

**HISTORY OF LABOR LEGISLATION
FOR WOMEN IN THREE STATES**

[PUBLIC—No. 259—66TH CONGRESS]

[H. R. 13229]

AN ACT To establish in the Department of Labor a bureau to be known as the Women's Bureau.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of Labor a bureau to be known as the Women's Bureau.

SEC. 2. That the said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of \$5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such manner and to such extent as the Secretary of Labor may prescribe.

SEC. 3. That there shall be in said bureau an assistant director, appointed by the Secretary of Labor, who shall receive an compensation of \$3,500 and shall perform such duties as prescribed by the director and approved by the Secretary

That there is hereby authorized to be employed by said of clerk and such special agents, assistants, clerks, and at such rates of compensation and in such numbers from time to time provide by appropriations. The Secretary of Labor is hereby directed to furnish office furniture, and equipment, for the work of

shall take effect and be in force from and

UNITED STATES DEPARTMENT OF LABOR

W. N. DOAK, SECRETARY

WOMEN'S BUREAU

MARY ANDERSON, Director

BULLETIN OF THE WOMEN'S BUREAU, No. 6

HISTORY OF LABOR LEGISLATION FOR WOMEN IN THREE STATES

By CLARA M. BEYER

Originally combined with Chronological Development
of Labor Legislation for Women in the
United States, by Florence P. Smith
(See No. 66-II)



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**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932**

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, November 17, 1928.

SIR: I have the honor to transmit herewith a succeeding volume to the report by this bureau of the effects of labor legislation on the employment opportunities of women.

This study is in two parts. Part 1 is a history of labor legislation for women in three States and attempts to show how and with whom each piece of legislation originated, the purpose it was to serve, its supporters, its opponents, and finally its legislative history. Part 2 is the chronological development of the labor legislation for women in the United States.

Clara Mortenson Beyer has done the research and written the report of Part 1. Part 2 has been prepared under the direction of Florence P. Smith, research assistant of the Women's Bureau, assisted by Ethel Erickson and Estelle S. Frankfurter.

Respectfully submitted.

MARY ANDERSON, *Director.*

Hon. JAMES J. DAVIS,
Secretary of Labor.

NOTE.—Originally combined as one bulletin. Separated for reprint in 1931 as Bulletins 66-I and 66-II.—Editor.

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HISTORY OF LABOR LEGISLATION FOR WOMEN IN THREE STATES

CHAPTER I.—LEGISLATIVE ORIGINS AND INFLUENCES

The history of labor legislation for women in three States is an attempt to show how and with whom each piece of legislation originated, the purpose it was to serve, its supporters, its opponents, and finally its legislative history. It has been found in some instances that the origins were not clear, that the factors that made for passage were so interwoven that it was difficult to separate one from the other, and that intangible forces whose influences can not be measured or evaluated, such as the underlying urge toward social democracy, sometimes have decided the trend of legislation. In the preparation of this report the method pursued has been to give the facts as they were found, recognizing at the same time that the forces making for the passage of a particular law often are so complex that the surface appearance as gained from the documentary evidence is misleading. To check such possible errors, sections of the preliminary study have been submitted to individuals who were closely identified with the enactment of the law in question, and it is felt that by this method a reasonable degree of accuracy has been attained.

Starting with a limited 60-hour-week law, a complete labor code for women in industry was built up gradually in New York and Massachusetts, while California, benefiting by the experience of other States, covered in two laws practically the same field. This movement for legislation did not go along smoothly. It was opposed at practically every step by groups of employers who believed that it would doom them to failure; it was sometimes held back by the courts as an interference with the freedom of contract; in New York its final steps met with the opposition of several women's organizations, headed by the National Woman's Party, on the ground that legislation for women alone interfered with their equality in the industrial field; in California one of its principal features was opposed by labor as well as by the employers. While opposition undoubtedly has checked the speed of the movement for legal protection of women from some of the hazards of industry it has not been able to stem the tide of popular approval of this method of preventing industrial abuse.

The chief factors that have made for the passage of the various laws in the three States under consideration are these: Organized labor; factory inspectors and other officials charged with the enforcement of labor laws; bureaus of labor statistics; special legislative committees or commissions for the study of labor conditions; gov-

ernors; pioneering employers; social, civic, philanthropic, and church groups; factual studies of conditions to be remedied by law; and, finally, the spirit of the time.

The part played by these varying factors in securing labor legislation for women is markedly uneven in the different States. In one State they may have had no appreciable influence, in another they may have been the dominant factor. To bring out this difference they will be considered briefly one by one, showing their influence as a whole and their part in securing legislation in each of the States under survey.

Organized labor.

Taken as a whole, probably the largest single factor making for the passage of labor legislation for women has been organized labor. Directly or indirectly it was the influence that made most of the legislation possible; it initiated most of the laws limiting the hours of women in factories and mechanical establishments, as well as other statutes; it represented the bulk of the political strength that made legislators fear to run counter to measures designed to benefit the laboring classes; it paved the way for legislation by establishing through trade-union activity conditions of work that later were made standard by law.

Ostensibly, the organized workmen supported labor legislation for women on grounds of humanitarianism, but in reality self-protection was the dominant motive. In the first place, by securing shorter hours for women through legislation they hoped to obtain the same shorter hours for themselves; and, in the second place, they wanted to prop up by legislation and make standard the shorter hours that the more strongly organized trades had secured by bargaining. The first motive is particularly evident in the whole struggle of the textile workers in Massachusetts for legal reduction in hours and is sharply defined in the case of the California 8-hour law for women and in some of the hours legislation of New York. The second accounts in part for the support given by the organized-labor movement in Massachusetts to the efforts of the textile workers to secure a reduction in working hours, and undoubtedly it was the strongest underlying interest of the trade-unionists of New York and California in pushing for the shorter workday for women.

During the course of this study instances have been found where the desire for self-protection led craft unions to attempt by restrictive legislation to keep women from working at the trade. The instances in which this motive determined legislation are three: The New York law of 1899, secured by the metal polishers, prohibiting women from operating or using machines for buffing and polishing; and the laws of Massachusetts and New York, of 1912 and 1913, respectively, regulating the work of women in core rooms. In the second and third of these the molders did not secure the exclusion of women from the core rooms, but the regulations passed in lieu of exclusion were designed, at least in New York, to have that effect.

The rôle played by organized labor in securing legislation for women was more prominent in Massachusetts than in New York. This was due to a number of factors. In the first place, the dominant industry in Massachusetts is the manufacture of textiles. The leaders

among the workers in this industry, particularly in the early days, had an English background and naturally employed the method used by the textile workers of England to better their conditions—namely, legislation. Secondly, the concentration of the industry in certain cities gave the textile workers a political strength out of proportion to their numbers. In many cases, legislators from the textile centers were officials of the textile unions. From such advantageous position as chairmen of the labor committees of both houses, these union leaders were powerful factors in the legislative fights for the hours laws. Thirdly, the low standards obtaining in the textile industry during the early years of the agitation for hours laws were a constant menace to the labor movement of the State as a whole, and the organized workers hoped by legislation at least to approximate for textiles the conditions existing in other industries.

To the constant agitation carried on by the labor movement of Massachusetts, and in later years by its affiliated body, the Women's Trade Union League, is to be ascribed the passage of practically all the legislation shortening the hours of work of women in factories and mechanical establishments in that State.

The night-work or overtime law of Massachusetts also was passed at the insistence of labor. Other laws of significance originating with socially minded groups could not have been passed without the support of the organized workers. The labor movement is written large in the history of labor legislation for women in Massachusetts.

In New York the indirect influence of organized labor has been more of a factor in securing legislation than has been its direct legislative effort. While it has sponsored most of the hours laws for women in factories and mechanical establishments, organized labor usually has required the help of other agencies to get the laws passed. The bulk of the legislative work for labor legislation for women in general has been done by factory inspectors, labor-department officials, and legislative agents for various civic and social organizations. On the other hand, while it is recognized that persons outside the labor movement frequently put the bills through the legislature, it is doubtful if most of these measures would have become law without the political strength of labor behind them.

Organized labor of California was solely responsible for the enactment of the 8-hour law for women in that State.

State labor officials.

The State officials charged with the enforcement of factory laws have played a more or less prominent part in securing labor legislation for women, the prominence varying with the State. In New York a major part of the early labor legislation was put through largely by the factory inspectors, with the nominal support of organized labor. During the eighties and nineties the factory inspectors of Massachusetts, through their director, the chief of the district police, were instrumental in securing amendments to the existing labor laws, making evasion less easy. But they never took the initiative in legislation as did the New York inspectors. California had no real factory inspection before 1913. With a comparatively complete labor code at the starting point there was little room

for suggested improvements by the inspectors, and they exercised no influence on the trend of legislation.

Before considering the laws attributable to factory inspectors in the various States it may be well to point out the part played by the International Association of Factory Inspectors in helping to develop and equalize standards and to spread knowledge of the new and improved industrial legislation.

This association was formed in 1887 "to produce something like uniformity, both in the laws and in the practice of the inspectors."¹ The yearly getting together of the factory inspectors, the reading and discussion of papers, the comparison of the laws of the various States, and the exchange of experiences with enforcing officers, acted as a definite spur to the more aggressive inspectors to make the labor laws of their States compare favorably with those of other States.²

Differences of opinion as to the part that factory inspectors should play in promoting labor legislation were expressed early by the members of the Massachusetts and New York delegations. Chief Wade, of the District Police of Massachusetts, the first president of the association, touched upon the subject in his annual address at the second convention, in 1888. He stated that, while factory inspectors were charged only with the enforcement of certain laws, and were not responsible for those laws, "either in scope or in their effect upon the general welfare," there was no concealing the fact that legislators depended upon inspectors "for such facts and suggestions as our peculiar experience furnish to aid them in procuring proper statutes."³

Prior to 1890 Chief Wade and his associates were responsible for certain amendments to the labor law, but, after that time, to advise with legislators when asked to do so seemed to be as far as the Massachusetts factory inspectors would go in promoting legislation.

At the convention of 1894, Henry Splaine, one of the Massachusetts inspectors, precipitated a spirited debate by declaring that a factory inspector should confine his efforts "to an impartial discharge of his duties" and should not enter the field of politics nor the "domain of agitation for or against capital or labor."⁴ The chief factory inspector of New York, John Franey, advocated the promotion by inspectors of legislation of a remedial character.⁵ The consensus of opinion seemed to be expressed by Florence Kelley, chief factory inspector of Illinois. She held that the inspectors had an "urgent and binding" duty to take the initiative in securing labor legislation, for in some respects they were more competent than the working people themselves to judge what legislation was "promptly attainable." She amplified her argument as follows: "Going into all the factories of all sorts, we see the whole field of industry as no other eyes see it, and have an opportunity, enjoyed by no other observer, of judging which grievances are general enough to be legislated upon immediately * * *. Moreover, the

¹ National Association of Factory Inspectors of North America. Proceedings of second annual convention, Boston, 1888, p. 5.

² International Association of Factory Inspectors of North America. Proceedings of sixth annual convention, Hartford, 1892, p. 86.

³ National Association of Factory Inspectors of North America. Proceedings of second annual convention, Boston, 1888, p. 8.

⁴ International Association of Factory Inspectors of North America. Proceedings of eighth annual convention, Philadelphia, 1894, p. 11.

⁵ *Ibid.*, p. 8.

legislators regard us, in a manner, experts, and attach weight to our opinions. If we have done our duty faithfully, and enforced the law, the working people stand ready to indorse our recommendations and urge the passage of our bills."*

The difference in attitude of the factory inspectors of Massachusetts and of New York toward initiating labor legislation accounts, at least in part, for the marked difference in the origin and history of much of the legislation in the two States. During the first 12 years of his administration, 1878-1890, Chief Wade, of the District Police of Massachusetts, prodded in most cases by the textile workers and their labor friends, recommended to the legislature certain amendments to the hours law of 1874, to widen its scope and to make it more readily enforceable. After 1890 there is no record of attempt on the part of the factory inspectors to initiate labor legislation in Massachusetts, but occasionally they did go so far as to call the attention of the legislature to certain imperfections in the existing law.

The State Board of Labor and Industries of Massachusetts, created by law in 1912, took over the functions of inspection formerly exercised by the district police. Reorganizations and changes in personnel have prevented the board from being a noteworthy factor in the promotion of labor legislation. It has recommended minor statutes but its general policy has been to keep out of legislative controversies.

In New York practically all the legislation that, prior to 1900, clarified and extended the 60-hour-week law of 1886 was initiated by the factory inspectors.

The creation in 1901 of a department of labor with a commissioner at the head, and later changes in the form of organization, took away from factory inspectors the direct contact with the legislators that they had enjoyed up to that time. While they still were privileged to make recommendations, these must have been acted upon favorably by the commissioner for them to carry much weight with the legislature.

Most of the commissioners of labor and members of the various industrial boards created in New York from time to time through the reorganization acts have taken an active interest in securing labor legislation for women workers. Many of the laws passed have been suggested by labor-department officials and later taken up and pushed by organized labor or by one or more of the social and civic organizations interested in securing improvements in the working conditions of women.

Since the first law regulating hours was passed in 1886, it may be said that only two laws affecting the working conditions of women have been put on the statute books of New York without the active support of enforcing officials. One of these laws was the prohibition of the work of women in the operation and use of buffing and polishing wheels (1899) and the other was the limitation of the hours of work of women in mercantile establishments in cities of the second class to 54 a week and elsewhere to 60 a week (1913). The first law was put through by the metal polishers' union and the other slipped through a legislature so crowded with labor bills recommended by

* *Ibid.*, p. 25.

the factory investigating commission that it was difficult for the ordinary legislator to distinguish one bill from another.

In California there was practically no legal regulation of women's work prior to the enactment of the 8-hour law in 1911, and there was nothing worthy of the title of factory inspection before 1913. By that time the labor code of the State as it affected women was comparatively complete and there was not the same urge for the factory inspectors to suggest improvement as there was in New York and Massachusetts. The bureau of labor statistics, to which the inspectors are responsible, has had little to do officially with the building up of a labor code for the State. The industrial welfare commission, on the other hand, has taken an active part in securing amendments strengthening its law.

Bureaus of labor statistics.

California is the only one of the three States under study in which the bureau of labor statistics is charged with the enforcement of laws as well as with research. In the other States the bureaus serve primarily as fact-finding agencies. They were established to satisfy the demand of organized labor, which in its efforts to secure legislation had found itself handicapped by lack of authoritative information as to the conditions that it sought to remedy. Labor was hopeful that the bureaus of labor statistics would furnish the necessary facts and thus aid in the passage of measures of benefit to labor.

For the most part labor has been disappointed in the support that it has obtained from this source. While a few commissioners have been friendly and have made timely studies of the questions in which labor was legislatively interested, and even have recommended the passage of laws of a remedial character, others have carefully avoided taking sides on controversial questions.

The information furnished by the Massachusetts Bureau of Statistics of Labor was as often used against the legislative proposals of labor as for them. The tendency of the bureau was to hold back legislation rather than to promote it.

The New York Bureau of Labor Statistics in the main kept more closely in touch with the labor movement. But even so, only one of its studies had a real influence in promoting legislation for women. Others were either untimely or of insufficient consequence to make them helpful. The California Bureau of Labor Statistics gathered the material upon which the minimum-wage law was based, but the bureau itself was not a party to the use to which the data were put.

Special legislative committees or commissions.

Special legislative committees or commissions have played no part in the history of labor legislation for women in California, have had a minor influence in Massachusetts, and have been one of the largest determining factors in the labor legislative history of New York.

In only three instances have special labor legislative committees or commissions in Massachusetts recommended improvements in the labor laws affecting women that were accepted by the legislature. One of these was a recommendation that the exemption from the 58-hour law, by which women in stores could be employed for unlimited hours during December, be repealed; another was that the

enforcement of labor laws be coordinated in a new department of industrial inspection; the third and most important was the recommendation of the special commission appointed to study the wages of women and minors that the State enact a law establishing a permanent minimum-wage commission.

In contrast, much of the most important legislation affecting working conditions of women in New York was put on the statute books as a result of investigations of special committees or commissions appointed to report on working conditions, sometimes specific, sometimes general, for which remedies had been sought through legislation, and to recommend legislation that they deemed necessary. Laws passed at the recommendation of the Reinhard committee, the factory investigating commission, and the industrial commission are of particular importance to this study.

The Reinhard committee was appointed in 1895 because of pressure brought by the Working Women's Society, the Consumers' League of the City of New York, and the factory inspectors. All these groups were in favor of the extension of the factory law to mercantile establishments and of other improvements in working conditions in stores. The committee made a thoroughgoing survey of "the condition of female labor in the city of New York." Its investigations led to the recommendation and passage of the first law in the State regulating hours in mercantile establishments, and in addition laws regulating the employment of women and children in mercantile basements and improving the seating law as it affected mercantile establishments.

The factory investigating commission (1911-1915) grew out of a shirtwaist-factory fire in which 145 working people lost their lives. This needless loss of life crystallized public opinion in favor of comprehensive legal regulation of factory conditions. It came at a time when the progressive state of mind was dominant and made it possible for the commission to carry on more than three years of investigation, covering all the most mooted questions of working conditions, and to secure the passage of laws dealing with them. Many, if not most, of the laws that were recommended and pushed through the legislature by the commission were not original with it but had been advocated in some form or other by interested groups. The factory investigating commission gave these bills the support necessary to secure their passage. Chief among the laws affecting working women that the commission was instrumental in putting on the statute books were the provision of the 9-hour day for women in factories and mercantile establishments, the extension of the hours law to canneries, the prohibition of the work of women between the hours of 10 p. m. and 6 a. m., the requirement of seats with backs for women employees, the prohibition of the employment of women for four weeks after childbirth, and the regulation of the employment of women in core rooms.

Following the work of the factory investigating commission special legislative committees were appointed by successive legislatures to review and revise the existing labor laws, but their recommendations for changes in the laws affecting women's work were opposed by most of the groups interested in securing adequate safeguards for women workers and in consequence did not become law.

The New York State Industrial Survey Commission, appointed in 1926, after a lengthy survey reported in favor of 8-hour-day and 48-hour-week legislation, with certain modifications. The changes being accepted, or at least unopposed, by the supporters of the 8-hour-day legislation, the legislature passed the 8-hour bill as recommended by the commission.

Probably most of the laws put on the statute books of New York as a result of the recommendations of an investigating committee had sufficient public support to insure their passage at the hands of some future legislature. But, aside from overcoming the delay in putting them into effect, the fact that they were sponsored by special legislative bodies of the sort had an extensive educational effect, resulting from the hearings on industrial conditions, from having such conditions aired in the press, from informing interested witnesses and the public on the larger problems of women's work, and finally in educating the legislators themselves who participated as members of the committee. Furthermore, acceptance by the employing interests of laws passed after thorough discussion was much more immediate and friendly and the enforcement of such laws was facilitated.

Governors.

Governors, as leaders of their political parties in the States, frequently have aided in the passage of labor legislation for women. A governor's active support has been in many cases the decisive factor in the enactment of such laws. No instance has been found in which a law of this sort originated with the chief executive of the State. His rôle usually has been to give administrative approval to bills introduced by organizations interested in industrial conditions and to help to push them through the legislature.

Gubernatorial aid was a factor in the passage of both the 60-hour and the 58-hour laws and of the minimum-wage law of Massachusetts. New York governors helped to pass the 60 and the 48 hour week laws, as well as minor measures. A California governor played the leading rôle in the enactment of a minimum-wage law.

The use of the veto power of the governor in checking attempts to repeal old legislation or to pass new laws that generally were considered adverse to the interest of women workers probably has been a more important factor in the development of the labor code of New York as it affects women than has been the governor's support of legislation. During periods of reaction New York governors have more than once used the veto to prevent a breakdown of the labor law. Similar situations have not arisen in Massachusetts and California. The only use of the veto in Massachusetts in connection with labor laws for women was to kill the overtime or night-work bill for textile mills (1904).⁷

Pioneering employers.

To the employers who have shown a readiness to accept newer methods of carrying on their business must be given credit for having made possible the passage of certain industrial legislation. Their influence has been strongest in the fields of safety and sanitation, but

⁷ The succeeding governor signed the same measure when it came before him.

it also has been a factor in hours and wage legislation. By putting into effect an hour's schedule lower than that allowed by law, these progressive employers have demonstrated that with proper management shorter hours are helpful rather than ruinous to industry. When an appreciable number of employers accept voluntarily the shorter week and continue to make profits, a strong argument is set up for the extension of the shorter week by law to employers who are not so concerned as to the welfare of their workers. For instance, a strong argument for the passage of the 8-hour law for women in New York was that approximately one-half the women of the State who would be covered by the measure already were working the 8-hour day.

The fact that some employers were able to pay a living wage to their employees and yet prosper as much as, if not more than, their competitors with a much lower wage scale was one of the leading arguments in support of the minimum-wage law of Massachusetts.

Other instances could be cited, but these are sufficient to show that pioneering employers have led the way to much of the legislation affecting women workers by voluntarily adopting the standard later embodied in the law.

Social, civic, philanthropic, and church groups.

It is increasingly clear that many factors have combined to build up the industrial code of a State. Education of the legislators and the public to the need for relief from existing conditions and the practicability of the method proposed as remedy has been carried on in greater or less degree by all the groups or agencies under consideration—organized labor, factory inspectors, bureaus of labor statistics, special legislative committees or commissions, pioneering employers, and governors.

But without the educational work of still another group much of the effort expended by these agencies would not have resulted in legislation. Social, civic, philanthropic, and church organizations have popularized official reports and recommendations, have given them publicity, have created a favorable public opinion, and have aided in putting suggested bills through the legislature. With comparatively flexible forms of organization, some of these societies have been able to concentrate on a given bill, to carry on propaganda, and to work much more effectively in an emergency than could State officials or representatives of more ponderous organizations.

Most frequently these organizations have taken up and helped to carry through some recommendation for legislation made by factory inspectors or other labor-department officials or by organized labor or groups of working women. In a few instances they have initiated legislation without there having been a demand from enforcement officials or labor. Where industrial conditions were considered bad and official aid in studying them was not forthcoming, some of these agencies have made original investigations to determine the facts, have drafted bills to improve the conditions, have gained the necessary support for them, and finally have lobbied them through the legislature.

At times more than 20 organizations have been pushing jointly a given piece of legislation affecting women's work. Most of these societies have been interested primarily in questions other than industrial, such as suffrage, politics, prohibition, civic reform.

Of the three organizations whose chief function has been the improvement of working conditions, one—the American Association for Labor Legislation—has devoted itself largely to the promotion of workmen's compensation laws, but in addition it has played a real part in familiarizing the public with the need for safeguarding the work of women and the progress being made in that direction.

The other two organizations—the Consumers' League and the Women's Trade Union League—National, State, and local—have confined their activities to the improvement of the working conditions of women and children. Local leagues have done most of the active legislative work for their organizations, but their policy is affected by that of the national organizations and the officers of the nationals often give aid to the legislative causes of the locals.

The National Consumers' League was founded in 1899 "to educate public opinion to the need for better working conditions and to protect the consumers against the dangers arising from the use of goods produced under unwholesome conditions."⁸ It soon decided that legislation was necessary to effect its purposes and it began to promote laws for the shorter workday, the abolition of night work, and a minimum wage for women. Through investigations, pamphlets, lectures, and general propaganda, it has kept the need for these laws constantly before the public. The economic data that it collected to support legislation before the courts helped to usher in a new technique and to bring about a more liberal interpretation of social laws by the judiciary. For example, the opinion of the United States Supreme Court upholding the 10-hour law of Oregon⁹ was based on the brief submitted by the National Consumers' League. This decision gave new life and impetus to the whole movement for industrial legislation.

The National Women's Trade Union League, organized in 1903 to bring working women into the trade-union movement, became a strong exponent of labor legislation for women. Among its early legislative proposals were the 8-hour day, the elimination of night work, seats for women, prohibition of employment two months before and two months after childbirth, and the minimum wage. It has done much to popularize these proposals, but the national league probably has played its most important rôle in educating the American Federation of Labor and its constituent bodies to a better understanding of what labor legislation would do for organized women workers as well as for the unorganized. At a time when some union leaders were questioning the value to organized labor of labor legislation the National Women's Trade Union League expressed its belief that such legislation might become "a powerful constructive force for social righteousness" if it were "reinforced by trade-union organization" to see to the enforcement of the laws. It was recog-

⁸ National Consumers' League. Second annual report, year ending Mar. 6, 1901, p. 8.

⁹ Muller v. Oregon, 208 U. S. 412.

nized as "another weapon in the hands of the trade-union women to protect not only themselves and their children but the great mass of unorganized women to whom has not yet come the social vision which will redeem the world."¹⁰

With the passage of years and with more knowledge as to the effects of the legislation it has promoted, the league still continues to urge labor legislation for women as a supplement to trade-union organization.

The consumers' league, local, State, or national, as a proponent of labor legislation for women has not played the same conspicuous part in each of the States under survey. In California the influence of the league has been indirect only; in Massachusetts it has interested itself mainly in securing the protection of hours laws for women in mercantile establishments; but in New York it has been instrumental in securing the introduction or the passage, or both, of practically every important labor law affecting women's work since the formation of the Consumers' League of the City of New York in 1892. Frequently other organizations have taken the initiative and the consumers' league has given public and legislative support. But in other instances bills have originated with the consumers' league and have gained the support of other groups to make them law.

Local women's trade union leagues have not been active in the support of labor legislation for women over so long a period as have the consumers' leagues. In both New York and Massachusetts they made their first important legislative appearance in 1911. Since that time they have played an important rôle as the spokesman of the working women. Both leagues have taken the lead in securing the 8-hour day for women, both have given substantial aid in the extension of shorter-hours legislation to women in industries not touched by existing statutes, and both have supported local movements for minimum-wage legislation.

California has never had an active Women's Trade Union League, but the organized women workers through their local unions have expressed themselves on the question of labor legislation for their sex. These women initiated the movement for 8-hour legislation in California, but in contrast to the action of organized women workers in the other two States they actively opposed the enactment of a minimum-wage law.

Factual studies.

The extent to which legislation has been based upon the facts of the conditions to be remedied is one of the outstanding features of this study. Legislators have been slow to act, particularly to make new departures, unless they had before them official or unofficial factual material bearing on the question. Time after time, as the details of legislative history of labor laws for women are studied, it is found that the evidence was so incontrovertible that the legislature was forced ultimately to act. Particularly is this true of New York, but California and Massachusetts both offer examples in point.

¹⁰ National Women's Trade Union League of America. Proceedings of ninth biennial convention, New York, 1924, p. 8.

The spirit of the time.

The rise and development of labor legislation for women are traced in three representative States. Attempt is made to show how the legislation originated, with whom, and the factors that made for its passage. Leaders and organizations have left their stamp upon specific pieces of legislation, but behind these leaders and organizations are discernible always the social forces pushing on toward a better economic order. The overpowering urge toward social justice accounted for the flood of industrial legislation during the years 1911 to 1914. More important legislation affecting women's work was put on the statute books of each of the three States in that 3-year period than in any other period of corresponding length. Massachusetts shortened hours for almost all groups of women workers and passed the first minimum-wage law in the United States; New York shortened hours for women workers, prohibited night work, and passed a number of other statutes safeguarding the work of women; California enacted a comprehensive 8-hour law and then set up a commission to secure for women workers a living wage and proper working conditions.

In some cases legislative action has been followed by reaction, but the work accomplished seldom has been undone, and the laws passed may be considered representative of the spirit of the time that played its part in making their enactment possible.

One of the clearest reflections of the influence of public opinion and the spirit of the time may be found in the decisions and interpretations of the labor laws made by the courts. While note has been made in certain outstanding instances of the influence of court decisions—sometimes deterring, sometimes stimulating—upon the trend of labor legislation for women, it has not been attempted in this study to give the subject the space that its importance warrants, because an adequate treatment would be a study in itself, which, with the resources available, could not be undertaken.

CHAPTER II.—HISTORY OF LABOR LEGISLATION FOR WOMEN IN MASSACHUSETTS

HOURS LEGISLATION IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS

The 60-hour-week law of 1874.

Massachusetts was the pioneer State in enacting effective hours legislation for women. More than 40 years of almost continuous agitation by the working men and women of the State for the regulation of the hours of labor of all persons finally was rewarded in 1874 by the passage of a 60-hour-week law for women and minors in manufacturing establishments.

Agitation for a 10-hour day by legislative enactment began in the early thirties. It became a political issue in 1842. In that year various petitions were addressed to the general court urging that 10-hour legislation be enacted. With one notable exception these petitions were for the passage of a law providing that "ten hours' labor shall constitute a day's labor, in all cases wherein a different provision is not made by the agreement of the parties."

The one exception was in the case of the petitioners from Lowell, who realized that such a law would be nothing more than an expression of opinion and asked for a law that would prevent all "manufacturing corporations" from employing persons "more than 10 hours a day." Furthermore, they gave as the reasons why they thought such a law should be passed that—

It would, in the first place, serve to lengthen the lives of those employed, by giving them a greater opportunity to breathe the pure air of heaven, rather than the heated air of the mills. In the second place, they would have more time for mental and moral cultivation * * *. In the third place, they will have more time to attend to their own personal affairs, thereby saving considerable in their expenditures.

It is significant to this study that this early plea recognized the two factors upon which hours legislation for women finally was based, the protection of health and the provision of time for "mental and moral cultivation."¹

The petitions of 1842 were followed by others of 1843 and 1844. In 1844 one petition was referred to a special committee, which reported that "In order to understand the nature and the extent of the evil represented in the petition, as also the best remedy, it will be necessary to thoroughly examine the manufacturing systems * * * throughout the Commonwealth." The committee felt that if legislative action was needed "it should be based upon accurate and extensive knowledge." Having neither the knowledge nor the time

¹ Kingsbury, Susan M., ed. *Labor Laws and Their Enforcement, with Special Reference to Massachusetts*. Longmans, Green & Co., New York, 1911. (Women's Educational and Industrial Union, Boston. Department of research. *Studies in Economic Relations of Women*, v. 2.) pp. 25-26.

to secure it, the committee recommended that action be referred to the next session.²

The unwillingness of the legislature to consider the needs of the workers was one of the leading factors in determining the Mechanics' Association of Fall River to call a convention of working men for the purpose of forming a more effective organization. The New England Workingmen's Association was the result. At its first convention it indorsed the 10-hour movement and appointed a committee on ways and means for carrying the 10-hour system into effect.³ This organization, together with the Lowell Female Labor Reform Association formed by women textile workers early in 1845,⁴ was instrumental in securing signatures to monster petitions submitted to the legislature in 1845. The petitioners, a large number of whom were women, declared that they were confined "from 13 to 14 hours per day in unhealthy apartments" and were thereby "hastening through pain, disease, and privation, down to a premature grave." They asked the legislature "to pass a law providing that 10 hours shall constitute a day's work."⁵

The effective propaganda carried on in connection with these petitions resulted in the first governmental investigation of labor conditions in the United States.⁶ A special legislative committee was appointed to consider the petitions. It heard testimony from members of the Lowell Female Labor Reform Association, other textile operatives, manufacturers, and citizens, and made a personal inspection of some of the leading textile mills. Data submitted by the Lowell textile manufacturers showed that the average daily hours of work in the mills were 12:10, varying from 13:31 in April to 11:24 in December and January.⁷

With these and other facts before it, the committee unanimously recommended that legislation was not necessary at that time; that the health of the operatives was not being impaired by work in the mills; that the State could not reduce hours and compete with other States; and that legislation as to hours was bound to affect wages. Better conditions should come by improvements in the arts and sciences, and "in a higher appreciation of man's destiny, in a less love for money, and a more ardent love for social happiness and intellectual superiority." The members agreed that the remedy "is not with us."⁸

The report of the committee was bitterly assailed by the Lowell Female Labor Reform Association. It claimed that all the most important testimony given by its members at the hearing had been withheld from the legislature and it charged the members of the committee with being "mere corporate machines." As an object lesson for future committeemen the chairman, a representative from

² Massachusetts. Legislative documents. House No. 48, 1844, pp. 1-2.

³ Commons, J. R. Documentary History of American Industrial Society. Arthur H. Clark Co., Cleveland, 1910, v. 8, pp. 81-84.

⁴ Kingsbury, p. 36. (See footnote 1, p. 13.)

⁵ Massachusetts. Legislative documents. House No. 50, 1845, p. 1.

⁶ Vox Populi, Lowell, Mar. 28, 1845, quoted in Report on Condition of Woman and Child Wage Earners in the United States, U. S. Bureau of Labor, 1910, v. 10, p. 73.

⁷ Massachusetts. Legislative documents. House No. 50, 1845, p. 9.

⁸ Ibid., p. 16.

Lowell, was defeated for reelection largely through the efforts of these indignant women.⁹

In 1846 a senate committee came to practically the same conclusions that had been reached by the house committee the previous year. It emphasized even more strongly the laissez faire theory so commonly accepted at the time. One sentence will indicate the reasoning followed in the report as a whole: "Let business be flourishing, and the competition consequent is the best guarantee the laboring man can have that he will be properly dealt by."¹⁰ These economic views proved for years a stumblingblock in the way of the 10-hour-day movement.

Agitation for hours legislation continued intermittently up to 1850, when it received renewed impetus by a favorable minority report of the labor committee accompanied by a bill providing for the gradual adoption of the 10-hour day. By the terms of this bill no person was to be employed more than 11 hours a day after September 1, 1850, and the following July the 10-hour day was to go into effect.¹¹ The bill was defeated.

Though labor was organized and had considerable influence during the agitation of the forties, it was not until the early fifties that it became a factor to be reckoned with by the politicians. During these years legislators were elected or defeated upon their position on the 10-hour bill. The laboring men carried on a vigorous educational campaign through 10-hour conventions, speeches, and pamphlets. This educational work had a profound effect upon legislative action for the years preceding the outbreak of the Civil War. The 10-hour bill actually passed the house in 1853 and was defeated in the senate only by a substitute bill embodying the contract provisions of the unenforceable 10-hour laws of New Hampshire, Ohio, New Jersey, Pennsylvania, and Rhode Island. The advocates of 10-hour legislation in Massachusetts were not to be put off with such an ineffectual statute, and promptly rejected the substitute measure.¹²

The evident strength of the movement for legislation alarmed the textile manufacturers. In an effort to stave it off, by agreement they granted the 11-hour day to their operatives in September, 1853.¹³

The 10-hour movement lost some of its force in 1854 but was taken up with renewed energy in 1855. A legislative battle between opposing factions gave the house an excuse to refer action to the next session. A senate committee in 1856 reported a bill applying only to minors employed in certain manufacturing industries in the State.

