	B	264	298	<b>562</b>
Iowa	B	267	356	<b>623</b>
Kentucky	A	409	505	<b>914</b>
Louisiana	A	171	274	<b>445</b>
Maine	D	573	597	<b>1,170</b>
Maryland	C	804	852	<b>1,656</b>
Michigan	F	556	544	<b>1,100</b>
Minnesota	A	568	593	<b>1,161</b>
Mississippi	G	205	195	<b>400</b>
Missouri	G	3,320	3,257	<b>6,577</b>
Nevada	G	1,501	1,715	<b>3,216</b>
New Jersey	C	952	835	<b>1,787</b>
New Mexico	D	117	96	<b>213</b>
Oklahoma	A	125	122	<b>247</b>
Oregon	D	647	703	<b>1,350</b>
Pennsylvania	G	2,106	2,317	<b>4,423</b>
Rhode Island	E	878	856	<b>1,734</b>
Tennessee	F	426	436	<b>862</b>
Texas	G	1,210	1,634	<b>2,844</b>
Washington	C	11,129	12,030	<b>23,159</b>
Wisconsin	E	•	935	<b>935</b>
Wyoming	A	199	238	<b>437</b>
<b>Total</b>		<b>27,480</b>	<b>31,509</b>	<b>58,989</b>
<b>Under age 20 (8 states)</b>				
Alaska	D	51	•	<b>51</b>
Arizona <sup>b</sup>	B	3,000	3,706	<b>6,706</b>
California	D	18,060	19,982	<b>38,042</b>
Delaware	E	844	766	<b>1,610</b>
Georgia	B	2,201	2,148	<b>4,349</b>
Indiana	A	3,330	3,674	<b>7,004</b>
Nebraska	D	874	838	<b>1,712</b>
Ohio	D	7,639	7,760	<b>15,399</b>

(continued)

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**Appendix VII**  
**State Injury and Illness Data**

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<b>State</b>	<b>Injury category<sup>a</sup></b>	<b>1987</b>	<b>1988</b>	<b>Total</b>
<b>Total</b>		<b>35,999</b>	<b>38,874</b>	<b>74,873</b>
<b>Total (34 states)</b>		<b>63,479</b>	<b>70,383</b>	<b>133,862</b>

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<sup>a</sup>Injury categories are defined in appendix VI.

<sup>b</sup>Injury data for 1987 are from an estimate by a state workers' compensation official.

# Detailed Data on the 11 OSHA Fatality Cases That Involved an Apparent Federal Child Labor Violation

Using data provided by OSHA and WHD, GAO identified 11 workplace fatality cases of workers under age 18 which involved an OSHA violation and an apparent violation of a federal child labor law.

OSHA provided us with descriptions of each case, the type of health and safety violations, and the size of the penalty levied. OSHA uses several classifications to indicate the severity of violations: "O" stands for other, "S" stands for serious, "W" stands for willful, and "R" stands for repeated violation. OSHA also makes the determination as to whether a particular health and safety violation contributed to the fatality. Of the 11 cases, 10 cases involved an OSHA violation that contributed to the fatality.

We met with WHD officials to identify apparent federal child labor violations. The WHD officials, using each case's description of the accident, made an assessment as to whether or not a child labor violation existed.

We used case data from fiscal years 1987 and 1988. Seven cases (cases 1-7) occurred in fiscal year 1988. Four cases (8-11) occurred in fiscal year 1987.

## Case 1. Jefferson, Alabama—Wrecking and Demolition Work (Standard Industrial Code-1795)

Description of accident: A 15-year-old employee and another worker performed maintenance on a front end loader bucket [of a lift truck] . . . and the [truck's] control assembly had been raised by [a] . . . hydraulic system . . . During the [maintenance], the [jack's] hydraulic pressure was lost and the elevated assembly dropped. This kicked the lift truck back . . . allowing the assembly to fall to the ground on [the employees]. One employee was caught in the scissor point [of the fork] and another was struck on the head by the falling assembly. Both were killed.

**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
1926.600	\$640	\$640	S	Yes
1926.602	0	0	O	No
1926.020	560	560	S	No
1926.021	0	0	S	No

The 1926.600 series governs the maintenance of safety equipment on hoists, motor vehicles, and mechanized equipment.

The 1926.020 series governs general safety and health requirements.

Federal Child Labor Violation: Hazardous Order 7, hoisting equipment, and Regulation 3, minimum age occupation violation.

Referral Notes: Alabama is a federal OSHA program state. OSHA was unable to determine whether this case was referred to WHD.

