

## Primary Source: Excerpt of Child Labor Laws in North Carolina <sup>[1]</sup>

*The following is an excerpt from "Rules and Regulations of the Department of Labor Relative to the Employment of Children Under Sixteen Years of Age" from the N.C. Department of Labor. Legislation such as this were important to regulating and ending the use of children in the labor force.*

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### Rules and regulations . . . relative to child labor

#### The law

Under Chapter 312, Public Laws of 1931, the Department of Labor took over all of the rights, powers and duties of the North Carolina Child Welfare Commission. For the complete laws relative to Child Labor, see Chapter 90, Consolidated Statutes of North Carolina, as amended. Under the law, it becomes the duty of the Department of Labor, "to make and formulate <sup>[2]</sup> . . . rules and regulations for enforcing and carrying out the provisions of this article." (Article 1, Child Labor Regulations, C. S., Chapter 90.)

#### Children under 16

1. No child under 16 years of age shall be employed or permitted to work in, or about, or in connection with any mill, factory, cannery, workshop, manufacturing or mercantile <sup>[3]</sup> establishment, laundry, bakery, office, hotel, restaurant, barber shop, boot-black stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, (Sec. 5032, C. S.), until an employment certificate has been issued on forms prescribed by the Department of Labor as follows:

- Form No. 1 -- Employer's Application for Certificate.
- Form No. 2 -- Parent's Statement of Age.
- Form No. 3 -- Physician's Certificate.

(Note: Old Form C-7, School Record, etc., has been discontinued. Enter grade completed by child on back of Form No. 2.)

All of the above forms are self-explanatory and must be completed in detail. A new Form No. 1 is required for every change of employment. If in doubt about age of child, the Bureau of Vital Statistics, State Board of Health, Raleigh, N. C., will verify age upon request, without charge, if you do not ask for affidavit <sup>[4]</sup> under seal.

#### Hours of labor

1. No child under 16 years of age may be employed or permitted to work in the places of employment set out in Regulation 1 above for more than eight (8) hours in any one day and forty-eight (48) hours in any one week, except that a boy over 14 and under 16 years of age, who is the sole support of himself and/or widowed mother, may work up to 11 hours per day and 60 hours per week. In such case the Authorized Agent of the Department must make investigation and certify that an eight-hour job can not be secured for such boy. Forms 1, 2 and 3 must be filed and a special employment certificate must be secured from the Commissioner of Labor. No child under 16 years of age (except newspaper carrier boys -- See Regulation 11 below) may be employed or permitted to work before 6:00 o'clock in the morning or after 7:00 o'clock in the evening.

## Girls under 14

1. No girl under 14 years of age shall be employed or permitted to work in any mill, factory, cannery, workshop, manufacturing or mercantile establishment, laundry, bakery, place of amusement, or other place of business set out in Regulation 1 above (Section 5032, C. S.) or in messenger or delivery service, or at any form of street trades.

## Boys under 14

1. Boys between the ages of 12 and 14 years may be employed in occupations not prohibited in Sections 5032 and 5033, Consolidated Statutes, during the hours the public school is not in session and on Saturdays. In all such cases, employment certificates must be obtained from the Authorized Agent of the Department of Labor, who will determine that such employment is not in violation of Sections 5032, 5033 and 5034, C. S. (Also, see "Street Trades" below.)

## Authorized agents

1. The County Superintendents of Public Welfare, and in counties having no such officers, the County Superintendents of Schools, are specially designated by law as certifying officers for their counties and authorized agents of the Department of Labor. (Sec. 5035, Consolidated Statutes.) To each of these the Commissioner of Labor issues a non-transferable certificate of appointment, authorizing the holder to serve as the representative of the Department of Labor in enforcing the provisions of the Child Labor Laws of the State. Use of such certificate by an unauthorized person, or by an authorized person to secure admittance to manufacturing or mercantile establishments for an unauthorized person, is a misdemeanor <sup>[5]</sup>.

