

A young girl with curly hair, wearing a yellow hard hat and a high-visibility yellow safety vest over a purple shirt, is smiling and working in a factory. She is leaning over a workbench, and her hands are visible. The background is slightly blurred, showing other workers and industrial equipment.

# CHILD LABOR COMPLIANCE

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July 17, 2024

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# More than 100 children illegally employed in hazardous jobs, Federal investigation finds; food sanitation contractor pays \$1.5M in penalties

SUCCESS · CHILD LABOR

## A slaughterhouse cleaning company that used more than 100 children as workers keeps losing contracts with big companies

BY JOSH FUNK AND THE ASSOCIATED PRESS

May 1, 2023 at 2:34 PM CDT



## Korean auto giant Hyundai investigating child labor in its U.S. supply chain

By Reuters

Updated 3:29 PM EDT, Thu October 20, 2022

MONEYWATCH >

## Meat-plant contractor hired kids to clean "razor-sharp saws" with chemicals, government says

MONEY WATCH

BY AIMEE PICCHI

UPDATED ON: FEBRUARY 17, 2023 / 7:15 PM / MONEYWATCH



A REUTERS SPECIAL REPORT

## Child workers found throughout Hyundai-Kia supply chain in Alabama

### Senate child labor oversight looks to be a rehash of the mostly known information

By Dan Flynn on June 1, 2023

Jan. 25, 2023, 4:14 AM

## DOL's Wage Arm Vows Child Labor Focus Despite No Rule Changes





# STATUTES AND REGULATIONS

## FLSA statutory provisions

- Child labor:
  - 16 to 17-year-olds: can work any number of hours or schedule but are not permitted to work in certain occupations that are deemed hazardous by the Secretary of Labor
  - 14 to 15-year-olds: may be employed in certain positions outside of school hours for limited periods of time
  - Under 14 years of age: not permitted to work in non-agricultural settings for positions that are covered by the FLSA
  - State laws vary
  - Tennessee:
    - 14 to 15-year-olds:
      - School in session (no more than three hours per day; not before 7:00 a.m. and not later than 7:00 p.m.; 18 hours week max)
      - School not in session (no more than eight hours per day; not before 6:00 a.m. and not later than 9:00 p.m.; no more than 40 hours per week)
    - 16 to 17-year-olds: can't work during school hours; may be allowed to work until midnight no more than three nights per week (Sun – Thurs) with parental consent

# HOT GOODS – FAIR LABOR STANDARDS ACT

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- Prohibits the shipment of “hot goods” (i.e., goods that were produced in an establishment in or about which oppressive child labor occurred).
- Can be any goods or product sold or shipped in interstate commerce.
- Voluntary or by court order.
- Generally, these apply to the manufacturer, but can also encompass all companies that ship or sell the goods.

# COMPLIANCE – POLICIES AND PRACTICES

- Child labor policy.
- Application, hiring procedures, and onboarding.
- I-9, E-Verify, and age verification documents.
- Training – hiring and onboarding personnel; supervisory and management employees.
- Establish an internal phone number or email for reporting potential child labor violations.
- Vendors/independent contractors/staffing agencies.
- Post warnings about child labor hours in breakrooms/time punch areas.
- Place signs on equipment minors are prohibited from using.







# LITIGATION

## Warrants and execution of the same

- Little to no notice.
- Often late night.
- Train managers to NOTIFY COUNSEL IMMEDIATELY.
- Be courteous and cooperative.
- Can pull hourly employees off the floor and ask managers/supervisors for signed affidavits.
- Can request more time to gather/produce documents.
- Keep records of all documents and information provided to the auditor (key to interview management-level employees who were interviewed by auditors close to the time of interviews).

## Subpoenas

- Criminal penalties for noncompliance.
- More comprehensive ask/more time to respond.
- I-9 documents; pay records; shift/location assignments; training documentation; posters; policies.

# FRAUDULENT DOCUMENTS AWARENESS

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## Does the document appear facially valid and have the expected level of quality?

