

Preventing Exploitative Child Labor in Arkansas

*Arkansas Can Once Again Lead
on Child Labor Protections*



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Introduction

Much has been researched and written about the benefits of part-time work for teenagers. Such jobs teach important lessons in personal finance, time management, and confidence. Teens learn job and professional skills, including networking and career exploration. Many teens who work feel more empowered and independent. When part-time work is balanced with schoolwork, teenagers often do better in the latter. However, if children are exploited in the workplace — by working long hours or in dangerous occupations, for example — educational development suffers, and they may be physically or emotionally harmed. Work experience is valuable, but we must protect children from hazardous situations.

For nearly a century, the federal Fair Labor Standards Act and a plethora of state laws have done much to prevent children from working in dangerous occupations and to prioritize their educational development. Surprisingly, these child labor protections are under attack in states around the country at the same time that child labor violations are increasing dramatically. Over the past decade, the number of minors involved in U.S. Department of Labor child labor violations increased by 400%.

Unfortunately, Arkansas has witnessed a 266% increase in the number of child labor violations identified by the Arkansas Department of Labor and Licensing over the past few years. When compared to surrounding states, Arkansas has some of the highest numbers of child labor cases investigated, violations, and minors involved, as well as financial penalties assigned.

Most child labor violations in Arkansas occur in the food service industry. In one of the most egregious recent investigations, a Benton restaurant owner is accused not only of hiring children in violation of state and federal labor laws, but also of sexually assaulting minors who worked for him. Last year, the U.S. Department of Labor investigated and fined a contractor for Tyson Foods and George's Inc., both headquartered in Springdale, for child labor violations at their meat-processing plants.

Exploitative Child Labor and Sexual Assault at Tim's Tavern

In July 2024, the U.S. Department of Labor obtained a preliminary injunction against Tim Steppach, owner of Tim's Tavern in Benton, Arkansas. The injunction followed a February investigation that found Steppach “allowed several 14- and 15-year-old children to work outside legally permitted hours on school nights and weekends...failed to provide regular paychecks; did not pay minimum wage, overtime and tips as required; and neglected to keep records, all of which violated the Fair Labor Standards Act.”¹

Steppach was also arrested by the Benton Police Department in January 2024 on charges of sexually assaulting two minors employed at his restaurant. The two employees, ages 14 and 15, allege that Steppach touched them inappropriately and spoke to them inappropriately about sex. After further investigation, charges were upgraded to include rape, residential burglary, and false imprisonment.²

In 2023, the Arkansas Legislature took a positive step by creating misdemeanor and felony criminal penalties and increasing the allowable dollar amount that can be awarded in civil penalties for child labor violations. However, that same year the legislature also rolled back an important protection. Employers are no longer mandated to obtain a permit, signed by a parent or guardian, to hire a worker younger than 16. This requirement had been in place since 1914, when the people of Arkansas voted overwhelmingly in favor of it and other policies to protect children. And in the year since the employment certificate mandate was repealed, state investigators have opened far fewer cases. While 38% of violations from 2020 through 2024 had involved a lack of employment certificate, 85% of cases with certificate violations also had other child labor violations, such as having minors work more hours than allowed by law. Without the certificates in place, we're investigating fewer employers.

Arkansas was once a leader in protecting children in the workplace, enacting an innovative child labor law before most states and before it became federal law. But now we're putting children in increasing danger. They still need protection, despite those who argue exploitative child labor is no longer a problem. There is much the state can do to protect our youngest citizens, and at the same time promote a healthy and educated Arkansas workforce.

Background: A Quick History of Child Labor Laws in the United States and Arkansas

Efforts to protect the rights of children date back to the 19th century. In 1836, Massachusetts enacted the first state child labor law in the nation: children under the age of 15 working in factories were required to attend school at least three months a year. A few years later, Massachusetts limited children to working 10 hours per day. Other states followed.³ At the end of the century, John Dewey became president of the American Psychological Association and openly advocated for children's rights, creating a legacy as a hero of the children's rights movement in the United States.⁴

In 1912, the U.S. Congress established the Children's Bureau — originally in the Department of Commerce and Labor but now located in the Department of Health and Human Services — to “investigate and report upon all matters pertaining to the welfare of children and child life among all classes of our people, and [to] especially investigate the questions of infant mortality, the birth-rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment....”⁵

This was a long fight with many failures along the way. Employers, especially in the textile industries in the South, argued openly that children should be able to work and that it was a parental right to choose whether even very young children had jobs. Then finally, following unsuccessful federal efforts to regulate children and work, in 1938 President Franklin D. Roosevelt signed the Fair Labor Standards Act (FLSA), which includes many limits on child labor.

Generally speaking, the FLSA:

- sets the minimum age for employment (14 years for non-agricultural jobs)
- restricts the hours youth under the age of 16 may work
- prohibits youth under the age of 18 from being employed in hazardous occupations
- establishes that children under 16 cannot work in manufacturing or mining or during school hours

These child labor provisions are “designed to protect the educational opportunities of youth and prohibit their employment in jobs that are detrimental to their health and safety.”⁶

All states have enacted their own standards concerning youth employment. When U.S. and state law differs, the rules that provide the most protection to children apply, according to the hierarchy of law in the United States.



The people of Arkansas, in many ways, were leaders in implementing child labor protections. In 1914, a citizen-initiated state statute limiting child labor passed with almost 75% of the vote.⁷ The law prevented children under 14 from any type of work except during school vacation and only when employed in a business owned by their parents or guardians. No children under 16 were allowed to work in dangerous occupations, in a saloon or bar, or upon a stage or in a concert hall. Prohibited work at the time included hazardous machinery, mining, and heavy construction. Further, the Arkansas Child Labor Act limited the number of days and hours children under 18, and more strictly children under 16, were allowed to work. The law also required employment certificates, signed by a school superintendent or principal, for children under 16. Finally, the law allowed the State Board of Health to prohibit additional dangerous work, and for the Commissioner of Labor to inspect businesses and to prosecute any violations.⁸

On the national stage, Congressman John Tillman, from Fayetteville, was one of the most vocal proponents in the 1920s for a constitutional amendment to ban child labor for those under 18, arguing that the nation needed a consistent standard across all states. After winning approval in both the U.S. House and Senate, Arkansas became the first state in the country to ratify the Child Labor Amendment. Eventually 28 states approved the Amendment, leaving it eight short of overall ratification. The FLSA of 1938 rendered the Child Labor Amendment unnecessary.⁹



Recent Developments

Since 2021, 31 states have introduced bills to weaken child labor protections. Several of these efforts have been led by the Foundation for Government Accountability, a conservative think tank based in Florida.¹⁰ The arguments in Arkansas and across the country look a lot like those from the early 20th century, when industries argued that child labor protections were violations of parental rights.