⁹ U. S. Bureau of Labor. Report on Condition of Woman and Child Wage Earners in the United States, 1910, v. 10, p. 74.

¹⁰ Massachusetts. Legislative documents. Senate No. 81, 1846, p. 4.

¹¹ Ten-hour laws were enacted by New Hampshire in 1847, Maine and Pennsylvania in 1848, New Jersey in 1851, Rhode Island in 1853. In general they provided that 10 hours should constitute a day's work for all persons employed by corporations unless otherwise agreed by the parties. Hailed at first as great victories for labor, it was soon found that these laws were futile. It was freely admitted in the case of New Hampshire that "the laborers have the contracts presented for their signature, under peril of ejection from employment if they see fit to refuse, while a secret agreement among the employers of the entire State, and with others out of the State, binds each not to employ any who refuse to sign a contract to work as many hours per day as the employers see fit to exact"—U. S. Bureau of Labor. Report on Conditions of Woman and Child Wage Earners in the United States, 1910, v. 9, pp. 69-70; and Commons, J. R. Documentary History of American Industrial Society. Arthur H. Clark Co., Cleveland, 1910, v. 8, p. 195.

¹² Kingsbury, p. 87. (See footnote 1, p. 13.)

¹³ Kingsbury, p. 88. (See footnote 1, p. 13.)

No action was taken on this measure. The approach of the Civil War brought other problems to the legislative leaders friendly to the cause of labor and the 10-hour movement was disregarded for the next nine years.¹⁴

When the war was over, the movement for shorter hours was in keeping with the general humanitarian spirit of the times and had the whole-hearted support of prominent antislavery leaders such as Wendell Phillips and William Lloyd Garrison. A general 8-hour day was demanded for the working classes. Legislative action in 1865 and 1866 was confined to such a proposal.

A house committee in 1865 unanimously reported in favor of a decrease in hours, stating that in its opinion the 11-hour system was "a disgrace * * * to Massachusetts and an outrage on humanity."¹⁵ As a result of this report a commission of five was appointed to investigate the 8-hour question. This commission recommended child-labor legislation and in addition suggested "that provision be made for the annual collection of reliable statistics in regard to the condition, prospects, and wants of the industrial classes."¹⁶ As far as shorter hours were concerned, its opinion was that "the change desired can be better brought about by workingmen outside the statehouse, than by legislators inside."¹⁷

Again the following year a commission of three was appointed to investigate further the feasibility of 8-hour legislation. After reviewing the evidence available and stating that existing hours of work were too long, it recommended the 10-hour day and 60-hour week for minors under 18, the appointment of inspectors to enforce the law, and the establishment of a bureau of labor statistics.¹⁸ A minority report was submitted, recommending "the enactment of 10 hours, as a legal standard for a day's labor—in the absence of contracts—for factory and farm work, and a similar enactment of 8 hours as a legal standard—in the absence of contracts—for mechanical labor."¹⁹ Nothing came of this report. In the following years the 10-hour day was again the chief legislative proposal of the workers.

The process by which a demand for the 10-hour day for all "persons" employed by incorporated companies resolved itself into a bill for the protection of the health of minor and female textile operatives is not entirely clear. In tracing the development of this change from such data as are available it is noteworthy that during the agitation of the forties and fifties no mention is made of such a possible limitation, particularly since, during the latter period, the English 10-hour legislation of 1847, applying only to women and minors, was constantly being cited as an example of the efficacy of hours legislation.²⁰ Furthermore, during this period the passage of the fourteenth amendment to the Federal Constitution must have influenced public opinion as to the feasibility of thus controlling conditions of employment for men.

¹⁴ Kingsbury, pp. 87-88. (See footnote 1, p. 13.)

¹⁵ Massachusetts, Legislative documents. House No. 259, 1865, p. 3.

¹⁶ *Ibid.* House No. 98, 1866, p. 49.

¹⁷ *Ibid.*, p. 44.

¹⁸ *Ibid.* House No. 44, 1867, p. 21.

¹⁹ *Ibid.*, p. 141.

²⁰ Kingsbury, pp. 84-85. (See footnote 1, p. 13.)

A legislative committee appointed to investigate the need for shorter hours had recommended in 1867 the 10-hour day for minors under 18, but such a measure had not proved acceptable to the advocates of the more comprehensive legislation. That same year some of the amalgamated short-time committees, the recognized sponsors of the 10-hour legislation,²¹ petitioned for a bill applying to women and children employed by woolen, cotton, linen, and all other incorporated companies.²² The State convention of the amalgamated committees of 1870 issued an "appeal for a 10-hour law" addressed to the "workingmen of Massachusetts." This appeal carried a draft of a proposed law that applied only to women and minors under 18 engaged in textile manufacturing.²³

In view of the economic situation, the limitation of the bill to the textile industry was logical. Textiles made up the vast bulk of the manufacturing industry. Particularly did it include almost all the incorporated companies where the evils of long hours were the most pronounced. Organization among the textile workers was weak. Certain branches of the industry in the predominantly English communities of New Bedford and Fall River were fairly well organized, but the unions were not strong enough to determine working conditions. The preponderance of women and children in the industry as a whole made the work of organization seem hopeless. Eleven hours was the prevailing workday in the textile industry, while in the mechanical trades and most of the smaller industries in which the workers had fairly good bargaining power the 10-hour day was the rule. So it was to compensate the workers for their weak bargaining position and to bring the textile industry up to the standard already established in other trades that the 10-hour movement was limited to textiles.

When once this limitation was determined there was no effective reason why the law should not apply to women and minors only. They made up such a large proportion of the working force that if a 10-hour day were established for them it would apply automatically to the men.

Another practical consideration was that the bill would stand a much better chance of passage if it applied only to women and minors. In the first place, the legislature doubted its right to regulate the labor of men, and in the second place, the argument as to the injurious effects of long hours of work did not apply with equal force to men.²⁴ These practical considerations outweighed the theoretical, and in 1871 a petition from "James Lee and 10,755 others," asking for a 10-hour law for women and minors under 18 employed in the textile industry, received particular attention. The joint committee on labor to which this petition was referred recommended legislation as follows: "No minor under the age of 18 years, and

²¹ The first amalgamated short-time committee was formed in Lawrence in 1865. It was soon followed by committees in Fall River and Lowell. These local committees were bound together by the so-called Short-Time Amalgamated Association. The purpose of the organization was to secure the 10-hour day, either by bargaining or by legislation. They held aloof from the movement for 8 hours.—Kingsbury, pp. 106-110. (See footnote 1, p. 13.)

²² Kingsbury, p. 108. (See footnote 1, p. 13.)

²³ Kingsbury, p. 107. (See footnote 1, p. 13.)

²⁴ Kingsbury, pp. 122-123. (See footnote 1, p. 13.)

no female over that age, shall be employed in laboring by any person, firm, or corporation in this Commonwealth in the manufacture of cotton, woolen, linen, jute or silk fabrics more than 10 hours in any one day or 60 hours in any one week; except when it is necessary to make repairs to prevent the stoppage or interruption of the ordinary running of the mill or machinery."²⁵ This bill passed the house in 1871, 1872, and 1873, but was defeated each time in the senate.²⁶

Throughout the period 1865 to 1874 the arguments used for and against hours legislation varied little. The opposition argued as follows: Such legislation was not within the province of the legislature; if passed it would drive capital out of the State, it would drive the best operatives into some other State where they could work as many hours as they pleased, it would encourage foreign competition, it would reduce the wages of operatives; more leisure would mean more dissipation; it would be an interference between capital and labor and would destroy personal freedom in the matter of contract; the experience of England with the 10-hour law showed it to be a failure; paternalism in France had meant no improvement in the lot of the workers in 100 years. The advice of the manufacturers to the proponents was "keep clear of governmental care, keep clear of strikes, shun trades-unions, keep out of combinations, stick to individual effort, make your services so necessary to the public that they can not be dispensed with, and you will have no need of strikes or Government aid."²⁷

That the workers disagreed with the employers on each and every one of these counts is amply demonstrated by their testimony before legislative committees. They said that the same dire predictions had been made by the English manufacturers before the enactment of the 10-hour-day legislation, but shorter hours in England actually brought "increased wages, increased invention, increased production, and increased consumption";²⁸ that the 10-hour day was in effect in the textile mills of Fall River for 21 months and the industry did not suffer; that the Atlantic Mills at Lawrence had voluntarily granted the 10-hour day in 1867 and the labor cost had decreased instead of increasing; that apart from the practicability of shorter hours labor-saving machinery was bringing larger benefits to society and the workers should share in the better things of life through more leisure;²⁹ and that factory work inevitably meant a breakdown in health, particularly of females—three years being the average length of time that females were able to stand the work.³⁰

Support for the movement outside the workers' group came from doctors, ministers, and notably from one employer, William Gray, agent of the Atlantic Mills at Lawrence. After his success with the 10-hour day voluntarily granted in 1867 Mr. Gray became an

²⁵ Massachusetts. Legislative documents. House No. 814, 1871, p. 2.

²⁶ Kingsbury, p. 123. (See footnote 1, p. 13.)

²⁷ Dickinson, M. F., jr. Shall We Legislate Upon the Hours of Labor? Argument of M. F. Dickinson, jr., before the joint special committee of the Massachusetts Legislature upon the hours of labor, in behalf of the remonstrants, held Mar. 15, 1871, phonographically [stenographically] reported by J. Read Fember, with an appendix containing abstract of testimony.—J. B. Batchelder, Boston, 1871, pp. 3-27.

²⁸ McNeill, George B. Argument on the hours of labor, delivered before the labor committee of the Massachusetts Legislature. Labor Standard Publishing Association, New York, undated [1879?], p. 7.

²⁹ Idem.

³⁰ Kingsbury, p. 117. (See footnote 1, p. 13.)

enthusiastic supporter of legislation, and his writings and addresses in favor of it were a real factor in molding public opinion.⁸¹

The Massachusetts Bureau of Statistics of Labor, which had been created in 1869 probably more to hold the labor vote than to carry out the recommendations of the commissions of 1866 and 1867,⁸² began at once to recommend 10-hour legislation. In its first annual report, in 1870, the testimony of operatives and others regarding the effects of long hours of labor was published. From this material the commissioner deduced "that factory life is detrimental to health, morals, and the general well-being of young persons and females, disqualifying the latter for household duties, thus corroborating testimony given to the parliamentary commission."⁸³ He stated further "that the hours are too long, and that the preliminary step to remedy the evil is the enactment of a law restricting labor in all manufacturing and mechanical establishments in the State to 10 hours per day, or to 60 hours per week."⁸⁴

In the report of the bureau for the following year the whole question of shorter-hours legislation was considered; the arguments for and against were given and the English experience was cited as proving that production increased with shorter hours. Again the commissioner recommended that 10 hours be made the limit of a day's work, but he widened the application suggested in his previous recommendation, to all establishments in the State "wherein men or women, or both" were employed.⁸⁵ Undoubtedly these early reports and the repetition of the recommendations during the next two years were effective in giving the cause of labor legislation a standing in the public mind that otherwise it would have lacked.

The long-continued agitation of the workers for shorter hours, strengthened by legislative reports and limited legislative action, approved by public-spirited citizens, indorsed by both political parties, and officially sponsored by the State bureau of statistics of labor, met with success in 1874, when a law was passed limiting women's hours in manufacturing to 10 daily and 60 weekly. The immediate cause of legislative approval was the strong indorsement by Gov. William B. Washburn of the demands of the operatives and the favorable report of the senate committee on such legislation. The governor in his annual address to the legislature said in part: "That the strength of the operatives in many of our mills is being exhausted, that they are growing prematurely old, and that they are losing the vitality requisite to the healthy enjoyment of social opportunity, are facts that no careful and candid observer will deny." He pointed out the particular need of leisure for foreigners in order that they might learn the language, ways, and institutions of their adopted land. He argued further: "The limit of a day's work to three-fourths of the laboring class in this Commonwealth being 10 hours, I am not able to see that any great detriment would result if the same limit should be extended to the other fourth. I have no hesitancy in recommending that the experiment be tried * * *

⁸¹ Kingsbury, pp. 117-122. (See footnote 1, p. 13.)

⁸² Massachusetts, Bureau of Statistics of Labor. Seventh annual report, 1876, p. 278.

⁸³ *Ibid.* First annual report, 1870, p. 314.

⁸⁴ *Ibid.*, pp. 196-197.

⁸⁵ *Ibid.* Second annual report, 1871, p. 567.

I know of no reason why it should not apply as well to male as to female operatives."³⁶

The committees of the senate to which this address and the petitions from workers were referred reported that they were "of the opinion that the legislation contemplated is for the protection of the health of a large class of the women of the Commonwealth," and for the advancement of the children, "which objects have ever been recognized as proper subjects for legislative action"; and that Massachusetts should not be held back by the failure of other States to provide adequate protection for their workers, particularly since the law would not prevent the manufacturers of the State from obtaining "a fair and honorable return" on their investments.³⁷ Encouraged by these two official pronouncements, the house passed the bill by a vote of 111 to 19. A legislative battle followed, which more than once threatened to kill the bill. Final approval by the senate was by a vote of 21 to 11.³⁸

The bill as passed had been amended in the senate to allow the adjustment of daily hours to make one short day a week, provided the 60-hour week was not exceeded, and to prevent the prosecution of an employer except for "wilfully" violating the law. As was intended, these two amendments made the law practically unenforceable.³⁹ Weak as it was, an attempt was made to have it declared unconstitutional. This failing, efforts were made to repeal it in 1879, but public opinion was so strongly behind it that they failed. Instead of repealing the law the legislature made it partially effective by striking out the word "wilfully," which had proved an insurmountable obstacle in securing conviction for violation.⁴⁰

Amendments to the hours law to aid enforcement and to prevent abuse.

After their unsuccessful attempt to repeal the 10-hour law in 1879 the employers realized that further attempts in this direction would be equally futile and began to accept the law as a permanent factor in industry. By 1881 the chief of the district police reported much less antagonism to it than formerly. He said, "Happily it is now conceded by those who were arrayed in opposition upon this subject that the policy of the State in regard to the employment of labor is established, and that results have shown the wisdom of such legislation."⁴¹

Acceptance of the law on the part of the employers did not prevent abuses of various sorts from cropping up. When they became serious enough legislative action usually was resorted to in an effort to end them. The initiative for legislation came in almost every instance from the textile workers. They were aided in many of their claims by the findings of the bureau of statistics of labor and the chief of the district police, who had been made the enforcing agency of the law of 1879. Both of these official sources of publicity and support

³⁶ Massachusetts. Legislative documents. Senate No. 1, 1874, pp. 83-85.

³⁷ *Ibid.* Senate No. 33, 1874, pp. 1-2.

³⁸ Massachusetts. Bureau of Statistics of Labor. Seventh annual report, 1876, p. 294.

³⁹ Kingsbury, p. 125. (See footnote 1, p. 13.)

⁴⁰ Massachusetts. Session laws, 1879, ch. 207.

⁴¹ Massachusetts. District Police, Inspection of Factories. Third annual report of chief, 1881, p. 15.

gave the demands of the workers a public standing that was of material aid in securing remedial legislation.

Posting of notices.—The amendment of 1880 required the posting of printed notices giving the number of hours of labor for each day of the week. While it grew out of complaints from the workers of violations that could not be proved by the enforcement officers, probably it was passed largely at the request of the chief of the district police. He hoped by this measure to reduce the possibilities of evasion that arose from the provision that more than 10 hours a day could be worked in order to make a shorter workday on any one day of the week. Without the posting of the daily hours inspectors had no way of determining a violation of the law, except to watch an establishment each day of the week to find out if the 60-hour limit were exceeded. Under the new provision, if plants were operating at hours other than those posted, it was considered by the inspectors as *prima facie* evidence of violation.

The courts, however, did not consider such evidence sufficient. In one case the inspectors proved that the women had been at the looms for 20 minutes in excess of the printed time-table for the day and that the looms were at working speed throughout that period. The court held that the evidence was not sufficient to prove that the women actually were doing something the whole time, and dismissed the case. As a result of this decision the chief of police recommended legislation providing that "If a person is in a factory while the machinery is in motion it is *prima facie* evidence of employment."⁴² Although recommended again and again this suggested amendment was never enacted by the legislature.

Time required for starting and stopping machinery.—Early starting and late stopping of machinery proved to be a favorite method adopted by some employers to increase working hours. The bureau of statistics of labor, in a study of the textile industry, reported that the operatives claimed that the time so gained by the employers varied from 6 to 16 minutes a day, and that it was the custom in certain parts of the State to start the machinery as much as 10 to 17 minutes before the scheduled time to begin work. The employers claimed that this was necessary in order to get up the proper speed for production and that the operatives need not be at their places before the scheduled time. The operatives, on the other hand, held that 2 minutes was sufficient time to get up the necessary speed and that they were required to be in their places ready to begin work when the wheels started.⁴³ The difference in the amount of time required by manufacturers in different parts of the State to start machinery led to a demand by some of the employees in 1881 that a uniform time be set for this purpose. The chief of the district police tried to get the manufacturers to agree to a certain schedule, but those who claimed that 17 minutes was required would not concede that 5 minutes was ample.⁴⁴ Voluntary agreement, therefore, was impossible.

⁴² *Ibid.* Sixth annual report of chief, 1884, p. 18.

⁴³ Massachusetts. Bureau of Statistics of Labor. Fourteenth annual report, 1888, p. 302; and District Police, Inspection of Factories. Sixth annual report of chief, 1884, pp. 14-16.

⁴⁴ Massachusetts. District Police, Inspection of Factories. Fourth annual report of chief, 1882, pp. 9-10.

The so-called practice of "stealing on time" spread; complaints were frequent. Cases were taken to the courts but were thrown out on the plea of insufficient evidence. An amending act therefore was urged by the chief of the district police to secure uniformity as to the time for starting and stopping the machinery in manufacturing establishments.⁴⁵

Legislative action was secured in 1886 by the passage of a law requiring that the time of starting and stopping machinery and the noon-time hours should be posted, as well as the hours of labor for each day.⁴⁶ The wording of this amendment was not all that was desired. It was considered "worse than useless" by an inspector charged with its enforcement. He claimed that since the notice required that the time for starting and stopping the machinery be posted, the employers inferred that some time was allowed for that purpose. In his opinion the change did not "make the law any clearer, or in any way aid an inspector in enforcing it."⁴⁷

This legislative error was rectified the following session by an amendment providing that the time of starting and stopping "work" should be posted.⁴⁸ This amendment effectively disposed of the controversy.

Stoppage of machinery.—Another provision of the law that gave rise to much abuse was that which allowed overtime when necessary to make repairs to prevent stoppage of machinery. This provision made the detection of violations well-nigh impossible, because if an employer was found to be running a plant at other than scheduled hours he could say that there had been a breakdown of machinery, and that he was making up for the lost time. Employees did not dare to testify otherwise for fear of losing their jobs. In 1880 the requirement was made that a stoppage of machinery on a previous day of the same week might be made up by overtime.⁴⁹ In an attempt to remedy abuses of this, the chief of the district police was instrumental in having a law passed in 1887 that permitted overtime only when a stoppage had been for 30 minutes or more and the report of the stoppage had been made to the chief of the district police or to the inspector of factories.⁵⁰

The textile operatives were not satisfied with this amendment, it did not go far enough. The next year, 1888, the spinners of Fall River protested against the practice of "some of the mills running during a portion of the meal hour and after 6 o'clock in the evening to recover time lost for temporary stoppages." They objected "to having their meal hour encroached on," and thought that when 6 o'clock in the evening arrived the hour was "late enough to leave off work."⁵¹ They sought and continued to seek a repeal of the provision of the law permitting overtime to make up for time lost for stoppage of machinery. Opposed by the textile manufacturers and unsupported by public opinion they made little progress.⁵² In

⁴⁵ *Ibid.* Fifth annual report of chief, 1883, p. 18.

⁴⁶ Massachusetts. Session laws, 1886, ch. 90.

⁴⁷ Massachusetts. District Police, Inspection of Factories. Eighth annual report of chief, 1886, pp. 55-56.

⁴⁸ Massachusetts. Session laws, 1887, ch. 280.

⁴⁹ *Ibid.*, 1880, ch. 194.

⁵⁰ *Ibid.*, 1887, ch. 280.

⁵¹ Wade's Fibre and Fabric, Boston, Apr. 14, 1888, p. 53.

⁵² Boston Journal, Mar. 2, 1898.

1898 they secured a partial victory by the passage of an amendment requiring that if women and minors were not permitted to leave the mill while the machinery was stopped for repair they must be paid full wages for the day, and that if they were compelled to make up the time lost they must be paid for the overtime at their regular rates of pay.⁵³

The next year they gained some legislative support as a result of a court decision that held that it was "not illegal to run mills overtime to make up for reasonable *voluntary* stoppage."⁵⁴ But even this broad interpretation, that largely nullified the benefits of the hours law as a whole, was not enough to secure the repeal of the provision allowing time lost from stoppages of machinery to be made up.

In subsequent years, when the hours of labor were reduced, efforts were made to eliminate this provision, but all were without effect. In 1915 an addition was "nor shall such overtime employment be authorized because of the stopping of machinery for the celebration of any holiday."⁵⁵ That such an amendment was necessary shows the length to which the original purpose of the act was stretched by court decision and otherwise. This amendment marks the end of legislation on this particular question.

Meal time.—Under the law as originally enacted there was no specified time for meals. The irregularity and insufficiency of the time allowed for meals "was necessarily more or less detrimental to health" of the employees.⁵⁶ Furthermore, some employers adopted the expedient of having the women workers do double duty at certain periods. Each employee was required to leave her machine for a half hour twice a day and during this time her neighbor tended two sets of machinery. By this process it was possible to run the wheels for 11 hours a day instead of 10. The employers claimed that their employees must take the six hours off each week, but there was no way of checking up on their statements.⁵⁷ Violations crept in. An attempt to remedy this situation was the amendment of 1887.⁵⁸ It provided for at least a half hour for lunch, to be granted at the same time for all women and minors who began work at the same hour, it prohibited the tending of machines of any other employee in addition to their own,⁵⁹ and it limited the length of time that could be worked without a noon period. This law applied only to manufacturing establishments where five or more women or young persons were employed.

In 1917 the required lunch period was lengthened to 45 minutes upon recommendation of the State board of labor and industries, supported by the Consumers' League of Massachusetts, the State

⁵³ Massachusetts. Session laws, 1898, ch. 505.

⁵⁴ Massachusetts. Bureau of Statistics of Labor. Thirtieth annual report, 1899, p. 88.

⁵⁵ Massachusetts. Session laws, 1915, ch. 57.

⁵⁶ Massachusetts. District Police (including the inspection and detective departments).

Annual report of chief for year ended Dec. 31, 1903, p. 17.

⁵⁷ Massachusetts. District Police, Inspection of Factories. Fourth annual report of chief, 1882, pp. 26-27.

⁵⁸ Massachusetts. Session laws, 1887, chs. 215 and 330.

⁵⁹ The courts later interpreted this legislation to apply only to employees who began work at the same hour, and held that five minutes or less in time of beginning work might mean a different hour. The State board of labor and industries deplored this decision as nullifying the spirit, if not the letter, of the law, and in its annual report for 1916 suggested an amendment making such an interpretation of the law impossible. This amendment was not accepted by the legislature. See Massachusetts. State Board of Labor and Industries. Fourth annual report, 1917, p. 19.

Branch of the American Federation of Labor, the Women's Trade Union League, and other organizations.⁶⁰

Hour limitations applicable to work in two or more establishments.—The early hours laws were construed by the enforcing officials as prohibiting the employment of women in two or more establishments for a period longer than they were allowed to work in one.⁶¹ When a case involving this point was brought before the courts the inspection division was not upheld.⁶²

This decision led to a more active campaign by organized labor for the night-work or overtime bill for the prevention of the employment of women and minors in textile mills after 6 p. m. It was thought that this limitation would remove most of the opportunities for work for two or more employers for more hours than could be worked for one. This night-work bill became law in 1907. It amended for textile workers the prohibition of work after 10 p. m. for all women in manufacturing. But the next year, 1908, hours of labor were reduced from 58 to 56, and again in 1911 to 54. The shorter week gave increased scope for working more than the legal hours allowed one employer. The State Branch of the American Federation of Labor and the representatives of the textile workers therefore petitioned the legislature of 1912 to amend the hours law so as to regulate such double duty.⁶³ They were supported by the chief of the district police.⁶⁴ At the hearing no opposition developed and the bill was passed.

The amendment provided that if a woman or child was employed in more than one manufacturing or mechanical establishment the total hours worked should not exceed 54 in any one week.⁶⁵ When the 54-hour week was extended to mercantile establishments and various other industries in 1913, this particular provision was changed to apply to work in more than one of all the places coming under the law.⁶⁶

Apportionment of hours to make one short workday in a week.—It will be remembered that the 60-hour-week law as passed in 1874 had two amendments affixed that made it practically unenforceable. One of these—holding an employer liable for prosecution only when he had "wilfully" violated the law—was struck out in 1879. The other, allowing the adjustment of daily hours to make one short day a week, although assailed again and again by enforcing officials, remained on the statute books until 1912. It was repealed then at the request of the labor group in their effort to close up the opportunities for evasion of the hours law.⁶⁷

Creation of the State board of labor and industries.—When the first hours law was passed, in 1874, no provision was made for its enforcement. It was turned over to the State constable and in 1877 transferred to the State detective force. Two years later the

⁶⁰ Massachusetts. Session laws, 1917, ch. 110; Consumers' League of Massachusetts, Bul. 13, 1917; and American Federation of Labor, Massachusetts Branch. Proceedings of thirty-second annual convention, 1917, p. 52.

⁶¹ Massachusetts. Bureau of Statistics of Labor.

⁶² Ibid. Thirty-second annual report, 1901, p. 12.

⁶³ Boston Globe, Feb. 1, 1912.

⁶⁴ Massachusetts. District Police. Report of chief, 1911, p. 11.

⁶⁵ Massachusetts. Session laws, 1912, ch. 477.

⁶⁶ Ibid., 1913, ch. 758.

⁶⁷ Ibid., 1912, ch. 477.

governor was authorized to appoint two inspectors from the district police. For nine years there was no special division within the police department for the inspection of factories, and regular police duties were combined with this entirely different type of work. To make better enforcement possible an inspection division was established in 1888. While this was an improvement, it was not ideal. Enforcement was lax. The following editorial, reprinted from the Daily Herald of Fall River, gives a fairly accurate picture of the situation and of the current opinion:

Chief Wade of the State police told the labor committee Thursday that in only one instance since 1879 had he been able to procure evidence enough to convict a corporation of any infraction of the 10-hour law. He failed to give the reason why, and so the Herald supplies the omission—he has not tried. Repeatedly since the year named have complaints been forwarded to him from this city about the loose way in which Fall River manufacturers were obeying the law. Only a pretense of enforcing it has been made, the idea prevailing that public opinion did not demand it. As a consequence the utmost license has existed here, and from a quarter of an hour overtime to a half is run nearly every day. We do not say that all the mills are violators, but it is safe to say that a large number are. The method is to take from 5 to 10 minutes for starting and stopping the machinery.⁶⁸

There was continuous talk among interested groups of transferring enforcement to the health department. A bill for that purpose was introduced in 1907. At the hearing the following organizations appeared in support: Massachusetts Medical Society, Women's Educational and Industrial Union, State Federation of Women's Clubs, Massachusetts Civic League, Massachusetts Consumers' League, Women's Trade Union League, Women's Labor League, Associated Charities of Boston, and various settlement houses. Opposing such transfer was the Arkwright Club.⁶⁹ Enforcement of the labor laws dealing with lighting, sanitation, and ventilation was turned over to the State board of health in that year. Probably the protest of this representative group of organizations was responsible, at least in part, for this transfer.

This was only a minor accomplishment, for the great bulk of the labor laws still remained with the district police. Furthermore, it was soon found that the State board of health was not organized to carry on the work of factory inspection effectively. A demand was then made by the Women's Educational and Industrial Union, supported by other organizations interested in industrial conditions, for some sort of department of labor charged solely with the administration of labor laws.

The legislature in 1910 appointed "a commission to investigate the general subject of the inspection of factories, workshops, mercantile establishments and other buildings."⁷⁰ After a thorough study of the field of factory inspection the commission reported that the present system of inspection was unsatisfactory in that it lacked unity and coordination; the work should, from all standpoints, be carried on by one body. The commission did not consider either the State board of health or the district police in a position to give the special subject of inspection the amount of attention that it

⁶⁸ Wade's Fibre and Fabric, Boston, Feb. 1, 1890, p. 389.

⁶⁹ Springfield Republican, Nov. 29, 1907.

⁷⁰ Massachusetts. Session laws, 1910, ch. 56.

should receive. It therefore recommended the creation of a new department of industrial inspection.⁷¹

With this official report to support their case, the long list of labor, social, and civic organizations that had before petitioned for proper enforcement, again urged legislative action. A law creating the State board of labor and industries finally was passed in 1912.⁷² Largely for political reasons the appointment of the board was delayed until July 30, 1913. It was appointed then only at the urgent request of a special committee of the house "to investigate the conditions under which women and children labor."⁷³ This committee found that, owing to the delay in naming the new board, the labor laws assigned to the State board of health were not being enforced. There was much feeling on the subject that they thought should be allayed by a speedy appointment of the board.⁷⁴

Movement for uniform hours of labor.

The passage of 10-hour legislation for manufacturing in Massachusetts did not put a stop to the agitation for shorter hours. No sooner was the law on the statute books than sporadic efforts were made to bring about a reduction to 9 hours. The most persistent and telling argument against a further shortening of hours was that of competition with neighboring States allowing longer hours. In fact, even when the 10-hour law was enforced in 1879, the manufacturers in the textile industries complained so bitterly that the legislature in 1880 requested the bureau of statistics of labor to obtain testimony from employers and employees in the leading textile States "relative to a uniform system of laws to regulate the hours of labor" in these States.⁷⁵

An extensive survey covering hours, wages, and costs in six States led to the conclusion that "Massachusetts with 10 hours produces as much per man or per loom or per spindle, equal grades being considered, as other States with 11 and more hours; and also that wages here rule as high if not higher than in the States where the mills run longer time." From the figures available, the report stated, there was no reason why the mills in the other textile States "should not be run on the 10-hour basis in harmony with the system in successful operation in Massachusetts";⁷⁶ the only real obstacle to the universal 10-hour day was the "inertia of men"; and if someone would take the lead the 10-hour day in the textile industry could be accomplished in the States of New England and New York without legislation.⁷⁷

This report had considerable effect on the movement for shorter hours in other States. It was used by the textile workers of Massachusetts in their attempts to bring other States up to the Massachusetts standard in order that they might advance still further in hours reduction. The organized spinners in 1882 met to consider ways and means of bringing about shorter hours in the textile States other than Massachusetts. They sent their secretary to Rhode Island

⁷¹ Massachusetts. Commission to Investigate the Inspection of Factories, Workshops, Mercantile Establishments and Other Buildings. Report. Boston, January, 1911, pp. 86-70.

⁷² Massachusetts. Session laws, 1912, ch. 727, sec. 5.

⁷³ Massachusetts. Legislative documents. House No. 2126, 1914.

⁷⁴ *Ibid.*, p. 8.

⁷⁵ Massachusetts. Bureau of Statistics of Labor. Twelfth annual report, 1881, p. 328.

⁷⁶ *Ibid.*, p. 457.

⁷⁷ *Ibid.*, pp. 470-471.

and Maine to agitate for 10-hour laws. Efforts were successful in Rhode Island and the 10-hour law for women and minors was put on the statute books in 1885.⁷⁸

Meanwhile, other New England States, spurred on by organized labor, began to fall in line. But by this time competition was developing in the South. Agreement among the textile manufacturers of New England could not reach this situation. The demand for congressional action that had been voiced earlier now gained momentum. Bills to amend the constitution so as to enable the Congress to regulate the hours of labor were put forward year after year by Massachusetts representatives and were supported by the textile interests and organized labor.⁷⁹

The further shortening of hours in Massachusetts to 58 a week in 1892 gave additional incentive to the promoters of national hours legislation. The leading organs of the textile industry in Massachusetts published long editorials on the injustice of confining shorter-hours legislation to Massachusetts alone. The following excerpt from an editorial in the *Textile World* of August, 1892, is typical of the arguments advanced:

The recent law in Massachusetts, by which 58 hours is to constitute a week's work, is not in any way premature as far as reduction of hours is concerned. It is, however, a special hardship and grievance for the large and small manufacturers alike, that while they are to conform to this law in Massachusetts their competitors in other States have longer hours of labor, and in most of the southern and western States the manufacturers can run as they please, practically without restraint as to hours per week or per day.

Should the *entire country* have a uniform regulation in this respect there would be no need of any hardship or labor troubles if the time were reduced 1 hour per week each year until 8 hours per day be reached, taking effect 12 months from time of enactment of the law, so as to give ample time for readjustment of contracts and positive grounds upon which to base all estimates of cost of selling prices.⁸⁰

In 1895 the secretary of the National Association of Wool Manufacturers in a long article on factory legislation in the United States deplored the tendency to try out all sorts of social legislative experiments on Massachusetts. "Every new restrictive law," he said, "becomes a direct discrimination against the capital employed in manufacturing, against the labor employed in manufacturing, and against the material development of the State."⁸¹ He held that there was only one way out that was "just to all parties concerned"—"the intervention of the National Government, and the establishment of a uniform labor day.

"Releasing this whole question from the uncertainties and inequalities of State legislation, it would be defensible on the highest grounds of public expediency, and would readily command the support of both political parties."⁸²

The unprecedented slump in the cotton-manufacturing industry in 1897 and 1898, followed by cuts in wages and a demand for the

⁷⁸ McNell, George E. *The Labor Movement*. A. M. Bridgman & Co., Boston, 1887, pp. 230-237.

