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***Comments of Robert O'Brien,  
Executive Deputy Secretary***

**Pennsylvania Department of Labor & Industry**

**Comments on PA Child Labor Law  
Before the House Republican Policy Committee  
April 14, 2010**

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Good morning Chairman and members of the House Republican Policy Committee. My name is Robert O'Brien, and I am the Executive Deputy Secretary of the Department of Labor & Industry. Also here with me today is Robert Kuzynski, the acting Director of the Bureau of Labor Law Compliance, and Kathryn Speaks from the office of General Counsel.

Thank you for the opportunity to provide these brief comments on Pennsylvania's current Child Labor Law (CLL), the statute governing the employment practices of children under 18 years of age. Enforcement of child labor standards is an important function of the Department. The Bureau of Labor Law Compliance is responsible for enforcement. And we truly appreciate your interest in updating the current law.

Much of the testimony here today revolves around reality TV, and let me assure you that the Department shares your concerns. Clarification on what constitutes a performance under the CLL will aid our Department in enforcement of the law and eliminate confusion in the industry. Also, more specific requirements for the safeguarding of a minor's money derived from entertainment performed in Pennsylvania would be helpful. Pennsylvania's current law has not kept pace with changes to the entertainment industry, including reality television, and technological advances in other media such as the internet.

The need to update the current Child Labor Law goes beyond just the entertainment permit portion. The approval process and enforcement tools under the existing law are also outdated -- not to mention them being inconsistent with the federal Fair Labor Standards Act. Stricter criminal penalties for violations of the CLL will help discourage potential violations of its mandates, in entertainment and other employment scenarios. The establishment of administrative prosecution remedies can also streamline

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the process and aid the Department in prosecuting violations in a more efficient manner.

The Bureau of Labor Law Compliance office in Harrisburg receives several questions each week concerning Pennsylvania's child labor laws, and I have little doubt that your offices have also been contacted by many constituents with questions on how to comply with both state and federal child labor requirements. Many well-intentioned employers are confused with complying with two different laws. There is no doubt that clearer standards and uniformity between federal and state child labor laws would benefit businesses, minor employees, and the Commonwealth.

The Department recognizes these issues and has long been interested in seeing the current Child Labor Law updated, and we are glad to say that it has been a bipartisan effort to meet this need. In 2005, former Representative David Steil introduced legislation to repeal the current law and provide an update in the form of a "Child Labor Act." This bill passed the House only to die in the Senate. Rep. Steil again introduced legislation last session, HB 2369, on which the House Labor Relations Committee did hold hearings.

The Department is pleased to say that we are currently working on draft language to reconcile state and federal child labor laws, address the inconsistencies that exist throughout the current Child Labor Law, update the enforcement provisions granted to the Department, and clearly address new technologies, reality TV, and the internet. Testimony given here today will also be taken into consideration.

We recognize the history of bipartisan support in the legislature in this effort and we will share our draft with the General Assembly once completed. We welcome your consideration of, and suggestions to improve, that future proposal.

Thank you again for the opportunity to appear before you to address these issues. I share your concern about minors in the entertainment industry, but also we need to address the safety, health, and well being of all minors under the age of 18 working in Pennsylvania, regardless of their occupation.

I am happy to entertain any questions the committee members may have.