While some of these efforts failed or are still in process, 16 states have enacted laws that reduce protections for children in the workplace. The new laws in New Hampshire, New Jersey, and other states do things like extend the hours employers can hire children to work and loosen restrictions on hazardous work. Iowa now allows employers to schedule 14- and 15-year-olds to work up to six hours a day, in direct conflict with the FLSA.¹¹ These rollbacks come at a time when child labor violations are on the rise. High profile cases include federal investigations into child labor violations at Perdue and Tyson meat-packing plants in 2023,¹² and the death of a 16-year-old at a chicken plant in Mississippi that same year.¹³ In the 10-year period from 2014 to 2023, the number of minors involved in a violation across the nation increased by nearly 400%, according to the U.S. Department of Labor. During the same period, the number of minors per case investigated by the federal Labor Department increased by more than 200%.¹⁴

New Allegations at Tyson Foods Inc.

In October 2024, the U.S. Department of Labor confirmed it has an open and ongoing investigation involving underage workers at two Tyson Foods Inc. facilities in Arkansas, one in Rogers and the other in Green Forest. The investigation includes not only alleged age violations, but that the minors may be employed in hazardous occupations.

The Department of Labor opened the Rogers investigation after receiving a complaint from a concerned teacher, and they opened the Green Forest investigation after receiving a complaint from a parent. A Tyson spokesperson, in response to the current investigation, stated the company does not hire anyone under the age of 18, or participate in child labor.

In February 2024, shareholders voted against a third-party audit of Tyson labor practices on recommendation of the Tyson board; the board claims the company has a robust system in place to prevent employment of minors.¹⁵



The Foundation for Government Accountability played a central role in Arkansas's rollback of child labor protections last year.¹⁶ Act 195 of 2023 removed the requirement for employers to obtain a permit, signed by a parent or guardian, to hire a worker younger than 16. It also dispensed with the state requirement to document the child's age, hours worked, and most importantly, parental permission.¹⁷

Recent national research has found a significant link between employment certificate mandates and decreased child labor violations. Using federal Labor Department 2008-2020 data, researchers at the University of Maryland's Smith School of Business compared the 13 states without certificate mandates to those states that require such a mandate.¹⁸ The researchers found that, on average, the prevalence rate of child labor violation cases is 16.9% lower in states that mandate employment certificates as compared to the ones that do not. Further, the prevalence rate of minors involved in these cases is 43.4% lower on average in states with employment certificate mandates.¹⁹



By the Numbers

The federal Labor Department is responsible for enforcing the FLSA. The Wage and Hour Division investigates cases of suspected child labor violations. The division maintains a comprehensive database of all cases opened, and for those involving minors, the number of minors involved. Arkansas Advocates used their data from about a 20-year period, from 2001-2022, for this report. As child labor cases can span more than one year, for the purposes of this research, each case was assigned to the year in which the case was closed.

No Matter the Measure, Arkansas Child Labor Violations are Increasing

Over this 20-year period, there has been a disturbing upward trend in child labor violations in Arkansas (Figures 1-4). This holds true for the four variables examined:

- Number of cases: total number of cases per year involving violations of the child labor standards of the FLSA
- Number of violations: violations found under the child labor standards of the FLSA across all cases per year (each case typically has more than one violation)
- Number of minors employed in a violation: minors found employed in violation of the child labor standards of the FLSA across all cases per year
- Penalties assessed to employers committing violations: Civil Money Penalties (CMPs) assessed under the child labor standards of the FLSA across all cases per year

The evidence, from analysis of the federal Labor Department data set, demonstrates that child labor violations in Arkansas are headed in the wrong direction. Given that state employment certificate mandates result in 43.4% fewer minors involved in labor violations nationwide,²⁰ it was shortsighted for the Arkansas Legislature to remove this important policy tool in 2023.

Figure 1.
**Number of Federal
Child Labor Cases,
Arkansas**
Five-Year Rolling Average

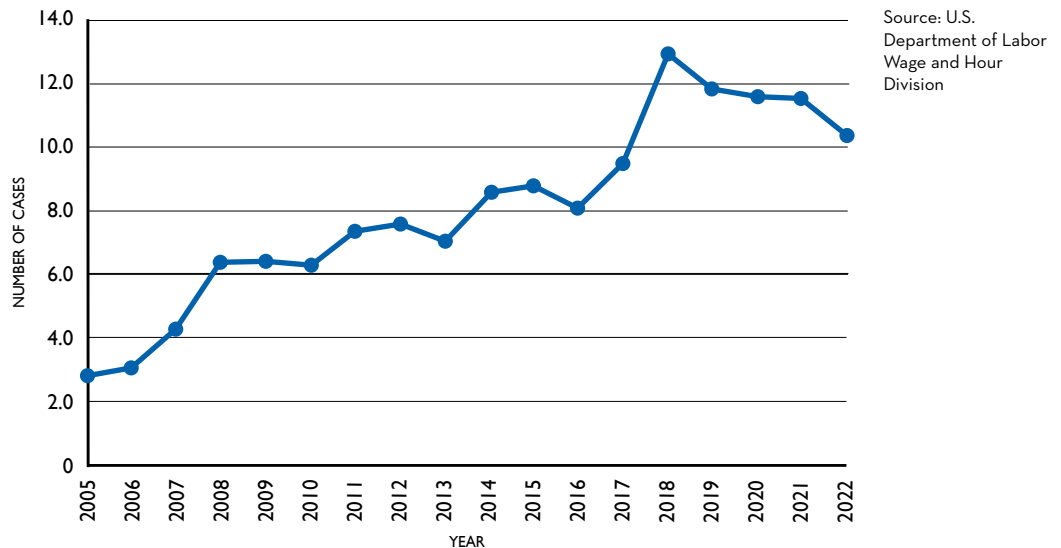


Figure 2.
**Number of Federal
Child Labor Violations,
Arkansas**
Five-Year Rolling Average