⁷⁹ *Labor, Its Rights and Wrongs*. Labor Publishing Co., Washington, D. C., 1886, p. 160; Massachusetts. Bureau of Statistics of Labor. Twenty-ninth annual report, 1898, p. 494; and United Textile Workers of America. Proceedings of second annual convention, 1902, p. 36.

⁸⁰ *Textile World*, Boston, August, 1892, p. 2.

⁸¹ National Association of Wool Manufacturers. *Bulletin*, September, 1895, v. 25, p. 264.

⁸² *Ibid.*, pp. 269-270.

repeal of the 58-hour-week law, led to an investigation of the industry by a committee of the Massachusetts Legislature. The committee reported that it found agreement "on all sides that the National Congress should fix the hours of labor in general, control labor legislation, so that there may be uniformity in all the States." It did not consider it necessary to memorialize the Congress on the question, for the Representatives from Massachusetts already were working to obtain the necessary amendment.⁵³

No amount of enthusiasm on the part of Massachusetts for the national control of hours legislation seems to have had much weight with the Congress. For years hardly a session passed without an amendment being proposed to give that body the right to fix the hours of labor. Even in the Sixty-ninth Congress a Representative from Massachusetts considered introducing a bill for this purpose. But with the lapse of time and the change in industrial conditions, together with the investment of Massachusetts capital in the cotton mills of the South, a change has taken place in the attitude of at least some of the textile manufacturers of Massachusetts toward uniform-hours legislation by the Congress. There is not the same enthusiasm for Federal control of labor questions that there was 20 to 30 years ago. The changed point of view is expressed by the American Wool and Cotton Reporter in an attack on the legislative proposal of Representative Rogers:

All of this effort for a 48-hour law through Congress is simply playing into the hands of McMahon and the other labor leaders who are talking a 40-hour week. * * * The plan for national legislation, 48 hours, is just one further step for the 40-hour week—and it ought to be stopped now.⁵⁴

The 58-hour-week law of 1892.

It has been pointed out that the passage of the 10-hour law of 1874 for women and minors in manufacturing establishments did not satisfy the demands of organized labor in Massachusetts for shorter hours. The 8-hour day was the goal that they hoped to achieve. The leaders among the textile workers realized, however, that they could not progress much further in hours reduction by legislation until other New England States brought their working hours more into keeping with those of Massachusetts. Consequently, during the eighties most of the legislative activities for shorter hours were confined to neighboring States and to the Congress, in the hope of securing uniform legislation. By 1890 the 60-hour week had been so generally established in the textile industry in New England that there was little need for enforcement of the law in Massachusetts and all opposition to it had died down.⁵⁵ In fact, on account of the depressed market, many of the mills were not working the full hours allowed by the law. As frequently happens in periods of depression, labor became more active politically and its agitation for further hours reduction finally resulted in the 58-hour law of 1892.⁵⁶

This second law reducing the hours of women employed in manufacturing and mechanical establishments, like the first one, was intended primarily for the benefit of the textile workers. It was

⁵³ Massachusetts. Legislative documents. Senate No. 276, 1898, p. 11.

⁵⁴ American Wool and Cotton Reporter, Jan. 6, 1927, p. 42.

⁵⁵ Whittelsey, Sarah S. Massachusetts Labor Legislation. Annals of the American Academy, January, 1901, p. 27.

⁵⁶ Massachusetts. Session laws, 1892, ch. 357.

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pushed largely by representatives and senators from the textile centers of Fall River and New Bedford and was opposed by the textile manufacturers' association and individual textile manufacturers from all parts of the State. The discussions assumed that the law would affect men as well as women, and it was evidently the intention of the proponents that it should.⁸⁷

Both parties to the controversy were fairly well organized by 1890. The textile manufacturers had formed the Arkwright Club and had a paid legislative agent to plead their cause and to organize their defense. Labor, on the other hand, could marshal the State Branch of the American Federation of Labor, the city central bodies, the Amalgamated Building Trades Union, the State Alliance of the Knights of Labor, and nearly every international and State organization, besides the local craft unions.⁸⁸ The textile unions and central labor bodies had a joint legislative committee with an agent at the capitol. The State Branch of the American Federation of Labor also had a legislative agent to look after its interests.⁸⁹

These were the prominent groups at the hearings on the bill. The labor representatives in arguing for their bill held that work in the mills was so tedious and unhealthful that long hours were disastrous to the health of women, and that the legislation of other States, following the lead of Massachusetts, showed that it was becoming a generally accepted doctrine that the State should interfere to protect the health of working women in the interests of public welfare. Moreover, shorter hours at this time would relieve the prevailing unemployment. They pointed to the fact that the textile industry had prospered in spite of the predictions of disaster the owners had made at the time the first laws were passed. Since the industry had been adjusted to the 60-hour week, even the owners had stopped opposing the legislation. They stated that hours reduction both here and abroad had invariably been followed by economic prosperity.⁹⁰

The prevailing opinion was such that it was incumbent upon the operators to show that they could not afford to reduce hours. They came to the legislature with much the same pleas that had been made against the earlier legislation: If the law were passed, Massachusetts could not compete with other States; she was just recovering from the disadvantages of having to compete with neighboring States that had labor standards lower than hers, and the textile industry could not afford the setback of another reduction of hours that would not affect competitors; since 1885 southern competition was becoming a serious menace to Massachusetts industry; the State had so many natural disadvantages in the way of high freight rates on cotton in the bale and lack of water power that the textile industry could not survive if it was taxed with the additional burden of increased overhead due to shorter hours; there was no room for further technical improvement in the industry to compensate for other disadvantages; physical conditions in the mills were better than those in schools and homes of the operatives; there was plenty of work for those willing to work. They pleaded for the widows and orphans

⁸⁷ Hours of Labor: Massachusetts and Her Industrial Rivals. (Anonymous pamphlet, undated [1891?].)

⁸⁸ Boston Journal, Mar. 9, 1892.

⁸⁹ Ibid., Mar. 21, 1891, and Mar. 18, 1892.

⁹⁰ Ibid., Mar. 9, 1892; and Textile Manufacturing World, April, 1891, p. 9.

of New England left destitute because of the inability of the mills to pay dividends, and stated that these helpless individuals suffered on account of legislation that brought benefit to none, for the very workers that it was intended to help would suffer from reduced wages as a result of it.⁹¹

A bill providing for a 56-hour week passed the house in 1890 and was defeated by a small minority in the senate. Again in 1891 the senate prevented favorable action.

The support given the movement for shorter hours by Governor Russell in his message of 1891,⁹² and again in 1892,⁹³ was a deciding factor in breaking down the senate opposition. The governor pointed out that "In England, where it is often claimed that the condition of labor is deplorable, the hours of such labor have long been limited by law to 56 a week." While other States had not proceeded so rapidly as Massachusetts in the matter of hours legislation, he held, nevertheless, that "it is not desirable to stand still because there are obstacles in the way of progress. Our very dependence upon manufactures requiring skilled labor should lead us to adopt a liberal policy in respect to the hours and conditions of toil—one which will promote the welfare and increase the utility of our working population."⁹⁴

Hearings before the legislature of 1892 were on three bills—one for a 54-hour week, one for a 56-hour week, and a third, that was considered an administrative measure, for a 58-hour week. Either the 54 or the 56 hour week would have been satisfactory to the workers, for it would have assured them the Saturday half holiday for which they were striving. After the hearings it became apparent to the chairman of the senate committee on labor, a prominent textile leader and the introducer of the 56-hour bill, that neither his measure nor the 54-hour bill had a chance of passage, so he recommended the 58-hour bill with the understanding that, if it passed, further reduction would be sought immediately. Even this compromise bill had difficulty in passing the senate. The committee on bills, in the third reading, recommended a substitute measure providing for a 58-hour week for women and minors under 18 but with no provision for enforcement.⁹⁵ In spite of these obstructionist tactics, the bill for a 58-hour week for women and minors in manufacturing and mechanical establishments reported by the senate committee on labor passed both houses and became law.

In all probability at least the 56-hour-week bill could have been passed if the Lowell operatives had stood by those of New Bedford and Fall River. But a majority of them, frightened by the threat of the manufacturers that they would "cut down the wages" 10 per cent on the day the 54-hour-week law became operative, let it be known that they preferred to work the longer hours rather than to accept a wage reduction.⁹⁶ With this in mind the legislative rep-

⁹¹ Boston Journal, Mar. 21, 1891; Hours of Labor: Massachusetts and Her Industrial Rivals. (Anonymous pamphlet, undated [1891?]); and National Association of Wool Manufacturers, Bulletin, 1891, v. 21, p. 206.

⁹² Massachusetts. Legislative documents. Senate No. 1, 1891, pp. 39-40.

⁹³ Ibid. Senate No. 1, 1892, p. 43.

⁹⁴ Ibid. Senate No. 1, 1891, p. 40.

⁹⁵ Ibid. Senate No. 188, 1892, p. 2.

⁹⁶ Wade's Fibre and Fabric, Boston, Apr. 4, 1891, p. 45; and American Wool and Cotton Reporter, July 21, 1892, p. 1124.

representatives of the State Branch of the American Federation of Labor attributed the failure to secure an appreciable reduction in hours to lack of that "unanimity of sentiment among the representatives of the factory centers which is the prime essential to the further advance of this shorter-hours movement."⁹⁷

The 56-hour-week law of 1908.

The passage of the 58-hour law in 1892 was followed immediately by an attempt to reduce hours further, to 54 or 56 a week. In 1893 a 56-hour bill passed the house and was defeated in the senate by only two votes.⁹⁸ This defeat, together with the general industrial depression, put a damper on the shorter-hours movement for a few years. The State Alliance of the Knights of Labor, the State Branch of the American Federation of Labor, and various textile unions indorsed the 56 or 54 hour law for women and minors employed in manufacturing, mechanical, and mercantile establishments at their conventions; bills often were introduced, but no real campaign was made for their enactment. At least some of the leaders of the textile workers felt that it was distinctly unwise to push for further reduction in hours in Massachusetts until hours in neighboring States were brought more nearly in line.⁹⁹

The cotton-manufacturing industry was suffering from overproduction; goods could be disposed of only at a loss, and even then it was difficult to sell. The employers represented by the Arkwright Club claimed that this situation in Massachusetts was due to southern competition. They proposed as the only way out for Massachusetts industry the lowering of wages and the lengthening of hours.¹

A widespread reduction of wages, running from 7 to 15 per cent, was put into effect in January, 1898.² This was followed by a petition from members of the Arkwright Club to the legislature to repeal the 58-hour law. They claimed that the textile industry was rapidly losing out in the State. Recent labor laws "have had the natural effect of checking investments in machinery, restricting the opportunities for employment, diverting capital to other States, and helping to build up so sharp a competition outside of Massachusetts that the unfortunate consequences are now too obvious to be any longer ignored; they are keenly felt by all concerned."³ It was urged that the legislature save the industry by "raising the hours of labor at least to the point where they are in every other New England State" and by reducing the taxes on manufacturing plants.⁴ The operatives countered with strikes against the wage reduction and with a vigorous campaign for a 54-hour law.

Out of all this agitation came a legislative investigation of the cotton-manufacturing industry. The operatives had asked that the legislature look into the causes of the wage reduction in the industry. When a special committee was appointed it was given a wide field for study. The Dingley tariff, southern competition, comparative wage

⁹⁷ Massachusetts. Bureau of Statistics of Labor. Twenty-fourth annual report, 1893, p. 297.

⁹⁸ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-sixth annual convention, 1911, p. 46.

⁹⁹ Textile America, New York, Dec. 4, 1897, p. 29.

¹ National Association of Wool Manufacturers. Bulletin, March, 1898, v. 28, pp. 63-67.

² Ibid., p. 61.

³ Massachusetts. Legislative documents. House No. 1194, 1898, p. 8.

⁴ Ibid., p. 4.

scales, profits, and markets were among the questions to be considered. The committee was to find out "How do the hours of labor and, generally, the laws regulating labor in manufacturing establishments in Massachusetts compare with the hours and laws in other localities? What labor legislation, now in force in the Commonwealth, works hardships to the cotton-manufacturing industry?" It was to suggest specific legislation, if such were required, "to improve the present condition of the cotton-manufacturing industries of Massachusetts or to increase the rates of wages, or the profits of the business."⁵

The committee held hearings in the large mill cities throughout February and March.⁶ During this same period there were legislative hearings on the 54-hour bill of the textile workers. These latter hearings were colored by the investigation the labor committee was making into the whole cotton-manufacturing situation, including the proposed repeal of the 58-hour law. Witnesses who appeared for the 54-hour bill were questioned concerning cotton manufacture, and witnesses summoned for the investigation were questioned about the 54-hour bill. The testimony of the mill owners and their representatives was to the effect that the cotton industry of Massachusetts had been suffering from a decline for six years due to the 58-hour standard fixed by law in 1892; that a further reduction in hours would force the mills to close, leaving the whole mill population without any work whatsoever; that the conception that hours reduction meant wage increase was economically false, for, although wages had not been reduced at the time the 58-hour law went into effect, the industry had suffered so much in consequence that the present 25 per cent reduction was inevitable.⁷

The operatives, on the other hand, contended that the legislation had not hampered the industry because reduced hours had almost invariably been followed by speeding up; the mills that were losing money were those with obsolete machinery; up-to-date Massachusetts mills were making good profits; competition between North and South was not so serious as the textile interests reported, for the skill of the northern worker would always compensate for the wage differential between the two sections; furthermore, competition did not apply to the better grades of manufactured cotton goods.⁸

The committee was aided in its investigations by a timely report of the State bureau of statistics of labor on cotton manufacturing in Massachusetts.⁹ In this report the competition between Massachusetts and the South was considered, and also the status of the industry in Massachusetts, its progress and decline. The conclusions reached were that southern competition was not a real menace to the Massachusetts cotton industry; certain conditions prevailed in the North that tended to offset the advantages of the South; Massachusetts could keep ahead if "skill and attention" were devoted to the development of new methods;¹⁰ the existing depression in Massachusetts was due to overexpansion and overproduction, not to a

⁵ *Ibid.* Senate No. 270, 1898, pp. 3-4.

⁶ *Fibre and Fabric*, Boston, Feb. 26, 1898, p. 17.

⁷ *Boston Journal*, Mar. 26 and Apr. 2, 1898.

⁸ *Ibid.*, Feb. 16, 1898.

⁹ Massachusetts. Bureau of Statistics of Labor. *Labor Bulletin* No. 5, January, 1898, pp. 1-42.

¹⁰ *Ibid.*, p. 38.

permanent decadence of the industry; progress depended in the long run "upon upholding and extending to the utmost the social conditions that support a constantly expanding market, namely, the best possible wages and the highest possible standard of living."¹¹

With the results of the extensive investigation of the bureau of statistics of labor already before the legislature, the committee did not feel called upon to consider the questions covered in the report. It merely summed up the situation in much the same language used by the bureau, added some material on the percentages of foreigners in some of the mill cities, and concluded as follows:

It is agreed on all sides that the National Congress should fix the hours of labor in general, control labor legislation, so that there may be uniformity in all the States. In this matter, however, we can only make recommendation, and as the subject is now under consideration by Congress, we conclude not to advise any formal memorial, but leave the matter with our congressmen, who are fully advised of the questions at issue and the rights involved.

It is urged, on the part of the manufacturers, that the law limiting the hours of labor of women and children to 58 hours per week, be repealed. We have heard the parties very fully on both sides of this question and, after careful consideration, recommend that the law remain as it is.

We do this because we think that all the goods the markets require can be produced in shorter hours than at present prevail, and that the other States should reduce the labor hours to the Massachusetts standard. We are informed that the mills in the other New England States are in no better condition than those here, and so conclude that they derive no benefit from the longer hours they run. Then, too, we are informed that the employees much prefer, if necessary, to forfeit their wages for the extra two hours than have the law repealed.¹²

This report of the committee on labor was accepted by the legislature and no change was made in the legal weekly hours of work at that session nor in many other sessions to come.

After 1900 the textile representatives and their labor friends decided to postpone the campaign for the 54-hour week and to concentrate their efforts on the "overtime" or night-work bill¹³ that prohibited the employment of women and minors in textile mills between 6 p. m. and 6 a. m. The fight was long and bitter. In two election campaigns it figured prominently—the campaign against Governor Bates for vetoing the bill in 1904¹⁴ and the campaign against conservative senate leaders in 1906 for defeating the bill of that year. These election efforts were not in vain, for the new senate elected in the fall of 1906 passed the night-work or so-called overtime bill the following spring.¹⁵ Furthermore, when the agitation for the 54-hour bill was renewed in 1908 it came before a legislature more disposed to respect the demands of organized labor.

During the nineties capital had been combining at a rapid rate to protect the interests of the employing classes. In the textile industry the Arkwright Club had been formed and various other associations of the manufacturers had been created or strengthened.

It had long been apparent to leaders of the textile workers that if they were to combat effectively this concentration of capital they must consolidate their union strength. The loose craft unions exist-

¹¹ *Ibid.*, p. 41.

¹² Massachusetts. Legislative documents. Senate No. 270, 1898, p. 11.

¹³ American Federation of Labor, Massachusetts Branch. Proceedings of seventeenth annual convention, 1902, p. 22.

¹⁴ *Ibid.* Proceedings of nineteenth annual convention, 1904, pp. 81-87.

¹⁵ *Ibid.* Proceedings of twenty-first annual convention, 1906, pp. 19-20 and 28-29.

ing in the industry must give way to industrial unions on a national scale. Various attempts in this direction had been failures. In 1900 there were two so-called national unions in the industry—the National Federation of Textile Operatives and the International Union of Textile Workers, the latter of which held the American Federation of Labor charter. Neither of these organizations was inclusive or powerful enough in Massachusetts to command the respect of the employers. After repeated attempts at amalgamation and the inclusion of craft unions outside both organizations, the union finally was consummated in 1901 with the formation of the United Textile Workers of America. Headquarters were established in Fall River, and from this close range the national organization as well as its local branches was able to influence the trend of Massachusetts labor legislation.^{16 17}

The twentieth century opened with business on the upgrade. Labor was in demand, wages were increased and hours were shortened by trade-union activity. Some of the more highly-organized trades had secured the 8-hour day, and few important industries outside the textile were operating more than 54 hours a week. So again, in order to keep up with other industries in hours reduction, the movement for shorter hours by legislation centered around the textile industry.

The textile unions had been busy trying to educate other branches of the labor movement to an appreciation of the need of hours legislation for the textile industry. In a circular letter sent by the New Bedford Textile Council to labor unions throughout the State, it was pointed out that since about 75 per cent of the textile workers were women and children the unions had found it impossible to keep pace with other organized groups in hours reduction. The reasons given in support of a 54-hour week by law were as follows:

The men and women who work in the other crafts work only in the neighborhood of 46 to 50 hours per week, and in most instances theirs is a very healthful occupation.

The toiling thousands of factory operatives, on the other hand, have to work in an atmosphere of 80 degrees of temperature, and 70 to 80 degrees of humidity, in the midst of noxious gases and loose, floating fibers. It is no wonder that consumption, rheumatism, and other kindred ailments are the portion of the mill operatives * * *.

The factory operative was spoken of as beginning to think himself discriminated against.¹⁸

The textile unions were successful in 1908 in having their 54-hour bill introduced as a measure of the State branch of the American Federation of Labor. This may have been more a hindrance than a help, for it widened the split in the ranks of the officials of the State branch that lasted for several years. The executive committee favored bills of general interest to labor, such as the direct primary and anti-injunction bills, and considered the 54-hour bill, although it applied to women in all manufacturing and mechanical establishments, a special measure of the textile workers that should be intro-

¹⁶ McMahon, Thomas F. United Textile Workers of America. Workers' Educational Bureau of America, New York, 1926, pp. 20-22.

¹⁷ Textile America, New York, May 13, 1899, p. 3.

¹⁸ Massachusetts. Bureau of Statistics of Labor. Labor Bulletin No. 55, December, 1907, p. 209.

duced and fostered by them. The legislative committee, however, considered the textile workers' bill of major importance to the State branch and supported it whole-heartedly.

With this division in the ranks of its supporters, the 54-hour bill came before the legislature. At the hearing the representative of the textile workers of New Bedford said that the manufacturers had already agreed "to curtail the hours of running by 168 hours, and as the bill shortened the hours of women and minors only 200 hours in a year, it disposed absolutely of the argument that the bill would ruin the business." He quoted the dividends paid by the leading New Bedford mills for the preceding year and stated that, on the basis of actual capital invested, these dividends ranged from 15 to 66 per cent.¹⁹ Other labor leaders spoke in favor of the bill. There was little dissent. The labor committee of the house reported the bill favorably and it passed by an overwhelming vote.²⁰

The opposition concentrated upon the senate. It succeeded in substituting for the 54-hour bill of the textile workers a 56-hour bill, to take effect in 1910.²¹

Organized labor again and again tried to have this measure amended to 54 or 55 hours a week, to take effect in 1909, but all such efforts were without avail. The substituted bill for 56 hours, effective in 1910, finally was accepted by the representatives of the textile unions, but not by the officials of the State branch. It passed the senate by a vote of 36 to 1, was agreed to by the house, and was signed by the governor.²² So, after a struggle covering 16 years, two more hours were lopped off the working week of the women and minors employed in the factories and mechanical establishments of Massachusetts.

The 54-hour-week law of 1911.

When the 54-hour bill was introduced again in 1909 it was no longer sponsored by the State Branch of the American Federation of Labor. The 56-hour compromise had been accepted by the representatives of the textile unions without the consent of the officers of the State branch, and the officers now refused to assume responsibility for the 54-hour bill. This position was consistent with their policy, as opposed to that of the legislative committee, that the State branch should sponsor only bills of general interest to all labor. Consequently, the bill was introduced by the textile workers without the support of the State branch. But, as a matter of fact, the legislative committee of the State branch, which was at odds with the executive officers, worked as actively as ever for the bill.

The hearing before the labor committee, on March 10, 1909, was well attended by the textile workers. Their representatives argued that the State had found it advisable to limit the hours of certain groups of men employed in the fresh air to 8 and 9 a day; if it were justified in this action it certainly would be justified in limiting the hours of women and children employed in cotton mills to 54 a week; competition was not a real factor, for practically as much

¹⁹ Boston Herald, Feb. 14, 1908.

²⁰ Springfield Republican, May 7 and 21, 1908.

²¹ Ibid., June 4, 1908.

²² Ibid., June 9, 1908; and American Federation of Labor, Massachusetts Branch. Proceedings of twenty-third convention, 1908, p. 18.

work could be turned out in 54 hours as in 56; shortening of hours of labor in cotton mills throughout the country was in progress, and Massachusetts had led to date and should continue to lead; textile schools had been established to give the young men entering the industry a better equipment for their work, and long hours of work did not give them sufficient leisure to take advantage of these schools.²³

The opposition was voiced by the treasurer of a Lowell mill who said he believed in such legislation "when the millennium arrived, not before."²⁴ The disastrous effects of southern competition was the burden of his argument. He said that while Massachusetts was increasing her spindles by 4,000,000 the Carolinas increased theirs by 6,000,000; the South was using more bales of cotton than were the New England States; the difference in the value of the business of the two sections represented \$100,000,000 annually; Massachusetts mills could not stand the additional burden of shortened hours. He estimated that in a mill having a pay roll of \$15,000 a week it meant that \$75,000 extra annually would have to be paid to allow the operative to earn as much under the 54-hour week as he had been earning.²⁵

The labor committee reported the bill favorably; it passed the house but was defeated in the senate.²⁵

In 1910 the 54-hour bill was again introduced, this time as a State branch measure, and once more there was a division among the ranks of its supporters that in this instance prevented the passage of a compromise bill. The textile workers' representatives agreed with the legislative leaders that if the 54-hour bill were passed they would not oppose a provision that it take effect January 1, 1912, instead of January 1, 1911. The president of the State branch refused to accept this compromise and the bill failed to pass. For his action the president was publicly denounced as having caused the defeat of the 54-hour law.²⁶ The rupture was somewhat healed at the next annual convention and in the following campaign for the 54-hour week harmony seems to have prevailed.

The general wave of progressivism reached Massachusetts in 1911. From the standpoint of labor the legislature of that year was the best in many years. The demands of labor were met with respect and in large measure were acceded to.²⁷ The 54-hour bill had an unusually favorable setting.

At the legislative hearing the bill was strongly opposed by the counsel for the Arkwright Club and other representatives of the manufacturing interests. It had the united support of the labor groups²⁸ as well as the Women's Trade Union League,²⁹ the Women's Educational and Industrial Union, and the Consumers' League of Massachusetts.

²³ Boston Globe, Mar. 11, 1909.

²⁴ *Idem*.

²⁵ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-fourth annual convention, 1909, p. 31.

²⁶ *Ibid.* Proceedings of twenty-fifth annual convention, 1910, pp. 12 and 37.

²⁷ United Textile Workers of America. Proceedings of eleventh annual convention, 1911, p. 15.

²⁸ Boston Globe, Apr. 15, 1911.

²⁹ Life and Labor. National Women's Trade Union League of America, Chicago. April, 1911, p. 128.

The chief fight on the provisions of the bill came in the labor committee. At first five members favored a 55-hour bill, five a 54-hour bill, and one opposed any change in the existing standards. Finally the 54-hour bill was reported out of committee.⁸⁰

It passed the senate without a roll call. In the house a roll call showed 173 in favor to 30 opposed. Before the bill left the house it was learned that Governor Foss intended to veto it. Friends of the bill succeeded in holding it back so that it would not get to the governor before the textile workers had had a chance to lay their case before him. The governor at first took the ground that he would sign a 55-hour-week bill only. Later he changed his mind and signed the 54-hour bill.⁸¹

In a statement issued at the time he signed the measure Governor Foss said that there was no question that shorter hours for women and children were desirable but that "such reduction of hours must not proceed faster than is compatible with the prosperity of the industries upon which the welfare alike of the employer and employed depends." Although he felt that a reduction from 56 to 55 hours would have been better, he sanctioned the reduction to 54 hours because the "representatives of the employees have agreed that such action would be accepted as a satisfactory adjustment, for a period of years, of the question of the length of the working day. Since stability of the laws is more important than a difference of a single hour in the length of a week's work, I have signed this bill, relying upon the assurance given me that it will remove occasion of controversy and create stable business conditions in some of the most important industries of this State."⁸²

The passage of the 54-hour-week law was heralded by the textile workers as a great victory.⁸³ But the textile manufacturers were determined to prove to the workers once and for all that shorter hours meant less pay. At hearings on all the earlier bills for shorter hours they had threatened, in the event of passage of the bill, to reduce wages in proportion to the decrease in the number of hours. But in each instance when the bill became law they found in general that it was advisable to lift up their wage scale "so that their employees had earned as much in the shorter as in the longer week."⁸⁴

There were manufacturers who felt that they were making a mistake in not carrying out their threat to reduce wages; there were some who tried to do so but found strikes on their hands. At one time a committee of the Arkwright Club called attention of the membership to the methods used by southern manufacturers to discourage and oppose protective legislation. They cited the following incident as worthy of special notice:

When South Carolina passed its 11-hour law the manufacturers in the Piedmont section decided that something must be done to make the new law unpopular with their employees. Accordingly, a reduction in their pay was made by charging rent for their houses, which up to that time had been furnished without charge. The result was that this year, when a bill was intro-

⁸⁰ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-sixth annual convention, 1911, p. 44.

⁸¹ *Ibid.*, pp. 44-46.

⁸² Boston Globe, May 28, 1911.

⁸³ United Textile Workers of America. Proceedings of eleventh annual convention, 1911, p. 16.

⁸⁴ National Association of Wool Manufacturers. Bulletin, June, 1912, v. 42, p. 139.

duced in the legislature proposing to further reduce the hours of labor, remonstrances were sent in by the operatives themselves, objecting to such legislation, because they had found by experience that it reduced their pay.⁵⁵

The Massachusetts manufacturers, on the whole, did not profit by this example when the decrease in hours took effect in January of 1910. When, however, the 54-hour week—a further decrease of two hours—was to become effective, two years later, they agreed to stand firm against the payment of the same wage for the shorter week as had been paid for the longer. Governor Foss characterized this refusal to pay the same wage for 54 hours as for 56 as an attempt to show “the unwisdom of legislative interference.”⁵⁶ On the other hand, the manufacturers claimed that business conditions did not warrant what amounted to a wage increase.

When the agreement to decrease wages in proportion to the decrease in hours was carried out, strikes broke out in various places, the longest and bitterest struggle being in Lawrence. The first pay day after the 54-hour law took effect the textile workers of Lawrence found their pay envelope short by two hours' pay. No announcement had been made that such a reduction would take place, and the workers—largely foreigners and unorganized—were entirely unprepared for it. Enraged, they gathered together and gradually drove everyone out of the mills. Within a few hours 20,000 workers were on the streets. So began one of the most serious strikes in the history of the textile industry.⁵⁷

After three months of warfare, marked by violence, bloodshed, and great hardship, the strike finally was settled by granting a 10 per cent wage increase. Although the strike was settled in their favor, the episode made the rank and file of the textile workers of Massachusetts a little chary of further hours reduction. Moreover, their leaders were bound by the agreement made with the governor not to agitate for shorter hours for years to come. But the movement for shorter hours by law continued under the leadership of the working women and their allies.

The 48-hour-week law of 1919.

The 48-hour-week law was the first general hours legislation in Massachusetts put through largely by the working women. Women and women's organizations had been helpful in other campaigns, but, with the exception of some of the early efforts for 10-hour legislation, the movement for shorter hours was led by men in the textile industry, ably assisted by the State Branch of the American Federation of Labor, the various central labor bodies, and other organized labor groups.

As has been seen, working women had been active in the forties in efforts to secure shorter hours by legislation and had done much to lay the foundation upon which legislation was based. The places of these early leaders among the textile women never were filled, largely because of the marked change that took place in the make-up of the textile population. Beginning with the fifties, the old English

⁵⁵ *Ibid.*, March, 1898, v. 28, pp. 63-66.

⁵⁶ McPherson, J. B., *The Lawrence Strike of 1912*. National Association of Wool Manufacturers, Bulletin, September, 1912, v. 43, p. 225.

⁵⁷ United Textile Workers of America. Proceedings of twelfth annual convention, 1912, pp. 20-21, 27, and 60-66.

and early American stock gave way to one European group after another. The difficulties of language and the differences in standards and political ideals served to keep the women in the background. The leaders in legislative activity were men, and it was these men who pleaded the cause of the women workers, and incidentally of the men, for shorter hours. Although hours legislation, according to the statutes, applied only to women and minors employed in manufacturing, mechanical, and mercantile²² establishments, practically it set a standard of hours for most of the commerce and industry of the State.²³

Most establishments found it unprofitable to employ men longer hours than they were permitted to employ women. So if the women secured the 60, 54, or 48 hour week by legislation their fellow workmen secured it automatically. Undoubtedly this fact weighed heavily with the textile workers in their advocacy of hours legislation for women. With men in other industries it was not so much of a consideration, for they were better able to organize and secure shorter hours in that way. But they were always ready to help other groups to shorten their hours and so to bolster up their own standards secured by bargaining.

The 54-hour week for women and minors employed in manufacturing and mechanical establishments had been gained in 1912. The price paid by the textile workers for this shorter work week was an agreement not to agitate for still shorter hours in Massachusetts until other States came in line. This agreement prevented the textile workers from taking advantage of the general wave of progressivism to press for the 48-hour-week law. Their place as leaders in the movement for hours legislation was taken by the Women's Trade Union League, when in 1916 it introduced a bill for a 9-hour day and a 48-hour week. A similar measure was proposed by the Massachusetts Branch of the American Federation of Labor. Considerable interest was aroused, but the legislature referred the bills to the next general court.

In 1917 six petitions for a 48-hour law came before the legislature. A bill passed the house but was defeated in the senate.

In 1918 the committee on social welfare, to which the petitions for a 48-hour week were referred, recommended passage of a 50-hour-week law. This compromise measure was opposed by both the women and the employers and failed in both houses.

The 48-hour-week law was passed by overwhelming majorities in 1919. The vote cast does not indicate the degree of ease with which the victory was obtained. The labor group, led by Lois Rantoul, legislative agent of the Women's Trade Union League, had done most effective lobbying extending over a 4-year period. Before each election they had canvassed all the candidates for the legislature to determine their stand on the measure. Candidates who expressed themselves as unfriendly had in some cases been forced to withdraw; others were defeated at the polls. All the labor forces throughout the State were marshaled in support of the measure. Civic and social organizations were lined up in its favor. Chief of these were the Consumers' League of Massachusetts, the Women's

²² For a discussion of mercantile legislation see p. 48.

²³ Boston Transcript, Apr. 4, 1919 (editorial).

Educational and Industrial Union, the Women's Suffrage Association, the Federation of Women's Clubs, and the Massachusetts Association of Women Workers.⁴⁰

At the various hearings on the 48-hour bills, leading physicians appeared to testify as to the effects of long hours on the health of working women. Among them were Dr. Richard Cabot and Dr. Harry Linnenthal.⁴¹ Dr. Alice Hamilton also supported the measure. Economists testified that Massachusetts industry would not be handicapped by such legislation. Two leading shoe manufacturers and a well-known merchant spoke for the measure as "good business." A representative group of working women urged the legislature to give them relief from long hours of toil.