## Agent may suspend certificates

1. The authorized agent of the Department of Labor is hereby empowered to suspend any certificate for the lawful employment of a child under 16 years of age when it appears that such child is working under conditions that may injure his health, or morals, or endanger his physical safety, pending appeal to the Commissioner of Labor. The agent may revoke any certificate issued on false evidence as to age.

## Safeguarding records

1. The authorized agent of the Department shall exercise due care to preserve the official records coming into his possession and they shall be so kept as to prevent alteration and to prevent them from being used by any unauthorized person.

## "Place of amusement"

1. Sec. 5032, C. S., forbids the employment of any child under the age of 14 years in "a place of amusement." This does not apply to children engaged in fraternal, religious, charitable or educational performances, where they are under the control, directly or indirectly, of their parents and/or teachers. It does apply in the case of children who are engaged or employed in places of amusement for commercial purposes, and in such case employment certificate must be secured as provided for other occupations, except that where the work is of a temporary nature, or in case of a travelling organization which will not be in the State long, employment certificate may be issued without medical examination.

## Children in "street trades"

1. *Definition:* Street Trades are defined as selling merchandise, such as newspapers, magazines, peanuts, etc., or working as itinerant <sup>[6]</sup> boot-blacks, etc., on the streets. Girls under 16 years of age will not be permitted to engage in any form of street trades. Boys 12 and 13 years of age may engage in various forms of street trades during the time school is not in session, or during the hours before and after school, provided that the hours of work, or the hours of work and school, shall not exceed eight in any one day, or 48 hours in any one week. Such boys may not be employed before 6:00 A.M. nor after 7:00 P.M. Boys 14 and 15 years of age may engage in various forms of street

trades between the hours of 6:00 A.M. and 7:00 P.M., not to exceed eight hours per day and 48 hours per week.

## Street sales badges

1. No child within the ages set out in Regulation 9 above may be legally employed in street trades until a "Street Sales Badge" has been secured from the certificating officer, or authorized agent of the Department, which shall be issued in accordance with the rules of the Department. The child shall be required to wear such badge when at work. (Note: Before a Street Sales Badge may be issued, all of the forms described in Regulation 1 above must be completed and filed. Instead of regular certificate, the special form "Permit for News Carriers and Street Sales" will be issued. Serial number of badge must be entered on card.) The requirement as to badges shall not apply in towns of less than 5,000 population as shown by the U. S. Census of 1930.

## Newspaper carrier boys

1. Newspaper and magazine carrier boys, operating on fixed routes, are not classified as being employed in street trades. Boys under 16 and over 14 may be employed as carrier boys, under regular employment certificates, between 5:00 A.M. and 8:00 P.M., but the hours of work and the hours in school shall not exceed eight hours in any one day. These hours are fixed by Sec. 5033, C. S., as amended by Ch. 125, Public Laws of 1931, which further limits the hours of work for carrier boys to four hours per day and 24 hours per week.

## "Neighborhood" magazine sales

1. Nothing in the above rulings shall be construed to prohibit a boy under 14 years of age from selling and delivering magazines and periodicals [7] in the vicinity of his home and under the supervision of his parents, provided that the requirements of sections 5033 and 5034, C. S., as to hours of labor and the health and safety of the child are strictly observed. If such selling develops into a commercial enterprise, or if the child is permitted to do general selling on the streets, the authorized agent of the Department will take immediate steps to stop it.

## Certificate of appointment and identification

The certificate of appointment referred to in Regulation 5 above, will serve as a means of identifying the agent. The same form of certificate is used for deputy commissioners, inspectors and other employees and agents of the Department of Labor. It bears the great seal of the State of North Carolina and is signed by the Commissioner of Labor. The name and title of the holder are given and he is required to paste in a clear photograph of himself and sign the certificate for identification purposes. The issuance of these official certificates will be carefully guarded. Every effort has been made to make them clear, plainly official and easily recognizable. The holder of one of these certificates should be admitted to every manufacturing or mercantile establishment without question.

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### Primary Sources:

Public laws and resolutions passed by the General Assembly at its session of ...[1931]<sup>[22]</sup>

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