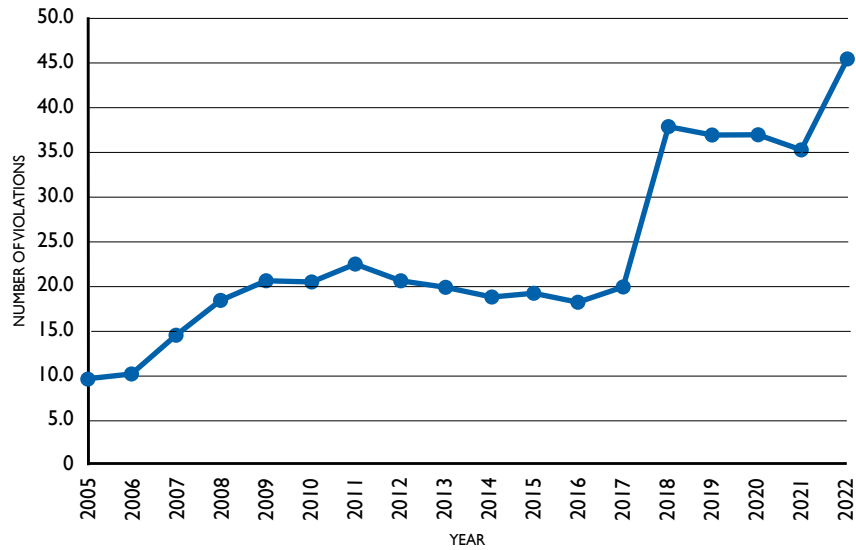


Figure 3.
**Minors in Federal
Child Labor Cases,
Arkansas**
Five-Year Rolling Average

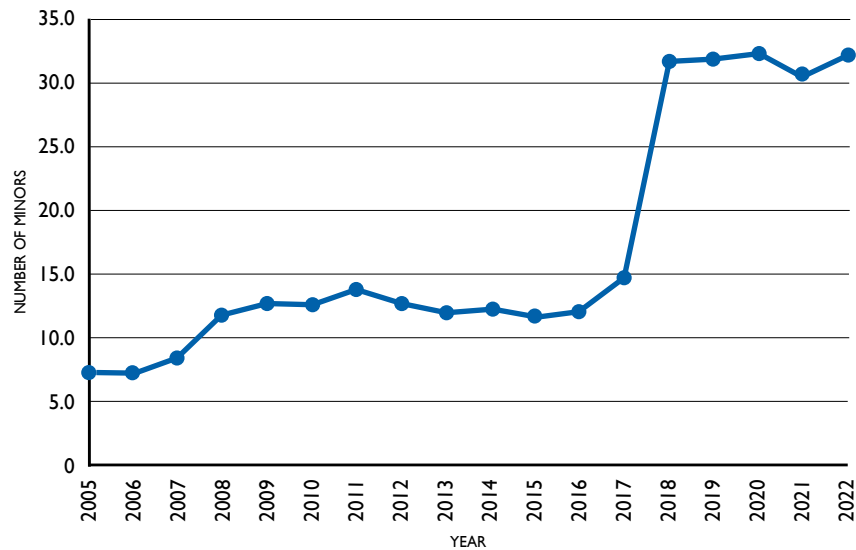
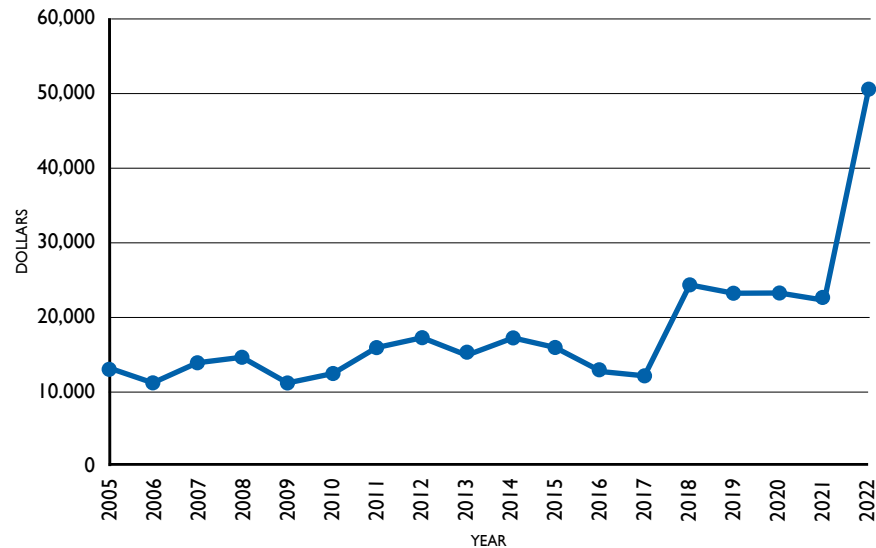


Figure 4.
**Penalties Assessed
in Federal Child Labor
Violations, Arkansas**
Five-Year Rolling Average



Arkansas and Surrounding States

Using the same U.S. Department of Labor dataset, it is possible to compare Arkansas child labor federal violations to those of the six surrounding states. Because the seven states in the dataset are of varying population size — with Texas dwarfing the other six states — it is important to normalize the data so that the states can be compared to one another. This was done by converting the statistics to prevalence rates, and reporting values as number per 1 million children in each state.

In all measures, Arkansas appears at or near the top when compared to the other states, whether that be prevalence of cases, violations, minors involved in violations, or penalties assigned. Figures 5 through 8 present the data graphically.