The unhappy experience of England in attempting to increase production during the war by lengthening hours was made familiar to the legislators. The rapid extension of 8 hours as a day's work and the establishment of this principle for war industries by the War Labor Board, created in 1918, were important as recognition of the efficacy of shorter hours. The participation of women in war work of all kinds also was a determining factor in securing the enactment of shorter-hours legislation. Furthermore, at the very end of the campaign the textile workers again appeared among the supporters of hours legislation. They had not been opposed to the earlier attempts but had had their hands tied. Now by action of their national union they were again in a position to support shorter hours.⁴²

At their annual convention in 1918 the United Textile Workers of America decided that the time had come to put the 48-hour week into effect in their industry. February 3, 1919, was voted as the date when it should become operative.⁴³ In coming to this decision they agreed with the Massachusetts employers that it was "unfair and unjust" to put any one State on an 8-hour day and allow other States to work up to 60 hours a week. They now proposed to help the employers to carry out their scheme for putting all States on an equal basis.⁴⁴

During February and March the 48-hour week was put into effect in one mill after another until it was claimed by the union that it "had succeeded in putting nine-tenths of the textile industry of Massachusetts on a 48-hour work-week basis" prior to the enactment of the 48-hour law in April.⁴⁵ Whether or not the union was responsible for this situation, the adoption of the 48-hour week for the textile industry as a whole freed the textile workers of Massachusetts from their pledge not to agitate for further legislation. They therefore had introduced a 48-hour bill of their own in 1919 and appeared in full force at the hearing.⁴⁶

Adoption of the 48-hour week in the textile industry by agreement with the unions was important in that it gave the textile workers an

⁴⁰ Various interviews; and New Bedford Evening Standard, Feb. 27, 1919.

⁴¹ Boston Morning Globe, Feb. 29, 1918.

⁴² Representatives of some textile groups in New Bedford and Fall River that had seceded from the United Textile Workers of America appeared at the hearing to oppose the shorter work week.

⁴³ Textile Worker, New York, December, 1918, p. 319.

⁴⁴ Ibid., January, 1919, p. 370.

⁴⁵ Ibid., April, 1919, p. 11.

⁴⁶ New Bedford Standard, Feb. 27, 1919.

opportunity to throw their support behind a 48-hour bill, but it was still more important in that it rendered ineffective the opposition of the textile manufacturers. The following statement of the employers' position, made by their spokesman before the committee on labor and industry of the Massachusetts Legislature in February, 1927, tells the story:

At that time (1919) the demand for cotton products was good; the spread between the cost of manufacture and the price obtainable in the market was sufficient to make it possible for even the higher cost mills to operate at a profit. The labor leaders chose this favorable moment to bring pressure on the eastern manufacturers to reduce the normal running hours per week below the legal limit.

Public opinion, accustomed to the policy of the War Labor Board, was in sympathy with this attitude of labor, and many mills, rather than risk a strike with a consequent interruption of their business, acceded to this pressure and reduced their running time below the legal limit to a 48-hour week.

Thus when in the spring of 1919 it was proposed that the general court should again reduce the legal limit of hours women might work each week from 54 to 48, it was difficult for the manufacturers to make any effective protest, as most of them were actually running on 48, which was within the limit the proposed law allowed. Besides a 48-hour week had for the moment become customary in most of the eastern mills, those in Maine excepted, regardless of any longer legal allowance.⁴⁷

The Arkwright Club and the Associated Industries carried on a vigorous campaign to defeat the 48-hour bills. At the hearings they relied upon the arguments that the industries of the State could not stand a further reduction in hours and compete with other States and that a decrease in hours would mean a decrease in wages and work hardship upon the very ones it was designed to protect. They declared that the textile workers were opposed to this legislation. To prove their point some of the manufacturers carried on a campaign among the women textile workers of Worcester to determine their stand on the proposed bill. Every woman worker was supplied with a postcard and a folder giving the purport of the bill. It was explained that under the proposed law a woman "can work 48 hours whether she wants to or not; whether work is hard and nerve-wearing or light and easy; whether she is old or young, strong or weak, anxious to work and earn or does not care."⁴⁸ So instructed, the women were to vote "yes" or "no" on the postcard and send it to their senators. The employers claimed that in one senatorial district the vote was 78 to 0 against the bill and in other districts stood 6 to 1 and 3 to 1 against.⁴⁹

The opposition also attempted to put through a measure for a special investigation of the hours of labor. The legislature was assured that the employers would abide by the recommendations of such an investigating committee. This proposal was vigorously opposed by the labor groups and made little headway.⁵⁰

When the bill for the 48-hour week passed the legislature and came before Governor Coolidge for his signature, the manufacturing interests made one last effort to defeat it. A delegation waited upon

⁴⁷ American Wool and Cotton Reporter, Feb. 24, 1927, p. 69.

⁴⁸ Worcester Telegram, Mar. 26, 1919.

⁴⁹ Boston Transcript, Apr. 17, 1919.

⁵⁰ Springfield Republican, Mar. 27, 1919.

the governor and asked for his veto,⁵¹ but public sentiment was so strongly behind the measure that the governor felt justified in signing it.⁵²

The new law fixed a 48-hour week and a 9-hour day for women "employed in laboring in any factory or workshop, or in any manufacturing, mercantile, or mechanical establishment, telegraph office or telephone exchange, or by an express or transportation company." It was later extended to women employed in hotels, laundries, and other miscellaneous establishments.

The 48-hour-week law has been generally accepted by the employers of Massachusetts with the exception of the cotton manufacturers represented by the Arkwright Club. Apparently they do not consider it as an irrevocable labor policy of the State. Beginning with 1920 they have come to the legislature each year asking that the law be repealed or amended to 54 hours a week and 10 hours a day, or suspended, or at least modified in favor of cotton manufacturers. They claim, as they have claimed for years, that cotton manufacturing is losing out in Massachusetts; that the mills are moving to States allowing longer hours, particularly to the South. They hold that if hours legislation in Massachusetts were made comparable with that of surrounding States the industry could survive—otherwise it must go.⁵³

The Arkwright Club's proposals for the repeal of the 48-hour law or the substitution of the 54-hour week and 10-hour day for the present law have always been strongly opposed by organized labor. They maintain that labor legislation has not been the cause of the decline of cotton manufacturing in Massachusetts; that the same conditions exist in the cotton-manufacturing industry in New England, the South, England, and France; that to allow a 54-hour week in cotton mills in Massachusetts would make the situation worse rather than better; that the manufacturers merely are trying to secure a longer work week in order to reduce wages by paying the same for 54 hours as is now paid for 48.⁵⁴

The legislature has repeatedly voted down these proposals of the Arkwright Club for modification of the hours law. At the last session its bill to classify cotton manufacturing as a seasonal industry, and to allow cotton mills to operate 50 hours a week and 10 hours a day during rush periods as long as they did not exceed the weekly average of 48 hours a week, was defeated in the house of representatives by a vote of 159 to 5 and an adverse report of the committee on labor and industries was accepted by the senate without a dissenting voice.⁵⁵

Seasonal employments.

Most of the legislation limiting the hours of work of women in manufacturing and mechanical establishments was put on the statute books primarily to secure for the textile workers somewhere near

⁵¹ Boston Transcript, Apr. 17, 1919.

⁵² Massachusetts. Session laws, 1919, ch. 118.

⁵³ Massachusetts. General Court, 1924. Committee on labor and industry. Statement by Ward Thoron on Senate 93 and 94 in re Hours of Labor and Senate 95, The Two-Shift Bill. Feb. 13, 1924.

⁵⁴ Boston Morning Globe, Feb. 24, 1927.

⁵⁵ Daily News Record. Fairchild Publications, New York. Mar. 19, 1927; and New York Journal of Commerce, Mar. 26, 1927.

the same hours that workers in other large industries had gained by virtue of their bargaining power. Opposition to the legislation was confined almost entirely to the textile industry. But when the 54-hour week was being vigorously pushed in 1908, the straw-hat manufacturers became alarmed about the effect of special legislation on their industry. They appealed informally to the members of the committee on labor for an exemption. To meet their objections it was agreed with the sponsors of the legislation that these manufacturers should be taken care of. Accordingly, the hours legislation of 1908 contained a new principle. Hours in manufacturing and mechanical establishments were limited to 56 a week "except that in any establishment where the employment is by seasons, the number of such hours in any week may exceed 56, but not 58, provided that the total number of such hours in any year shall not exceed an average of 56 hours a week for the whole year, excluding Sundays and holidays."⁵⁶

This same provision, substituting 54 for 56 but not changing the maximum number of hours allowable, also was included in the 54-hour-week legislation of 1911.

It is evident that the application of this principle led to constant discussion between the employers and the enforcing officials. Which were seasonal employments? The law gave no clue. No one was empowered to decide the question. Dispute continued until 1916, when the department of labor and industries was authorized by the legislature to determine which lines of manufacture were seasonal.⁵⁷

The 48-hour-week law passed in 1919 allowed a 52-hour week in manufacturing establishments "where the employment is determined by the department to be by seasons," provided the average number of hours worked during the year, exclusive of Sundays and holidays, did not exceed 48.

HOURS LEGISLATION AFFECTING MERCANTILE ESTABLISHMENTS AND OTHER ESTABLISHMENTS NOT INCLUDED UNDER MANUFACTURING AND MECHANICAL

The extension of the 60-hour-week law to mercantile establishments, 1883.

The 60-hour-week law for women in factories was extended in 1883 to women employed in mechanical and mercantile establishments. The prime mover in this extension was Chief Wade, of the district police. He had recommended it on the ground that there was no logical reason for discrimination between the women employed in one class of establishment and those in another. He had drafted the measure and had "worked quite hard with the (legislative) committee" to have it enacted.⁵⁸ His efforts were successful and the law was put into effect.⁵⁹ Its enforcement brought some opposition, but, according to the officials, this antagonism "was not as general nor as persistent as that encountered in relation to some

⁵⁶ Massachusetts. Session laws, 1908, ch. 645.

⁵⁷ *Ibid.*, 1916, ch. 222. In only two instances—the manufacture of straw hats and tobacco-sorting shops—has the department given approval to manufacturing industries doing a seasonal business to operate the longer hours allowed by the law.

⁵⁸ U. S. Industrial Commission. Report on the relations and conditions of capital and labor. 1900, v. 7, pp. 77-78.

⁵⁹ Massachusetts. Session laws, 1883, ch. 157.

other so-called labor laws."⁶⁰ On the whole, the law was working "effectively and satisfactorily." The only difficulty in enforcement came from the smaller stores.

Repeal of the amendment of 1883.

The repeal of the law as applied to mercantile establishments a year after it was put into operation can only be accounted for by lack of interest in such a measure on the part of the public. The repeal was based on a petition from Springfield signed, for the most part, by the women the law was designed to protect. This one petition from one city gave the legislature sufficient excuse for wiping out a law that apparently was working to advantage in the State as a whole.⁶¹

The extension of the 58-hour-week law to mercantile establishments, 1900.

This action of the legislature, together with a report of the bureau of statistics of labor on *The Working Girls of Boston*,⁶² aroused sufficient public interest to keep almost constantly before the legislature, until its final passage in 1900, a bill again extending hours legislation to mercantile establishments.

The source of the support for mercantile legislation in the earlier days is indicated by the persons appearing at the hearing in 1888. Among the speakers in favor were two doctors, a college professor, a representative of the Knights of Labor, and Harriet Robinson, a former mill worker who had become a writer of some prominence. Most of the speakers pointed out the arduous nature of the work of store girls and spoke of the rough and inconsiderate treatment they constantly received from customers. They thought that the long hours worked in this occupation undermined the health of the girls and made them unfit to be mothers of the race.⁶³

Later an organization known as the Federal Labor Union, made up largely of women friendly to the labor movement and a few labor leaders, became the active supporter of hours legislation for the mercantile industry. Year after year its members appeared before the legislature to no effect. Their claims as to the need for legislation were reenforced by the reports of the women factory inspectors, who called attention to the long hours—12 to 14 a day during some seasons—worked by women in stores. Not only were hours long but "in many respects the women employed in mercantile houses are under a more wearisome strain than those employed in factories or workshops. There is double exaction from employer and customer, more cramped and confined positions, and less freedom of movement. Add to this evening work in bad air and under the heat of numerous gas jets—especially in July and August—and the strain on strength and health is excessive."⁶⁴

⁶⁰ Massachusetts. District Police, Inspection of Factories. Sixth annual report of chief, 1884, p. 24.

⁶¹ U. S. Industrial Commission. Report on the relations and conditions of capital and labor. 1900, v. 7, pp. 77-78.

⁶² Massachusetts. Bureau of Statistics of Labor. Fifteenth annual report, 1884, pp. 3-134.

⁶³ Boston Journal, Feb. 6, 1888.

⁶⁴ Massachusetts. District Police, Inspection of Factories. Thirteenth annual report of chief, 1891, pp. 434-435. (See also reports for 1892, p. 377, and 1896, pp. 215-218.)

It was reported further that many of the merchants desired shorter hours but a few would not agree to earlier closing, which meant the continuance of long hours.⁶⁵

In the nineties the State Branch of the American Federation of Labor began to include among its preferred legislative measures the extension to mercantile establishments of the hours law in factories.⁶⁶ When it began agitating for a 54-hour law for women in 1897 it specifically provided that this law "apply to all mercantile as well as mechanical establishments."⁶⁷

Thus the way had been blazed for the work of the consumers' league, which, by gathering the necessary facts upon which to base legislation and by crystallizing public sentiment in favor of it, secured the passage of the law of 1900. Almost immediately upon its organization in 1898, the Consumers' League of Massachusetts took the lead in the campaign for legislation governing the work of women in stores. It made an investigation of the conditions in the mercantile industry, particularly in the small shops. In 84 establishments, that covered over 500 women, it "found the average hours per week 62½ in retail dry-goods stores, 65½ in confectionery, 73¼ in bake shops." Ninety-one per cent of the employees were working more than 60 hours a week, "and practically all in bake shops and many in confectionary shops worked on Sundays."⁶⁸ The investigator concluded, from interviews with employers and from the facts as he found them, that a 60-hour-week law would be a benefit to both parties concerned. By lifting the plane of competition it would protect those merchants who were willing to look after the welfare of their employees from the unfair dealings of other employers. The well-being of the workers would be promoted, "for a maximum limit of 60 hours of continual work of a particular kind in any week is as great as can reasonably be undertaken, if due regard be had to the physical, mental, and moral welfare of those who are so engaged."⁶⁹

The report included considerable information on the attitude of owners and managers who had been interviewed in the course of the investigation. As would be expected, the larger dry-goods stores where the 8-hour day already prevailed and other stores that were operating on a basis of 60 hours a week or less were in favor of such a law, and some of the long-hour establishments were not opposed to it if it affected all stores alike. Usually the small dealers with only two or three employees were very much opposed. They contended that the employment of extra part-time help was a cost that the small margin of profit in the business did not permit, and furthermore that part-time workers would only make confusion in the store.⁷⁰

Feeling that the facts of extremely long hours justified legislation, the consumers' league began to secure the necessary public support. Women's clubs were enlisted in the ranks of supporters, among them

⁶⁵ *Ibid.* Twentieth annual report of chief, 1898, p. 224.

⁶⁶ Massachusetts. Bureau of Statistics of Labor. Twenty-sixth annual report, 1895, p. 734.

⁶⁷ *Ibid.* Twenty-eighth annual report, 1897, p. 341.

⁶⁸ Consumers' League of Massachusetts. Bulletin No. 31, 1926.

⁶⁹ *Ibid.* Investigations of hours and other conditions in the mercantile establishments of Boston, with a report of work of the league from March to November, 1898. November, 1898.

⁷⁰ *Idem.*

the civic department of the Twentieth Century Club, the Massachusetts Association of Working Women's Clubs, and the Women's Educational and Industrial Union. These organizations all backed the 58-hour bill for women in mercantile establishments introduced by the Federal Labor Union in 1899. The measure failed to pass.⁷¹ The following year the consumers' league, in cooperation with the civic division of the Twentieth Century Club and the Union for Industrial Progress—formerly the Federal Labor Union—had a bill for the extension of the 58-hour week to the mercantile industry drawn up and introduced in the legislature. The hearing was well planned and widely attended. The legislature was duly impressed and the bill, amended to allow an exemption for the month of December, was passed and signed by the governor.⁷²

Amendments to aid enforcement and to extend application.

The law as passed had two outstanding imperfections—the December exemption and no requirement for the posting of hours. The inspectors charged with the enforcement of the law recommended that these defects be remedied. The consumers' league had a bill drafted to comply with the suggestions of the inspectors and it was introduced in the 1901 session. The proponents of the bill did not have knowledge of the hearing when it occurred, there was no one present to support the measure, and the committee reported against the repeal of the December exemption.⁷³ The amendment for the posting of notices became law.⁷⁴ At the same time the term "mercantile establishment" was defined so as to include restaurants.⁷⁵ Evidently there had been considerable complaint of conditions existing in restaurants, for when the amendment was passed the chief of the district police expressed the pious hope that "it will lessen if it does not wholly remove the hardships and exactions of which so much complaint has been made."⁷⁶

In the years following, bills were introduced to extend the application of the 58-hour-week law to the month of December, but nothing came of them. In 1903 the bill was referred with many others to a committee appointed by the governor "to examine and consider the laws of the Commonwealth and any proposed laws or amendments concerning the legal relations of employer and employee."⁷⁷

This committee of five heard a committee of the consumers' league and others on the question of repealing the December exemption. It reported as follows:

It has been represented that much hardship results from the exceptions made in the 58-hour law, by which women and minors in mercantile establishments may be compelled to work long hours during the month of December. We understand that, as a rule, many of the larger stores do not take advantage of this exception, but obey the spirit of the 58-hour law throughout the year. We see no reason why all establishments should not conform to the more considerate practice of the majority. If stores find it necessary to keep open

⁷¹ Consumers' League of Massachusetts. Second annual report, 1900.

⁷² *Ibid.* Third annual report, 1901.

⁷³ *Ibid.* Fourth annual report, 1902.

⁷⁴ Massachusetts. Session laws, 1901, ch. 113.

⁷⁵ *Idem.*

⁷⁶ Massachusetts. District Police, Inspection of Factories. Twenty-third annual report of chief, 1901, p. 7.

⁷⁷ Massachusetts. Committee on Relations Between Employer and Employee. Report. Boston, State Printers, Jan. 13, 1904, p. 2.

evenings in order to satisfy the requirements of customers at the holiday season, arrangements should be made for adjusting the hours of employees throughout the day so that the total number of hours does not exceed 58 per week.⁷⁸

The committee therefore recommended the amendment that had been introduced by the consumers' league. This favorable report, together with the widespread public interest, led to the passage of the bill repealing the December exemption by the legislature of 1904.⁷⁹

The following year a formidable attempt was made to repeal the amendment of 1904. The Springfield Board of Trade, supported by other commercial interests in the smaller cities and towns, claimed that there was no general demand for the law of the previous year and that it had been passed with little discussion. Store employees from Worcester, Springfield, and other cities testified that they wanted to work longer hours. They were opposed by organized labor, the consumers' league, and all the other groups that had supported the repeal of the exemption. The bill finally was defeated.⁸⁰

The extension of the 54-hour-week law, 1913.

Although there had been a slight effort made to include mercantile with manufacturing and mechanical establishments when the hours of work in these industries were reduced first to 56 in 1908 and again to 54 in 1911, nothing came of it, and women in stores could legally be employed 58 hours a week up to 1913. The only exception was women employed in workrooms of stores. At the insistence primarily of the Women's Trade Union League and the consumers' league that these women were industrial workers and should have the same number of hours as had other women engaged in the same type of employment, their working week was limited to 56 hours in 1911.⁸¹

Other groups of employed women, particularly most of the hotel workers, did not come under any hours regulation.⁸² At the convention of the State Branch of the American Federation of Labor in 1912 it was stated that "a very large number of women are employed in hotels and other kindred establishments, and are working under conditions that are a disgrace to our Christian civilization, hours extending from 10 to 18 per day and supplied with food not fit for human beings."⁸³ It was voted that the legislative committee draw up an amendment to the 54-58 hour law that would bring these women under its protection.⁸⁴

⁷⁸ *Ibid.*, p. 33.

⁷⁹ Massachusetts. Session laws, 1904, ch. 397.

⁸⁰ Springfield Republican, Feb. 17, 1905; and American Federation of Labor, Massachusetts Branch. Proceedings of twentieth annual convention, 1905, p. 33.

⁸¹ Massachusetts. Session laws, 1911, ch. 313.

⁸² The definition of "mercantile establishment" as given in the labor law is "any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for a restaurant or for publicly providing and serving meals." A ruling of the attorney general, Sept. 27, 1912, construed "premises" so as to include "the entire building occupied as a hotel and is not to be limited to such rooms as are actually used for the purpose of publicly providing and serving meals therein." Legally, then, women who worked in hotels were protected by hours legislation, but practically they were not. For it is apparent from the findings of the special investigation of the hours of hotel workers, made in 1916 by the State board of labor and industries, that this broad interpretation of the attorney general had not been applied. Longer hours than those allowed by the mercantile act were the rule in all branches of hotel work.

⁸³ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-seventh annual convention, 1912, p. 92.

⁸⁴ *Idem.*

At the next session of the legislature, in 1913, a bill was passed limiting the hours of women employed in mercantile establishments, telegraph offices, telephone exchanges, and by express and transportation companies to 10 a day and 54 a week,⁸⁵ but hotels as such (see footnote 82) were left unregulated.

Besides the State Branch of the American Federation of Labor and other organized labor groups the supporters of the extension of the 54-hour law to women in other occupations were the Women's Trade Union League, the consumers' league, the Women's Educational and Industrial Union, the Massachusetts Child Labor Committee, and other civic and social organizations.

Earlier in the same session the Massachusetts Child Labor Committee, with the support of these other organizations, had secured the 54-hour week, 10-hour day, and 6-day week for girls under 21 and boys under 18 employed in the establishments mentioned above, together with barber shops, bootblack stands, public stables, garages, brickyards, and messenger service.⁸⁶

The 54-hour-week law for elevator operators, 1918.

With the war came the entrance of women into various kinds of employment not covered by the hours law. The most conspicuous of these was elevator operating. A bill to bring elevator operators under the 54-hour-week law was introduced in 1918 by the chairman of the War Committee on Women in Industry. It passed with little opposition and wide support.⁸⁷

The 48-hour-week law of 1919 and its extension in 1921.

The 48-hour-week law passed in 1919 applied to women employed in manufacturing, mechanical, and mercantile establishments, telegraph offices, telephone exchanges, and express and transportation companies. Hotel employees (see footnote 82), laundry workers,⁸⁸ and other smaller groups still did not come under any hours regulation. Because of the agitation started by the State Branch of the American Federation of Labor in 1912 an investigation of the hours of hotel workers had been made by the State board of labor and industries in 1916 at the request of the legislature. It was found that excessively long hours were the rule in the industry. Only a small proportion of the workers enjoyed a 54-hour week, an appreciable number worked over 70 hours a week, and one woman was found who worked over 100 hours a week.⁸⁹ An analysis of the data obtained convinced the board of labor and industries "that some change must be made in the hours of labor of those employed in hotels."⁹⁰

In spite of this evidence of long hours of work of women employed in hotels, no action was taken by the legislature to reduce their hours until 1921, when the Women's Trade Union League brought the matter forcibly to attention. The legislature then passed the bill ex-

⁸⁵ Massachusetts. Session laws, 1913, ch. 758.

⁸⁶ *Ibid.*, ch. 831, sec. 9.

⁸⁷ *Ibid.*, 1918, ch. 147.

⁸⁸ Power laundries were considered mechanical establishments and the hours of women employees were regulated by earlier legislation. Smaller laundries and hotel and institutional laundries were not covered before 1921.

⁸⁹ Massachusetts. State Board of Labor and Industries, Fourth annual report, 1917, pp. 32-36.

⁹⁰ *Ibid.*, p. 36.

tending the 48-hour-week law to women employed in laundries, hotels, manicuring or hairdressing establishments, motion-picture theaters, and as elevator and switchboard operators.⁹¹ There was practically no opposition and very little discussion of the measure.⁹² The only change made in the bill as introduced was an amendment by the senate providing that "hotel employees who are not employed in a manufacturing, mercantile, or mechanical establishment connected with a hotel may be employed more than 9 hours but not more than 10 hours in any one day."⁹³

NIGHT-WORK LEGISLATION

The campaign for the legislative prohibition of night work of women employed in manufacturing establishments of Massachusetts extended over a period of more than 17 years.⁹⁴ It was partially successful in 1890, but the demands of the textile workers were not fully met until 1907.

The movement for night-work legislation, like that for hours legislation in general, centered around the textile industry. It was aimed particularly at the prevention of the overtime work that at times seriously threatened the effective enforcement of the weekly hours law. The bills for the prevention of night work were known commonly as "overtime bills." At legislative hearings discussions were almost entirely on this phase of the question. It was the evil of long hours of work that was at issue, rather than the evil of night work itself.

The night-work law of 1890.

Six o'clock closing was the general rule in the textile industry. There were few exceptions made prior to the late eighties. A case of night work was of sufficient novelty to bring mention in the textile journals. In 1886 a news item read that a certain firm of knit-goods manufacturers had "given orders to their cord-room spinners and spoolers to work overtime every night till 9 o'clock, until further notice (this includes female help as well) and those refusing to comply with their request are ordered to leave."⁹⁵

The organized textile workers began to protest this practice and finally in 1890 brought their protest to the legislature in the form of a bill to prohibit the employment of women and minors in manufacturing between the hours of 6 p. m. and 6 a. m. The committee on labor substituted a compromise measure that prohibited such employment between the hours of 10 p. m. and 6 a. m. There seems to have been little or no opposition to this compromise measure, and it became law.⁹⁶ The chief of the division of factory inspection after the passage of the act reported, "It would seem that there

⁹¹ A similar bill introduced by the Women's Trade Union League the previous year had been rejected because it included women in banks. Some of these women protested against the measure and it was defeated. They were not included when the bill was introduced in 1921.

⁹² Boston Transcript, Mar. 8, 1921.

⁹³ Massachusetts, Session laws, 1921, ch. 280.

⁹⁴ Night-work legislation in Massachusetts for women over 21 years of age applies only to manufacturing.

⁹⁵ Wade's Fibre and Fabric, Boston, Oct. 16, 1886, p. 263.

⁹⁶ Massachusetts, Session laws, 1890, ch. 183.

could be no division of opinion as to the necessity of such a law, and it is in exact line with the policy of the Commonwealth in respect to the labor of women and children."⁹⁷

The night-work law of 1907.

The employment of women between 6 p. m. and 10 p. m. in the textile mills was resorted to more and more by employers in certain sections of the State who attempted to increase their profits by running their mills 14 hours a day instead of 10, and 83 hours a week instead of 60. To comply with the 58-hour law for women they posted two sets of notices, one for day labor and the other for night. The enforcing officers held that this system practically nullified the 58-hour law. Women worked in one establishment for 10 hours and then worked 4 hours more in another plant.⁹⁸

Supported by a ruling of the attorney general of the State that "the employment of women and minors both day and night, whether in the same factory or different mills, is a violation of the 58-hour law,"⁹⁹ the inspectors served notice on the mills running overtime that the practice must stop or legal proceedings would be instituted. One plant refused to comply and the case was brought before the courts. There were three counts against the defendant: One, with having two different notices posted that, together, aggregated more than 58 hours a week; two, with employing an operative for a longer period than the extra notice stated; three, with employing a woman who had already worked the full legal period in another mill. The court held that the legislature had not forbidden the mills to run extra hours nor had it forbidden a person to work as many hours as he chose, and that therefore in none of the instances cited had a crime been committed.¹

This decision tied the hands of the inspectors in any further attempt to prevent overtime. It was clearly not to their liking and they invited "the attention of the legislature to the subject of more strictly regulating the hours of labor of women and minors."²

The textile workers had not rested their case upon the efforts of the factory inspectors to prevent overtime, but had introduced a bill year after year to prohibit the employment of women and minors in the textile industry between the hours of 6 p. m. and 6 a. m.³ But the decision referred to did have the effect of stimulating interest in legislative efforts. A bill was favorably reported by the committee on labor in 1900 but was rejected by the house.⁴

The following year the textile workers and their representatives in the legislature postponed pushing the 54-hour bill and concentrated upon the abolition of overtime. They secured the passage of the measure in the house and lost by only one vote in the senate.⁵ Again

⁹⁷ Massachusetts. District Police, Inspection of Factories. Twelfth annual report of chief, 1890, p. 18.

⁹⁸ *Ibid.* Twenty-second annual report of chief, 1900, pp. 9-10.

⁹⁹ Massachusetts. Bureau of Statistics of Labor. Thirtieth annual report, 1899, p. 85.

¹ *Ibid.* Thirty-second annual report, 1901, pp. 11-12.

² Massachusetts. District Police, Inspection of Factories. Twenty-second annual report of chief, 1900, p. 12.

³ Massachusetts. Bureau of Statistics of Labor. Twenty-eighth annual report, 1897, p. 313; and U. S. Industrial Commission. Report on the relations and conditions of capital and labor. 1901, v. 14, p. 570.

⁴ Massachusetts. Bureau of Statistics of Labor. Thirty-second annual report, 1901, p. 8.

⁵ American Federation of Labor, Massachusetts Branch. Proceedings of seventeenth annual convention, 1902, pp. 22-23.

in 1903 they were near victory but the opposition of the textile manufacturers was more powerful than a united labor support.⁶

The arguments of the opposition during these years varied little. They contended that the textile industry could not stand this added burden; that the bill if passed would prevent the making up of lost time, that it would eliminate the possibility of coordinating the work of the various branches and therefore would be against efficiency, and that the operatives did not favor the legislation.⁷

The representatives of the textile unions and of the State Branch of the American Federation of Labor testified that the workers wanted this law but were afraid to express their wishes for fear of losing their jobs. Instances were cited where women and minors had worked from 6.30 a. m. to 10 p. m. and had been discharged for testifying to such facts. They claimed that seven strikes in Fall River alone were in protest against overtime and that this should prove that operatives were opposed to working at night.⁸

The "overtime" bill of 1903 was referred to the governor's committee on the relations between employer and employee. While it did not indorse the bill, except for minors under 16 between the hours of 7 p. m. and 6 a. m., its arguments might well have been construed to favor the limitation for the industry as a whole. It reported that overtime usually was resorted to in making up for lost time by stoppage of machinery, and that in well-ordered plants accidents were of comparative unimportance; that some mills discontinued the practice of running overtime at night because it tended "to irregularity in production"; that if all mills in the State were placed upon the same basis competition within the State would be no factor and competition without the State would be "very inconsiderable."⁹

This noncommittal report to the legislature of 1904 probably was of little importance. Labor succeeded "after 10 years of strenuous effort and against the combined lobby of the Massachusetts Legislature" in having the overtime or night-work bill passed, only to have it vetoed by Governor Bates.¹⁰ The governor gave as his reasons for the veto that there was no abuse of the privilege of employing women and minors until 10 p. m.; that the bill was "special legislation applying to one branch of manufacture only"; that the textile mills ran in the evenings only "when some particular exigency" demanded; that women were anxious for the opportunity to work in the mills at night; that the textile industry was in "no condition to stand further burdens"; that the committee on relations between employer and employee had failed to recommend this measure. He summed up his remarks as follows: "I can not believe * * * that this bill is in the interest of minors, or of women, or of labor, or of capital, or of the Commonwealth."¹¹

⁶ Springfield Republican, Apr. 16, 1903.

⁷ Boston Globe, Feb. 18 and Mar. 1, 1902; and Fibre and Fabric, Boston, Mar. 31, 1900, p. 76.

⁸ Boston Globe, Feb. 14 and 18, 1902.

⁹ Massachusetts, Committee on Relations Between Employer and Employee. Report. Boston, State Printers, Jan. 13, 1904, p. 31.

¹⁰ American Federation of Labor, Massachusetts Branch. Proceedings of nineteenth annual convention, 1904, p. 37.

¹¹ Massachusetts. Legislative documents. House No 1438, 1904, pp. 1-4.

A study made by the bureau of statistics of labor of night work in textile mills¹² bore out some of the governor's contentions. It was found that comparatively few mills operated after 6 p. m., only 12 in a total of 169 mills visited reported having worked overtime in 1903. Three of these employed women the year around for this work, the others for less than half of the year. The average number of women employed was 175, the peak being 329.¹³ Testimony indicated that these women had families and were engaged in household duties during the day. They worked in the mills at night "in order to increase their limited incomes, which opportunity was eagerly solicited by them."¹⁴ No conclusions were drawn in the report but the general tone of it indicated that the prohibition of the work of women in the textile industry after 6 p. m. was a matter of comparative unimportance.

The labor group was of a different opinion. Governor Bates was roundly denounced for his veto of the night-work bill, and a campaign was immediately launched to prevent his reelection.¹⁵ Labor showed a surprising strength at the polls and Governor Bates was retired. His successor recommended in his first annual message that the appeal "from the mills, factories, and workshops in all sections of the Commonwealth * * * for the prohibition of overtime for women and minors, should not go unheeded."¹⁶

Now that labor had a governor willing to sign, the measure was defeated by the senate in both 1905 and 1906. In the latter year the defeat of the bill was accomplished by methods that called forth a great deal of criticism in the press and elsewhere. *Fibre and Fabric*, a textile-trade publication, gave the following account of the procedure:

The measure had already passed the house * * *. The real cause of the bill's defeat was the absence of * * * [names of four senators] all of whom had voted for the bill on Thursday * * *. Labor men from all over the State filled the corridors, and the members of the house interested in the bill crowded upon the floor of the senate outside the railing, so that the proceedings went on amidst a suffocating crowd. After the final vote some of these labor men denounced the absent senators with extreme vehemence and declared that they would defeat them if they came up for reelection.

There was very little real debate. The opposition to the bill, content with having the votes, refused to be drawn into a discussion. When the advocates of the bill found that it was likely to be defeated they tried to leave the chamber and break the quorum, but the doors were locked against them. Then came appeals and motions and the defeat after a tedious parliamentary battle of the opposing sides.¹⁷

Legislative representatives from Fall River and New Bedford joined in an appeal to Governor Guild, suggesting that in the light of what had transpired he might see his way clear to send a special message to the legislature urging a reconsideration of the overtime, or night-work, bill. The governor, after consulting with legal authorities, replied that by acting in the manner suggested he would

¹² Massachusetts. Bureau of Statistics of Labor. Labor Bulletin No. 33, September, 1904.

¹³ *Ibid.*, pp. 243-245.

¹⁴ *Ibid.*, pp. 245-246.

¹⁵ American Federation of Labor, Massachusetts Branch. Proceedings of nineteenth annual convention, 1904, p. 37.

¹⁶ Massachusetts. Legislative documents. Senate No. 1, 1905, p. 10.

