

Enforcement of Child Labor Laws is a Lower Priority in Illinois

We wrote in May that the top issue for many Illinois employers is the state's labor [shortage](#). As of February 2020, it is still the case.

The labor shortage is producing many salutary results. More and more employers are hiring immigrants, older workers, and individuals with criminal records. These individuals had no chance at a job during the Great Recession.

Children are also being hired in greater numbers, particularly in the restaurant and hospitality industry. Child labor is regulated by every state in the country and Illinois is no exception. The increased hiring of children as a result of the labor shortage has caused some states to crack down on child labor violations. The New York Times [reported](#) that Chipotle was recently fined \$1.4 million by the state of Massachusetts for more than 13,000 child labor violations from 2015 to 2019.

Most of Chipotle's violations were not horrible exploitation of children with conditions harking back to the 19th century, but rather, "technical" violations that are still bad for children. For example, the Chipotle chain regularly let dozens of 16- and 17-year-old employees work more than nine hours per day and more than 48 hours per week in [violation](#) of Massachusetts' law. Qdoba, a Wendy's operator, a McDonald's operator in Michigan, and a Burger King franchisee in Massachusetts have also had to pay fines for violation of child-labor laws.

Illinois' Child Labor Law.

Children under the age of 16 are not allowed to work in Illinois subject to numerous exceptions and [conditions](#) that apply mostly to 14 and 15-year-olds.

For those 14 and 15-year-olds who can work in Illinois, they are protected by:

- Requiring employment certificates. The certificate confirms that a minor is old enough to work, physically capable to perform the job, and that the job will not interfere with the minor's education;
- Prohibiting minors from working in hazardous occupations; and
- Limiting working hours. All work before 7 a.m. and after 7 p.m. for minors is prohibited. However, work until 9 p.m. is allowed from June 1 through Labor Day.

Illinois also prohibits 14 and 15-year-olds from working more than 8 hours on non-school days, more than 3 hours on school days, more than 24 hours during school weeks, more than 48 hours during non-school weeks, and more than six days per week.

16 and 17-year-olds can work unlimited hours in Illinois. The only prohibition on their working opportunities is federal law which prohibits 16 and 17-year-olds from [working](#) in hazardous jobs.

Illinois Flagging Enforcement of its Child Labor Laws.

Massachusetts and other states have more restrictive child labor laws than Illinois does. Nevertheless, the disparity between the enforcement by the State of Massachusetts with its multi-million settlements and Illinois is glaring.

In 2018, the Illinois Department of Labor (“IDOL”) settled one child labor law case totaling [\\$2,400.00](#). In 2017, three cases were settled for [\\$15,945.00](#). In 2016, three cases were settled for [\\$9,875.00](#). In 2015, three cases were settled for [\\$8,750.00](#). These are paltry sums for a state as large, diverse, and economically robust as Illinois is. The gross state product for Massachusetts in 2018 was \$569 billion while it was \$857 billion for Illinois. It defies reason that the Massachusetts economy yields so many child labor violations yet Illinois does not.

Employer Takeaways.

Most of us remember our first job fondly. Hiring 16 and 17-year-olds may be one small part of the solution to Illinois’ labor shortage. Meanwhile, enforcing Illinois’ child labor laws does not seem to be a high IDOL priority.

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