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*1st Session.* } } No. 185.

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REPORT

OF THE

INDUSTRIAL COMMISSION

ON THE

CONDITION OF FOREIGN LEGISLATION UPON  
MATTERS AFFECTING GENERAL LABOR.

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VOLUME XVI  
OF THE COMMISSION'S REPORTS.

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[Extract from act of Congress of June 18, 1898, defining the duties of the Industrial Commission and showing the scope of its inquiries.]

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

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INDUSTRIAL COMMISSION,  
*December, 1901.*

*To the Fifty-seventh Congress:*

I have the honor to transmit herewith, on behalf of the Industrial Commission, a report on the subject of the Condition of Foreign Legislation upon Matters Affecting General Labor, prepared in conformity with an act of Congress of June 18, 1898.

Respectfully,

ALBERT CLARKE,  
*Chairman.*

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REPORT  
ON THE  
CONDITION OF FOREIGN LEGISLATION UPON MATTERS  
AFFECTING GENERAL LABOR.

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Prepared under the direction of the Industrial Commission by  
FREDERIC JESUP STIMSON,  
Advisory Counsel to the Commission.

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PREFATORY NOTE.

It has been deemed wise to prepare this report upon foreign labor legislation so as to be identical in form and arrangement with the report on general labor legislation of the States and Territories of the United States, the object of the commission being primarily to compare our legislation with foreign legislation on the subject, topic by topic, so that it may be precisely seen in what matters the legislation of other countries exceeds ours, either in scope or in bulk, upon each respective topic; in what countries there is found legislation existing, whether different or similar, upon each topic, respectively; and, finally, in what countries the legislation of the States and Territories of the United States has made a beginning in matters where the legislation of other countries has not as yet followed. Each of the three cases is instructive, both to the statesman and to the general reader, and each fact has a direct bearing upon the advisability of similar legislation, or of not legislating, in the States of the Union, or, in cases to which the power of Congress extends, by Congress itself.

As the object of the commission in making this report is not to state and cite the actual laws themselves, but rather to give a general view of the nature of corresponding legislation in other countries; and as, moreover, the time before the commission absolutely precluded detailed reference to the laws themselves, full use has been made of the very careful reports made by the Department of Labor in its recent monthly bulletins, under the direction of Prof. W. F. Willoughby. In some cases his digests have merely been rearranged for purposes of this report; in many cases, where full statement did not seem necessary, the analyses found in this report have been based upon them.

The second general source of the legislation herein contained is the series of annuals prepared by the Belgian Government upon general labor legislation, the "Annuaire de la Législation du Travail." The citation of the law itself has nearly always been given, so that the

reader may see the original acts in the official volumes of the foreign government in question, should such be procurable. A few more important laws not found or not fully set forth in the Belgian annual or in the United States Labor Bulletins have been taken direct from the original sources, notably, the employers' liability act and workmen's compensation act of Great Britain, the labor code (*Gewerbeordnung*) of Germany, and the various State compulsory assurance systems, recently enacted in continental countries for insurance of the laboring and salaried classes against old age, disease, or disability. For the same reason a full statement has been given of the New Zealand old-age pension act. On the other hand, the mining laws of foreign countries have not generally been set forth in this report for the reason specified in Chapter V, below; and the report is necessarily deficient in other matters not generally considered as part of labor legislation in other countries, and consequently not found in the labor codes and above-mentioned authorities.

The countries whose labor legislation is fully or partially set forth in this report comprise, usually in the order named, the following: Great Britain, France, Germany, Belgium, Holland, Austria, Switzerland, Italy, Russia, Norway, Sweden, Denmark, and Roumania (there appears to be practically no labor legislation in Spain, Portugal, and Greece), and in Australia, New South Wales, Victoria, South and West Australia, and Queensland, New Zealand, and the Dominion of Canada. For obvious reasons it has not seemed wise to go into the legislation of uncivilized or unchristian countries, nor into that of India or other colonies or dependencies of civilized nations where the people are generally of a different race.

As was perhaps to be expected, not many subjects will be found in which the legislation of any country upon subjects of interest to labor exceeds in bulk and detail the aggregate of that of the American States and Territories. It may be well to note a few of the important differences, as well as a few of the subjects their legislation has considered which are not as yet touched upon by that of the United States or the States and Territories of the Union. Among such latter may be mentioned, first in order, the great state insurance systems above mentioned found in some European countries and some of the Australian colonies, but not as yet in Great Britain; second, the great guild system of Germany, corresponding not only to the legislation of our States upon trade unions, but establishing a system far more complex and elaborate, nearly as much so, perhaps, as the medieval guilds which were abolished in France by the revolution of 1789, and in England by a series of court decisions and statutes beginning as long ago as the time of Queen Elizabeth and finally terminating only in the present century. If the German system is to be adopted in this country so that the power of collective contract is given solely and exclusively to labor organizations, it will be a return not only to continental conditions, but to conditions existing in their perfection many centuries ago. But in modern Germany guild legislation includes much more than this; for instance, the entire system of apprenticeship, as well as a great deal of the legislation upon affairs which would in this country be managed by voluntary organizations, such as mutual benefit societies, building and improvement societies, funeral societies, mutual insurance societies, etc.