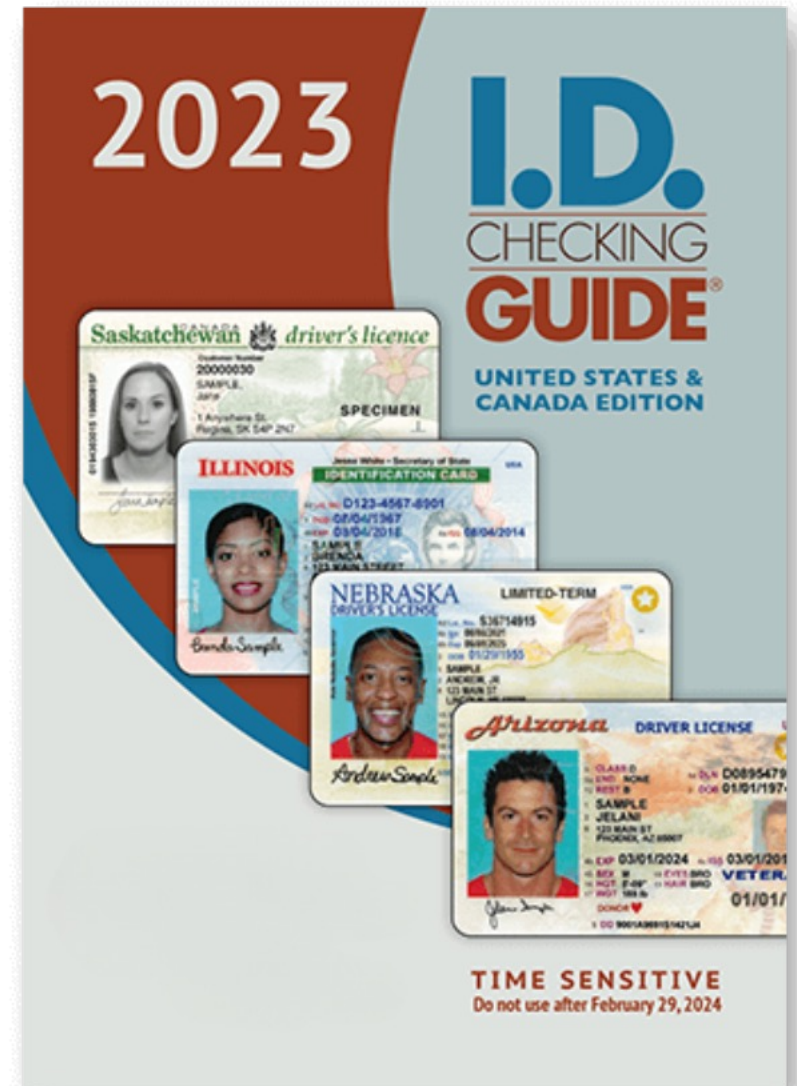
- Genuine documents should have an **expected level of quality**. Check for features that can change their appearance, such as holographic features and color-shifting inks. These features are often omitted from counterfeit documents.
- One common method of document fraud is alteration, in which some data or elements of a genuine document are changed without the knowledge or consent of the issuing authority. It can be as simple as changing a single digit in an expiration date to make an expired document appear valid.
- Each state's I.D.s are somewhat different. Accordingly, you should learn the security features used on cards in your state and in surrounding states.  
<https://www.driverslicenseguide.com/> – I.D. and driver's license verification

# FRAUDULENT DOCUMENTS AWARENESS

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**Compare the identification to one you know is valid.** If you don't have an I.D. checking guide, you can compare the I.D. to one you know is valid – maybe even your own. Check how similar they are. In particular, compare whether the thickness, size, coloring, lettering, and corners are the same.

**A fake I.D. may be thinner than a legitimate one.** In particular, counterfeiters use different paper or laminate than legitimate I.D.s.







# FRAUDULENT DOCUMENTS AWARENESS

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**Search for misspellings on the identification card.** You can spot a forgery if the I.D. contains a misspelling, such as using the wrong abbreviation for the state. Any I.D. with a misspelling is not legitimate.

**Compare the physical description to the cardholder.** A driver's license and other I.D.s should include a physical description that includes height, age, eye color, and weight. Check that the person handing over the I.D. matches the description. It can be difficult to judge height in the abstract. However, compare the person to your own height. If you're 5'6" and the cardholder is allegedly 5'8", then they should be close to your height.

# TEN BEST PRACTICES TO AVOID CHILD LABOR VIOLATIONS

1. Have policies prohibiting the use of child labor.
2. Limit use of temporary staffing agencies.
3. Update vendor and contractor agreements to put the burden on them for their hiring practices and include indemnity provisions.
4. Ensure no employees or contractors are bringing in children to assist them in their work.
5. Fully vet your direct hires/train managers appropriately.
7. Use common sense – if the identification says the person is 30 but they look 12, ask for additional documentation.
8. Conduct self-audits (upon advice and coordination of Counsel).
9. Ensure your posters are updated and in visible areas.
10. Reporting – have a reporting process and train all employees as to their requirement to report child labor.
11. Train your managers on how to respond to the Department of Labor (DOL) if they show up with a warrant or subpoena.

# DOL TOOLKITS

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- The DOL provides some helpful information for Employers in their toolkit that can be found here:
  - <https://www.dol.gov/agencies/whd/youthrules/young-worker-toolkit>
- A one-page pocket guide to Youth Employment can be found here:
  - <https://www.dol.gov/sites/dolgov/files/whd/youthrules/YouthRulesBrochure.pdf>



# Q&A DISCUSSION

PRESENTER

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