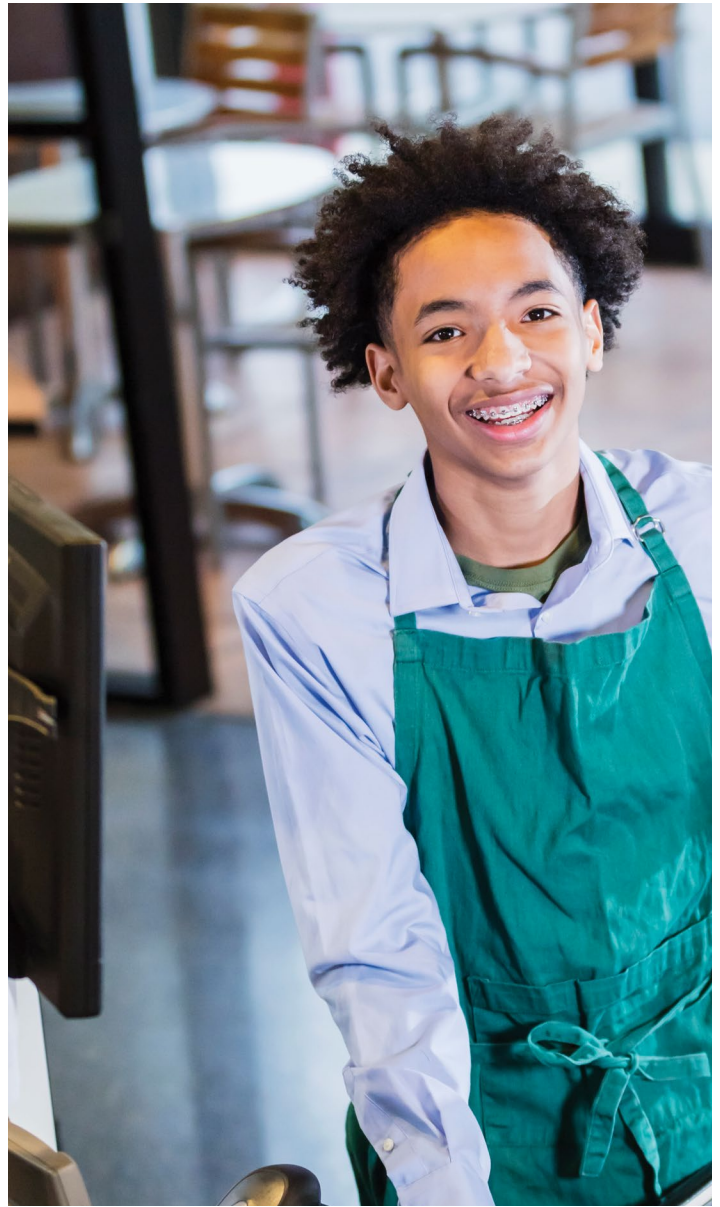


Figure 5.
**Prevalence
of Child Labor Cases
in Arkansas Compared
to Surrounding States
Five-Year Rolling Average**

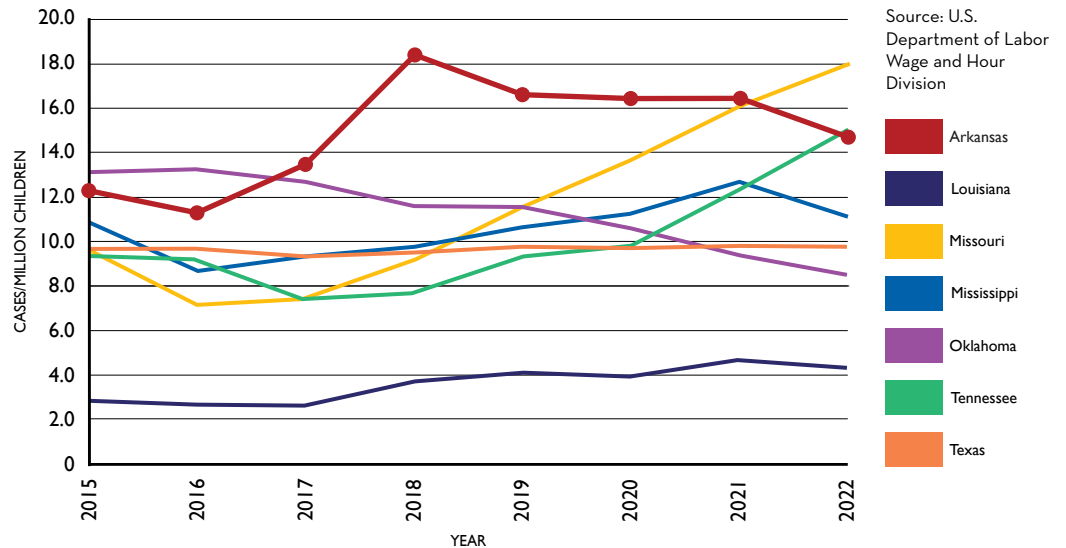


Figure 6.
**Prevalence
of Child Labor Violations
in Arkansas Compared
to Surrounding States
Five-Year Rolling Average**

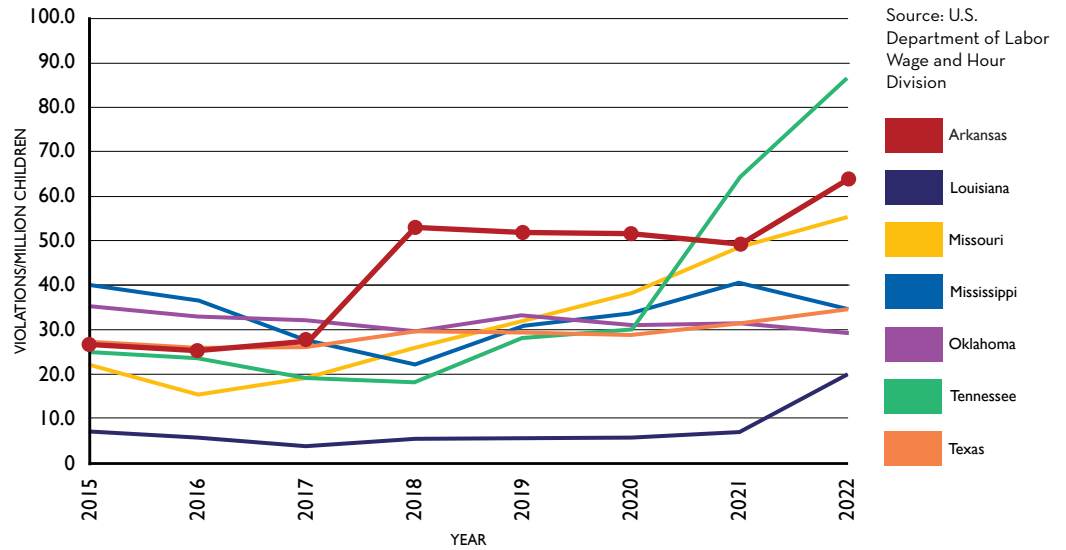


Figure 7.
**Prevalence of Minors
Involved in Federal
Child Labor Cases,
Arkansas Compared
to Surrounding States
Five-Year Rolling Average**

