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# Assessing the Effectiveness of Online Platforms and Digital Work on Child Labor Protections in the U.S: A Comprehensive Literature Analysis of Regulatory Frameworks and Protection Mechanisms

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**Abstract:** Children today are making money through social media in ways that have never been seen before. Kids are creating content on platforms like YouTube, Instagram, and TikTok, earning thousands or even millions of dollars. However, current laws are not designed for this kind of work. This exposes young content creators without proper protection and safeguard mechanisms. Building on an interdisciplinary approach, this paper examines existing research on the protection of children working on digital platforms. In doing so, it analyzes current problems, evaluates proposed solutions, and highlights persisting gaps in knowledge. A thorough review of research papers, legal articles, government reports, and policy studies from different fields, including law, child development, and technology, was conducted to identify patterns and themes across these sources. The comprehensive literature review revealed three major findings. First, current federal laws, which were designed in 1938, are inadequate for protecting children who work on digital platforms. Second, while some states are creating new legislation to fill these gaps, enforcement problems persist. Third, implementation challenges continue to undermine the effectiveness of both existing and emerging regulatory frameworks. While experts and researchers have recognized this problem and the need to create solutions, more research is urgently needed to understand how digital work impacts children and whether the new laws actually help protect and safeguard them.

**Keywords:** Digital child labor, regulatory frameworks, child protection, social media, content creation, labor law, policy innovation.

## INTRODUCTION

Children are becoming major earners in the digital economy, making money through social media content in ways that would have been impossible decades ago. Some kids are earning more than most adults ever will, but they are doing it without any of the protections that normally come with work (Minnich, 2023). This situation presents a puzzle that the United States legal system has never had to solve before. When a child spends hours filming videos for YouTube or posing for Instagram photos that generate thousands of dollars in revenue, is that child working? And if so, who is responsible for protecting them? The number of children involved in the digital economy is overwhelming. For instance, Edwards (2023) found that the most successful child influencers can earn over $29 million per year. These are not isolated cases of kids making pocket money, but rather children who have become the primary breadwinners for their families, often before they are old enough to understand what that means (Livingstone, *et al.*, 2018).

The main problem is that the current laws were written in 1938, when work meant factories and farms, not filming content in one's bedroom. The Fair Labor Standards Act, which is intended to protect working children, has significant gaps when it comes to digital work, as it was clearly designed for a different era. This problem has been in existence for several years, and scholars have attempted to draw our attention to it for a long time. For instance, O'Neill (2019) argued that children creating profitable content are essentially child performers, but they do not receive the same protections as other child performers. According to her, they exist in what she calls "a large gray area" where the law just does not reach them. The situation got more complicated during the COVID-19 pandemic.

During the lockdown, families stuck at home turned to content creation as a source of income (Einav, 2022). Children who might have otherwise been in school or playing with friends found themselves working as content creators (Eales, *et al.*, 2021; Goldschmidt, 2020, p. 19). As a result, most families discovered they could make more money from their children's videos than from traditional jobs. In the United States of America, several states have started to notice this problem and are trying to fix it. For instance, Illinois became the first state in 2024 to pass a law specifically protecting child influencers (Gerstein, 2024). Other states such as California and Minnesota quickly followed (Gerstein, 2024). However, these laws are experimental, and researchers do not know if they are effective. The technology companies that run these platforms are also part of the problem. They make more money when content gets views, regardless of who creates or created it (Livingstone, *et al.*, 2018). For





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instance, a video made by a six-year-old can be just as profitable for YouTube as one made by an adult. But should these companies have special responsibilities when children are involved? It is against this backdrop that this review consolidates the insights of researchers, lawyers, and policy experts on this issue. The aim is to understand what is known, what is unknown, and what needs to be figured out to better protect children in the digital economy.

## METHODOLOGY

This comprehensive literature analysis employed an interdisciplinary approach to examine child labor protection in digital environments, a topic that spans law, technology, child development, family studies, and public policy. We searched multiple databases, including Google Scholar, JSTOR, legal databases, and government repositories, to identify relevant sources while including essential foundational materials. Search terms embodied traditional terminology like "child labor" and "digital platforms" alongside emerging concepts such as "kidfluencing" and "sharenting." Given the rapidly evolving nature of this field, the review included diverse source types: peer-reviewed articles, law review publications, government reports, policy analyses, and legislative documents, with a focus on the United States context. The analysis employed thematic synthesis to identify patterns across different disciplines and source types, organizing findings around recurring themes including regulatory inadequacies, state legislative innovation, enforcement challenges, technological barriers, and child welfare considerations. Quality assessment varied by source type, considering factors such as peer review status, journal credibility, governmental authority, and evidence base quality.

## THEMATIC DISCUSSION

The comprehensive literature review revealed three major themes. First, current federal laws designed in 1938 are outdated for protecting children who work on digital platforms. Second, while some states are creating new legislation to fill these gaps, enforcement problems persist. Third, implementation challenges continue to undermine the effectiveness of both existing and emerging regulatory frameworks.