**Case 2. Juneau,  
Alaska—Lumber and  
Wood Products  
(Standard Industrial  
Code-2441)**

Description of Accident: The 17-year-old employee was banding logs loaded into metal racks. The employee had banded one end of the load and was crimping the sleeve on the second when a log loader approached the load. The loader slid its forks under the load of logs and lowered the log clamps (tusks) to secure the load, entrapping the employee between the log tusk and the log, crushing the employee.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
7.135	\$1,000	\$1,000	S	Yes
7.160	1,000	1,000	S	Yes
7.115	1,200	1,200	R	No

7.135, 7.160, and 7.115 are violations of the Alaska state occupational safety and health code.

Federal Child Labor Violation: Hazardous Order 4, logging.

Referral Notes: Alaska operates its own state OSHA program. It has a referral procedure and referred this case to the state labor department.

**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**Case 3. Los Angeles,  
California—Business  
Services/Janitorial  
Services (Standard  
Industrial Code-7349)**

**Description of Accident:** The 17-year-old employee was cleaning an auger/screw (an auger is a large drill-like tool) conveyor while the machine was in operation. The employee's right arm was caught in the auger. As the auger rotated, it pulled employee into rotating auger up to his shoulder, crushing his head.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
1910.212	\$640	\$640	S	Yes
5A.1	640	640	S	Yes

5A.1 is a violation of OSHA's general duty clause, which specifies that each employer "shall furnish . . . employment and a place of employment which are free from recognized hazards . . ." Under this clause, an employer may be cited if he or she failed to "render the workplace free of a hazard which was recognized as causing or likely to cause death or serious physical harm."

1910.212 governs machine guards.

Federal Child Labor Violation: Hazardous Order 5, woodworking machinery.

Referral Notes: OSHA reported that no referral to WHD or the state labor department was made on this case.

**Case 4. Atlanta,  
Georgia—Landscape  
and Horticultural  
Services (Standard  
Industrial Code-0783)**

**Description of Accident:** The 17-year-old employee was in the process of removing the top of a 50-foot-high hickory tree when the trunk of the tree gave way, resulting in employee falling to his death. Employee was using a chain saw to cut the top of the tree and was tied to the tree.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
1904.008	\$0	\$0	O	Yes

1904.008 governs the reporting of a fatality to OSHA. Note: This means that OSHA has determined that the employer had the same or similar accident in the past, did not report it to OSHA or keep a record of it. This violation could have contributed to the fatality listed above because if the workers knew that an identical or similar accident had previously occurred they might have taken steps to prevent it from occurring again.

Federal Child Labor Violation: Hazardous Order 4, logging.

Referral Notes: Georgia is a federal OSHA program state. OSHA was unable to determine whether this case was referred to WHD.



**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**Case 5. Indianapolis,  
Indiana—Heavy  
Construction  
(Standard Industrial  
Code-1623)**

**Description of Accident:** The 17-year-old employee was helping to unload sewer pipe from a flatbed trailer. The 8" by 12' PVC sewer pipe were stacked 5 high and 5 across and separated with plastic spacers. The 25 pipes in each bundle were held together with 1/2" straps on each end. Two bundles of sewer pipe were stacked one on top of each other and held together with a 1-1/4" metal strap around the middle of both bundles. When the employee, standing on the edge of the trailer, cut the 1-1/4" metal strap holding the two bundles together the two end straps of the bundle failed. Twenty-five sewer pipe, weighing 125 lbs. each, rolled off the trailer, knocking the employee to the ground and covering him. Employee suffered fatal injuries and died at the scene.

**OSHA Violations**

<b>Citation</b>	<b>Penalty assessed</b>	<b>Penalty collected</b>	<b>Severity</b>	<b>Violation contributing to fatality</b>
1926.021	\$240	\$240	S	Yes
1926.100	0	0	S	Yes
4.00402	0	0	O	No

1926.100 governs head protection.

1926.021 governs the proper training of employees in avoiding and preventing unsafe conditions.

4.00402 is a violation of the Indiana state occupational health and safety code.

Federal Child Labor Violation: Hazardous Order 17, excavation.

Referral Notes: Indiana operates its own OSHA program. Federal OSHA reports that Indiana OSHA referred case to the state department of labor, but under Indiana state law no child labor violation was committed.

**Case 6. Nye,  
Nevada—  
Administration of  
Social and Other  
Programs (Standard  
Industrial Code-9441)**

**Description of Accident:** The 15-year-old employee was a mentally handicapped youth riding in the back of a pickup truck while working on a high-school campus. As the truck slowed to a stop he jumped from the truck. His feet slipped on the ground and he hit his head on the ground, and began bleeding from his eyes, ears, and mouth. He died the following day.

**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
618.56802	\$200	\$20	O	No
618.42801	50	5	O	No
618.55601	200	20	O	No
618.57401	0	0	O	No

The 618 series violations are violations of the Nevada state occupational health and safety codes.