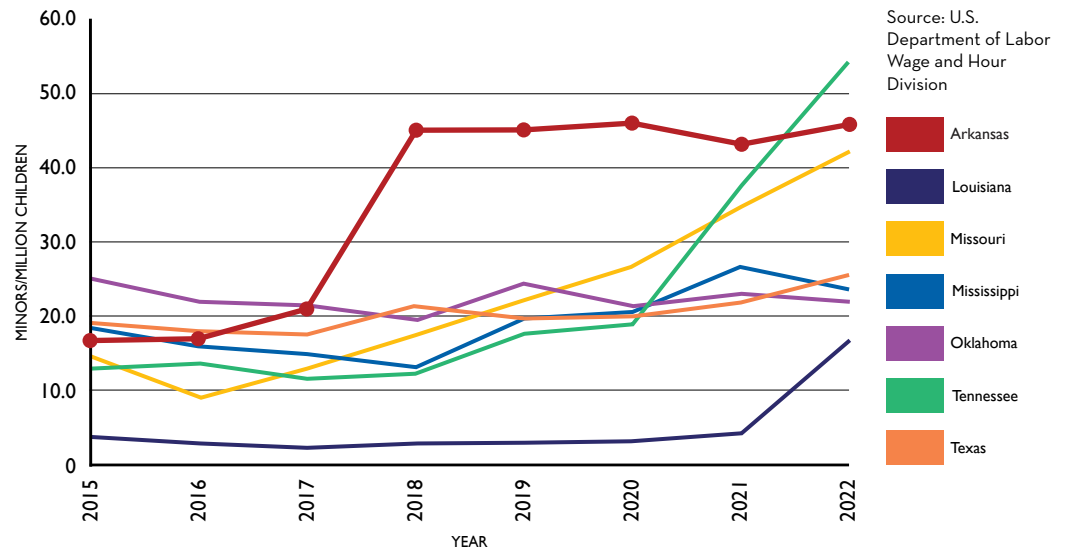
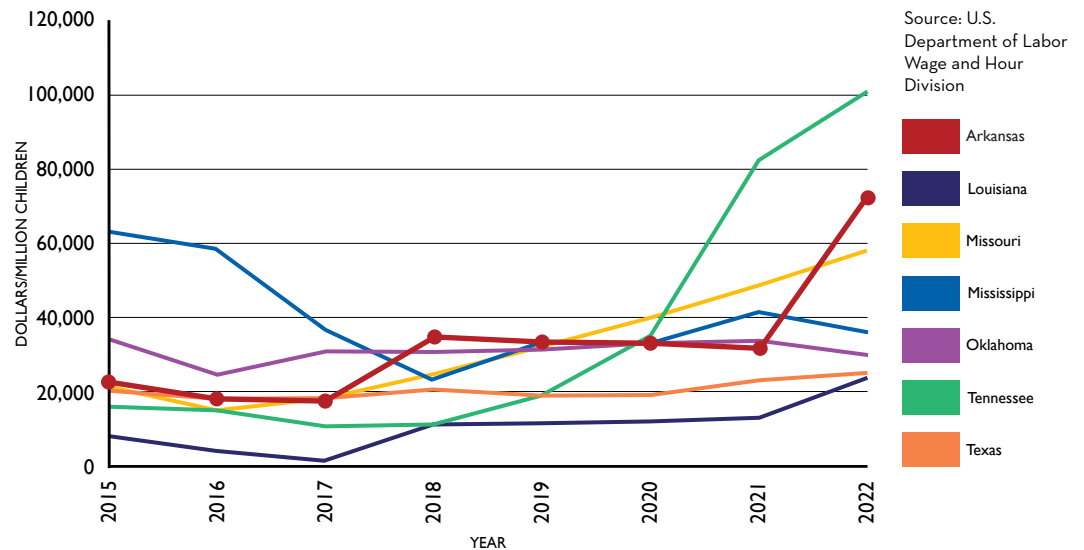


Figure 8.
**Prevalence
of Child Labor Penalties
in Arkansas Compared
to Surrounding States
Five-Year Rolling Average**



State of Arkansas Department of Labor Data Mirror the Federal Data

In recent years, the number of cases investigated by the Arkansas Department of Labor and Licensing has risen dramatically, from 13 in Fiscal Years 2020 and 2021, to 20 in Fiscal Years 2022 and 2023. Likewise, the number of violations identified by the state agency has skyrocketed, from 460 to 1,685, a 266% increase.²¹ These data appear in Figure 9.

The financial penalties assigned by the state Labor Department follow a similar pattern (Figure 10), a more than 600% increase between fiscal years 2020 and 2023. This overall increase is driven primarily by growth of violations, and not consistent or significant dollar increases in penalty per violation.

The state did report a drop in the number of cases, violations, and penalties assigned in Fiscal Year 2024. While this was the first fiscal year that the state no longer required work certificates, it is impossible to attribute this reduction to the implementation of Act 195. That's because there is much variability in child labor investigations from year to year. These investigations are often driven by complaints or routine wage and hour investigations that identify child labor violations. As the employment certification process provided an important educational touchpoint for parents and employers alike, it is possible that doing away with employment certificates led to fewer complaints and therefore to fewer investigations. A decrease in the number of investigators and staffing at the state Labor Department and across all of state government — state employment has not matched Arkansas general population growth²² — may also explain it. Since we can't yet be sure, it's important to continue to monitor state child labor investigations going forward.



