Department of Labor imposes token $1.5 million fine for flagrant child labor violations at US meatpacking plants

Shannon Jones
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In a case involving the open disregard of child labor laws, the US Department of Labor (DOL) reports that Packers Sanitation Services Inc. (PSSI), based in southwestern Wisconsin, has been fined a token $1.5 million for illegally employing underage workers in the cleaning of meatpacking plants. The company, which subcontracts cleaning for major food processors, employed 102 children in hazardous jobs and working overnight shifts at 13 US meatpacking plants.

The DOL said last week that investigators found "that children were working with hazardous chemicals and cleaning meat processing equipment including back saws, brisket saws and head splitters. Investigators learned at least three minors suffered injuries while working for PSSI."

Meatpacking is one of the most hazardous industries due to potential exposure to dangerous equipment and toxic chemicals, as well as slippery conditions.

The violations covered plants operated by some of the largest meatpacking companies, including JBS Foods, Tyson and Cargill. None of the meatpackers suffered fines or any sanctions from the Labor Department.

The report follows the revelation that suppliers for automaker Hyundai had employed immigrant children as young as age 12 to work in auto parts plants. According to the news agency *Reuters*, as many 10 auto parts plants had been investigated for potential violations.

A DOL press release about the PSSI investigation stated, "The child labor violations in this case were systemic and reached across eight states, and clearly indicate a corporate-wide failure by Packers Sanitation Services at all levels." It continued, "These children should never have been employed in meat packing plants, and this can only happen when employers do not take responsibility to prevent child labor violations from occurring in the first place."

The company paid its fine on February 16. Management issued a pro forma statement claiming PSSI had a "zero tolerance policy" for employing underage minors. The company is the largest cleaning service for food processors in the US and employs over 17,000. It is owned by the highly profitable private equity firm, Blackstone.

Investigators found that children used caustic cleaning materials and were cleaning "dangerous power-driven equipment, like skull-splitters and razor-sharp bone saws," according to Jessica Looman, principal deputy administrator of the Department of Labor's Wage and Hour Division.

Children were employed working overnight shifts while enrolled in school. At least three children suffered burns from cleaning materials. According to court records, a 13-year-old youth suffered chemical burns working at the JBS plant in Grand Island, Nebraska. A 14-year-old worker also suffered burns on the night shift. Court documents say the child also fell asleep in classes or missed school entirely.

According to the DOL, PSSI employed 27 minors at the JBS plant in Grand Island, Nebraska, and 26 at the Cargill plant in Dodge City, Kansas. At another JBS plant, PSSI employed 22 minors illegally.

Cargill disputed the allegations of child labor use by PSSI, claiming they were not substantiated. It said it is still using PSSI for its cleaning services. JBS said it was working with the United Food and Commercial Workers (UFCW) union at its Grand Island plant to address such issues.

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In fact, the UFCW has done nothing to protect the health and lives of meatpacking workers, forcing workers to stay on the job in unsafe meatpacking plants all during the pandemic. There is no record of the UFCW playing any role in exposing child labor abuses at plants where it represents the workforce. It has instead deferred entirely to management to monitor and prevent abuses.

In issuing the fines, the DOL emphasized the deliberate character of the actions. Looman continued, "Make no mistake, this is no clerical error, or actions of rogue individuals or bad managers. These findings represent a systemic failure across PSSI's entire organization to ensure that children were not working in violation of the law. PSSI's systems in many cases flagged that these children were too young to work, and yet they were still employed at these facilities."

The children involved were mostly undocumented immigrants. Immigrant workers are particularly vulnerable to abuse due to the fear of reporting abuse because of potential deportation or reprisal.

There has been a sharp rise in the use of child labor across the country in recent years. According to the *Daily Mail*, child labor violations in the United States rose up to 37 percent in the last year. This is almost certainly an underestimation due to the lack of staffing and funding for the Department of Labor Wage and Hour Division charged with investigating abuses.

In recent years, companies have seen child labor as a way to overcome the labor shortage created by the profit-driven response to the pandemic by the ruling class.

Due to lack of adequate staffing, the chance of child labor laws being enforced is "virtually zero," according to Gordon Lafer, a professor at the University of Oregon and a former adviser to the US House of Representatives on labor policy, who spoke to the *Daily Mail*.

There have been a number of recent reports of systematic violations. The DOL found that a franchise owner of seven McDonald's restaurants in Erie and Warren, Pennsylvania, allowed 154 underage minors to work at times they were not permitted to and work excess hours.

The specific violations included scheduling children to work before 7:00 a.m. or after 7:00 p.m. and more than three hours per day on school days. Children were also forced to work more than eight hours a day on non-school days and more than 18 hours in a school week. Nine workers at two locations were permitted to operate deep fryers in violation of federal labor laws, since these are considered too hazardous for minors to operate.

The DOL also fined the operators of two Cincinnati-area pizza chains over child labor violations. Twenty-one underage workers were allowed to use deep fryers and perform other operations related to pizza making that are not permitted by federal regulations. Thirty-six young people worked hours in excess of the legal limit.

Meanwhile, efforts in many states are underway, spearheaded by Republicans but meeting no serious opposition from the Democratic Party, to gut child labor protections. As it stands, the fines employers face for willful violations are derisory, only about $15,000 maximum per occurrence. It is far cheaper to exploit child labor and pay the occasional fine than to prosecute a company with the law.

In Minnesota a bill has been introduced to permit 16- and 17-year-olds to work in construction.

In Iowa, Republicans have introduced legislation to expand the types of work that 14-and 15-year-olds can do as part of supposed training programs. The legislation would further exempt employers from all civil liabilities if these young people are hurt, sickened or killed on the job or going to and from work due to employer negligence or due to their own negligence. Other states are considering similar laws.

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