Federal Child Labor Violation: Hazardous Order 2, motor vehicle operation, and Regulation 3, minimum age occupation violation.

Referral Notes: Nevada operates its own state OSHA program. Federal OSHA reports that Nevada has no referral procedure between its state OSHA and state labor department and did not refer this case.

**Case 7. Clifton,  
Virginia—  
Construction General  
Contractor (Standard  
Industrial Code-1521)**

Description of Accident: The 15-year-old employee was placing tar over newly installed insulation on a roof. Employee had walked down one end of the paper that was covering approximately one-half of the skylight opening. He walked toward the ladder and stepped on the tar paper covering a portion of the skylight opening and fell about 25 feet to the bottom of a dry pool below. Death resulted from multiple severe injuries, including a fractured skull.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
1926.500	\$280	\$280	S	Yes
1926.451	0	0	O	No
1926.451	0	0	O	No
1926.451	0	0	O	No

1926.500 governs guardrails, handrails, and covers.

1926.451 governs scaffolding.

Federal Child Labor Violation: Hazardous Order 16, roofing, and Regulation 3, minimum age occupation violation.

Referral Notes: Virginia operates its own OSHA program. Federal OSHA reports that Virginia generally has a policy of referring OSHA cases involving minors to its labor department for investigation. However, Federal OSHA could not determine whether Virginia referred this case to its labor department.

**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**Case 8. Santa Ana,  
California—Direct  
Mail Advertising  
(Standard Industrial  
Code-7331)**

**Description of Accident:** The 17-year-old employee was operating a fork lift in the plant's parking lot when the fork lift he was operating turned over. No load was being lifted or carried at the time of the accident. The employee was found crushed between the ground and the forklift.

**OSHA Violations**

<b>Citation</b>	<b>Penalty assessed</b>	<b>Penalty collected</b>	<b>Severity</b>	<b>Violation contributing to fatality</b>
1910.178	\$490	\$490	S	Yes
1910.178	0	0	O	Yes

1910.178 governs safety requirements on powered industrial trucks.

**Federal Child Labor Violation:** Hazardous Order 7, hoisting equipment.

**Referral Notes:** WHD confirmed that this case was referred by OSHA to WHD for investigation and that WHD had investigated the case.

**Case 9. Woodstock,  
Georgia—Heavy  
Construction  
(Standard Industrial  
Code-1623)**

**Description of Accident:** The 17-year-old employee entered a sanitary sewer trench to clean out the end of a pipe laid previously. The trench was about 15 feet long, 3 feet wide, and 12 feet deep. The walls were vertical without shoring. The south wall caved in, covering him completely. He was killed instantly from multiple injuries, which included massive skull fractures, crushed chest, broken pelvis, and broken right arm . . . Weather conditions were clear . . . he apparently did not recognize the hazardous conditions.

**OSHA Violations**

<b>Citation</b>	<b>Penalty assessed</b>	<b>Penalty collected</b>	<b>Severity</b>	<b>Violation contributing to fatality</b>
1926.021	\$1,000	\$500	S	Yes
1926.650	200	100	S	Yes
1926.652	1,000	1,000	S	Yes

The 1926.650 series governs general protection requirements in excavation.

1926.021 governs the proper training of employees in avoiding and preventing unsafe conditions.

**Federal Child Labor Violation:** Hazardous Order 17, excavation.

**Referral Notes:** Georgia is a federal OSHA program state. OSHA was unable to determine whether any referral was made.

**Appendix VIII  
Detailed Data on the 11 OSHA Fatality Cases  
That Involved an Apparent Federal Child  
Labor Violation**

**Case 10. Hallowell,  
Maine—Fuel Dealers  
(Standard Industrial  
Code-5989)**

**Description of Accident:** The 15-year-old employee dismounted from a tractor while its engine continued running and with the gear shift in low gear. While picking material up from the ground he was pushed by the tractor. As he tried to mount the tractor from the front, he fell to the ground, was pushed into a snow mound and was asphyxiated due to chest compression.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
5A.1	\$280	\$280	S	Yes

5A is a violation of OSHA's general duty clause, which specifies that each employer "shall furnish . . . employment and a place of employment which are free from recognized hazards . . ." Under this clause, an employer may be cited if he or she failed to "render the workplace free of a hazard which was recognized as causing or likely to cause death or serious physical harm."

**Federal Child Labor Violation:** Agricultural Hazardous Order, driving a tractor above 20 horsepower.

**Referral Notes:** Maine is a federal OSHA program state. OSHA was unable to determine whether any referral was made.

**Case 11. Scurry,  
Texas—Oil and Gas  
Field Services  
(Standard Industrial  
Code-1389)**

**Description of Accident:** The 16-year-old employee was working as a floor hand on an oil well service rig. He was operating a jack to level the rig during a rig-up operation when other employees caused the rig to become energized with 480 volts of electricity. This occurred when a guy line the other employees were anchoring came into contact with the overhead power line.