Apprenticeship, too, is another subject upon which continental legislation—even modern legislation—is far more precise and definite

than ours, or even than the English law. The tendency with us has been to abolish the apprentice laws entirely, or at least for the laws to fall into disuse and the general matter of apprenticeship, both in the way of control and instruction, to be thus dependent on the action of the trade unions.

The fourth matter in which the legislation of continental countries far exceeds ours in elaboration is what with us we should call the factory acts; and also legislation regulating shops, hours of labor, sweat-shop employment, etc. And finally there is an elaborate system of arbitration or interference by the State in labor disputes, found in its perfection in France and Belgium, but more or less also in other European countries, as well as in the Australian colonies. The various chambers of commerce (if we may so translate the phrase), the *conseils des prudhommes*, or permanent arbitrators, appointed partly by the state through its municipalities, partly elected by the workingmen themselves, all these bodies function in a way unknown to Anglo-Saxon systems. In all these matters at least one or two of the exemplary laws is given in much detail, by way of sample; usually the most complex and perfect system has been chosen, while the corresponding laws in other countries are, for reasons of space, more briefly mentioned.

The matters in which there is no legislation in countries other than our own require little comment here, though, as has been said, the fact itself will be suggestive enough when we come to the various chapters and sections concerning them. Yet it seems worth while here to note the general absence of any political protection to the laborer; the usual absence of any special legislation for certain classes of labor, as, for instance, railway employees; the absence of statutes against combinations by employers, blacklisting, etc., and of statutes directed against strikes, boycotts, or other combinations of employees, though the reason of the latter probably is that such matters in European countries are usually left to the summary and irresponsible action of the police or military authorities. Blacklisting, however, is made impossible where, as in some European countries, every workman is furnished with an official pass book wherein the employer must write the date and reason of his discharge. This curious system, by the way, under which every workman is registered and ticketed off, like a convict serving time, however admirable in practice, is entirely unsuited to the ideas and tastes of the American workman.

As was said at the beginning, the chapters, articles, and sections of this report correspond exactly to the chapters, articles, and sections of the report upon American legislation (Reports of the Industrial Commission, 1900, Volume V, pages 1 to 165). It has, however, been necessary to add one entirely new article, viz, Chapter XII, Article C, at the end of this book, upon State insurance or compulsory assurance of the working and salaried classes, and occasionally extra sections will be found.

FREDERIC JESUP STIMSON.



## TABLE OF CONTENTS.

---

<b>CHAPTER 1.—REGULATION OF THE LABOR CONTRACT:</b>		Page.
<b>ART. A. As to general form, time, termination, etc.—</b>		
Sec. 1. General constitutional provisions concerning labor .....		9
2. The labor contract .....		9
3. Statutes making general definitions in labor matters .....		11
4. General form of the contract to labor.....		17
5. Termination of contract.....		18
6. Amount of wages.....		21
<b>ART. B. As to hours of labor of men, women, and children in factories, etc.—</b>		
Sec. 1. Length of the day's work in the absence of contract .....		22
2. Public labor .....		23
3. Hours of labor of women, minors, etc.....		23
4. Hours of labor in factories, mines, railroads, and other special occupations.....		23
5. Hours of women and minors in factories and other special occupations.....		36
6. Dangerous machinery in factories .....		48
7. Mines, shops, stores, etc.....		50
8. Educational restrictions upon child labor .....		51
9. Other laws regulating or prohibiting the employment of women and children.....		52
10. Sundays and holidays .....		53
<b>ART. C. Payment of wages, fines, deductions, company stores, etc.—</b>		
Sec. 1. Deductions from wages for imperfect work and other causes ..		55
2. Weekly-payment laws, etc.....		57
3. Money of wage payments.....		59
4. Company stores, etc.....		62
5. Relief societies, charitable funds, etc.....		62
<b>ART. D. Regulations of the general labor contract as to health, moral condition, etc.....</b>		62
<b>ART. E. Enforcement of the labor contract by injunction or otherwise...</b>		63
Sec. 1. Direct enforcement.....		64
2. Penalty for breach of the contract for service in public works, etc.....		64