Figure 9.
**Growth in Child Labor
Cases and Violations
in Arkansas**

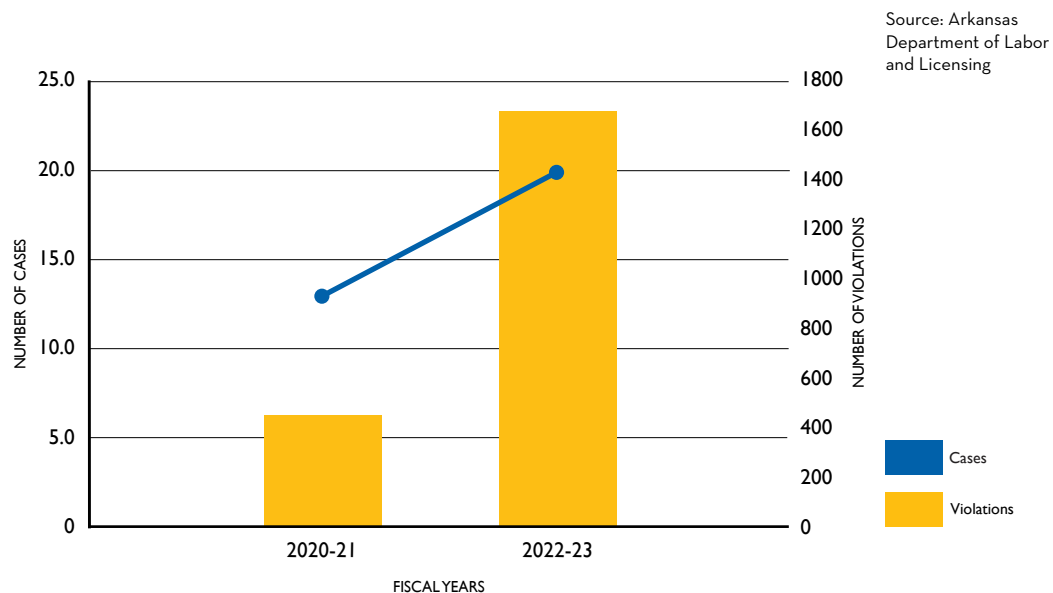
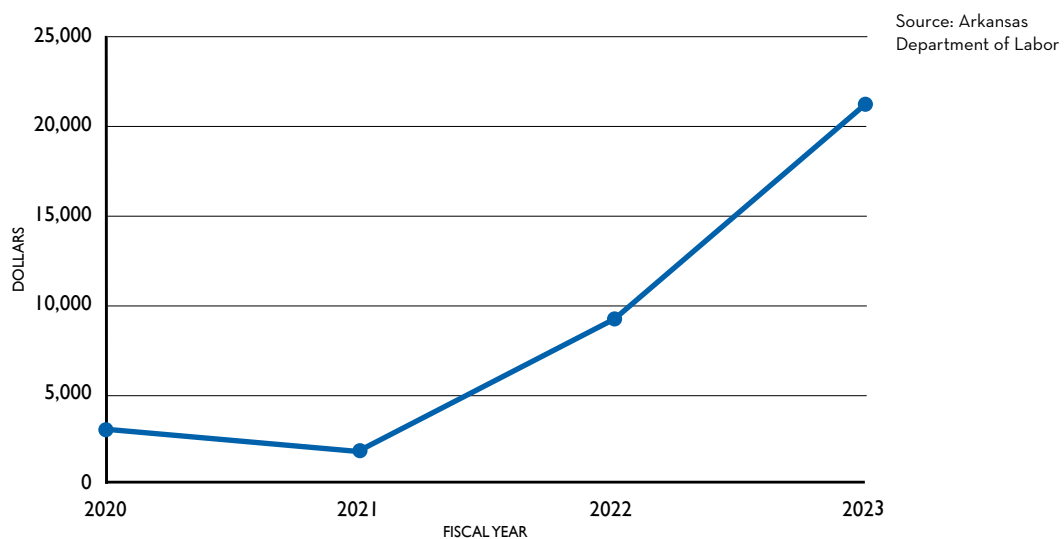


Figure 10.
**Growth in Penalties
Assigned by the Arkansas
Department of Labor
for Child Labor Violations**



Industry Analysis

Child labor abuses, investigated by both the federal and state governments, are concentrated in the food industry. While it is important to end these violations across all industries, understanding where most of these violations occur can indicate potential policy interventions.

The food industry is classified according to the North American Industry Classification System. Common industry classifications in child labor investigations include:

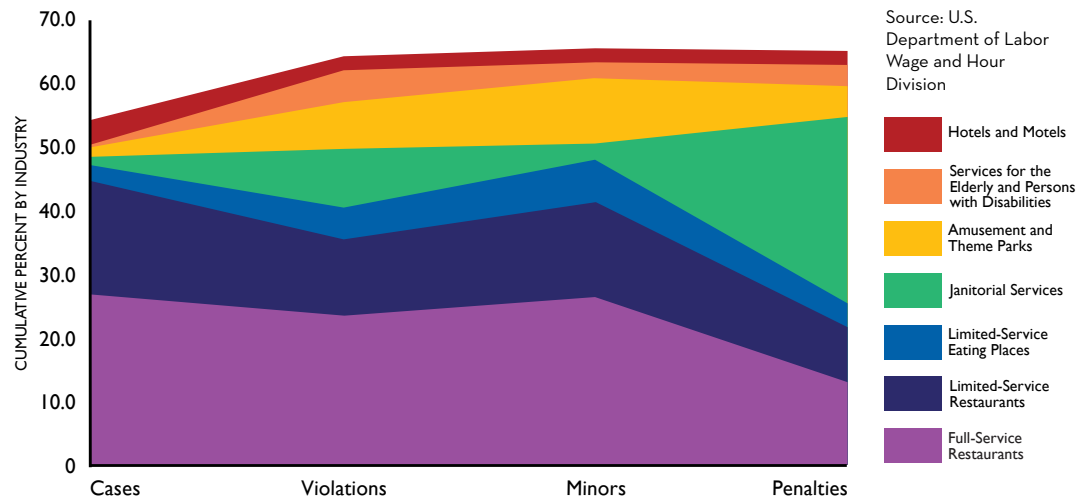
- Full-Service Restaurants: establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating
- Limited-Service Restaurants: establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating; food and drink may be consumed on premises, taken out, or delivered to the customer's location
- Limited-Service Eating Places: establishments primarily engaged in (1) providing food services where patrons generally order or select items and pay before eating or (2) selling a specialty snack or nonalcoholic beverage for consumption on or near the premises location

For federal investigations, these food service industries, taken together, accounted for 47.5% of child labor cases, 40.7% of child labor violations, and 48.1% of the minors involved in child labor violations from 2001-2022. The picture shifts a bit when considering penalties assigned for child labor cases: 29.5% are attributed to “Janitorial Services” (the combined food services account for 25.5% of penalties). Figure 11 presents the federal data.