**OSHA Violations**

Citation	Penalty assessed	Penalty collected	Severity	Violation contributing to fatality
1910.303	\$350	\$350	S	Yes
1910.151	0	0	O	Yes

The 1910.150 series governs access to medical service and first aid, fire protection, and other services.

The 1910.300 series governs electrical safety standards, including general requirements

**Federal Child Labor Violation:** Hazardous Order 7, hoisting equipment.

**Referral Notes:** Texas is a federal OSHA program state. OSHA and WHD jointly investigated the case and found that a violation had occurred.

# Data Points for Figures I.1 Through I.7

Table IX.1: Data for Figure I.1

Year	Illegally Employed Minors
1977	16,021
1978	14,003
1979	12,989
1980	9,968
1981	13,825
1982	9,966
1983	9,243
1984	8,860
1985	9,929
1986	12,681
1987	19,081
1988	20,411
1989	22,497

Table IX.2: Data for Figure I.2

Region	Illegally Employed Minors
Region I Boston	18,990
Region II New York	6,591
Region III Philadelphia	11,470
Region IV Atlanta	18,132
Region V Chicago	14,953
Region VI Dallas	13,119
Region VII Kansas City	6,454
Region VIII Denver	3,348
Region IX San Francisco	6,582
Region X Seattle	3,063

Note: Region IX includes Guam, and Region II includes Puerto Rico and the U.S. Virgin Islands.

Appendix IX  
Data Points for Figures I.1 Through I.7

Table IX.3: Data for Figure I.3

Illegally employed minors			
Year	1	2	3
1983	1,090	452	684
1984	737	525	640
1985	1,202	616	799
1986	1,365	1,186	1,118
1987	6,713	938	1,516
1988	3,779	1,046	3,671
1989	4,104	1,855	3,042

Line Legend Labels

- 1 Region I - Boston
- 2 Region II - New York (includes Puerto Rico and U.S. Virgin Islands)
- 3 Region III - Philadelphia

Table IX.4: Data for Figure I.4

Illegally Employed Minors			
Year	1	2	3
1983	1,609	1,561	1,609
1984	2,741	1,136	1,284
1985	1,960	1,407	1,584
1986	2,792	1,838	1,895
1987	2,563	2,302	2,329
1988	3,197	3,527	2,294
1989	3,270	3,182	2,124

Line Legend Labels

- 1 Region IV - Atlanta
- 2 Region V - Chicago
- 3 Region VI - Dallas

**Appendix IX**  
**Data Points for Figures I.1 Through I.7**

**Table IX.5: Data for Figure I.5**

<b>Number of Violations</b>				
<b>Year</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1983	732	412	934	187
1984	555	301	570	371
1985	597	467	883	414
1986	605	520	1,122	240
1987	835	474	979	432
1988	911	622	1,044	320
1989	2,219	552	1,050	1,099

Line Legend Labels

- 1 Region VII - Kansas City
- 2 Region VIII - Denver
- 3 Region IX - San Francisco (includes Guam)
- 4 Region X - Seattle

**Table IX.6: Data for Figure I.6**

<b>Year</b>	<b>1</b>	<b>2</b>	<b>3</b>
1983	6.1	1.5	1.6
1984	6.3	1.0	1.6
1985	7.1	1.1	1.8
1986	9.4	1.5	1.7
1987	15.7	1.4	1.9
1988	15.9	2.2	2.4
1989	17.8	2.4	2.3

Stack Legend Labels

- 1 Retail
- 2 Service
- 3 Other

**Appendix IX**  
**Data Points for Figures I.1 Through I.7**

**Table IX.7: Data for Figure I.7**

Number of violations

<b>Year</b>	<b>1</b>	<b>2</b>	<b>3</b>
1983	4,962	1,038	3,679
1984	3,750	812	3,821
1985	5,088	1,032	4,181
1986	7,937	1,193	4,725
1987	11,174	1,479	8,710
1988	11,953	1,616	7,946
1989	15,506	2,004	6,798

Line Legend Labels

- 1 Hours standards
- 2 Minimum age standards
- 3 Hazardous occupations standards



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"Sweatshops" in the U.S.: Opinions on Their Extent and Possible Enforcement Options (GAO/HRD-88-130BR, Aug. 30, 1988).

Fair Labor Standards Act: Enforcement of Child Labor Provisions in Massachusetts (GAO/HRD-88-54, Apr. 28, 1988).

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