### Outdated Laws

Every source examined agreed that current laws were not designed for the digital economy, and they are failing to protect children who work on digital platforms.

The main problem begins with the Fair Labor Standards Act of 1938, which remains our primary federal law protecting working children. This law was written when most child labor cases happened in factories, mines, and farms. It created exemptions for children working for their parents and for child performers, thinking these would be limited situations.

However, these exemptions have become huge lacunae in the digital age. For instance, O'Neill (2019) explains that children who create profitable content are essentially child performers but do not receive the same protections as other child performers. Thus, the law treats them more like children helping out in the family business, even when they are generating millions of dollars in revenue.

For instance, May (2023) revealed how these exemptions made sense in 1938 but create massive gaps today. Section 13(c) of the Fair Labor Standards Act, for instance, excludes children employed by their parents from most labor protections. (Whittaker, 2005). This exemption was designed for kids helping on the family farm or in the family store, not for children whose work generates millions of YouTube views.

Edwards (2024) provides the most comprehensive analysis of these legal gaps. She points out that child influencers "have no legal rights through traditional child labor laws such as the Fair Labor Standards Act of 1938 or state-based child actor laws." Thus, children who earn millions of dollars have fewer protections than children who work at McDonald's. Although generally, the U.S. regulatory frameworks are currently inadequate at keeping pace with technological demands, which exposes vulnerable groups to exploitation (Suleiman, 2024).

The Childhood Online Privacy Protection Act makes things even more complicated. This law, also known as COPPA, is supposed to protect children's privacy online (Whittaker, 2005). This protection is done by giving parents complete control over their children's online presence. However, Livingstone & Blum-Ross, (2017) points out that this creates a conflict of interest when parents are making money from their children's online activities.

Notwithstanding, scholars have proposed some solutions to this problem. For example, Joss (2023)



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proposes a three-part approach: expanding child actor laws to cover digital performers, holding social media companies accountable for adhering to child labor laws, and mandating platforms to enforce these protections through their community guidelines (Rai, 2022).

It is worth noting that changing federal law is complex and slow. In addition, the fact that Congress has not updated the Fair Labor Standards Act in any meaningful way for decades makes such an endeavor difficult. This has consequently left states to try to fill the gaps on their own.

**Efforts of States' in Protecting Child Digital Workers**

Since the federal government has been slow to act, state governments have stepped up to protect child digital workers. Three states have created innovative new laws that could serve as models for other states and eventually for federal legislation.

Illinois broke new ground in 2024 by becoming the first state to extend child labor protections to social media. The Illinois law requires parents to set aside money in trust accounts for children who appear in at least 30% of their family's monetized content over a 30-day period. Okeke's, (2024) analysis shows that this law represents an entirely new approach to thinking about child labor in digital spaces.

The Illinois law is smart because it focuses on the amount of work children are doing rather than trying to figure out whether they are technically "employees". Thus, if a child appears in enough of their family's content, the law assumes they are contributing to the family business and deserve compensation for their work (Gerstein, 2024).

In contrast, California took a different approach by building on laws it already had for protecting child actors. Assembly Bill 1880 extended the state's famous Coogan Law to cover child influencers (Gerstein, 2024; Okeke, 2024). The Coogan Law, for instance, was passed back in 1939 after child actor Jackie Coogan discovered that his parents had spent all his earnings. Thus, the law requires employers to set aside 15% of child performers' earnings in trust accounts.

California also passed Senate Bill 764, which goes beyond the Coogan Law to address situations where children are not technically employed but are still featured in monetized content. This law requires content creators to set aside money for children regardless of whether there is a formal employment relationship (Gerstein, 2024).

Minnesota has also added some unique protections of its own for digital child workers. For instance, the state banned children under 14 from working as content creators and granted them the right to request that content featuring them be deleted when they reach a certain age (Gerstein, 2024). This right to be forgotten recognizes that children cannot really consent to having their lives broadcasted to the world.

Despite these state laws representing genuine innovations in child labor protection for digital child workers, they also have several limitations. For instance, Kojok (2022) argued that most of these laws lack enforcement capabilities but allow child influencers to take action against parents who have failed to adequately compensate them for their work.

Consequently, this raises the question of how a child can sue their own parents. Thus, the power dynamics in families make it very difficult for children to enforce their own rights, especially when those rights conflict with the family’s social and economic goals.

Another challenge with this approach is that it also creates a patchwork of different rules that may not work well when combined. For instance, a family could potentially move from Illinois to Texas just to avoid some of these child labor protections. Perhaps some families could also work with companies based in states without these child labor protections.

**Implementation Challenges**

Even if there existed perfect laws, enforcing child labor protections in digital spaces could prove incredibly difficult. For instance, traditional law enforcement assumes that work happens in identifiable workplaces with clear employers. However, digital content creation breaks all of these assumptions.

Sisson, (2022) captured the challenge perfectly by describing digital platforms as creating wild west environments when it comes to enforcing child labor laws. Thus, it implied the need for regulators to have new technical competencies in government to understand that while these workplaces do not have physical locations, they have digital locations.