Data from state investigations are even more stark. The “Food Service” category accounts for 78.4% of child labor cases investigated by the state of Arkansas, 62.9% of the violations, and 92.3% of the penalties assessed. Retail nail salons occupy the second position (2.7% of cases, 20.3% of violations, and 3.7% of penalties).²³

In summary, whether considering federal or state data, all four key variables indicate significant instances of exploitative child labor occur in the food services industries.

Figure 11.
Federal Labor Child Labor Investigations and Results, in Arkansas, 2001-2022, by Industry



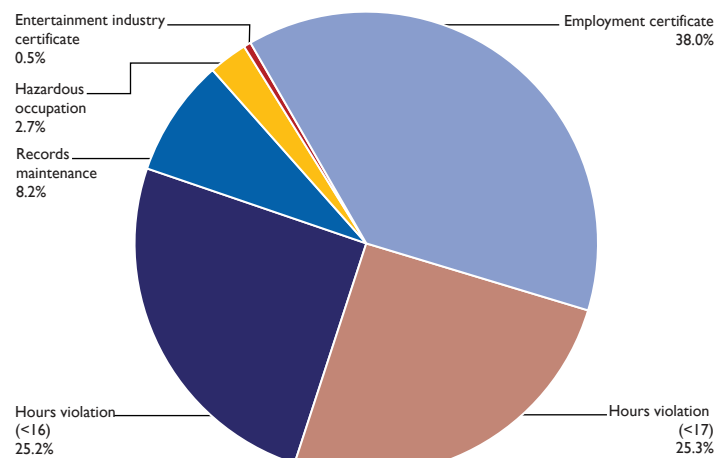
State of Arkansas Violations by Type

The Arkansas Department of Labor and Licensing identified six categories of child labor violations during fiscal years 2020-2024:

- **Hazardous Occupation:** children under 16 years are prohibited from working in dangerous occupations, including operating, cleaning, and adjusting certain machinery²⁴
- **Hour Violations:** children under 16 years are prohibited from working more than 6 days a week, more than 48 hours a week, more than 8 hours a day, and before 6:00 a.m. or after 7:00 p.m. (except on nights preceding non-school days)²⁵
- **Hour Violations:** children under 17 years are prohibited from working more than 6 days a week, more than 54 hours a week, more than 10 hours a day, more than 10 hours in a 24-hour period, and before 6:00 a.m. or after 11:00 p.m. (except on nights preceding non-school days)²⁶
- **Employment Certificate:** employers are required to obtain a permit, signed by a parent or guardian, to hire a worker younger than 16 years²⁷
- **Entertainment Industry:** children under 16 years may work in the entertainment industry only in limited situations and employers must secure an employment certificate signed by a parent or guardian²⁸
- **Records Maintenance:** Every employer must maintain complete and accurate records for each employee under the age of 17 (including occupation, rate of pay, any required employment certificate, hours worked each workday, starting time and ending time, and total hours worked each week)²⁹

As demonstrated by Figure 12, the largest category of violations is lack of employment certificate (898 violations or 38%). As Act 195 of the 2023 Regular Legislative Session repealed this employment certificate mandate, this is no longer a possible violation. The state Labor Department is therefore likely to see an overall drop in the number of cases and violations (this may in part explain the FY2024 drop-off).

Figure 12.
State of Arkansas Child Labor Violation by Type, 2020-2024



Source: Arkansas Department of Labor and Licensing

The repeal of the mandate also did away with an important check on employers. The certificate process spelled out special protections for 14- and 15-year-old workers, such as the prohibition on working late on school nights. Both employers and parents or guardians had to sign the certificates. So not only does the repeal eliminate the parental permission requirement, it also removes an opportunity for parental, guardian, and employer education on other child labor laws. Importantly, 85% of child labor cases with employment certificate violations also contain other violations (typically having children work more hours than allowed by law).

Employment Certificate Violations are Often Paired with Other Child Labor Violations

- 100% of Hazardous Occupation cases also involved Employment Certificate violations
- 81% of cases involving children under 16 working too many hours also involved Employment Certificate Violations
- 50% of cases of improper record keeping also involved Employment Certificate violations³⁰

Discussion and Policy Options

The pervasiveness of children dropping out of school to work and children employed in dangerous occupations reached a crisis in the United States at the turn of the last century. An advocacy movement to protect children culminated in 1938 with the passing of the Fair Labor Standards Act and state laws to curb exploitative child labor around the country. These laws remained in place, with various amendments, for nearly a century.