CHAPTER I.—REGULATION OF THE LABOR CONTRACT—Continued.	
ART. F. Interference with the labor contract by others, intimidations, etc.—	Page.
Sec. 1. General statutes prohibiting intimidation of ordinary employees.....	65
2. Intimidation in railways, mines, and other special cases.....	66
3. Interference by enticing.....	66
ART. G. Duties and liabilities of the employer to the employee—	
Sec. 1. General liability.....	67
2. Employers' liability act—Great Britain.....	67
3. The British workmen's compensation act.....	70
4. Injury resulting in death.....	75
ART. H. Duties and liabilities of the employee to the employer.....	75
CHAPTER II.—POLITICAL AND LEGAL RIGHTS OF LABORERS:	
ART. A. Political rights, voting, etc.—	
Sec. 1. General.....	77
2. Voting.....	77
3. Special privileges of army and navy veterans.....	77
4. Competition of alien labor, contracts with aliens, etc.....	77
ART. B. Legal rights and privileges—	
Sec. 1. Attachment of wages.....	77
2. Assignments of wages.....	78
3. Preference or priority of wage debts.....	78
4. Procedure in suits for wages.....	78
5. Mechanics' lien.....	78
CHAPTER III.—PRISON LABOR:	
Sec. 1. Convict-made goods.....	79
CHAPTER IV.—SPECIAL PROVISIONS RELATIVE TO FACTORY AND SHOP LABOR:	
Sec. 1. Factory acts.....	81
2. Shops and stores.....	118
3. Sweat shops.....	118
4. Other shops regulated as to sanitary conditions.....	122
5. Tenement factories.....	123
6. Special industries.....	123
CHAPTER V.—MINING LABOR.....	
	125
CHAPTER VI.—AGRICULTURAL LABOR, DOMESTIC SERVICE.....	
	125
CHAPTER VII.—RAILWAY LABOR.....	
	125
CHAPTER VIII.—INDUSTRIAL EDUCATION:	
ART. A. The apprentice system.....	126
CHAPTER IX.—COMBINATIONS OF EMPLOYEES, ETC.:	
ART. A. Trade unions—	
Sec. 1. Laws authorizing trade unions.....	138
ART. B. Strikes, boycotts, etc.—	
Sec. 1. Legislation as to strikes.....	166
2. Trade unions excepted, etc.....	169
3. Boycotts.....	169
4. Picketing.....	169
5. Injunctions against strikes, boycotts, and other labor combinations.....	170
6. Riots.....	170
CHAPTER X. UNIONS OR COMBINATIONS OF EMPLOYERS, TRUSTS, ETC.:	
Sec. 1. Blacklisting.....	171
2. Pinkerton men.....	171
3. Trusts.....	171

TABLE OF CONTENTS.

7

<b>CHAPTER XI.—ARBITRATION AND CONCILIATION:</b>	
ART. A. Boards of arbitration, etc.—	Page.
Sec. 1. Created by the state .....	172
<b>CHAPTER XII.—PROFIT SHARING, STATE AID, PUBLIC EMPLOYMENT BUREAUS, ETC.:</b>	
ART. A. Cooperation and profit sharing—	
Sec. 1. Cooperative associations .....	222
ART. B. Labor bureaus—	
Sec. 1. State labor bureaus or commissioners .....	224
2. Employment offices (State) .....	226
3. State insurance for the unemployed.....	226
ART. C. State insurance—	
Sec. 1. Compulsory State assurance against old age, disability, etc ...	228
2. Old-age pensions .....	240

## APPENDIX.

### LETTER OF HERR H. DOVE REGARDING THE GERMAN LAW AS TO LABOR COMBINATIONS AND THE RIGHTS OF WORKINGMEN.

[Translation.]

BERLIN, *July 1, 1901.*

DEAR SIR: In answer to your communication addressed to the imperial counselor, Dr. Meyer, and referred by him to me, I respectfully reply as follows:

Bills touching the points referred to in your inquiry have been repeatedly introduced in the German Parliament (1890 and 1899), but have not been enacted into law. The present law is as follows:

(1) According to § 153 of the imperial industrial code, persons are sentenced to imprisonment not exceeding 3 months who induce or attempt to induce others by means of force, threats, insults, or calumny to take part in agreements or associations for the purpose of securing more favorable wage or labor conditions, particularly by means of suspension of labor or discharge of laborers, or who by like means prevent or attempt to prevent others from withdrawing from such agreements. The acts above mentioned may also, according to the general penal code, be construed as crimes—for instance, a call to resist the laws or legal ordinances (§ 110); a breach against domestic or public peace (§ 123-127); instigation to class riots (§ 130); insult (§ 185-187); bodily injury (§ 243 *fg.* Str. G. B.); violence (§ 240); menace (§ 241); constraint (§ 243, Str. G. B.).

(2) As far as the acts specified under 1 are not committed, as, for instance, where the object is not the attainment of better labor conditions, there are no general penal provisions against boycotts.

(3) Strike pickets are not subject to legal punishment. In one instance the court was inclined to consider it a case of misdemeanor.

(4) In cases where pass books are required (in cases of minors, R. Gew. O. § 107 *fg.*) secret marks which are intended to characterize the holder of the pass book, favorably or unfavorably, or entries regarding his conduct or efficiency, are subject to a fine not exceeding M2,000 or 6 months' imprisonment (§ 111, 146 Gew. O.).

There are no laws in Germany against trusts. The imperial court has recognized them from the standpoint of existing laws, provided no illegal means are used (violence, constraint).

A labor contract can not be enforced. It may give rise to a claim for damages, which, since the law requires 14 days' notice, is usually limited to the amount of wages for the period of failure to give such notice.

Most respectfully,

H. DOVE,  
*Syndic Merchants Guild, Berlin.*

[Abbreviations: Str. G. B.=Straf-Gesetz-Buch=penal code; Gew. O.=Gewerbe-Ordnung=trade ordinance; *fg.*=*folgend*=etc.; R.=Reichs=imperial.]

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