¹⁷ *Fibre and Fabric*, Boston, Mar. 31, 1906, p. 5.

be interfering unduly with the rights of the legislative branch of the government.¹⁸

Before the next session labor organized a comprehensive campaign against the senators who had voted against the night-work bill.¹⁹ The measure of this success was the ease with which this much opposed bill passed the legislature of 1907. There was no debate in either house and only one vote was recorded against it. It promptly received the signature of the governor.²⁰

One powerful organ of the textile interests, after having opposed the bill for years, came out early in the session with the statement that the bill was of "little importance" as was proved by the "overtime" reports from Fall River, the leading cotton-manufacturing center in New England. It stated that for the 41 corporations in that city there was overtime work from January 1, 1906, to February 1, 1907, a period of 13 months, of 70 hours and 24 minutes, which certainly was no hardship for women or minors, as the lost time was made up largely in 5-and-10-minute runs at noon or after 6 o'clock; and but for the persistent efforts of labor to carry on a controversy with capital, not one operative in a thousand would have given the subject a moment's thought.

"There is no particular objection to the bill on the part of the manufacturers, other than their wish to have it contain protective clauses for themselves, as the history of these restrictive measures has always shown the operative to be the offender, much more than the manufacturer or his agents."²¹

After the passage of the bill this same journal commented editorially that it was passed "more out of fear of political death than for any merit" it contained.²² In a later number it blamed the "reformers" for making the weavers—the chief malcontents among the textile workers—so "irrational as to put through legislation such as the overtime law." It traced "the secondary cause at least for the unrest of the women weavers" to this body of "wealthy women particularly, but, sad to say, many men of prominence." "From the published doings of these reformers they (the weavers) really believe that they are being abused and underpaid, and that they are altogether too good to work at their occupation."²³

The legislation preventing women from working after 6 p. m. in the textile industries was accepted by the employers with little comment. During the war they were allowed by the defense act to secure special permits for overtime and night work of women for the performance of work required by the war emergency. A considerable number of employers took advantage of this opportunity when first granted, but later the War Emergency Industrial Commission, the administrative body, backed up by the policy of the Federal Government that labor legislation should not be relaxed in war time, granted fewer and fewer applications for suspension.

¹⁸ *Idem.*

¹⁹ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-first annual convention, 1906.

²⁰ Springfield Republican, Mar. 21, 26, 29, and 30, 1907; and Massachusetts. Session laws, 1907, ch. 207.

²¹ American Wool and Cotton Reporter, Mar. 7, 1907, p. 301.

²² *Ibid.*, Apr. 4, 1907, p. 426.

²³ *Ibid.*, May 2, 1907, p. 605.

Since the war the general depression in the cotton-manufacturing industry has brought demands in Massachusetts for the repeal of the overtime law as well as of the 48-hour-week limitation. Cotton manufacturers have claimed that the industry in Massachusetts could not compete with that in other States and that unless the most restrictive of the labor laws were suspended Massachusetts mills would move to the South, where conditions were more favorable.²⁴

Nothing has come of these attempts at repeal. At the last legislature (1927) the Arkwright Club, in behalf of the cotton manufacturers, confined its activities to a modification of the 48-hour-week law without attacking the night-work law.²⁵

It will be remembered that the law of 1890,²⁶ prohibiting the work of women and minors between the hours of 10 p. m. and 6 a. m., applied only to manufacturing. The hours of women and minor workers in textile mills were further restricted in 1907,²⁷ but no change was made in the application of the general night-work law until 1913. In that year the Massachusetts Child Labor Committee, with the support of the Women's Trade Union League, the consumers' league, the Women's Educational and Industrial Union, and other organizations, secured the passage of a law prohibiting the employment of girls under 21 and boys under 18 in factories, workshops, manufacturing, mechanical or mercantile establishments, express and transportation companies, barber shops, bootblack stands or establishments, public stables, garages, brick or lumber yards, telephone exchanges, telegraph or messenger offices, or in the construction or repair of buildings, or in any contract or wage-earning industry carried on in tenement or other houses between the hours of 10 p. m. and 5 a. m.²⁸ At the same time the 6 o'clock closing in the textile mills was reenacted.

At the request of the telephone operators' union, this law was amended in 1917²⁹ to allow girls under 21 to be employed as operators in regular service in telephone exchanges until 11 p. m.

WAR-TIME LEGISLATION

The participation of the United States in the World War brought a demand in Massachusetts, as in other States, for a suspension of the labor laws in order to speed production. Any relaxation or modification of these laws was firmly opposed by the laboring interests, the Women's Trade Union League, the consumers' league, and the various women's organizations. Late in the session of 1917 the legislative committee of the State Branch of the American Federation of Labor felt that there might be "wholesale nullification of the laws" unless some concessions were made. So they joined in a conference of labor

²⁴ Massachusetts General Court, 1924. Committee on Labor and Industry. Statement by Ward Thoron on Senate 93 and 94 in re Hours of Labor and Senate 95, The Two Shift Bill. Feb. 13, 1924.

²⁵ American Wool and Cotton Reporter. Feb. 24, 1927, p. 68.

²⁶ Massachusetts. Session laws, 1890, ch. 183.

²⁷ *Ibid.*, 1907, ch. 267.

²⁸ *Ibid.*, 1913, ch. 831, sec. 9.

²⁹ *Ibid.*, 1917, ch. 294.

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leaders and representatives of the Public Safety Committee that resulted in the passage of the defense act.³⁰

This act provided for a special committee of five to be appointed by the State board of labor and industries with the approval of the governor. One member of the committee was to be the commissioner of labor, two members were to represent employers, and two the wage earners. The committee so constituted was to receive applications from any employer for the suspension of any or all labor laws that interfered with the performance of work required by an emergency arising out of the war. Hearings were to be given on such applications to which representatives of the interested parties were invited. This committee, entitled the War Emergency Industrial Commission, received 145 applications for suspension during its first year and granted 65. Most of these were permits allowing women to work overtime, a few allowed night work.³¹

With the pronouncements of the various branches of the Federal Government on the need for maintaining the labor standards of peace time, the tendency of the committee more and more was to restrict the number of permits granted. So, while most of the friends of labor legislation felt that the committee should never have been provided for, nevertheless they agreed that its activities were of little consequence in affecting labor standards in the State.

MINIMUM-WAGE LEGISLATION

Massachusetts was the pioneer State in minimum-wage as well as in hours legislation for women. The passage of the minimum-wage law in 1912 was an unexpected culmination of the efforts of a group of representative people of Boston and the vicinity to secure some sort of remedial legislation to meet certain conditions affecting the lives of the 350,000 working women of the State. The rapidity with which these interested citizens attained their goal is traceable to influences at work both within and without the State.

The first real impetus to wage legislation in this country came with the passage by Great Britain of the trades board act of 1909. This was followed closely by the publication in 1910-11 of the findings in the investigation of the Federal Bureau of Labor into the conditions of work of women and children in the United States. Other industrial studies made at about this time helped to focus public attention upon the low wages of women workers. Chief of these may be mentioned *Women and the Trades* (Pittsburgh Survey, 1909), by Elizabeth B. Butler; *Women in Industry* (1910), by Edith Abbott; *Wage-Earning Women* (1910), by Annie M. MacLean; and *The Living Wage of Women Workers* (1911), by Louise M. Bosworth.

Minimum-wage legislation as a remedy for the evils disclosed by these studies was vigorously pushed by the National Consumers' League. This organization made the passage of minimum-wage laws in the various States part of its 10-years program adopted

³⁰ American Federation of Labor, Massachusetts Branch. Proceedings of thirty-second annual convention, 1917, p. 50.

³¹ Massachusetts. State Board of Labor and Industries. Fifth annual report, January, 1918, pp. 53-53.

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March, 1910. The subject was introduced to the social workers of the country at the annual meeting of the National Conference of Charities and Corrections in May, 1910.³² The National Women's Trade Union League, in its third biennial convention in 1911, adopted as one of its recommendations for legislative action by its State branches a "legal minimum wage in sweated trades."³³

Members of these organizations, particularly Mary Morton Kehew, Emily Balch, and Elizabeth Glendower Evans, became impressed with minimum-wage legislation as a possible solution for wage difficulties in Massachusetts and were instrumental in having the Women's Trade Union League of Boston take the initiative in a study of the question. Mrs. Kelley, general secretary of the National Consumers' League, was invited to present the subject of minimum-wage legislation at a league meeting in December, 1910. At this meeting it was voted that the president form a committee "which might bring into cooperation, to the end of minimum-wage legislation, the forces of organized labor, the consumers' league, and other groups who would naturally be interested."³⁴ Early in January, 1911, such a committee was organized to draft and promote a bill to be introduced by the Women's Trade Union League asking for the appointment of a commission to study the question of wages of women and children and the advisability of establishing wage boards. By February the committee had grown to include, besides the Women's Trade Union League, the Consumers' League, the child labor committee (of Massachusetts), the Women's Educational and Industrial Union, the Central Labor Union of Boston, and the Massachusetts Branch of the American Association for Labor Legislation.³⁵ The burden of the campaign, first for the investigating commission and later for the minimum-wage law, was carried on through this minimum-wage committee, by its counsel and legislative agent, H. La Rue Brown.

The committee, while it believed that minimum-wage legislation was needed in Massachusetts, realized that it had not the facts that would be accepted by the public as proving conclusively the necessity for such legislation. It therefore submitted a petition to the legislature of 1911 accompanied by a resolve "For the appointment of a commission to study the question of wages for women and minors and report as to the advisability of the establishment of a minimum-wage board."³⁶

The proponents carried on a quiet campaign and avoided arousing any latent opposition. A hearing was given in March before the joint committee on labor of the general court. Practically the only persons present were the representatives of organizations sponsoring the bill.

The main arguments for the measure were presented by the counsel for the minimum-wage committee. The keynote of his address

³² Kelley, Florence. *The Case for the Minimum Wage: Status of Legislation in the United States.* The Survey, New York, Feb. 6, 1915, p. 8.

³³ Life and Labor. National Women's Trade Union League of America, Chicago. December, 1911, p. 356.

³⁴ Correspondence between Boston Women's Trade Union League (Gillespie) and Massachusetts Child Labor Committee (Conant), 1910-1912, on file in Massachusetts Child Labor Committee office.

³⁵ *Ibidem.*

³⁶ Massachusetts. *Session laws, 1911, ch. 71.*

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was the quotation from St. Augustine, "Thou gavest bread to hungry, but better were it that none hungered and thou hadst nought to give." He approved the contention that underpaid labor was the greatest social cause of dependency and delinquency and that to meet social ills the Commonwealth of Massachusetts expended approximately \$5,000,000 a year, or, roughly speaking, one-third of its total appropriations, an expenditure quite exclusive of the millions spent by private and semipublic charitable agencies for the same causes. In other words, he claimed that society at large, through taxes and gifts, was bearing an appreciable part of the labor costs that should legitimately be borne by industry. Attention was called to studies made by the Women's Educational and Industrial Union and the Women's Trade Union League indicating that for a working woman the minimum cost of living was \$8 a week, while Massachusetts statistics of manufactures for 1908 showed that almost 75,000 adult women in the State were earning less than that amount. One effect of the gap between earnings and living costs was cited as follows: "One of the great Boston hospitals maintains a department of statistics from a social and industrial point of view. Of 31 cases which clearly are those of working girls suffering from anæmia, tubercular tendencies, and similar troubles which come from undernourishment, over 20 were those of girls earning less than \$6 a week."

Mr. Brown went on to say, "We are spending millions in the fight against tuberculosis. We are spending a third of our State appropriations on institutions to deal with dependence and delinquency. The petitioners for this resolve ask merely that the light be turned on conditions and that we may really know what are the facts."⁸⁷

Another advocate of the resolve was John Golden, the president of the United Textile Workers of America. He had become interested in minimum-wage legislation, primarily because of its possibilities as a means for preventing strikes and secondarily because it would throw light on the low wages paid in the sweated industries. He was throughout the campaign the most active of the labor leaders. The others were converted to the idea of a minimum wage by the Women's Trade Union League, but their support was purely nominal. The counsel to the Arkwright Club, the organization of the textile manufacturers, advocated the appointment of an investigating commission but "doubted the right of the legislature to fix wages." The president of the Women's Trade Union League also spoke in favor of the resolve.⁸⁸

The bill passed the legislature with practically no opposition. The groups who ordinarily would have opposed such legislation probably were of the opinion that the appointment of the investigating commission would kill the popular clamor for wage relief. They were strengthened in this belief by the action of the legislature in postponing the appointment of the commission until the beginning of summer and by providing so little money that it could not make a satisfactory report.

⁸⁷ Brown, H. Lu Rue. Unpublished manuscript prepared as statement for the press. Boston, March, 1911.

⁸⁸ Boston Post, Mar. 16, 1911.

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The personnel of the commission undoubtedly was responsible for the achievements secured under such adverse circumstances: Henry Le Favour, president of Simmons College, was appointed chairman; Elizabeth G. Evans, the candidate of the Women's Trade Union League, was appointed a representative of women; and John Golden, president of the United Textile Workers of America, was a representative of labor. Two remaining members were attorneys—George W. Anderson and Richard Olney, 2d. The latter generally was considered representative of the employing interests.

Despite the season, the commission organized at once and began its wage investigations. One member, Mrs. Evans, not only contributed office space but, by collecting voluntary contributions, made financially possible a much more extensive survey of wages than was contemplated by the legislature. Although without power to inspect pay rolls the investigators were granted this privilege by all the large retail stores and candy factories and by most of the large laundries. The original wage investigation was confined to these three industrial groups. In addition, an analysis was made of material on the cotton industry published by the Federal Government in the first volume of its report on conditions of woman and child wage earners in the United States. The commission held public hearings, at which representatives of the employers and of organized labor testified as to the wage conditions of working women and the advisability of providing by law for minimum-wage boards. Economists and lawyers were called before the commission to discuss the practicability of wage legislation. All available data were studied.

The findings and recommendations of the commission were embodied in the report that it submitted to the legislature in January, 1912.³⁹ The wage data, covering 15,278 female wage earners engaged in four different occupations, showed "low wage rates for a very considerable number of persons." The numbers of women over 18 earning less than \$6 a week varied from 29.5 per cent in the retail stores to 65.2 per cent in the candy factories.⁴⁰ The relative unimportance of productivity in determining wage rates was shown in the wide divergence in rates paid by establishments within the same industry and engaged in the same class of work. In one candy factory 53.3 per cent of the employees over 18 were paid less than \$5 a week, while in the majority of the candy factories not a single employee in this age group was paid so low a wage.⁴¹ It was on the basis of these facts that the commission recommended a law establishing a permanent minimum-wage commission that should investigate wages in industries that seemed to be paying less than living wages to their women employees. Where the wage data warranted, the commission should establish a wage board to recommend a minimum wage for the industry in question. The commission supported its recommendations for a minimum-wage commission by the following reasons:

³⁹ Massachusetts. Commission on Minimum-Wage Boards. Report. Boston, January, 1912.

⁴⁰ *Ibid.*, pp. 9-10.

⁴¹ *Ibid.*, p. 12.

1. It would promote the general welfare of the State because it would tend to protect the women workers, and particularly the younger women workers, from the economic distress that leads to impaired health and inefficiency.

2. It would bring employers to a realization of their public responsibilities, and would result in the best adjustment of the interests of the employment and of the women employees.

3. It would furnish to the women employees a means of obtaining the best minimum wages that are consistent with the on-going of the industry, without recourse to strikes or industrial disturbances. It would be the best means of ensuring industrial peace so far as this class of employees is concerned.

4. It would tend to prevent exploitation of helpless women, and, so far as they are concerned, to do away with sweating in our industries.

5. It would diminish the parasitic character of some industries and lessen the burden now resting on other employments.

6. It would enable the employers in any occupation to prevent the undercutting of wages by less humane and considerate competitors.

7. It would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.

8. It would accordingly tend to induce employers to keep together their trained workers and to avoid so far as possible seasonal fluctuations.

9. It would tend to heal the sense of grievance in employees, who would become in this manner better informed as to the exigencies of their trade and it would enable them to interpret more intelligently the meaning of the pay roll.

10. It would give the public assurance that these industrial abuses have an effective and available remedy.⁴²

Mr. Olney, "without dissenting from the general intent and purpose of the majority of the commission," did not approve entirely of the legislation recommended and reserved "the right to suggest certain modifications of the bill at the committee hearing."⁴³

At the legislative hearings on the recommendations of the commission the argument in favor was presented by three members of the commission and by counsel for the minimum-wage committee. They relied almost entirely upon the findings of the commission.⁴⁴

The opposition was represented by counsel for the Arkwright Club, counsel for the cotton manufacturers of Fall River, the president of the manufacturers' association, a representative of the candy manufacturers' association, and others.⁴⁵ The arguments in general were that the Massachusetts textile industry was paying as high a wage as was possible in competition with England and the southern States; that other Massachusetts industries could not afford additional labor costs; that the proposed legislation would prevent the employment of large numbers of women who were incapable of earning the minimum; that the minimum would become the maximum; that minimum-wage legislation, if not in itself pure socialism, was the opening wedge for socialism; that it contravened both the letter and the spirit of the Constitution; that it violated the fourteenth amendment; that it took away the right of contract from both the employer and the employee; and, finally, that wage legislation had been proved economically unsound by all experience to date.⁴⁶

⁴² *Ibid.*, pp. 25-26.

⁴³ *Ibid.*, p. 27.

⁴⁴ Boston Transcript, Feb. 28, 1912.

⁴⁵ *Idem.*

⁴⁶ Christian Science Monitor, Boston, Mar. 20, 1912; and McSweeney, Edward F., *The Case Against the Minimum Wage*. Address before the Massachusetts State Board of Trade, Boston, Feb. 14, 1912.

While making it clear that he was not opposing the legislation as such, Richard Olney came forward with the proposal that the law be made nonmandatory, that is, enforceable only by the pressure of public opinion. The direction of Mr. Olney's dissent was somewhat unexpected by the advocates of mandatory legislation but it found immediate support from the group in the legislature who were not thoroughly in sympathy with the principle of minimum-wage legislation but felt that the general demand of organized labor and liberal groups for a remedy for sweated labor must be met.

The disturbances and excitement growing out of the Lawrence strike, that had resulted from a wage reduction at the time the 54-hour law went into effect, increased the feeling of the legislature that the labor situation was acute and that something had to be done. The committee appointed by the legislature to look into the causes of the strike was said to have been very much affected by the horrors of industrial life and some of the members were converted to the minimum-wage bill as a result of this experience.

Moreover, labor had shown real strength at the last election and its demands could not be ignored entirely. Minimum-wage legislation was one of the least objectionable measures in its program.⁴⁷

The stage was set for some sort of remedial legislation. The advocates of the minimum-wage bill recognized that they could secure enactment of their bill by this legislature if two concessions were made: First, the postponement of the date when the act should take effect to a year from the date of its passage; and, second, the substitution for the mandatory clause of a provision that would leave the enforcement of the act to public opinion—in other words, the acceptance of Richard Olney's suggested amendment. There was considerable dissension within the ranks of the advocates of the bill as to the stand that should be taken. It was decided finally that the mere fact of recognition of the principle of legislative determination of wages was a considerable gain, that the nonmandatory law would be an instrument of publicity of the greatest importance, and that a strong commission under the compromise bill could build up a case for a mandatory law and secure the passage of the necessary amendment at a later session. Furthermore, if advantage were not taken of the present favoring circumstances the legislative prospects of securing the desired law within the next few years were none too promising. So the compromise was reluctantly accepted and the amended bill was unanimously recommended by the joint committee on labor, was approved by the committee on ways and means, and was passed by both houses without debate. The bill was promptly signed by Governor Walsh and the first minimum-wage law in the United States was placed on the statute books of Massachusetts.⁴⁸

It was soon found that the law had more strength than ordinarily was credited to it and opposition to it grew.

⁴⁷ American Federation of Labor, Massachusetts branch. Proceedings of twenty-seventh annual convention, 1912, p. 47.

⁴⁸ Massachusetts. Session laws, 1912, ch. 706. One of the opponents of the measure accounts for the passage of the bill as follows: "The so-called minimum-wage bill is a monument to the timidity of the legislature, which allowed itself, because of a situation created by the Lawrence strike, to be bullied into passing without debate a bill which was sent through the general court, because of the belief that, under the conditions of labor excitement then prevailing, failure to approve it might cost votes at the coming election, and of the feeling that the bill as drawn did not really amount to anything anyway."

Since the beginning the law has been under almost constant fire from employers. The constitutionality of the law in its essential provisions has been tested and twice upheld. Four different legislatures have been asked to repeal it. In 1922 a recess commission was appointed to consider whether the law should be made mandatory, "otherwise extended, amended, or repealed."⁴⁹ As a result of its findings this commission advocated a further trial for five years and recommended "that the department of labor and industries be authorized and directed to gather, in the meantime, such information and facts as will make it possible to determine more accurately whether the legislation is justified or required."⁵⁰ A minority reported in favor of an amendment making the law mandatory.⁵¹ The legal powers of the commission have been attacked, and finally the effectiveness of the law has been jeopardized by transferring its administration to the board of conciliation and arbitration in the department of labor and industries.⁵²

The amendments that the sponsors of the legislation hoped to gain from succeeding legislatures have been slow of passage. The early minimum-wage commissions recommended that the law be made mandatory; the enforcing officials under the reorganization act of 1919 have made the same recommendation; but the legislature has failed to accept this advice. It has been difficult even to secure minor amendments recommended by the commission as essential for carrying on its work. Four of the most important amendments passed gave the commission power to fill vacancies on the wage boards, power to require employers to post notices of hearings or nominations for wage boards or minimum-wage orders affecting the employees, and power to require employers upon request to keep records of hours worked as well as wages paid during certain periods, and allowed the commission to reconvene wage boards when changes in cost of living made it advisable.

The minimum-wage law in Massachusetts has never had a free field for operation. It has been handicapped by the failure of the legislature to enact promptly the amendments that the work of the commission proved necessary, by insufficient funds, by the constant attack of unfriendly employers, and finally by the transfer of administration to a department whose primary interest is conciliation.⁵³

With all these handicaps it has determined and largely enforced minimum-wage rates for women employed in 20 industries, employing approximately 75,000 women and girls, or about one-fifth of all the female wage earners in the State to whom it is practicable to apply the minimum-wage law.⁵⁴

REGULATED EMPLOYMENTS

It has been seen that Massachusetts was the leader among the States in establishing by law industrial standards for women's work.

⁴⁹ *Ibid.*, 1922, ch. 43.

⁵⁰ Massachusetts. Legislative documents. House No. 1325, 1923, p. 20. Report of the special commission on unemployment, unemployment compensation, and the minimum wage.

⁵¹ *Ibid.*, p. 47.

⁵² Massachusetts. Session laws, 1919, ch. 350, sec. 69.

⁵³ Lucas, A. F. *The Legal Minimum Wage in Massachusetts*. Annals of the American Academy of Political and Social Science, Philadelphia, supplement to v. 130, March, 1927 p. 72.

⁵⁴ U. S. Department of Labor, Women's Bureau. *The Development of Minimum-Wage Laws in the United States, 1912 to 1927*. Bul. 61, 1928, pp. 66-68 and 331.

With one exception—the prohibition of employment immediately before and after childbirth—this movement to protect women from working conditions detrimental to their health has been accomplished by regulation rather than by prohibition. Restrictions as to hours and to working conditions apply to practically all woman-employing industries, but there are no occupations in Massachusetts from which women legally are barred.

At one time there was an unsuccessful attempt made by the metal polishers' union to exclude women from brass polishing, and in another instance there was a determined legislative fight by the core workers to have women prohibited from making cores, but even in the latter case the legislature prescribed regulation rather than prohibition.

Work in core rooms.

The movement for the prohibition of the work of women in core rooms was initiated by the molders' union of Holyoke. One of the large foundries there, according to the union, had "displaced men in their core rooms by the employment of women."⁵⁵ The union declared that, while it recognized the women's right to labor, nevertheless there were "occupations in which women should not be employed" and core making was such. A resolution instructing the executive board of the State branch to have a bill introduced at the next session "calling for the abolishment of female employees in the core rooms and manufacturing departments of iron foundries" was adopted at the convention of the State branch in 1911.⁵⁶

In pursuance of this resolution a bill prohibiting the employment of women in foundry core rooms was one of the measures upon which candidates for State office were asked to commit themselves. This particular question assumed undue importance in the campaign when it was discovered that one of the candidates for governor who refused to commit himself employed women as core makers in a foundry owned by him. His opponent made much of this discovery and it became one of the live issues of the campaign.⁵⁷ Leading citizens were quoted for and against. Two members of the commission on minimum-wage boards, one representing labor and the other the public, visited some of the foundries and reported that the work in itself was not bad and that the wages were unusually good. They recommended regulation of the working conditions, not prohibition of employment.⁵⁸ A committee of Congregational ministers interested in industrial questions made an investigation of the foundries and reported to the same effect.⁵⁹

The bill came before the legislature early in 1912. It was supported by the vice president of the International Molders' Union, several representatives of the local molders' unions, and the legislative representative of the State Branch of the American Federation of Labor. They testified that between 600 and 700 women were employed at core making in the State; that these women were employed

⁵⁵ American Federation of Labor, Massachusetts Branch: Proceedings of twenty-sixth annual convention, 1911, p. 82.

⁵⁶ *Idem*.

⁵⁷ Boston Herald, Nov. 1, 1911.

⁵⁸ Boston Globe, Oct. 15, Nov. 3, 4, and 6, 1911.

⁵⁹ *Ibid.*, Nov. 6, 1911.

solely because their labor was cheaper than that of men; that the work was too heavy for women; and that women frequently were overcome by the core gas and had to be taken home.⁶⁰

Opposing the measure were the counsel of the Metal Manufacturers' Association of Massachusetts, a representative of the General Electric Co., a minister, a forewoman, and a "score or more of women and girls" employed as core makers.⁶¹ The representative of the metal manufacturers assured the committee that the molders had misrepresented the case and the work was entirely suitable for women. He invited the committee to inspect any of the foundries without notice. The agent of the General Electric Co. said that his company paid the women the same wages as men and the conditions of work were satisfactory. Other speakers held that core making required no more strength than family wash nor more heat than the kitchen; women were not made ill by the core gases; the heavy lifting and pulling was done by men; the wages were better than in most other occupations; and women were eager to get the few positions open.⁶²

Members of the labor committee visited some of the foundries. According to the press, these visits convinced them that core making was "about the best work in which women can be employed * * *". The work was not hard, while the pay was good.⁶³ At any rate, they refused to report the bill calling for the prohibition of the work of women in core rooms. They reported instead "a bill which provided for an investigation of the subject by the State board of health. This bill was entirely unsatisfactory to the molders * * *". The matter was taken up by the international body of the molders, and a compromise was finally agreed to between the labor committee and the representatives of the molders.⁶⁴

The compromise bill, as passed, provided that the State board of health "shall investigate" and "make rules regulating" the employment of women in core rooms. The rules were to relate "to the structure and location of the rooms; the emissions of gases and fumes from ovens, and the size and weight which women shall be allowed to lift or work on."⁶⁵

Such an investigation was made by the State board of health in 1912, and as a result the following regulations for the industry were adopted:

Rule 1. Core rooms where women are employed should be so separated from the foundry that the women workers should not be exposed to the fumes and gases from the foundry.

Rule 2. Core rooms where women are employed should have a separate entrance so that women going and coming from work should not have to pass through the foundry.

Rule 3. The ovens located in the core rooms should be so constructed, and mechanical devices used when necessary, as to carry off all the fumes generated in the process of baking the cores.

Rule 4. No woman should be permitted to carry cores from benches to ovens.

Rule 5. Forty pounds should be the maximum weight that a woman should be permitted to lift.

⁶⁰ *Ibid.*, Feb. 16, 1912.

⁶¹ *Ibid.*

⁶² *Ibid.*; and *Springfield Republican*, Feb. 15, 1912.

⁶³ *Lowell Citizen*, Mar. 6, 1912.

⁶⁴ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-seventh annual convention, 1912, p. 48.

⁶⁵ Massachusetts. Session laws, 1912, ch. 653, secs. 1 and 2.

Rule 6. The State Inspector of health of the health district wherein the foundry is located shall be empowered to change the maximum limit which a woman shall be allowed to lift if on personal examination of that woman working in a core room it shall seem to him safe and proper to do so.

In connection with these rules it was stated that "It does not seem necessary to prescribe any limit for the size and the weight which the women shall work on, as such work does not seem injurious to a woman's health."⁶⁶

When the State board of labor and industries was created, the task of carrying out the provisions of this law was transferred to it from the State board of health. No changes of note were made in the rules until February, 1917, when an investigation of the foundry industry led to a complete revision of the old regulations of the State board of health.⁶⁷ These new rules provided that—

Where rooms in which core ovens are located adjoin rooms in which cores are made by females, and in which the making of cores and baking of cores are simultaneous operations, and where the process generates objectionable gases, smoke and fumes in the room in which cores are made by females, the board at its discretion may require that a suitable partition be erected or other suitable means adopted to prevent such objectionable gases, smoke and fumes in the room in which cores are made by females.

No female shall be permitted to lift any core or number of cores upon one plate, the total cubical contents of which exceeds one (1) cubic foot, or the total weight of which, including plate, core box or boxes, exceeds twenty-five (25) pounds, unless assisted by mechanical appliances that limit her physical effort to twenty-five (25) pounds.

No female shall be permitted to work on any core, the total cubical contents of which exceeds two (2) cubic feet, or the total weight of which, including plate, core box or boxes, exceeds sixty (60) pounds.⁶⁸

Moving of weights.

The failure of the molders to keep women out of the core rooms of foundries and the lack of specifications in the law that they obtained, coupled with the pronouncement of the State board of health that it was not necessary as a health measure to prescribe any limit for the size and the weight of cores that the women should work on, brought forth another bill in 1913—aimed at the foundries. This bill passed with very little opposition or interest. The law provides that "Boxes, baskets and other receptacles having dimensions not less than 2 feet in width, 2½ feet in length and 2 feet in height or equivalent dimensions," that are to be moved by female employees in any manufacturing or mechanical establishment, shall be provided with pulleys, casters, or some other mechanical device so that they may be moved easily from place to place in such establishments.⁶⁹ The following year it was made more practicable by striking out the dimensions and substituting the phrase "which with their contents weigh 75 pounds or over."⁷⁰

SEATING LEGISLATION

A law requiring that suitable seats be provided for "females" in manufacturing, mechanical, and mercantile establishments for use

⁶⁶ Massachusetts. State Board of Health. Forty-fourth annual report (for year ended Nov. 30, 1912), 1913, p. 49.

⁶⁷ Massachusetts. State Board of Labor and Industries. Bulletin No. 10, 1917.

⁶⁸ *Ibid.*, secs. 28 and 30, pp. 15 and 16.

⁶⁹ Massachusetts. Session laws, 1913, ch. 426, secs. 1 and 2.

⁷⁰ *Ibid.*, 1914, ch. 241.

when the women are "not necessarily engaged in active duties for which they are employed" was passed in 1882.⁷¹ Such a law had been urged as early as 1874, by the commissioner of labor statistics. He deplored "the barbarous practice of keeping shop-girls all day upon their feet" and suggested remedial legislation.⁷² Physicians and others later interested themselves in the passage of a seating law. The testimony of medical men as to the serious results to health from long hours of standing moved the legislature to action.⁷³

There was no opposition to the law before its passage and it seems to have been accepted by the employers without much question. It was not specific enough to be readily enforced, but factory inspectors proceeded to make the necessary specifications. Rules requiring that "there must be two-thirds as many seats as saleswomen; and that in factories no box or arrangement likely to be used for other purposes, and so carried away from the worker" was to be considered a seat, were promulgated and enforced by one inspector and apparently others followed suit.⁷⁴

There were no changes in the early seating law until 1912, when it was amended to allow the use of seats "while at work, except in such cases and at such times as the work can not properly be performed in a sitting position."⁷⁵

This amendment was in line with the general interest being shown in industrial fatigue and efficiency. It was found that many tasks could be performed as well, if not better, by a person seated as by one standing.

The bill was proposed by Representative W. A. O'Hearn and had the indorsement of the State Branch of the American Federation of Labor.⁷⁶ It passed without attracting public interest.

PROHIBITION OF EMPLOYMENT IMMEDIATELY BEFORE AND AFTER CHILDBIRTH

The first law in the United States prohibiting the employment of women immediately before and after childbirth was passed in Massachusetts in 1911.⁷⁷ It was introduced by petition of Henry Abrahams, secretary of the Boston Central Labor Union, and was supported by President Eliot of Harvard as well as by representatives of the Women's Educational and Industrial Union and other organizations. The physical benefits that would accrue to both mother and child as a result of such legislation were stressed by the speakers. No objections were raised and the bill was put through the legislature. The new law provided that "No woman shall knowingly be employed in laboring in mercantile, manufacturing, or mechanical establishments within two weeks before or four weeks after childbirth."⁷⁸

⁷¹ *Ibid.*, 1882, ch. 150.

⁷² Massachusetts. Bureau of Statistics of Labor. Fifth annual report, 1874, p. 47.

⁷³ Massachusetts. District Police, Inspection of Factories. Seventh annual report of chief, 1885, p. 34.

⁷⁴ *Ibid.* Fifteenth annual report of chief, 1893, p. 414.

⁷⁵ Massachusetts. Session laws, 1912, ch. 86.

⁷⁶ American Federation of Labor, Massachusetts Branch. Proceedings of twenty-seventh annual convention, 1912, p. 49.

⁷⁷ Massachusetts. Session laws, 1911, ch. 229.

⁷⁸ *Idem.*

CHAPTER III.—HISTORY OF LABOR LEGISLATION FOR WOMEN IN NEW YORK

HOURS LEGISLATION

The 60-hour-week law for women under 21 and minors.