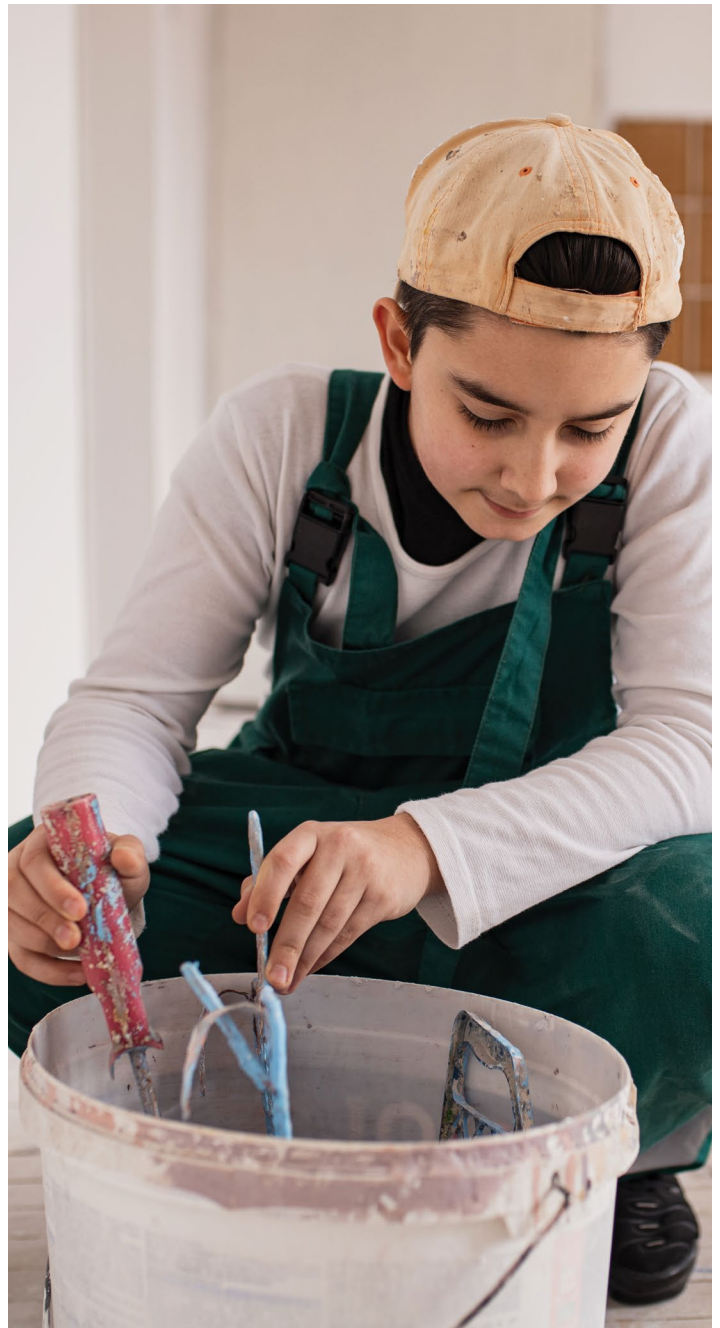
We're now seeing an increase in the same problems we faced more than a century ago, with young people, particularly low-income children of color, including immigrant children, employed in dangerous conditions and not participating in school. And yet at the same time, there's a coordinated, industry-backed national effort to roll back child labor protections. This effort has gained a foothold in Arkansas, led by the Foundation for Government Accountability and other national, conservative groups. With the recent high-profile child labor cases and dramatic increases in child labor violations, now is the time to strengthen child labor laws, not weaken them.

Arkansas Act 195 is both unnecessary and untimely. Lawmakers suggested that the elimination of employment certificates would expand the workforce, but there is no evidence the one-page application was a bureaucratic burden for the employer, child, or parents. In fact, the president of the Arkansas State Chamber of Commerce said the new law was "a solution looking for a problem."³¹

Immigrant Children and Exploitative Labor

Immigrant children are especially vulnerable to labor exploitation and trafficking. They often work long hours or end up in dangerous jobs that violate federal and state labor laws, making many of the well-known products Americans enjoy. Private auditors have often failed to detect child labor violations, and federal agencies have often missed warning signs.

For more information, see the Pulitzer Prize-winning work of Hannah Dreier.³²



Partially in response to political backlash, the Arkansas State Legislature, in the same 2023 Regular Session, did increase penalties for child labor violations. Senate Bill 390, sponsored by the same legislators as Act 195, became Act 687.³³ The new law creates misdemeanor and felony criminal penalties for child labor violations (there were no criminal penalties previously). Act 687 also increases the allowable dollar amount that can be awarded in civil penalties. These laws are important additions to the legal landscape of child labor protections in Arkansas.

The state should consider additional child protection policies as well, including:³⁴

- Reinstate employment certificates for minors. Such certificates are shown to reduce child labor violations according to comprehensive research from the University of Maryland.³⁵ They provide an educational touchpoint for employers, minors, and parents. Employment certificates also enhance parental choice as parents or guardians must sign off on their child's employment. They do not create burdens on employers.
- As the state has increased penalties, allow restitution to the victims of child labor violations. This will alleviate barriers to reporting.
- Similarly, allow a "private right of action" so that a private party or individual may file a civil lawsuit against an employer who violates child labor standards. Enact whistleblower protection for those who expose violations.
- Hold lead corporations accountable for child labor violations in their supply chain, to prevent corporations from evading responsibility through the use of subcontractors, employment agencies, or other intermediaries.
- Prevent employers with child labor violations (directly or in supply chains) from receiving state and local government contracts.
- Alert the public to child labor violations. This could include creating a centralized, public database available on the Arkansas Department of Labor and Licensing website; or posting the employers/violations in an area visible to the public for a designated period of time.
- Ensure that all state agency communications about child labor protections, such as limited working hours and the types of jobs prohibited, are shared in Marshallese and Spanish. Immigrant and migrant children are often those most vulnerable to labor exploitation.
- Require public school curriculum that teaches students about safety in the workplace, child labor protections, and their employment rights.
- Develop a targeted outreach and education program for food-service employers, as most of the violations occur in the sector. Provide technical assistance to establishments in food service, so they better understand legal requirements and avoid unintended consequences. In Arkansas, reaching small, family-owned businesses through such a program is an effective strategy.
- As child labor cases typically result from complaints or routine wage and hour investigations, dedicate funding to the state Labor Department to hire one or more investigators dedicated to proactively seeking out child labor violators. These personnel should focus on industries with the most child labor violations, such as food service.

Part-time work for teenagers leads to hard and soft skill development. But such employment should not come at the expense of educational progress. And when children are in the workplace with adults, they deserve protection. Employment certificates and other protections do not take away parental choice, but rather enable parents. We know that parents play the most important role in protecting their children, but parents are not continually present in the workplace.

Child labor protections are also a workforce issue. In a state like Arkansas, policies like employment certificates especially help "mom and pop" employers as they educate not only about existing laws, but also about the reasons for those laws. These policies also prevent unfair competition, as violators should not benefit over the majority of employers who follow the rules.

Arkansas can once again be a national leader in child labor protections by enacting some of the policy recommendations listed above. While the food-service education initiative and new additional investigators would require more state funding, most of the above recommendations carry only minimal cost. The implementation of a combination of the policy recommendations will reduce exploitative child labor, a goal for all of us.

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- 25 A.C.A. § 11-6-108.
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