Additionally, the Department of Labor's data indicate that traditional enforcement is struggling even with conventional child labor. In fiscal year 2024, investigators found 4,030 children working illegally and imposed over $15.1 million in



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penalties (Gerstein, 2024). Nevertheless, these statistics almost certainly undercount the problem because they focus on traditional workplaces.

More importantly, for the purposes of this analysis, existing enforcement statistics fail to capture most cases involving digital child labor. For instance, how would a Department of Labor investigator even know how to look at a family's YouTube channel? And what would they do if they found violations? It is worthy of mention that the Fair Labor Standards Act (FLSA) was drafted for traditional forms of employment and provides no clear investigatory pathway for online content production.

This enforcement challenge becomes even more difficult when you consider that digital platforms operate across state and national boundaries. An example is a child in Illinois might create content for a platform based in California that serves audiences around the world. In this scenario, which state's laws apply? And which agency has jurisdiction?

Conversely, Suleiman, (2022) suggests that we might learn from how courts have handled similar issues in college sports in the case of *NCAA v. Alston.* In this case, the Supreme Court ruled that restrictions on benefits for student athletes violated federal antitrust law. This precedent might apply to situations where platforms and parents profit from children's work without providing the children with fair compensation. Although the case was not about children, it dealt with young people generating significant revenue in new contexts without adequate legal protection or fair compensation. The Supreme Court recognized that traditional frameworks (amateurism rules) no longer match modern economic realities, similar to how the FLSA exemptions fail to cover digital child labor (Mintah, 2024).

Applying this precedent, however, may often require litigation, which brings the analysis back to the enforcement problem. Children are not in a legal position to sue either their parents or the platforms that host their content. Under the doctrine of parental immunity, most jurisdictions prohibit suits by minors against their parents for matters arising from parental authority, except in narrow exceptions for willful misconduct or egregious negligence. Likewise, because minors lack full contractual capacity, they cannot enforce or challenge the terms of service agreements that govern their use of platforms such as YouTube or TikTok. Any civil action would therefore require representation through a guardian ad litem or other legally recognized representative. As a result, enforcement depends heavily on the *parens patriae* authority exercised by state attorneys general, agency intervention by bodies such as the Department of Labor or the Federal Trade Commission, or legislative enactments that create express causes of action. Without these mechanisms, child content creators remain effectively without a private remedy under existing U.S. law.

Some of the new state laws attempt to address this issue by granting children the right to sue their parents upon turning 18 (Adawiah & Rachmawati, 2021). However, this creates a terrible situation where families might face lawsuits from their own children years later.

**Recommendations and Directions for Future Research**

Based on the above analysis, the following recommendations are made for lawmakers, policy actors, and future research. First, federal policymakers should develop comprehensive legislation that builds on successful state innovations while addressing their limitations. This federal framework should establish minimum protection standards, create enforcement mechanisms that do not require children to sue their parents, and provide resources for research and the development of new technologies. The law should also require platforms to take responsibility for child protection rather than leaving everything to parents and states. Also, there is a need for technology developers to solve the age verification problem that makes enforcement so difficult. Current systems either do not work or violate privacy, but researchers are developing promising solutions like zero-knowledge proofs that could verify age without collecting sensitive data. Platforms also need better tools for detecting potential child labor violations and helping families manage children's digital presence responsibly. Furthermore, several states, like Illinois, California, and Minnesota, have enacted new laws, but it remains unclear whether they are effective (Boadi-Mensah, 2024).

Therefore, researchers need to evaluate whether these laws prevent exploitation, ensure fair compensation, and protect children's well-being. They also need to study unintended consequences, such as whether families move to states without these protections or find ways to circumvent the requirements. Lastly, there is an urgent need for researchers to study actual children who work as



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content creators. Long-term studies following kids over time could show whether digital platforms work help or hurt their education, mental health, and family relationships. These studies should include children's own voices about their experiences, not just what adults think is best for them (Joshi, 2022).

## LIMITATIONS

**This Comprehensive Literature Analysis has Several Limitations.**

First, the rapid pace of change in digital platform policies and technologies means that some findings may quickly become outdated. Second, because peer-reviewed empirical research on digital child labor remains scarce, this review relied substantially on legal scholarship, policy analyses, and government reports. While these sources provide essential doctrinal and normative insights, they do not offer the same type of systematic data as empirical studies and therefore limit the ability to generalize. Third, the focus on the United States, while important for policy relevance, excludes potentially valuable comparative perspectives from other jurisdictions.

## CONCLUSION

This review gathered and synthesized the existing research, legal perspectives, and policy expert opinions on protecting children who generate revenue on online platforms. It also found that the Fair Labor Standards Act of 1938 and related federal statutes are inadequate to address child labor in digital contexts. It further shows that few states are trying new laws, but nobody knows if they help to protect the rights and well-being of children. Most importantly, there is almost no empirical research on how digital labor affects children's development, education, and well-being. As a result, policymakers and courts are making decisions in a context of profound uncertainty, with limited understanding of the consequences for children's rights and welfare.

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