New York began its factory legislation for women in 1886 with a law that prohibited the employment of women under 21 and minors under 18 for more than 60 hours a week.¹ The agitation for this bill had been started and carried on for years by the workingmen's assembly,² organized by the unions of the State in 1864 to protect the interests of labor before the legislature. However, nothing effective was done toward securing legislation until other organizations became interested in the problem of child labor and gave the technical aid necessary to secure enactment.³

In 1882 the New York Society for the Prevention of Cruelty to Children aroused the New York Medical Society to the need for regulation of child labor, and together the presidents of the two organizations, Mr. Elbridge T. Gerry and Dr. Abraham Jacobi, drafted and had introduced a bill limiting to 10 a day the hours of employment of children. This bill passed the assembly without opposition but was not acted upon by the senate.⁴

In 1883 the Society for the Prevention of Cruelty to Children again had a similar bill introduced. This and another bill designed for the same purpose were defeated because of the bitter opposition of manufacturers, who claimed that it was impossible to operate their factories without children, as adults could not be secured at the wages offered.

More attention was given to the child-labor bills by the legislature of 1884, for in that year, for the first time, the workingmen's assembly cooperated with the Society for the Prevention of Cruelty to Children in trying to secure enactment. Again they were defeated.⁵

Material assistance was given to the cause by the report of the State bureau of labor statistics to the legislature of 1885 on child-labor conditions in the State. A year's study of the situation led

¹ The seating law of 1881 applied to factories, but it provided for no means of enforcement. For practical purposes it was nonexistent prior to 1896.

² The Workingmen's Assembly of the State of New York was the parent body of the present New York State Federation of Labor. In 1898 it amalgamated with the State Branch of the American Federation of Labor and the name was changed to the Workingmen's Federation of the State of New York. When in 1910 the Knights of Labor as an organization had disappeared in the State, the present title was adopted.—O'Hanlon, John M. *When and Where and by Whom the New York State Labor Movement was Given Life*. New York State Federation of Labor, 1923, p. 4.

³ New York. Assembly documents, No. 97, 1896, v. 2, pp. 1827-1828. Report and testimony taken before the special committee of the assembly appointed to investigate the condition of female labor in the city of New York; and Fairchild, F. R. *Factory Legislation of the State of New York*. Publications of the American Economic Association, 3d series, 1905, v. 6, No. 4.

⁴ Fairchild, F. R. *Factory Legislation of the State of New York*. Publications of the American Economic Association, 3d series, 1905, v. 6, No. 4, pp. 39-40.

⁵ *Ibid.*, pp. 40-41.

the commissioner of labor statistics to conclude that State action was necessary to protect the "physical and moral well-being" of youth. He recommended that a factory and workshop act similar to that in effect in Massachusetts be enacted in New York.⁶

The impetus to legislation that came from this report should really be credited to the workingmen's assembly. Convinced by its many futile legislative campaigns that if it was to secure legal protection it must be able to back up its demands by reliable information concerning the evils it was seeking to remedy, this organization had urged and secured the creation of the bureau of labor statistics in 1883. No sooner was this bureau organized than the workingmen's assembly, by vote of its convention, requested that a thoroughgoing study of child labor be made. The report and recommendations already noted followed.⁷

Constant agitation for the control of child labor aroused a more general public interest in the question. In 1886 Governor Hill reflected this awakened interest by strongly urging in his annual message to the legislature some sort of regulation of child labor.⁸ The bill of the workingmen's assembly and the Society for the Prevention of Cruelty to Children was reintroduced and debated at length. It was strongly opposed by the manufacturers of the State, who claimed that it would cut down their profits and ruin their business. They threatened to move their factories to other States if the bill was passed. They also painted a pitiful picture of the poor families deprived of the earnings of little children.⁹

Despite these protests the legislature passed a child-labor bill, but one that was lower in its standards than the bill introduced. It limited to 60 hours a week the work of women under 21 and minors under 18 in factories, but it omitted the provision for a 10-hour day. It permitted overtime to make up for time lost in repairs. Its provisions for enforcement also were weak. It provided for two factory inspectors but made no provision for clerical help nor office space, so the inspectors were obliged to keep their records in their homes and were practically limited to following up complaints.¹⁰

However, two conscientious inspectors with an inadequate law to enforce proved to be a very effective agency for improving an imperfect labor code. During the next 10 years they put through, practically without assistance, improvements in enforcement and extensions which cumulatively made one of the most effective labor codes in the country.

Extensions and improvements secured by factory inspectors.

The first improvements in the law suggested by the new inspectors were substantial. In their annual report for 1886 they recommended the 10-hour day and the extension of the law to all women employed in factories and to all mercantile establishments.¹¹ These recommendations were repeated, added to, and defended for several years

⁶ New York. Bureau of Labor Statistics. Second annual report, 1884, pp. 330-356.

⁷ Fairchild, F. R. Factory Legislation of the State of New York. Publications of the American Economic Association, 3d series, 1905, v. 6, No. 4, pp. 43-44.

⁸ *Ibid.*, p. 43.

⁹ *Ibid.*, p. 45.

¹⁰ New York. Session laws, 1886, ch. 409.

¹¹ New York. Factory Inspectors. First annual report, 1886, pp. 23 and 31.

and received some recognition in the legislation of 1889, 1890, and 1892.

From the beginning the inspectors had laid special emphasis on the need of a provision limiting daily hours to 10 to prevent the abuses that the existing law permitted. They cited cases in mailings, houses where girls and young women were required, two or three times a week, to work from 24 to 26 hours without rest other than the time required for meals. These extremely long, irregular working days did not constitute a violation of the law, for the 60-hour-week limit was not exceeded.¹² They showed how some employers took advantage of every opportunity to work long hours. In weeks in which legal holidays occurred it was not uncommon to increase the hours of work on other days so that the full 60 hours was worked during the week.

In 1889 a law was passed that was intended to comply with the recommendations of the inspectors. It designated 10 hours as the legal limit of a day's work for all minors and women under 21 years of age employed in factories, but it permitted overtime for repairs when necessary to avoid stoppage of the ordinary running of the establishment or to allow a shorter workday on Saturday. It also prohibited work between 9 p. m. and 6 a. m.¹³ The 10-hour provision was strengthened further in 1890 by the elimination of the provision permitting overtime to make up for time lost in repairs and by the prohibition of employment for more hours in any one week than would average 10 a day for the whole number of days worked during the week.¹⁴ This made illegal the practice of working 11 or 12 hours a day for the first days of the week and closing entirely on Saturday. To facilitate enforcement a third change was made in 1892, by a law that required establishments to keep records of overtime and to notify the inspectors of the schedule of hours to be worked during the week in order to make a shorter workday on Saturday.¹⁵

Other amendments made by the law of 1892 clarified the labor statute and extended its application. The 1889 law defined the term "manufacturing establishment" as "any place where goods or products are manufactured, repaired, cleaned, or sorted in whole or in part * * *." Persons or corporations in small towns who employed fewer than five persons or children were not deemed manufacturing establishments. This definition was changed in 1892 to read "any mill, factory, or workshop where one or more persons are employed at labor," thus extending the law to small establishments outside the cities that previously had been exempted.

The other two important recommendations of the inspectors also were enacted into law—the extension of the law to all mercantile establishments in 1896 and its extension to all women in factories in 1899. In the case of the extension to mercantile establishments the efforts of the inspectors had to be supplemented by the agitation of other groups interested in store employees before they were successful.

¹² *Ibid.*, p. 22.

¹³ New York. Session laws, 1889, ch. 590, secs. 1, 5, and 8.

¹⁴ *Ibid.*, 1890, ch. 308, secs. 1, 3, and 21.

¹⁵ *Ibid.*, 1892, ch. 678, secs. 1, 17, and 21.

The mercantile act of 1896.

None of the early labor laws except the seating law of 1881 applied to mercantile establishments. Each year the factory inspectors pointed out the unreasonableness of this exclusion, showed the need for regulating hours and conditions of work in these establishments, and recommended an extension to them of the factory law. But it was not until the working women themselves interested the public in these conditions and gave publicity to them through an investigation by a legislative committee that the legislature took action upon the measure.

The organization most responsible for securing the support for this legislation was the Working Women's Society. It had been formed in 1888 "to found trades organizations in trades where they do not at present exist."¹⁶ Complaints from members employed in stores led the society in 1889 and 1890 to make an inquiry into the conditions under which saleswomen and cash girls worked in New York City. During the course of its inquiry the society became convinced that efforts to organize this young, shifting, unskilled group must be supplemented if immediate results were to be obtained.¹⁷ So part of its energies were directed toward securing public support for the improvement of conditions. With its findings it was able to interest in its cause over 100 leading clergymen of various denominations. In May, 1890, these clergymen, together with the Working Women's Society, held a large public meeting at Chickering Hall "to consider the condition of working women in New York retail stores."¹⁸ Alice Woodbridge, the most active working woman in the society, reported the results of her inquiry to the group assembled. Her recital of excessive hours, no pay for overtime, low wages, insanitary working conditions, child labor, and other abuses was concluded with the statement, "In all our inquiries in regard to sanitary conditions and long hours of standing and the effect upon the health, the invariable reply is that after two years the strongest suffer injury."¹⁹

The outcome of this meeting was the adoption of a resolution recommending that "a committee be appointed by the chairman [Hon. Everett P. Wheeler] to cooperate with the Working Women's Society in the preparation of such a white list, as has been suggested at this meeting, of those houses which deal fairly with their employees."²⁰ The deliberations of this joint committee resulted in the organization of the Consumers' League of the City of New York,²¹ a body that, as will be seen, was instrumental in securing the public support necessary for the passage of much of the later legislation affecting women in industry.

In 1891 the Working Women's Society drafted and had introduced a bill regulating the employment of women and children

¹⁶ Working Women's Society. New York City. Annual report, 1892.

¹⁷ Consumers' League of the City of New York. Historical sketch of the pioneer consumers' league. June 8, 1908, p. 3.

¹⁸ Lowell, Mrs. Charles Russell [Josephine Shaw Lowell]. Consumers' Leagues. Christian Social Union, No. 46, Boston, Feb. 15, 1898, pp. 5, 6, and 7.

¹⁹ Stewart, William Rbinelandcr. Philanthropic Work of Josephine Shaw Lowell. New York, Macmillan Co., 1911.

²⁰ Preamble and resolutions adopted at the mass meeting at Chickering Hall, New York, May 6, 1890.

²¹ Lowell, Mrs. Charles Russell [Josephine Shaw Lowell]. Consumers' Leagues. Christian Social Union, No. 46, Boston, Feb. 15, 1898, p. 7.

in mercantile establishments.²² Each succeeding year the same bill was introduced and secured increasing support. The chief supporters were the Working Women's Society, the Workingmen's Assembly, the Consumers' League of the City of New York, and the factory inspectors. In 1894 the governing board of the consumers' league obtained in support of the bill the signatures of 64 physicians and 218 other persons, men and women of education and standing in the community.²³ But strong as this support was, it was not sufficient to offset the opposition of the mercantile interests, and the bill failed to pass.

In 1895 the bill passed the assembly and in the senate was referred to the Reinhard committee, which had been appointed earlier in the session "to investigate the condition of female labor in the city of New York."²⁴ This committee conducted a systematic survey of the mercantile industry, held public hearings, examined in executive session working women picked at random from various stores, and interviewed experts and interested members of the public. In the course of its deliberations arguments were heard for and against the mercantile bill introduced year after year at the request of the Working Women's Society.

The leading arguments for the bill as presented by the counsel of the Working Women's Society were that hours of work in mercantile establishments were excessively long and wages were inordinately low; that the workers were mostly young—approximately seven-tenths of them being under 21 years of age—and because of their youth were unable to defend themselves against the encroachments of the employer; that sanitary conditions were bad and seats were not provided; that long hours of standing resulted in permanent physical injury to the women employed; that these conditions would not be improved until the State stepped in to prevent their continuance.²⁵

A representative of the retail merchants of New York opposed the bill on the ground that a store was not like a factory and that employees therein did not need "protection" as did factory employees; that store work was agreeable and educational; that if the bill were passed young men and women would find it difficult to secure employment and their morals would suffer as a consequence.²⁶

The opposition of the merchants was sufficient to prevent the Reinhard committee from recommending the bill in its original form. Several changes were made that materially weakened the bill as recommended to the legislature and enacted in 1896. In the main, the provisions of the factory act were applied to mercantile establishments. The important variations were that Saturday was excepted from the 10-hour-day provision, that all the provisions relating to hours were suspended each year from December 15 to January 1, that cities and villages of less than 3,000 population were exempted, and that the enforcement of the law was put into the hands of local

²² Working Women's Society. New York City. Annual report, 1892.

²³ Consumers' League of the City of New York. Annual report, 1894, p. 11.

²⁴ New York. Assembly documents, No. 97, 1896, v. 1, p. 3. Report and testimony taken before the special committee of the assembly appointed to investigate the condition of female labor in the city of New York.

²⁵ *Ibid.*, v. 2, pp. 1945-1948.

²⁶ *Ibid.*, v. 2, pp. 1934-1940.

boards of health. The last provision, inserted at the request of the merchants, was vigorously opposed by the friends of the measure, but without avail.

Extension of the factory law to adult women, 1899.

By far the most important of the changes in the law secured by the factory inspectors was its extension in 1899 to all women employed in factories.²⁷ This extension had been urged annually by the inspectors, beginning with their first report in 1886. They urged it on the ground that the working women themselves wanted the benefits of this legislation, and, furthermore, that if it applied to all women the younger ones would not be forced "to prevaricate [as to age] in order to retain their situations."²⁸

In later years stress usually was laid on the necessity for the application of the law to all women in order that it might be enforced for the younger women and children.²⁹ Apparently it was largely on this basis that the law was passed. There seems to have been little organized public support or opposition to this measure. It was approved by the Workingmen's Federation of the State of New York, and this approval, with the arguments of the factory inspectors, seems to have been sufficient to pass the bill. The federation had been interested for a long time in the regulation by law of the working hours of women. It was instrumental in having the bureau of labor statistics in 1885 make a study of the effect of factory work upon the health of women. The report of the bureau was noncommittal. It pointed out that, though hours of work were long in some places and wages usually were low, working women were in as good health as women in general.³⁰

However, when once the bill was on the statute books it had the solid support of all labor and welfare groups. Repeated attempts were made to repeal the law. The most aggressive of these was the campaign for the Marshall bill, introduced in 1902 at the request of manufacturers, that sought to remove all restrictions on hours of work of adult women in manufacturing establishments. The concerted efforts of the Consumers' League of the City of New York, labor leaders, settlements, and other interested groups were able to prevent its passage.³¹

Hours legislation for women in factories, 1899-1910.

For more than a decade there was little improvement in the standards of hours legislation secured during the late eighties and nineties. This was not due to lack of agitation for shorter hours. The movement for further reduction was almost continuous. It came from four sources—the factory inspectors, the bureau of labor statistics, the commissioners of labor, and organized labor.

The factory inspectors had begun to recommend shorter hours as early as 1893. They called attention to the more stringent laws regulating hours of employment of women and children in other States; they noted the inability of women to organize; they cited as an instance of the hardships that women endured, because of this lack

²⁷ New York. Session laws, 1899, ch. 192, sec. 77.

²⁸ New York. Factory inspectors. Second annual report, 1887, pp. 27-28.

²⁹ *Ibid.* Eleventh annual report, 1896, p. 12.

³⁰ New York. Bureau of Labor Statistics. Third annual report, 1885, p. 28.

³¹ Consumers' League of the City of New York. Annual report, 1902, pp. 16-17.

of organization, the case of the cigar makers (in this industry men, through their unions, had secured the 8-hour day, but the unorganized women worked 10 hours a day on work as confining and laborious as that done by the men); they urged that since women and children could "only look to the legislature to obtain the relief which nature and existing industrial conditions" demanded for them, the State should follow in the lead of other States by providing a shorter workday for these workers.³² They recommended "that 8 hours be made the limit of a day's work for all women and for children under 16 years of age employed in mills, factories, workshops, and mercantile institutions."³³ After the Illinois 8-hour law had been declared unconstitutional they changed their recommendation to an 8-hour law for women under 21 and children under 16, and asked for an investigation as to the feasibility of a general 8-hour law applying to men as well as to women. In subsequent years they made the extension of the hours law to all workers, irrespective of sex, one of their chief recommendations.³⁴

Their efforts were supplemented in 1901 by the study made by the bureau of labor statistics of the 8-hour movement both here and abroad.³⁵ In this study the history of the movement for reduction of hours was traced and the practicability of the 8-hour day and the methods for securing it were considered in detail. The commissioner concluded his report with a strong plea for 8-hour legislation for women and children, for men in dangerous occupations, and in fact for all classes that could jump the constitutional hurdles.³⁶

Commissioner of Labor John McMackin added his voice to the demand for decreased hours in his reports for 1903 and 1904. He noted the progress toward the shorter workday; various unions had secured shorter hours; the new child-labor law forbade the employment of children for more than 9 hours a day; and it seemed "reasonable to expect the 9-hour day to become general in all manufacturing industries" in this country within a few years, as it was already in England. In view of this tendency he recommended that the 9-hour law for children be extended to all women and minors employed in factories.³⁷

He argued further that as long as women were allowed to work 10 hours a day it was difficult to make certain that children ceased work at an earlier hour than did their elders.³⁸ According to the commissioner, New York industry would not be handicapped by a 54-hour law for women, for its competitors, Massachusetts and Rhode Island, already had 58-hour laws, New Jersey had a 55-hour law, and England a 55½-hour law. Moreover, the 9-hour day predominated in the clothing and tobacco trades, two of the industries that employed the largest numbers of women. Only in the textile mills would reduction in hours be felt seriously, and even in that industry 18 per cent of the employees worked less than 58 hours a week.³⁹

³² New York. Factory Inspectors. Eighth annual report, 1893, pp. 25 and 26.

³³ *Ibid.*, p. 100.

³⁴ *Ibid.* Tenth annual report, 1895, p. 122.

³⁵ New York. Bureau of Labor Statistics. Eighteenth annual report, 1900, p. vi.

³⁶ *Idem.*

³⁷ New York. Department of Labor. Third annual report of commissioner, 1903, p. 27.

³⁸ *Idem.*

³⁹ New York. Department of Labor. Third annual report of commissioner, 1903, pp. 27-28.

Meanwhile the workingmen's federation, at the request of the textile unions, introduced in 1901 and every year thereafter a bill providing for a 9-hour day and a 54-hour week for all women employed in factories. These bills were so vigorously opposed by the textile interests that they received little consideration from the legislature.⁴⁰

The whole question of labor legislation for women was brought prominently to the fore in 1906 by a strong criticism of the labor laws then in effect, because of their unenforceability.⁴¹ This indictment was the result of a study of working women in factories made by Mary van Kleeck, then fellow of the College Settlement Association. She had the cooperation of 18 settlements, the Alliance Employment Bureau, the Association of Working Girls' Clubs, the Women's Trade Union League, and the Consumers' League of the City of New York. Women were found to be working long hours, as long as 78 in a week, in spite of the 60-hour-week law.

The labor department was not blamed for this situation; the law itself was held to be at fault, for it was almost impossible to prove a violation. To do this the inspector must be able to prove the number of hours worked on each one of the six days in the week, and the total number of hours for the week. Each day's work of 10 hours could be performed any time between 6 a. m. and 9 p. m. Furthermore, 10 hours a day could be exceeded so as to make a shorter workday at the end of the week. The last provision alone was enough to nullify the law, but when this was combined with the other loose provisions the law was practically a dead letter from the standpoint of enforcement. The only way to secure a conviction was for the workers to complain and testify, and this they feared to do.

To remedy these evils the following legislation was suggested:

A law prescribing a definite maximum not to be exceeded in any day either "to make a shorter workday on Saturday" or for any other qualifying reason.

A law defining a legal period within which the working day must fall and not greatly exceeding the prescribed maximum working day, such as from 6 a. m. to 7 p. m., in order that night work may be prevented and the enforcement of the maximum day may be possible.⁴²

The wide publicity given Miss van Kleeck's study was responsible in part for the recommendations made by Commissioner of Labor Sherman and embodied in the Prentice bill of 1907. These recommendations were made by the commissioner in good faith in an effort to remedy the abuses, improve the standards, and make the law more readily enforceable. He was quite unprepared for the storm of protest from both the friends and the enemies of labor legislation.

The bill raised existing standards in three respects: It established a 6-day week; it definitely limited hours to 12 a day, when the existing law had allowed a maximum of 14 hours in order to make a shorter workday on Saturday; and it prohibited the employment of women and minors by two or more establishments for more hours per day than the law allowed for one establishment.

⁴⁰ Workingmen's Federation of the State of New York. Proceedings of conventions of 1904 and 1905.

⁴¹ Van Kleeck, Mary. Working Hours of Women in Factories. Charities and the Commons. New York, 1906, v. 17, pp. 18-21.

⁴² *Ibid.*, p. 21.

The value of other provisions was seriously questioned. Chief among these questionable provisions were the repeal of the section limiting the average hours per working day to 10, the substitution of a time book for advance notice of overtime, and the extension of hours for seasonal industries to 66 a week.

The commissioner held that the provision limiting average hours per working day to 10 "was unreasonable, for a higher average can be sustained without injury or weariness for 4 or 5 days a week than for 6 * * * it was absurd in practice, for it forbade 55 hours' work in 5 days if nothing were worked on the sixth day, but allowed not only 55 but even 59 hours' work in 5 days if 1 hour were worked on the sixth."⁴³ The consumers' league opposed the repeal of this section because it might allow a greater number of overtime hours to be required in a given number of days than was the case under the existing law.⁴⁴

Friends of labor legislation also opposed the substitution of a time book for advance notice of overtime that would be required during the week. The reason given by the commissioner for this change was "that many factories can not possibly fix their working hours weekly in advance" as was required under the law, but if they kept "correct time books" the purpose of the law would be equally well accomplished.⁴⁵

All interested parties opposed the extension of hours in seasonal industries to 66 a week. The canners and candy manufacturers were not to be satisfied with less than a 70-hour week,⁴⁶ and the organizations instrumental in securing hours legislation opposed the extension of hours for any industry.

The controversy over these sections led to a conference between Commissioner Sherman and representatives of organizations interested in improving labor laws. The list included the Consumers' League of the City of New York, the People's Institute, the Charity Organization Society, the Women's Trade Union League, the Woman's Municipal League, the United Garment Workers, the Typographical Union, the Association of Neighborhood Workers, and various settlement houses. As a result of the conference the representatives present agreed not to oppose the recommendations of the commissioner except the one that extended hours in seasonal industries to 66 a week.⁴⁷

Neither did they support the recommendations when the bill came before the legislature. They were of the opinion that if the law was to be amended it should go much further in improving conditions.⁴⁸ The workingmen's federation held that it was working for a 9-hour day for women and could not support a bill that continued

⁴³ New York. Department of Labor. Seventh annual report of commissioner, 1907, p. 148.

⁴⁴ Consumers' League of the City of New York. Unpublished correspondence with Commissioner of Labor Sherman, Jan. 28, 1907.

⁴⁵ New York. Department of Labor. Seventh annual report of commissioner, 1907, p. 148.

⁴⁶ Consumers' League of the City of New York. Unpublished correspondence with Russell Sage Foundation, May 20, 1907.

⁴⁷ Unpublished proceedings of conference with Commissioner of Labor Sherman on subject of assembly bill 79, Feb. 17, 1907.

⁴⁸ Unpublished minutes of meeting called for consideration of assembly bill 79, Feb. 14, 1907.

the 10-hour day.⁴⁹ All the organizations united in opposition to the extension of hours in certain seasonal industries to 66. The protest against this provision was sufficiently strong to prevent action upon the bill as a whole, and when Commissioner Sherman realized this he reluctantly agreed to withdraw the provision, and the bill passed the assembly in the amended form.⁵⁰ In the senate the manufacturing interests succeeded in having the amendment rewritten into the bill. But public protest again led to its elimination.⁵¹ The bill became law without the extension of hours for seasonal industries.⁵²

Mercantile hours legislation, 1896-1912.

The compromise measure enacted in 1896 as a result of the investigation of the Reinhard committee secured the 10-hour day and 60-hour week for women under 21 and minors employed in mercantile establishments. This law was practically killed by the legislature that enacted it, for enforcement was handed over to local boards of health instead of to the labor department. For the first year enforcement was fairly good, but thereafter no provision was made for special inspectors and the law was violated on every hand. Each year the Consumers' League of the City of New York, assisted later by the New York Child Labor Committee, had bills introduced providing for the transfer of enforcement to the department of labor. Governor Roosevelt indorsed this change by recommending it in his annual message in 1899.⁵³ But the support was not sufficient to overcome the vigorous opposition of the retail merchants, who always prevented action by the legislature.⁵⁴

More far-reaching changes in the law were sought in a bill introduced in 1907 at the request of the Consumers' League of the City of New York and the New York Child Labor Committee.⁵⁵ This bill was an attempt to secure for all women employed in stores the 60-hour week and 10-hour day and the night-work prohibition that had been secured for women in factories in 1899. It provided for the repeal of the Christmas exemption and transferred administration of the law to the department of labor. In addition to the consumers' league and the New York Child Labor Committee the chief supporters of the proposed legislation were Commissioner of Labor Sherman, the National Consumers' League, the National Child Labor Committee, the Association of Neighborhood Workers, the State Charities Aid, and the workingmen's federation.⁵⁶ They agreed that the law governing the labor of women and children in stores established standards far below those established in factories and far below proper standards, with the result that there was unfair discrimination and serious difficulty in enforcing the factory law. Further-

⁴⁹ Workingmen's Federation of the State of New York. Legislative News, No. 14, Apr. 5, 1907.

⁵⁰ Unpublished correspondence between Lawrence Veiller and Assemblyman J. W. Wade-worth, Jr., Mar. 13, 1907.

⁵¹ Menace to the Labor Law: Protection to Women and Minors in Factories Seriously Endangered. Printed statement issued by 20 organizations, New York, May 3, 1907.

⁵² New York. Session laws, 1907, ch. 507, secs. 77 and 78.

⁵³ New York. Assembly documents, No. 2, 1899, v. 1, pp. 8-9.

⁵⁴ Consumers' League of the City of New York. Historical sketch of the pioneer consumers' league, June 8, 1908, pp. 8-9 and 17-18; and annual report, 1908, op. 33-34.

⁵⁵ Ibid. Annual report, 1907, p. 38.

⁵⁶ New York. Assembly bill No. 1738, 1907.

more, they contended that it was incumbent upon the State to prevent young girls from being worked until 1 or 2 o'clock in the morning during the Christmas rush, as had been done often.⁵⁷

The bill was opposed by representatives of associations of retail merchants of New York and Buffalo, who held that such a law would not allow large stores to remain open in the evenings during the Christmas rush, thus entailing heavy losses, and that they would have to close on Saturday nights, which would be against prevailing custom. They asked for an amendment allowing them to keep open on Saturday evenings and for a period during the Christmas holidays. Despite the strong support behind this bill it was never reported out of committee. The legislature probably feared that the higher courts would uphold the lower courts in declaring unconstitutional the night-work provision of the 60-hour-week legislation for women in factories and did not wish to pass a similar statute until the question of constitutionality had been decided finally.⁵⁸

The legislature had no sooner adjourned than a decision adverse to the night-work law was handed down by the court of appeals. (*People v. Williams*, 189 N. Y. 131.) The public press misconstrued this decision and announced that the whole hours law for women was wiped out by the courts. The department of labor tried to make it clear that this was not the case, but in spite of all its efforts the law limiting daily and weekly hours was utterly disregarded.⁵⁹

There was no use in taking violations to the courts, for the decision in the *Williams* case made the constitutionality of all labor legislation for women doubtful, and judges were loath to convict, even in clear cases. Demoralization in the administration of the laws continued until 1908, when the United States Supreme Court, in the case of *Muller v. Oregon*, declared that a State had the right to limit the working hours of women in the interest of public health.⁶⁰

During the legislative session of 1908 and before the Supreme Court decision had been handed down, the proponents of hours legislation thought it advisable to push for better enforcement rather than extension. They concentrated, therefore, on the bill introduced by Labor Commissioner Williams for the transfer of enforcement of the mercantile law from the local boards of health to the department of labor. The commissioner advocated as an administrative measure the bill formerly sponsored by private agencies, and he appeared personally before the legislature to request its enactment.⁶¹ He was supported by representatives of the workingmen's federation, the New York Child Labor Committee, the National Child Labor Committee, and the National, State, New York City, and Buffalo Consumers' Leagues. Excommissioner Sherman and Health Commissioner Darlington were quoted as favoring the measure. Opposition to the bill came from representatives of the Association of Retail Dry Goods Merchants of New York

⁵⁷ Consumers' League of the City of New York. Printed statement entitled "A bill to improve the conditions of labor of women and children in mercantile establishments, 1907," assembly bill No. 1738.

⁵⁸ Hall, George A. Child Labor Legislation. Charities and the Commons, New York, 1907, v. 18, pp. 435-436.

⁵⁹ New York. Department of Labor. Seventh annual report of commissioner, 1907, p. 147.

⁶⁰ *Muller v. Oregon*, 208 U. S. 412.

⁶¹ Consumers' League of the City of New York. Annual report, 1908, p. 84.

City and a similar organization in Buffalo. They argued that inspection by the health department was thorough and there was no need for amending the law. They held that if this bill were passed department stores would be subjected to dual inspection and there would be an unnecessary conflict in orders.⁶²

The bill failed to pass at the regular session but was revived in the extraordinary session by Governor Hughes, who urged its immediate passage in his message.⁶³ It became law in 1908.⁶⁴

Encouraged by this victory, the Consumers' League of the City of New York, supported by the labor commissioner, again introduced the 1907 bill extending the law to all women, providing for a 10-hour day between 7 a. m. and 10 p. m., and repealing the holiday exemption. The advocates succeeded in getting the bill reported favorably by the senate judiciary committee, but no action was taken by the assembly.⁶⁵

The commissioner of labor and the Consumers' League of the City of New York, the chief advocates of mercantile legislation, decided again to use the piecemeal method for securing improvement in the law. Consequently, in 1910 they dropped their recommendation for extension of the law to all women and concentrated on improving existing provisions. The bill introduced that year would have limited the employment of women under 21 to 6 days a week and 10 hours a day (except Saturday, when 12 hours was to be allowed), and would have abolished the Christmas exemption.⁶⁶ As finally passed by the legislature it was hardly recognizable by its friends. The only improvement made was to cut down the period of unregulated hours so that the hours limitation should not apply between December 18 and December 24 (instead of December 15 to January 1) and on Saturdays.⁶⁷ This provision was agreed to by the Association of Retail Dry Goods Merchants of New York City, which accounts for its passage, while the opposition of this group to the other improvements suggests the reason for their elimination.⁶⁸

Undaunted, the labor commissioner, supported by the Consumers' League of the City of New York and the New York Child Labor Committee, took further steps toward improvement the following year. This time the bill provided for a 6-day week and the posting of hours in order to make the law more easily enforced.⁶⁹ But no progress was made on this measure. The same bill was reintroduced in 1912,⁷⁰ but little was done to aid its passage, for the energies of all the interested groups were concentrated on securing the passage of the 54-hour law for women employed in factories. The chances of success were reasonably good and the proponents probably felt that if women in factories were given the 54-hour week they would be in a strong position to ask for the extension of the law to

⁶² New York Sun, May 21, 1908. Department stores protest against bill providing for inspection by State labor commissioner.

⁶³ New York Assembly Journal, 1908, v. 8, Appendix II, p. 5.

⁶⁴ New York Session laws, 1908, ch. 520, sec. 171.

⁶⁵ Consumers' League of the City of New York. Annual report, 1909, p. 36.

⁶⁶ *Ibid.* Unpublished report of committee on legislation, March, 1910.

⁶⁷ *Ibid.* Annual report, 1910, p. 24.

⁶⁸ New York Department of Labor. Tenth annual report of commissioner. 1910, pp.

80-81.

⁶⁹ Consumers' League of the City of New York. Unpublished report of committee on legislation. April, 1911.

⁷⁰ *Ibid.* Unpublished legislative summary, 1912.

women employed in mercantile establishments. Furthermore, the appointment of the factory investigating commission offered a possible means for securing further official support for this legislation in the near future.

The New York State Factory Investigating Commission.

The need for public regulation and control of factory conditions was brought vividly to the fore by the Triangle Waist Factory fire of March 25, 1911, and the investigations growing out of it. In this tragic fire 145 persons, mostly young girls and women, lost their lives. The factory doors were locked, the fire escapes barred, the workers trapped. The death toll was consequently heavy. The incident made a deep impression upon the working people. Several hundred thousand men and women were in the funeral procession. Eighty thousand of them marched the streets of New York from 10 in the morning until 4 in the afternoon as a protest against the utter disregard of human life shown by employers such as the proprietors of the Triangle Waist Factory.⁷¹

The day after the fire a meeting of representatives of various organizations was held at the Women's Trade Union League to consider ways to avert such tragedies in the future. They appointed a committee to call a mass meeting of citizens. Out of this mass meeting, held at the Metropolitan Opera House on April 2, grew the Committee on Safety of the City of New York.⁷² "A superficial examination" by the committee on safety "revealed conditions in factories and manufacturing establishments that constituted a daily menace to the lives of the thousands of working men, women, and children. Lack of precautions to prevent fire, inadequate fire-escape facilities, insanitary conditions that were insidiously undermining the health of the workers were found existing everywhere."⁷³

Upon the basis of these facts leading citizens joined the Committee on Safety of the City of New York, the Fifth Avenue Association of the City of New York, and other organizations in urging the governor and the legislature to appoint a committee to make a thorough investigation into the general conditions of factory life. The factory investigating commission was provided for by a law passed June 30, 1911.⁷⁴

The commission appointed under this law was composed of 9 persons, of whom 2 were members of the senate, appointed by the president of the senate, 3 were members of the assembly, appointed

⁷¹ Women's Trade Union League of New York. Annual report, 1011-12.

⁷² *Idem*.

⁷³ New York State Factory Investigating Commission. Preliminary report, 1012, v. 1, p. 13.

⁷⁴ John M. O'Hanlon, chairman of the legislative committee of the New York State Federation of Labor, accounts for the appointment of the factory investigating commission as follows: "In 1911 . . . the State labor department . . . occupied a small space under the southern eaves of the capitol, the labor commissioner's office being approached by a ladder leading to a mezzanine floor, his insufficient staff of inspectors working out from the floor below amid the paraphernalia of records being handled by a few clerks. The State federation of labor had repeatedly introduced bills to provide for more factory inspectors and more equipment for enforcing the labor laws. Failure to secure enactment of these bills was followed by the federation drafting and having introduced a bill permitting the State labor commissioner to appoint members of labor unions to act as factory inspectors, their salaries and expenses to be paid by organized labor. This bill, introduced by Assemblyman Samuel Prince, a union cigarmaker from New York, was not passed, but it forced the issue and finally brought about the enactment of the legislation creating the State factory investigating commission."—O'Hanlon, John M. *When and Where and by Whom the New York State Labor Movement Was Given Life*. New York State Federation of Labor. 1923, p. 23.

by the president of the assembly, and 4 were representatives of the public at large, appointed by the governor. They were Senators Robert F. Wagner and Charles M. Hamilton, Assemblymen Alfred E. Smith, Edward D. Jackson, and Cyrus W. Phillips, and Mary E. Dreier, Simon Brentano, Robert E. Dowling, and Samuel Gompers. Robert F. Wagner was elected chairman and Alfred E. Smith vice chairman. Abram I. Elkus was selected as chief counsel and Bernard Shientag as his assistant.⁷⁵

The duties of the commission were to investigate fire hazards, ventilation, sanitation, occupational diseases, tenement-house manufacture, hours of labor, and other related questions, and to recommend "such new legislation as might be found necessary to remedy defects in existing legislation, and to provide for conditions at present unregulated."⁷⁶ To carry out these duties the commission was given all the powers of a legislative committee. It could compel the attendance of witnesses and the production of books and papers and could appoint the necessary staff to carry on its work.

The commission's activities were more prolonged and more far-reaching than had at first been expected. Each year, beginning with 1912, it reported to the legislature the results of its investigations and proceedings and each year it was continued in office to complete its work. The final report was submitted to the legislature in February, 1915. In the first two years alone the commission held more than 50 public hearings, examined approximately 500 witnesses, and took over 7,000 pages of testimony. "The investigations conducted by the commission during this period covered several hundred thousand men, women, and children working in the different industries of the State."⁷⁷

The extent and thoroughness of the undertaking were made possible by the voluntary services of the commissioners and of many public-spirited citizens and interested social and civic organizations. The report of the commission's activities submitted to the legislature was embodied in 11 large volumes.

With the commission's investigations and recommendations to the legislature began what has been called "the golden era in remedial factory legislation" in the State of New York. Its first year's activities resulted in the addition of 8 new laws to the labor code, followed by 25 the next year, and 3 in 1914. These laws completely reorganized the department of labor and gave it a sufficient staff to carry out the many new duties thrust upon it by additional legislation.⁷⁸ Women and minors in mercantile establishments were brought under the 9-hour-day provision, canneries were brought under the labor law and working hours for their women and minor employees were limited, and night work for women and children was prohibited. Other legislation of interest to this study brought about by the recommendations of the commission provided for seats with backs for women employees, prohibited the employment of women immediately after childbirth, and regulated the employment of women in core rooms.⁷⁹

⁷⁵ New York State Factory Investigating Commission. Preliminary report, 1912, v. 1, p. 13.

⁷⁶ *Ibid.*, p. 16.

⁷⁷ *Ibid.* Fourth report, 1915, v. 1, p. 5.

⁷⁸ *Ibid.*, pp. 3-10.

⁷⁹ *Idem.*

The 54-hour-week law of 1912.

The 54-hour-week law of 1912, while not passed upon the recommendation of the factory investigating commission, must be attributed in large measure to the educational work done by the commission.

The movement for the 54-hour week was started in 1901 by the workingmen's federation, in behalf of the textile workers. It was given impetus by various commissioners of labor, who urged its passage both as an added protection to women workers and as a means for aiding the enforcement of the child-labor law. But, on the whole, the workingmen's organization played a lone hand in the support of this legislation. Each year the federation had the bill reintroduced but each year it made no headway. Finally in 1910 it was given a hearing in the assembly. No opposition appeared, and the bill was favorably reported by the committee. It was straightway recommitted by the assembly and a second hearing was held. This time two representatives of textile manufacturers from Utica appeared against it and the bill died in committee.⁸⁰

The following year the federation secured the interest and support of other agencies for this bill. The most important of these were the Women's Trade Union League and the Consumers' League of the City of New York.⁸¹

The Women's Trade Union League had been formed in 1904 to promote unions in unorganized trades, and it had concentrated its efforts on this work during the early years of its existence. Gradually the leaders began to realize that the courts and the legislature were instruments that had an important effect upon their efforts to organize. "It was a recognition of the possibility of using this influence as a helpful rather than a restricting and hampering one as it has been in the past" that actuated the league in forming a legislative committee in December, 1910. The appeal of the federation persuaded the league to undertake the campaign for the 54-hour bill as its first legislative measure.⁸²

The league set about this task immediately. The first step was the formation of the joint labor legislative conference, composed of the legislative committees of the New York central labor bodies, including those of Manhattan, Brooklyn, and the Bronx, the United Hebrew Trades, the Socialist Party, and the Women's Trade Union League. The object of this conference was "to indorse, support, and agitate for any labor bill which any of the bodies represented proposes and also to originate bills which the conference decided necessary for the interest and protection of labor." They also proposed to watch labor legislation, to work for the defeat of members of the legislature who opposed or failed to support labor measures, and "to familiarize the workers with their power to introduce legislation for their own benefit and to make them realize the present devious methods of the administration of the law."⁸³ One of the first actions of this conference was to support the 54-hour law.

⁸⁰ New York State Federation of Labor. Proceedings of convention, 1910, p. 94.

⁸¹ Women's Trade Union League of New York. Unpublished correspondence with President Harris, New York State Federation of Labor, January, 1911; and Consumers' League of the City of New York. Unpublished report of committee on legislation, January, 1911.

⁸² Women's Trade Union League of New York. Annual report of legislative committee, March, 1911.

⁸³ Life and Labor. National Women's Trade Union League of America, Chicago, April, 1911, p. 125.

When the bill came up for a hearing before the assembly committee on labor in 1911 the array of supporters was unprecedented. A large union delegation from all over the State appeared. John Golden, president of the United Textile Workers of America, was the chief speaker in favor of the bill. He was supported by representatives of the Consumers' League of the City of New York and of the New York Child Labor Committee, a manufacturer of Cohoes, and a group of union women who urged legislation to protect their unorganized sisters.⁸⁴ Although they did not appear at the hearing, a large number of clergymen, educators, and other prominent persons had signified to the legislature their approval of this measure.⁸⁵

Opposing the measure were manufacturers of Cohoes, Troy, Utica, and Amsterdam, the leading textile centers of the State, and the attorney for the canners, who urged exemption for the canning industry.⁸⁶

Again the bill was reported to the assembly. An attempt was made to weaken it by an amendment that would have given the commissioner of labor authority to suspend upon request all regulations regarding hours. But a vigorous campaign on the part of the proponents of the measure led to the defeat of the amendment. The original bill finally passed the assembly by a vote of 86 to 40. Such strong legislative support for a labor bill had not been known in years.⁸⁷

In the senate the bill did not meet with final success. The senate hearing was attended by both parties in full force. Florence Kelley, the general secretary of the National Consumers' League, was added to the list of speakers in favor of the bill. The opposition was strengthened by the appearance of the collar manufacturers of Troy, with 100 women employees who protested against the bill "under the pretext that if the bill passed it would deprive them of their Saturday half holiday," and the candy manufacturers of Buffalo, who joined the canners in requesting an exemption for seasonal industries. Although the bill was favorably reported to the senate, the opponents prevented it from coming to a vote before the end of the session.⁸⁸

This defeat led to a storm of protest from the State federation of labor. The 54-hour bill was made the big issue at the State convention at Oswego in September. Printed on banners, badges, and programs were the words, "We demand the immediate passage of the 54-hour bill for women."⁸⁹ By vote of the convention the senate leaders were notified that unless they passed this legislation at their adjourned session labor would hold responsible the dominant influences of the legislature and attempt to secure their defeat at the next election.⁹⁰

⁸⁴ New York State Federation of Labor. Proceedings of convention, 1911, p. 87.

⁸⁵ Women's Trade Union League of New York. Unpublished correspondence, February 1911.

⁸⁶ New York State Federation of Labor. Proceedings of convention, 1911, p. 87.

⁸⁷ Consumers' League of the City of New York. Unpublished report of committee on legislation, May, 1911.

⁸⁸ New York State Federation of Labor. Proceedings of convention, 1911, p. 27.

⁸⁹ *Ibid.* Unpublished press material, 1911.

⁹⁰ *Ibid.* Unpublished letter of committee, addressed to senate leaders, September, 1911.

The plans of the State federation of labor to have the bill reintroduced in the opening days of the 1912 legislature were hampered by the action of the United Textile Workers. The textile workers were trying to have the bill amended to exempt canneries because they felt certain that it would pass if this exemption were made.⁹¹ Their position was opposed by the officers of the federation and by the Consumers' League of the City of New York, and finally the bills were introduced in both houses without the exemption of canneries. But subsequently the assembly bill was amended to give the canners complete exemption between June 15 and October 15. Joint hearings were held on both these bills on March 6.

The speakers in behalf of the measure represented the New York State Federation of Labor, the United Textile Workers of America, the Consumers' League of the City of New York, and the New York Child Labor Committee. The opposition was represented by textile manufacturers, confectioners, and canners. The arguments against the legislation were the same that had been advanced for years against this bill: That it would hurt business, would drive business out of the State, would deprive women and children of their right to work 10 hours a day, and, if passed, would be declared unconstitutional.⁹²

The protest of the opposition fell on deaf ears. The people as a whole and the members of the legislature had been educated over a period of years to believe that such legislation was desirable. During the past autumn and winter this education had been more nearly completed as a result of the investigations and hearings carried on by the factory investigating commission. Furthermore, and probably most important, in carrying out the wishes of the electorate the legislative leaders as members of the commission had learned much as to conditions of work and the need for remedy. When the 54-hour bill came up for passage, these two men—Senator Robert F. Wagner and Assemblyman Alfred E. Smith—gave it such intelligent and consistent support that they were able to overcome, at least in part, the political maneuvers resorted to by the opposition to prevent the bill from coming to a vote.

Support was centered on the senate bill, which made no exemption for the canning industry. This bill passed the senate but could not be brought to a vote in the assembly. Finally, in the closing hours of the session, friendly legislators, ably assisted by Frances Perkins, legislative representative of the Consumers' League of the City of New York, succeeded in passing the assembly bill, which exempted canneries, and having it favorably acted upon by the senate.⁹³ When the bill came before the governor, considerable pressure was brought by both sides. Labor Commissioner Williams submitted a memorandum in which he stated, "without fear of any untoward consequences to the industrial and commercial interests of our State, I urge the approval of this bill."⁹⁴ After considerable delay the governor signed the measure.⁹⁵

⁹¹ *Ibid.* Unpublished letter to Women's Trade Union League from President Harris, New York, January, 1912.

⁹² *Ibid.* Proceedings of convention, 1912, p. 62.

⁹³ *Ibid.* Legislative Labor News, Apr. 5, 1912, p. 5.

⁹⁴ *Ibid.* Proceedings of convention, 1912, p. 24.

⁹⁵ New York. Session laws, 1912, ch. 539.

Mercantile hours legislation, 1913-1927.

The factory investigating commission undertook an extensive investigation of the mercantile industry to determine the conditions under which women were employed. It found that long hours of standing, nervous strain, and poor ventilation were characteristic of the occupation of the saleswoman. These conditions were intensified by long hours of toil. The regular hours of work were not excessive, but most stores kept open on Saturday night, which meant long hours on one day of the week. During the Christmas holidays 80 to 90 hours a week was not uncommon. In periods of stock taking and special sales overtime also was resorted to; Sunday work was not unusual.⁹⁶ As a result of this preliminary investigation the commission reported that it had found no reasons why the mercantile industry should be favored above manufacturing; that, on the contrary, the conditions in stores called for immediate remedial legislation; that it had not had time to study conditions in smaller establishments and in all types of stores and wished to go still further into the whole subject before recommending legislation.⁹⁷

It was foiled in this desire by the introduction and passage of a bill providing that the hours of labor of women and minors in mercantile establishments be limited in cities of the second class to 54 a week and elsewhere to 60 hours a week. Although unsupported by labor or any of the other organizations interested, this bill became law in 1913.⁹⁸

This law was roundly criticized because of its discrimination against cities of the second class. It was felt that from the standpoint of health there was no justification for such a difference in standard. The commission, therefore, without further study, hastened to recommend the amendment of this law to apply to all women employed in mercantile establishments in all cities and villages having a population of 3,000 or over.⁹⁹ This recommendation was carried out by the legislature in 1914. For the first time in the history of the State the work of women of all ages in the larger cities and towns, whether employed in factories or in stores, was brought under practically the same hours regulation.

From the standpoint of its backers the new law was a distinct improvement over the old, but it still had one serious defect—it allowed unlimited hours during the week before Christmas. Frequent efforts to remove this exemption have been made but it remains on the statute books.

The same legislature that passed the hours law for women in mercantile establishments passed an amendment to the public health law that was designed to exempt registered pharmacists from the provisions of the day-of-rest law.¹ The amendment, however, was construed by the attorney general² as removing all restrictions of hours of women and children employed in drug stores.

⁹⁶ New York State Factory Investigating Commission. Second report, 1913, v. 1, pp. 284-290.

⁹⁷ *Ibid.*, p. 280.

⁹⁸ *Ibid.* Third report, 1914, p. 53.

⁹⁹ *Ibid.*

¹ New York. Session laws, 1914, ch. 514.

² New York. Department of Labor. Fourteenth annual report of commissioner, 1914, p. 87.

The drug stores immediately took advantage of this privilege. Women and children were employed at any hour that suited the convenience of the proprietors. The result was that merchants complained bitterly that these drug stores, which in many instances were conducting a mercantile business in addition to the selling of drugs, were competing unfairly in the labor market. The commissioner of labor and the Consumers' League of the City of New York both urged the repeal of this amendment to the public-health law on the plea that it was discriminatory and unnecessary legislation.³

Before the law was repealed, however, the labor department ruled that drug stores that sold things other than drugs were to be classified as mercantile establishments for purposes of law enforcement. Accordingly, in 1918 they began to enforce the mercantile law in these drug stores. Some of the proprietors refused to comply on the ground that they were exempted from the hours legislation by the public-health statute of 1914.⁴ A case was taken to the courts, appealed, and reappealed, until finally—in 1919—the highest State court upheld the lower courts in a decision that drug stores that sold articles other than drugs, medicines, chemicals, etc., were mercantile establishments within the meaning of the labor law.⁵

After this court decision the groups interested in having women pharmacists exempted from the mercantile law turned their attention to having this particular law amended by the legislature. The industrial survey commission finally drew up such an exemption and introduced it in the legislature in 1928. The bill, which exempted only duly licensed pharmacists, passed without any discussion.⁶

Canneries and hours legislation.

Up to 1912 the law limiting to 60 a week the hours of labor of women in factories applied to canneries. When the first real attempt was made to enforce the law in this industry the canners sought to have it amended to give them total exemption. They were unsuccessful in their early efforts but renewed their attempts year after year. They claimed that the perishable nature of the crops, the shortness and variability of the season, and the healthfulness of the work were sufficient grounds for exemption. They asserted that nature alone determined when the crops were ready for canning, and that no provision could be made in advance to meet the unusual demands of the industry. Furthermore, the canneries were located for the most part in open fields so that the work was more like agricultural than factory labor. They contended that the long hours of work were not detrimental to the health because they were not continuous. Rush periods were followed by periods of idleness, with ample time for rest and recuperation.⁷

Commissioner of Labor Sherman experienced difficulty in enforcing the law in canneries and thought it better on the whole to legalize

³ *Ibid.*, pp. 87-88; and Consumers' League of the City of New York. Annual report, 1914, p. 32.

⁴ New York. Department of Labor. Annual report of the Industrial Commission, 1918, p. 26.

⁵ *People v. Louis K. Liggett Co.*, 171 N. Y. Supp. 44, Affd. 227 N. Y. 617.

⁶ New York. Session laws, 1928, ch. 507.

⁷ New York State Canned Goods Packers' Association. Cannors' statement, 1912: Why women and minors over sixteen, engaged in the packing of canned fruits and vegetables, should be excepted from the operation of the general labor statute. Signed by J. P. Olney, president, 1912.

overtime in the industry rather than to have the law flagrantly violated on every hand. He therefore drafted and had introduced in the legislature a bill that amended the labor law to permit the employment of women in the manufacture of perishable, seasonal products more than 60 hours a week, this schedule to be increased to 66 hours a week during a period of six weeks.⁸

Neither the canners nor the advocates of labor legislation approved of this proposal. The canners wanted a working week of 72 hours for three months in the year and their opponents argued against any relaxation of labor standards in the canning industry.⁹

In the legislative wrangle that followed it was found that neither the commissioner of labor nor his public opponents had any specific knowledge of conditions in the canneries. They agreed, therefore, to postpone legislative action until the facts could be ascertained. The canners also consented to this proposition.¹⁰

Accordingly, a study was undertaken by Pauline Goldmark for the Russell Sage Foundation in cooperation with the Consumers' League of the City of New York. It was a thoroughgoing investigation of the employment of women and children in the industry and the need for a special exemption from the labor law for canners.¹¹ The conclusions were that the work in canneries was neither so easy nor carried on under such favorable conditions that the canning industry should be allowed special privileges. The report made this statement:

It [cannery work] is characterized by irregularity of employment, extreme length of working hours, physical discomfort, and the chief hardships incident to factory work, such as speed and noise of machinery. Much of the work is therefore distinctly detrimental to health. Like all other manufacture, canneries need specific regulation of labor laws capable of effective enforcement in order that the health and welfare of working women and children may be properly protected.¹²

It was found further that the contentions of the canners were, on the whole, without basis; that not only did the conditions of the industry not warrant special exemption, but more laws were needed to curb existing evils.¹³

The canners were dismayed by this report, but in 1910 they again sought exemption from hours regulation and had a bill introduced for that purpose. Before the bill was acted upon, the canners agreed with legislative representatives of the workingmen's federation, who were impressed by their plea for exemption, to withdraw their bill for the present and to submit their whole case to the next convention of the federation.¹⁴ At this convention, however, the workers themselves emphatically went on record as opposed to the exemption of canneries or other special industries.¹⁵

The active lobbying of the canners for an exemption from the proposed 54-hour bill for women employed in factories in 1911 was a

⁸ New York. Department of Labor. Seventh annual report of commissioner, 1907, pp. 49-50.

⁹ Goldmark, Pauline. *Women and Children in the Canning Industry: An Investigation* in New York State. New York, March, 1908, p. 1 (preface).

¹⁰ *Ibid.*, p. 2 (preface).

¹¹ Goldmark, Pauline. *Women and Children in the Canning Industry: An Investigation* in New York State. New York, March, 1908.

¹² *Ibid.*, p. 62.

¹³ *Ibid.*, p. 184.

¹⁴ New York State Federation of Labor. *Proceedings of convention, 1910, p. 55.*

¹⁵ *Ibid.*, p. 113.

decided factor in preventing the passage of that bill. The same bill in 1912 became law only by excepting the canners from its provisions for the period from June 15 to October 15.

But such exception was not for long. The factory investigating commission, aroused by the cases of abuse brought before it, undertook a careful investigation to determine what basis there was, if any, for the canners' plea for an exemption, and what legislative measures were necessary for the protection of the women and children employed in the industry. Practically all the canneries in the State were covered in this investigation. Investigators obtained work in canneries in order to check up on the canners' statements. Members of the commission personally inspected canneries and examined under oath the canners, their superintendents, and the women and children who were at work. A public hearing on proposed legislation was held in Albany, to which all the canners were invited. They were represented either personally or by counsel and were given every opportunity to present their case and examine witnesses. Again at a public hearing in Rochester they were allowed to call and examine witnesses.¹⁶

The investigation and testimony convinced the commissioners that the exemption of the canning industry from the labor law was entirely unnecessary. They held that the exemption was "most improper," that it was opposed to the best interests of the State, and that it was granted because of a "misapprehension of the true conditions" existing in the canning industry. They held that work in canneries was distinctly factory work and the strain on the worker was just as great as in any other factory. They recognized that the seasonal nature of the industry distinguished it from practically all others, but that the seasonal requirements were not such as to demand the labor of women for 119 hours a week, as one woman was reported to have worked. They believed that the 54-hour law should not apply to canneries during the canning season and that such a regulation would be unfair to both the workers and the industry; but they believed that a wide-open exemption was still more unfair and unreasonable.¹⁷

They recommended that "during the canning season, between the 15th day of June and the 15th day of October, the hours of labor of women should be limited to 10 hours a day and 60 hours a week. During the pea-crop season, which extends from the 25th of June to the 5th of August, when the perishability of the product handled is extreme and the rush of work is very great, the industrial board, on application of any canner, may permit women in his establishment to work for not more than 12 hours in any one day and 66 hours in any one week."¹⁸

This recommendation of the commission, strengthened by a 6-day-week provision, was enacted into law in 1913 despite the opposition before the legislature of the canners and fruit growers, who urged a longer work week, and the Consumers' League, State and local, which wanted the limit reduced from 66 to at the most 60 hours per week.¹⁹

¹⁶ New York State Factory Investigating Commission. Second report, 1913, v. 1, p. 127.

¹⁷ *Ibid.*, p. 170.

¹⁸ *Ibid.*, p. 171.

¹⁹ *Ibid.*, v. 4, pp. 2261 and 2276.

The canners took advantage of the wave of reaction that swept over the State in 1914 and 1915 to try to destroy the work of the commission. Despite public protest, a bill providing that women and female minors over 18 could be employed from June 1 to October 1 for 16 hours a day but not more than 72 hours a week passed both houses of the legislature in 1915. Governor Whitman, at the urgent request of members of the factory investigating commission,²⁰ the consumers' leagues—city, State, and National—the Women's Trade Union League, the New York Child Labor Committee, the Woman's Municipal League, the League of Catholic Women, and various other groups, as well as prominent citizens, vetoed the bill.²¹

• The following year the canners' position was strengthened by the support of the industrial commission. After the defeat of the canners in the 1915 session, the industrial commission sent some of its experts to study the canning question from the viewpoint both of the workers and of the farmers who raised the products for the canneries. With this report before them the commission called a public hearing on the question, to which it invited the canners, "various public bodies," and "public-spirited organizations" to send representatives.²²

After hearing this expression of opinion the commission drafted and had introduced a bill which was thought to meet the situation; it "adequately protected the workers from unduly long hours," and it "granted certain relief to the canning industry."²³ It empowered the industrial commission to adopt rules permitting the employment of women over 18 years of age for a limited number of days for 12 hours a day, 72 hours a week, and extended the closing hour to midnight.

This measure was agreed to by the legislative representatives of the State federation of labor and of the Associated Manufacturers and Merchants, and it was included in the recommendations of the special legislative committee appointed to investigate labor legislation. As a part of the bill to "amend the labor law generally" this provision passed the legislature.²⁴

A campaign was started immediately by the Consumers' League of the City of New York for veto by the governor. It was supported by many civic and welfare organizations but most particularly by the Women's Trade Union League.²⁵ The latter organization sent a protest to all the unions throughout the State, asking that they petition the governor to veto the bill. At the hearing before the governor on May 10 many representatives of organized labor appeared against the bill, although President Holland, of the State federation of labor, and Commissioner Lynch, a former labor leader, spoke in favor of it.²⁶ Once more the canners were defeated by the veto of the governor.

²⁰ Memorandum submitted to Governor Whitman on behalf of members of the New York State Factory Investigating Commission in opposition to the Bewley cannery bill permitting women to work 72 hours a week in canneries. Apr. 13, 1915.

²¹ Consumers' League of the City of New York. Unpublished correspondence, 1915.

²² New York. Department of Labor. Annual report of the industrial commission, 1916, p. 14.

²³ *Idem.*

²⁴ New York. Department of Labor. Annual report of the industrial commission, 1916, p. 15.

²⁵ Consumers' League of New York State. Bulletin, May, 1916, p. 24.

²⁶ Women's Trade Union League of New York. Unpublished legislative report, 1916.

In recent years no further attempt has been made by the canning industry to secure additional special-hours legislation for their industry.

Reaction against labor laws and efforts to suspend them during the war.

The legislatures of 1912, 1913, and 1914 were kept busy enacting labor laws recommended by the factory investigating commission. Within these three years 36 laws amending or adding to the labor code were passed. The department of labor grew from a small insignificant organization to the second largest department of the State. In one year alone 151 new officials were added to its ranks by the legislature.²⁷

By the end of 1914 a decided reaction had set in. The business depression, aggravated by the outbreak of the war in Europe, came at a time when industry was adjusting itself to the new requirements of the law. Naturally enough, there was a tendency to blame the new legislation for the general business decline. The opposition made political capital of the protest on the part of employers and succeeded in gaining control of the legislature in 1915. As was to be expected, repeal bills of every description filled the calendar. The Consumers' League of New York State was led to report that "never before in the history of labor legislation has there been such an alarming attack upon the labor law in this State as has been witnessed in 1915."²⁸ According to the league "twelve destructive and antisocial amendments" to the labor law were introduced. One, already noted, would have exempted the canners entirely from the labor law. This was amended later to provide for a 12-hour day. Another would have given to the industrial board power to prolong the working day for women over 18 from 9 to 12 hours in factories "when the stress of business demanded." Others provided for relaxing the fire-protection rules. Still another was for the reorganization of the labor department.²⁹ An amendment enacted in 1915 allowed the mercantile industry unlimited overtime for two additional days at any time during the year for stock taking, and reworded the provision relating to shorter hours on one or more days of the week.³⁰

This widespread effort to amend the labor law led the commissioner of labor to urge that cause and effect be examined carefully so that blame would not be placed upon New York laws for business conditions that existed throughout the country. He went on to say: "Is there not grave danger that New York labor laws may unwisely be changed on a wholly mistaken assumption that they are to blame for the existing business situation? Still more must it be kept in mind that these laws in question have to do with the health and safety of great numbers of wage-earning citizens. Modification of laws to promote business activity no one can take exception to when the price thereof be not the sacrifice of some interest of equal or greater moment for the general welfare. But safety of life and limb for

²⁷ New York State Federation of Labor. *Achievements of progressive, up-to-date labor organization*. Albany, 1918.

²⁸ Consumers' League of New York State. *Bulletin*, May, 1915, p. 33.

²⁹ *Ibid.*, pp. 33 and 34.

³⁰ New York. *Session laws*, 1915, ch. 386.

any class of citizens can not, with advantage to the State, be sacrificed for encouragement of business."⁸¹

A public meeting of protest against such amendments, under the chairmanship of William J. Schieffelin, was held in New York on the evening of March 26, 1915. The speakers included Abram I. Elkus, counsel to the State factory investigating commission, Florence Kelley, general secretary of the National Consumers' League, and James F. Holland, vice president of the State federation of labor. Representatives of the leading labor, civic, social, and philanthropic groups were among the vice chairmen.⁸²

Public disapproval prevented the passage of most of the bills, and of those that reached the governor only the one providing for a reorganization of the department of labor was signed.

Provision was made, however, for a special legislative committee to investigate the subject of labor legislation. After consultation with representatives of the manufacturers' association and the State federation of labor and two of the industrial commissioners,⁸³ this committee recommended to the legislature of 1916 a bill "to amend the labor law generally." This bill came before the legislature with the backing of the labor department, organized labor, and organized capital, and was quickly passed. Protest to the governor by the Consumers' League of the City of New York, the Women's Trade Union League, and other interested groups led to a public hearing. At this hearing it was evident that the representatives of the women's unions had not been consulted by the spokesmen of the federation before they entered into agreement with the manufacturers on various important points concerning working conditions of women. The Women's Trade Union League, backed by the Central Labor Union of Brooklyn and various other labor organizations, as well as by the Consumers' League of the City of New York, protested vigorously against certain provisions of the bill. One of them, which has been discussed already, was the section permitting the canners to employ women 12 hours a day for 20 days during the canning season and extending the closing hour to midnight. Another allowed the suspension of the 54-hour law for women employed in factories when machinery broke down. The first provision would have given the canners, at least in part, the exemption that they had been seeking for years, an exemption felt by the opponents to be unjustifiable and unnecessary. The second provision would, according to the opponents, legalize the unjust principle that working women should be made to suffer for delay often caused by mismanagement.⁸⁴ The governor vetoed this bill on the general ground that the dangers involved were greater than the benefits to be derived.⁸⁵

The participation of the United States in the World War again offered an opportunity to repeal labor legislation. Scarcely had war been declared when a bill was introduced in the legislature giv-

⁸¹ New York. Department of Labor. Fourteenth annual report of commissioner, 1914, pp. 17-18.

⁸² Protest meeting at the Berkeley Theater, New York City, Mar. 26, 1915.

⁸³ New York State Federation of Labor. Proceedings of convention, 1916, p. 74.

⁸⁴ Consumers' League of the City of New York. Unpublished manuscript, 1916.

⁸⁵ New York State Federation of Labor. Proceedings of convention, 1916, pp. 75 and 77.

ing the industrial commission power to suspend, under certain conditions, all labor laws during the period of the war.⁸⁶ Under the auspices of 17 organizations—civic, social, patriotic, and labor—a protest meeting against the Brown bill was held at Madison Square Garden Theater on May 2, 1917. A resolution was passed condemning this bill and its companion bill in the assembly "which ignore English and French experience, which would curtail efficient production and sap the strength and health of the children and working women of the State at a time when true patriotism demands the most careful conservation of our resources and our people."⁸⁷ Telegrams were sent to all the New York City representatives in the legislature, calling attention to the resolution passed at this meeting.⁸⁸ Nevertheless, the bill passed both houses by overwhelming majorities. Individual legislators, although convinced of the un wisdom of the legislation, voted for it rather than run the risk of being called unpatriotic.⁸⁹

The seriousness of the situation brought such widespread disapproval that the governor granted a public hearing before acting upon the bill. The legislation was supported by three of the five industrial commissioners (the other two opposed it), who held that they could administer the act without injury to the existing labor laws. It was further supported by representatives of the manufacturers' association, the Chambers of Commerce of Buffalo and Rochester, and the employing printers of New York City.⁹⁰

Practically every civic, social, and welfare organization in the State that conceivably might have an interest in the work of women and children sent representatives to this hearing to protest against any relaxation of the labor laws. The unprecedented opposition, together with the unfortunate experience of other warring countries with the suspension of labor laws, persuaded the governor to veto the bill. In his accompanying message he said:

Of course, it is of supreme importance that every man and woman shall be willing to make every necessary sacrifice in this great World War in which our country is to take so conspicuous and so unselfish a part, but if we are to attain the greatest measure of efficiency in our preparation and in our prosecution of the war, we must not permit our people who are engaged in industrial pursuits to become apprehensive that the standards erected for their protection will be set aside; and we must not permit our industrial population to have cause to feel that the war's burdens and sacrifices may rest most heavily upon the shoulders of those least able to bear them. To give cause for such an impression would be a grave error. We must do nothing that will impair the confidence or weaken the loyalty of the service of those who are engaged in the field and the factory. We should not disregard the errors of other nations with respect to the suspension of their labor laws. On the contrary, we should profit by their mistakes.

Without in the least reflecting upon the good faith and the patriotic purposes of those responsible for this legislation, I am confident that no emergency can arise in this State, at least before the next session of the legislature, which will justify the suspension of the laws passed in response to an over-

⁸⁶ New York Tribune, Apr. 25, 1917 (editorial).

⁸⁷ War on women and children. Emergency protest meeting, Madison Square Garden Theater, New York, May 2, 1917.

⁸⁸ Consumers' League of the City of New York. Unpublished report of executive secretary, May 18, 1917.

⁸⁹ Ibid. Unpublished correspondence, April, 1917.

⁹⁰ New York State Federation of Labor. Proceedings of convention, 1917, p. 85.

whelming sentiment of our people for the protection of women and children compelled to labor for their daily bread.⁴¹

Efforts to render the labor law ineffective were repeated the following year. Scarcely had the legislature of 1918 convened when Senator Brown introduced the selfsame bill that Governor Whitman had vetoed the previous session. Again the opposition, led by the Consumers' League of the City of New York, the National and State Child Labor Committees, the Men's City Club and Women's City Club, the State Suffrage Association, the Women's Trade Union League, and the New York State Federation of Labor, protested so vigorously that the bill failed to become a law.⁴²

In spite of the continuous efforts made during the war period to break down the labor law, only one other minor success was achieved by the opponents of hours legislation. Women writers in newspaper offices were exempted from that section of the mercantile law that prohibited work on seven days of the week.⁴³

Restaurant hours legislation.

Not only did the important attacks fail, but this same period saw the extension of the hours law for women in hitherto unregulated industries. The first of these laws, enacted in 1917, gave the women employed in restaurants in first and second class cities a 9-hour day and a 54-hour and 6-day week.

Agitation for the inclusion under the mercantile law of women employed in restaurants began in 1913 with the recommendation of James L. Gernon, chief of the division of mercantile inspection. He reported that the long hours and hard work of these women caused much physical suffering. Many complaints were registered with the inspectors that they were powerless to remedy as long as the law was not specifically made to apply to restaurants.⁴⁴

The next year Mr. Gernon, in urging hours legislation for restaurant workers, reported as follows:

At present restaurant employees do not come within the provisions of the law relative to the hours of labor of females, or the day-of-rest law. To the casual observer it is very evident that there is no other employment in which males and females are employed, where the hours of labor are so long, and where the employees are compelled to be constantly on their feet. It is admitted that there is no class of work in which so large a percentage of females is employed. The legislature has recognized that the females working in restaurants should be protected to some extent, by providing in section 17 of the labor law that "Every person employing females as waitresses in a hotel or restaurant shall provide and maintain suitable seats" but by the very nature of their work the employees have no opportunity to use these seats. There seems to be no good reason why the hours of employment of females in restaurants should not be subject to law as in mercantile establishments, and that all those employed in the same should enjoy the benefits of the day-of-rest law, as they do in other employments. The evil resulting from restaurants being exempt from the provisions of the labor law relating to hours and day of rest, is shown in the fact that bakeries and confectionery establishments have added to their business the serving of sandwiches and lunches, and endeavor to escape the provisions of the law by claim-

⁴¹ Memorandum filed with senate bill introductory No. 1495, printed No. 2149, by Mr. Brown, entitled "An act relative to the enforcement of certain laws as to hours of labor." Gov. Charles S. Whitman, June 2, 1917.

⁴² Consumers' League of the City of New York. Elon R. Brown and the labor law. Unpublished manuscript, 1918.

⁴³ New York. Session laws, 1919, ch. 582, sec. 4.

⁴⁴ New York. Department of Labor. Thirteenth annual report of commissioner, 1918, p. 87.

ing that they are exempt because they are operating a restaurant. This illustrates the subterfuge to which many employers will resort rather than comply with the law.⁴⁵

The continual stress of the labor department upon the need for regulation of the hours of work of women in restaurants led the Consumers' League of the City of New York to conduct an investigation into the hours, wages, and general conditions of work in the restaurant industry to determine their effect upon the life and health of the woman worker. The study made of this industry by the United States Bureau of Labor in 1910⁴⁶ covered New York, but the material was not recent, specific, nor exhaustive enough to serve as a basis for a legislative campaign.

Investigators for the league interviewed 1,017 women restaurant employees in New York City and six of the larger cities in the State. Supplementary information was obtained from employers, employment agencies, girls' clubs, and published reports.⁴⁷ Excessively long hours were found, one girl of 20 being employed for 122 hours in a week. This was an extreme case, "yet one-half of the 1,000 women interviewed by the league worked 12 hours a day, 7 days a week, and 15-hour days were not uncommon. Not quite one-half of the waitresses worked over 54 hours a week, or 9 hours a day. The reason for this is that a large number of them, 31 per cent, are '1-meal girls.' Seventy-eight per cent of all other restaurant workers, however, exceed the 54-hour week."⁴⁸

Another finding of the league that it considered "most significant" was that the restaurant worker was unknown to settlements or girls' clubs. "She does not share the group interests and social life open to other working girls. In the evening schools less than 1 per cent were restaurant workers. They simply do not have the physical strength for outside activities and interests."⁴⁹

Based on its findings, the Consumers' League of the City of New York in 1917 initiated legislation for the limitation of the work of women employed in restaurants to 9 hours a day and 54 hours and 6 days a week. While this bill was still in the drafting stage the Consumers' League of the City of New York asked the Women's Trade Union League for its support. This was at first refused, the reason being that the Women's Trade Union League was having introduced a general 8-hour bill that would apply to restaurant workers as to other women employees. To support at the same time a bill providing for a 9-hour day and a 54-hour week for this one group would put it in a rather ambiguous position.⁵⁰ However, before the public was called upon to support such a measure, the Women's Trade Union League agreed to be opportunistic and threw

⁴⁵ *Ibid.* Fourteenth annual report of commissioner, 1914, pp. 90-91.

⁴⁶ U. S. Bureau of Labor. *Condition of Women and Child Wage Earners in the United States, 1910*, v. 5, pp. 189-199.

⁴⁷ Consumers' League of the City of New York. *Behind the Scenes in a Restaurant, 1916*.

⁴⁸ *Ibid.*, p. 12.

⁴⁹ *Ibid.*, p. 7.

⁵⁰ Women's Trade Union League of New York. Unpublished minutes of meeting of legislative committee, Jan. 10, 1916.

its support behind the restaurant workers' bill. So did the New York Child Labor Committee and the State federation of labor.⁵¹

Public support was well aroused in behalf of this measure. As expressed at the time: "The public was quick to see the necessity of giving this group of women the protection of the law. Those who were not impressed by the statement of doctors, that the effect of running about with heavy trays for many hours decreases a woman's capacity for child bearing, were affected by the danger of spreading disease incident to employing waitresses who could not keep in health under existing conditions."⁵²

Little opposition was voiced. The president and the counsel of the Hotel Men's Association appeared at the hearing to make certain that the bill would apply in no way to hotels. A number of representatives of leading restaurants in New York City protested that if the bill were passed they would not be able to employ cleaners before 6 a. m. or telephone girls after 10 p. m. They cited instances of widows who would be discharged if this legislation were enacted. It was suggested that the bill be amended to apply only to waitresses employed in restaurants.⁵³

The bill passed at the first session in which it was introduced.⁵⁴ It applied to all women employed in or in connection with any restaurant (those in hotels excepted) in first or second class cities, with the exception of singers and performers of any kind or attendants in ladies' cloakrooms or parlors.

Since its passage the industrial commission has urged again and again that it be extended to all restaurants wherever located, but no action has been taken by the legislature.

Legislation governing hours of women in war-time services.

With the war came the great influx of women into occupations formerly held by men. Labor department officials were among the first to recommend the extension of hours legislation to these new occupations.⁵⁵ A study of these openings for women was made by the Consumers' League of the City of New York in cooperation with the New York State Committee on Women in Industry of the Advisory Commission of the Council of National Defense.⁵⁶ The findings led to the introduction of bills regulating the hours of women and girls in messenger, transportation, and elevator services.⁵⁷

Sponsored initially by the Consumers' League of the City of New York, these bills were actively supported by the New York Indus-

⁵¹ Minutes of a joint conference of the Consumers' League of the City of New York, the Women's Trade Union League, the New York Child Labor Committee, and others, New York, Jan. 3, 1917; and New York State Federation of Labor. Special letter to member organizations from chairman of legislative committee, May 14, 1917.

⁵² Consumers' League of the City of New York. Annual report, 1917, p. 7.

⁵³ New York Times, Mar. 7, 1917.

⁵⁴ New York. Session laws, 1917, ch. 535.

⁵⁵ New York. Department of Labor. Annual report of the industrial commission, 1918, pp. 28-29.

⁵⁶ The Committee on Women in Industry of the Advisory Commission of the Council of National Defense was appointed in 1917 "to advise on means for safeguarding the health and welfare of women workers during the war." It aimed to serve "as a national center . . . for coordinating the efforts of existing organizations for the improvement of the conditions of women's employment, and through investigation to recommend methods of increasing the efficiency of women's work as an important factor in the successful conduct of the war."—U. S. Council of National Defense. Advisory Commission, Committee on Women in Industry. Pamphlet, Dec. 10, 1917.

⁵⁷ Consumers' League of the City of New York. Annual report, 1918, p. 3.

trial Commission, New York Child Labor Committee, Women's Trade Union League, New York State Federation of Labor, National Consumers' League, Federation of Women's Clubs (city and State), New York State Women's Suffrage Association, Women's City Club, Women's Municipal League, Young Women's Christian Association, Council of Jewish Women, Council of Women's Organizations, Association of Neighborhood Workers, and others. The main argument for this legislation was that women had gone into these new occupations as war service and they were entitled to proper safeguards to health. It was held further that the work in most cases could be made suitable for women with a few changes and adjustments and that such changes should be made without delay.⁵⁸

Messenger service.—The only bill that became law in 1918⁵⁹ was the messenger-service bill, that prohibited the use at any time of girls under 21 years of age in the delivery of messages and packages for telegraph companies, and limited the employment of women over 21 years of age to 6 days a week, 9 hours a day, and prohibited their employment between 10 p. m. and 7 a. m. This work was considered dangerous for women and girls because of the character of the places to which they were liable to be sent.⁶⁰ Messenger-service companies opposed this legislation, but the support was so general that their opposition was of no avail. The bill as passed provided for a 54-hour, 6-day week.

Women's Joint Legislative Conference.—There had always been considerable cooperation among the various organizations interested in labor legislation for women, but often, because of lack of coordination, they had found themselves to be working at cross purposes. The possibilities of a closer union had been informally discussed, but no action was taken until the New York State Federation of Labor called a group together in Albany on October 10, 1918, to consider the legislative program upon which various organizations could unite. Representatives of the Women's Trade Union League, the Young Women's Christian Association, the National Consumers' League—also State and city—and the New York State Woman Suffrage Association were present. Out of this meeting grew the Women's Joint Legislative Conference. The original membership included all the organizations participating in the conference with the exception of the National Consumers' League, which, because of its national character, was considered ineligible.⁶¹

The program as adopted included six bills—the 8-hour day, minimum wage, health insurance, protection of office workers, protection of transportation workers, and protection of elevator operators.⁶²

Transportation service.—The transportation bill was the first of the bills sponsored by the Women's Joint Legislative Conference to become law. This bill had been one of the three measures introduced by the Consumers' League of the City of New York in 1918

⁵⁸ *Ibid.* Unpublished records, 1918.

⁵⁹ New York Session laws, 1918, ch. 434, sec. 161-c.

⁶⁰ New York Evening Post, Apr. 17, 1918; and Consumers' League of New York State. Bulletin, March, 1918.

⁶¹ Consumers' League of the City of New York. Unpublished report of executive secretary, October, 1918; and Women's Trade Union League of New York. Annual report, 1918-19.

⁶² Women's Joint Legislative Conference. Give Back to the Women Who Work the Spirit of Life. New York, 1919.

to regulate hours in war-time occupations for women. It limited the employment of women on transportation lines to 9 hours a day (which must be consecutive except for a lunch period of 1 hour), 54 hours a week, and 6 days a week, and prohibited work between the hours of 10 p. m. and 6 a. m. The outstanding condition that the proponents of this bill sought to change was the employment of women at night.⁶³ They had comparatively few data showing the need for regulation of the transportation industry. Their plea was based mainly upon the argument that women in the industry should be under the same hours regulations as were women in factories and stores. But in the face of the active opposition of all the transportation companies, the bill did not receive much attention from the legislature.⁶⁴

Before the next legislative campaign the lack of specific data to support this measure was met by the investigation of the May grand jury of Brooklyn into the conditions of work of women employed as conductors on the surface cars and as guards on the subway lines of the Brooklyn Rapid Transit Co. This investigation was undertaken because of the many complaints from Brooklyn residents of the abuses surrounding the women working in these occupations. Investigators discovered children under 16—one girl was only 14—employed as conductorettes. Women under 21 were found working on cars on night runs. Some women worked in excess of 10 hours a day—one woman worked 24:42 hours in a stretch with a rest period of only 2:20 hours between swings. Not only were the women required to work long hours but frequently they were required to report for work and wait for hours before being assigned a run. One woman reported that she was compelled to wait from 4 a. m. until noon before she received her run for the day. These and other findings led the May grand jury to advocate legislation regulating the hours of labor of women employed on street railways similar to that in effect in factories and mercantile establishments.⁶⁵

This report was decidedly important in securing favorable action on the bill by the 1919 legislature. The district attorney's office of Kings County kept an active interest in the legislation. The final bill was drafted by Helen McCormick, of the district attorney's office, and was advocated by her at the legislative hearing.⁶⁶ Additional support came from Governor Smith. In his first annual message to the legislature he urged the extension of hours legislation to the women employed on surface, subway, and elevated roads.⁶⁷ Besides the Women's Joint Legislative Conference, the industrial commission, the State federation of labor, and many civic and social organizations supported the bill. It was included in the program of both Democratic and Republican Parties. Little opposition was voiced at the hearing; the bill passed and was signed by the governor.⁶⁸ When the law was to take effect, however, a "cry went up from the women employed saying if the law was rigidly enforced the

⁶³ Consumers' League of New York State. Bulletin, March, 1918.

⁶⁴ *Ibid.* Record of the 1918 legislature. Unpublished manuscript, 1918.

⁶⁵ McCormick, Helen, deputy assistant district attorney, Kings County, N. Y. Unpublished report of investigation to the May grand jury, May 11, 1918.

⁶⁶ New York Times, Jan. 26, 1919.

⁶⁷ New York. Legislative documents, 1919, v. 1, Governor's message, p. 13.

⁶⁸ New York. Session laws, 1919, ch. 583.

majority of them would lose their positions."⁶⁹ The industrial commission, charged with the enforcement of the act, asked that the bureau of women in industry make a study to determine the number of women who would lose their positions as a result of this law and the policy of the transportation companies with reference to the employment of women prior to the enactment of the law.

It was found that only 17 per cent of the women employed on May 1 were employed without violation of any section of the law; 48 per cent were working in direct violation of the night-work law, and the remainder were violating the provisions for a 9-hour day and consecutive hours.⁷⁰

The opposition charged that over 5,000 women employed by the transportation companies had lost their jobs when the law took effect. The study of the State bureau of women in industry showed that it was the policy of the transportation companies to discharge their women conductors as soon as the men returned from the Army, and the actual number of women discharged because of the law did not exceed 867.

Following the enactment of the law, and with the return of peace conditions, women conductors and guards were replaced by men, but the women ticket sellers and choppers remained as a permanent factor in the industry. They felt that their positions and advancement were being jeopardized by the transportation law of 1919, so under the leadership of the Women's League for Equal Opportunity they carried on an active legislative campaign for the repeal of the sections of the law applying to them. They met with little, if any, opposition. The organizations responsible for the enactment of the legislation seemed to agree with Nelle Swartz, director of the New York Bureau of Women in Industry, that the law that they had sponsored was far from perfect; it was particularly weak in that it went into effect "immediately, without giving the employers ample time for adjustment or employees time to find other positions;" and it was ill adapted to the needs of the industry.⁷⁰

The law as passed in 1920 amended the law of the previous year so that it applied only to conductors and guards in the operation of street railways. The provision requiring that work be done in consecutive hours was stricken out.⁷¹

Elevator service.—The bill regulating the hours of work of elevator operators had been introduced by the Consumers' League of the City of New York in 1918 as the result of a study of the conditions under which this group of women worked made by the Bureau of Information of the Federation of Noncommercial Employment Agencies, assisted by the Consumers' League of the City of New York and the committee on industry of the New York State Council of Defense. Through interviews with the women themselves and with superintendents it was found that the hours of work of women employed as elevator operators were "unnecessarily long" and very often were unbroken even by a lunch period. The job involved night work in more than half the cases interviewed. The

⁶⁹ Swartz, Nelle. New York Bureau of Women in Industry, in Bulletin of the Consumers' League of New York State, December, 1919.

⁷⁰ Idem.

⁷¹ New York. Session laws, 1920, ch. 284.

usual shifts were from 6 p. m. to 8 or 9 a. m., with little provision, if any, for sleep. Seventy-six per cent of the women interviewed worked more than 6 days a week. The study ended with a recommendation for legislation limiting the work of these women to 9 hours a day, 54 hours and 6 days a week, and prohibiting the employment of women at this work between the hours of 10 p. m. and 7 a. m.⁷²

The bill introduced by the consumers' league in 1918 embodied these recommendations. But it failed to pass the legislature, although it was indorsed by practically all the labor, civic, and welfare groups in the State.

In the fall of 1918, when the Women's Joint Legislative Conference was organized, the elevator bill was one of the six measures included in its legislative program. Governor Smith added his support to the bill by recommending its passage in his annual message to the legislature of 1919.⁷³ In addition, the bill had the indorsement of the industrial commission, the State federation of labor, and various other groups, including both political parties. There was practically no opposition and the bill became law.⁷⁴

During the next session of the legislature an attempt was made to repeal this law. A bill was introduced and passed the assembly but was defeated in the senate by two votes.⁷⁵

The 48-hour-week law of 1927 and the minimum-wage bill.

The passage of the transportation and elevator bills left the major part of the program of the Women's Joint Legislative Conference unrealized. The measures affecting the largest numbers of women and in which the greatest interest was centered were the 8-hour-day and the minimum-wage bills. Both these measures had been before the legislature for years.

The organization responsible for initiating the 8-hour-day and 48-hour-week bill for women and minors was the Women's Trade Union League, which had introduced it for the first time in 1914 and had kept it before the legislature each succeeding year. While previously indorsed by other organizations, this labor measure did not receive active legislative support from most of the member organizations of the Women's Joint Legislative Conference until 1919.

The minimum-wage bill had been first introduced at the recommendation of the factory investigating commission⁷⁶ in 1915. The Consumers' League of the City of New York had been particularly interested in this measure and had been instrumental in having the commission undertake a study of the wage situation. The commission's findings were such that it unhesitatingly recommended remedial legislation in the form of a minimum-wage bill. The legislation was not ready for introduction until after the reaction against the work of the commission had set in and legislative control had changed hands.

⁷² Consumers' League of the City of New York and Bureau of Information of Federation of Noncommercial Employment Agencies. Going up. Unpublished manuscript, 1918; and Women's Joint Legislative Conference. Give Back to the Women Who Work the Spirit of Life. New York, 1919.

⁷³ New York. Legislative documents, 1919, v. 1, Governor's message, p. 13.

⁷⁴ New York. Session laws, 1919, ch. 544, secs. 176, 178, and 179.

⁷⁵ Consumers' League of the City of New York. Annual report, 1919, p. 3.

⁷⁶ For the history of this commission see p. 78.

In spite of this change, both this bill and the 8-hour bill on their merits received considerable support in 1915, and sentiment in their favor grew in each of the years following. They passed the senate a number of times, but the opposition of the Associated Industries was always sufficient to prevent their coming to a vote in the assembly. The supporters claimed that if ever they were reported out of committee they would pass the assembly by an overwhelming majority.

The legislative tactics responsible for this situation not only caused indignation in the ranks of the organizations sponsoring the bills but met with the stern reproof of Governor Smith, who had always been a staunch supporter of these measures. In a public address in New York on March 26, 1920, he declared that "he would abide by the decision of the majority of both houses of the legislature" if the welfare bills on his program were brought to a vote, but that "it was unfair and a breeder of discontent to have it known that interested persons were able to throttle progressive measures in committee." He opposed having "organized effort outside the legislature trying to prevent even a discussion of these bills on the floor of the assembly," and held that the State should not tolerate such action.⁷⁷

From its original membership of 6 organizations in 1918 the Women's Joint Legislative Conference grew until in 1927 it included 15 organizations, with a large membership throughout the State. Furthermore, its legislative program was supported by organized labor and various civic and social organizations. On the other hand, a new element joined the opposition—the National Woman's Party. This organization appeared in this connection for the first time in 1923, advocating an amendment to the bills of the Women's Joint Legislative Conference that would make them apply "alike to men and women." It took the position that "sex should be taken out of the law as rapidly as possible."⁷⁸

The Women's League for Equal Opportunity and its offshoot, the Equal Rights Association, supported the position of the Woman's Party, claiming that it made no difference which way equal opportunity was obtained. As one of their spokesmen put it, "We want adult working women to have the same rights in industry with adult men and we don't care which way they get it. Industrial equality is our goal."⁷⁹

It is difficult to weigh the strength of this new opposition or to determine its influence in delaying the passage of the 48-hour bill or preventing the enactment of minimum-wage legislation. While not a large group, there can be no doubt that it exerted a real influence by supporting, though for other reasons, the powerful manufacturing industries in their opposition, and that it became an effective smoke screen for legislators who did not wish to offend these employing interests.

In 1925 it appeared to all disinterested observers that the 48-hour bill had every chance of becoming law. It was in both party plat-

⁷⁷ New York Times, Mar. 27, 1920.

⁷⁸ New York Legislature. Unpublished stenographic minutes of joint hearing on bills to amend the labor law. Testimony of Doris Stevens, Feb. 27, 1923, pp. 73-74. [Michael J. Delgan, senate stenographer.]

⁷⁹ *Ibid.*, p. 51.

forms, it was part of Governor Smith's legislative program, and it was introduced in both houses by a member of the dominant party. Again the Associated Industries brought about its defeat.⁸⁰ They were instrumental in having substituted the so-called Joiner bill, which provided for a 9-hour day and a 54-hour week—the legal standards then in effect—but which would empower the industrial board “to investigate conditions and occupations in processes in which women are employed in factories and mercantile establishments to determine whether or not the hours worked are detrimental to the health of women,” in which event they would reduce hours to not less than 48 a week. Despite opposition from the 20-odd labor, civic, and social organizations supporting the bill and a break within the majority party itself because of this resort to subterfuge in carrying out its preelection pledge, the bill passed the assembly by a bare majority and was accepted by the senate.⁸¹

When it came before Governor Smith for his signature he held a public hearing, at which a long list of representatives of organizations voiced their objections—chief of which was that the bill was “unworkable and absolutely without merit.”⁸² The governor assured the group that he would veto the bill, which he promptly proceeded to do.

In 1926 the fight for the 48-hour week was taken up again and defeated in the closing hours of the session. But the legislature, with the support of the Associated Industries, passed a measure obviously designed to postpone for another year action on the 48-hour bill.⁸³ It provided for a joint legislative committee “to consist of three senators to be appointed by the temporary president of the senate, and five members of the assembly, to be appointed by the speaker of the assembly, to investigate as speedily as possible the existing conditions under which the manufacturing and mercantile business of the State is carried on * * * to the end, among other things, that such remedial legislation, to the extent necessary, may be enacted as will advance the prosperity, health, and safety of the working people, the prosperity and safety of the industry, and the prosperity of the people of the State of New York as a whole.”⁸⁴ The committee was authorized to elect a chairman from its members and to select three persons—one representative of “the working people,” one of the manufacturing and mercantile interests, and one of the public—“to sit with and advise the committee in its deliberations and furnish it with information and suggestions, and otherwise assist the committee in its investigations.” It was empowered to employ counsel and all necessary assistants, provided that the expenses did not exceed \$25,000. The committee was to report its proceedings to the legislature on or before February 15, 1927.⁸⁵

The committee met and organized on June 18, 1926, and for the sake of convenience adopted the name New York State Industrial

⁸⁰ Buffalo News, Feb. 27, 1925.

⁸¹ New York Herald-Tribune, Mar. 24, 1925.

⁸² New York Bulletin, May 19, 1925.

⁸³ Consumers' League of New York State. Bulletin, April, 1926, p. 2; and Newburgh News, Aug. 20, 1926.

⁸⁴ New York. Legislative documents, No. 69, 1927, Report of Industrial Survey Commission, pp. 3-4.

⁸⁵ *Idem.*

Survey Commission.⁸⁶ In its outline of survey it listed seven objects for careful study, one of the most important of which was, "Legal restriction on wages; hours of work and employment of men, women, and children—day work, night work, overtime, work in hazardous occupations—to what extent has the health of women workers been injured by the operation of the present 54-hour law—the results of 48-hour-week legislation for women in other States—a study of the probable effect upon the principal competitive industries of the State of reduction of the hours of labor for women below 54 hours a week."⁸⁷

The 48-hour-week question was without doubt the central point in the commission's activities. It devoted days to hearing arguments for and against the legislative proposal. The opposition, represented largely by the Associated Industries, the textile manufacturers, the National Woman's Party, and the Women's League for Equal Opportunity, were given every chance to present their case.

At the request of the employing interests the National Industrial Conference Board prepared a report for the commission on "Regulatory legislation and the competitive position of New York State industries." Among its conclusions as to the harmful effects, if any, of women working 54 hours a week, which formed the basis of much of the employers' opposition, was the following: "Authoritative studies of fatigue in industry do not prove that 54 hours is too long a period if working conditions are satisfactory; and New York State through legislation has done much to assure safe, comfortable, and hygienic conditions."⁸⁸ In trying to prove that New York industries could not stand a further reduction in hours, the report said: "In the decade ending with 1923, the State of New York industrially fell back, compared with the United States as a whole. In other words, measuring the growth of New York State industries as a whole, by the number of establishments, the number of wage earners and the volume of production, New York State has had a smaller development in relation to the population of the State since 1914 than the country as a whole."⁸⁹ With this statement as a basis employers' representatives pointed out that a great many New York industries were struggling for existence; if hours were cut they would fail. They argued that New York industries would move to other States, where they were not handicapped by industrial legislation, and that shorter hours for women would decrease output, lower wages, and lead to the replacement of women by men.⁹⁰

Representatives of the opposing women's groups held that "Restrictions on the conditions of labor should be based upon the nature of the industry, not on the sex of the worker, and they should apply to women's competitors wherever they apply to women."⁹¹ They contended that 48-hour-week legislation would "discriminate against women and handicap them in competing with men in earning their livelihood."⁹²

⁸⁶ New York. Legislative documents, No. 69, 1927, Report of Industrial Survey Commission, p. 5.

⁸⁷ *Ibid.*, p. 11.

⁸⁸ *Ibid.*, p. 72.

⁸⁹ *Ibid.*, p. 74.

⁹⁰ *Ibid.*, pp. 16-17.

⁹¹ White Plains (N. Y.) Reporter, Feb. 10, 1926.

⁹² New York State Industrial Survey Commission, 1926-27. Testimony of Mrs. Clarence M. Smith at hearings, Nov. 8, 1926, p. 936.

The proponents tried to prove that the 48-hour week was a genuine health measure; that it already was the standard working week for women in New York State; that the working women of the State wanted this legislation; and that neither the workers nor industry would suffer from its enactment.

Some of the most pertinent testimony laid before the commission consisted of the following: A study of the New York Bureau of Women in Industry on the hours worked by women in the State; a preliminary report of the Women's Bureau of the United States Department of Labor on the effect of hours legislation on women's employment; a study of the Consumers' League of New York on whether or not the working women wanted 48-hour-week legislation; and an investigation by the Women's Joint Legislative Conference of the effects of a 48-hour schedule on employers, employees, and industry.

The study by the State bureau of women in industry of data filed by employers with the State department of labor showed that over half of the women employed in factories and mercantile establishments in New York worked 48 hours a week or less and only a small proportion worked in excess of 50 hours; in the shorter-hour plants not only were wages higher than in the longer-hour plants but employment was more regular.⁹³

The Women's Bureau of the United States Department of Labor reported on the results of its widespread investigation of the effects of hours legislation on the employment of women in industry. Its summary findings were as follows:

1. In the employment of women in industries and in stores legislation limiting their hours of work to 48 and 50 hours weekly does not hinder their advancement. It reduces their hours, it also reduces the hours of men, it occasionally results in increases in the number of women employed, it does not close occupations to women to any appreciable extent, it does not result in a decrease in the number of women employed, and it does not decrease wages.

2. In the employment of women pharmacists the effect of legal regulation of daily and weekly hours of work seems to have been a handicap in some instances. In a number of States this fact seems to have been recognized, and the law has been amended or interpreted so as to exempt this employment.

3. The really significant factors affecting women's employment are not the legislative regulations to which they are subject but the arrangement of processes of manufacture to meet the requirements of their strength and skill, the prejudices for or against their employment in certain types of work, the wages they are willing to accept, and the attitude of their fellow workmen.

The investigation of the Consumers' League of New York clearly indicated that the women who worked wanted 48-hour legislation. Of the 500 women interviewed, 4 in 5 answered "yes" to the question: "Would you be in favor of a law that limited a woman's working hours to 48 hours a week?" The reasons given were that eight hours a day were long enough to work; when they worked longer they were too tired to do their work at home; they wanted time for their necessary home duties and recreation. To a large majority of these women not even the lure of more money could offset the advantages of a shorter workday. They had found from experience that "longer hours meant more illness and greater loss of efficiency, so that there was really no gain in the long run."⁹⁴

⁹³ New York, Department of Labor. Special bulletin No. 121, November, 1923.

⁹⁴ Consumers' League of New York. The 48-Hour Law: Do Working Women Want It? New York, 1927.

The material presented in behalf of the Women's Joint Legislative Conference on the actual workings of the 48-hour week in New York industries and in Massachusetts led to the conclusion that from the economic viewpoint there was nothing to fear in the passage of a 48-hour-week law; there was no reason to believe that it would hamper the efficiency of labor or management or seriously hamper industry in the State. And furthermore, "from the viewpoint of women workers as human beings it would be desirable to place such a law on the books."⁹⁵

These factual surveys, together with other pertinent testimony as to the effects of long hours of work on health, successfully offset the contentions of the Woman's Party, the Women's League for Equal Opportunity, and the Equal Rights Association that if the law were passed it would "cause a grave injustice to thousands of women workers."⁹⁶

The commission apparently was not convinced that the 48-hour-week law would be an unmixed blessing, but the preponderance of evidence in favor of it, the widespread support, and the failure of the opposition to substantiate its arguments led to a recommendation for such a law with certain modifications for women employed in mercantile and manufacturing industries.

The commission favored a maximum 8-hour day where women were required to work 6 full days a week, but being impressed with the Saturday half holiday as "a great factor for the physical well-being of women workers" and wishing to retain such holiday where it already existed and to give it an additional impetus elsewhere, the commission recommended a provision that would permit factories or mercantile establishments to employ their women workers 9 hours a day and 49½ hours a week in order to give them a full half holiday on one day of each week besides their regular day of rest.⁹⁷

As a recognition of what it considered the need of industry for a moderate amount of overtime, it recommended "a provision that would permit of not to exceed 78 hours of overtime in any one year, such overtime to be available to the employer whenever he requires it, but upon giving notice to the industrial commissioner at the time of beginning such overtime work."⁹⁸

The representative of the employing interests on the commission did not accept the part of the report dealing with the 48-hour-week law, but held to the position that there was no evidence showing that the health of women was injured by working 54 hours a week and that the industries of the State could not stand the additional burden of shorter hours.⁹⁹

Labor representatives, while preferring a straight 48-hour-week law, accepted the compromise proposal, for it established the principle of the 48-hour week.

⁹⁵ New York State Industrial Survey Commission, 1926-27. Testimony, pp. 1200 and 1242.

⁹⁶ *Ibid.*, p. 16.

⁹⁷ *Ibid.*, p. 18.

⁹⁸ *Ibid.*, p. 19. The proponents of the 48-hour-week law the year previous had generally accepted a provision allowing 12 weeks of overtime. The commission's recommendation stretched this to what amounted to 13 weeks to be allowed whenever the employer's needs required.

⁹⁹ *Ibid.*, pp. 72-76.

Social and civic organizations were not enthusiastic in their support, but they did not openly oppose the commission's recommendation when it came before the legislature and was enacted into law.

According to the provisions of the statute signed by Governor Smith, the 48-hour week, with the exceptions recommended by the commission, went into effect January 1, 1928.¹

The passage of the 48-hour-week law leaves the minimum-wage bill as the outstanding legislative proposal of the Women's Joint Legislative Conference and allied organizations for the amelioration of the working conditions of women. The fight for this measure was so closely identified with the campaign for the 48-hour-week bill that, except for their source, the legislative history of the two bills was practically identical up to 1925. Then came a change in that the majority party indorsed the 48-hour week but refused to support the minimum wage. This meant a slightly smaller vote for the discharge of committee on the latter bill. It also meant that there was not the same party urge that the industrial survey commission make some sort of recommendation with regard to minimum-wage as well as to 48-hour-week legislation. Although the commission heard testimony both for and against wage legislation it made no report on the subject.

It remains to be seen whether the interested organizations will continue to back the minimum-wage bill with the same enthusiasm now that its more popular companion piece has been made law.

NIGHT-WORK LEGISLATION

Law of 1889 prohibiting night work for women under 21 in factories.

The first suggestion for the control of night work for women in New York came from the factory inspectors. In their report for the year 1887 they recommended that "no woman should be permitted to be employed after 9 o'clock at night in a manufacturing establishment."² They argued that women who worked at night were more subject to nervous prostration and debility than were women day workers, and furthermore that the dangers from insult and bodily harm when returning late at night were such that women should not be subjected to them.³ The same recommendations made to the legislature of 1889 resulted in the passage of an amendment to the law of 1886 prohibiting the employment in a manufacturing establishment of women under 21 years of age and male minors under 18 between the hours of 9 p. m. and 6 a. m.⁴

Extension to adult women urged by factory inspectors.

The inspectors were not entirely satisfied with the scope of this legislation. They contended that the women themselves wished that the night-work prohibition should be applied to all women. In their report of 1891 they said: "It seems to us that the prohibition could wisely be extended so as to preclude any woman from being employed in workshops and factories after 9 p. m. Such an amendment to

¹ New York. Session laws, 1927, ch. 453.

² New York. Factory Inspectors. Second annual report, 1887, p. 28.

³ *Idem*.

⁴ New York. Session laws, 1889, ch. 560, secs. 1, 5, and 8.

the law has been suggested by those most immediately concerned—the women themselves—it being their opinion that they could find employment at the same occupations in practically the same institutions during the day, and that all necessary night employment would consequently devolve upon men.”⁵ For many years nothing came of this and subsequent recommendations on the same subject.

Night-work provisions of mercantile act of 1896.

Meanwhile the Working Women's Society and the Consumers' League of the City of New York became active in support of night-work legislation for women in mercantile establishments. In their "standards of a fair house" in 1891 they demanded that work in mercantile establishments be performed between the hours of 8 a. m. and 6 p. m. More leeway was given in the bill they drafted. This bill, subsequently indorsed in large measure by the Reinhard committee, provided that women under 21 should not be employed between the hours of 10 p. m. and 7 a. m. These were the standards that were incorporated in the law of 1896, with the important exception that they did not apply on Saturdays or during the period each year between December 15 and January 1.

Extension of the prohibition of night work to adult women in factories, 1899.

The prohibition of employment of all women at labor in manufacturing establishments between the hours of 9 p. m. and 6 a. m. was accomplished in 1899.⁶ The factory inspectors had insisted for years that if the hours legislation for women under 21 and male minors under 18 was to be enforced it must be applied to all women; that the working women wanted this legislation and that there was no good reason why they should not have it. At the time there was little discussion of the merits or demerits of the prohibition of night work as such for adult women. This prohibition was part and parcel of the hours legislation for younger women and minors and was applied to adult women, first, to aid enforcement and, second, to give these women the same legal protection afforded to women under 21.

Changes in the grouping of females to meet constitutional difficulties.

The constitutionality of the factory night-work law was always a question in the minds of the enforcing officials. They allowed violations to go unnoticed rather than run the risk of having a test case. When in 1905 it looked as if a test could no longer be averted, the factory inspectors called attention to the possible danger arising from the existing grouping of females. They recommended that this grouping be changed so that older girls still would be prohibited from night work even if the law were tested and declared invalid for adult women.⁷ Commissioner of Labor Sherman made this recommendation his own but it was not acted upon by the legislature.

When the court of special sessions handed down its decision declaring the night-work law for women unconstitutional, Commis-

⁵ New York. Factory Inspectors. Sixth annual report, 1891, p. 37.

⁶ New York. Session laws, 1899, ch. 192, sec. 77.

⁷ New York. Factory Inspectors. Twentieth annual report, 1905, p. 25.

sioner Sherman had a bill introduced that divided females, for purposes of hours legislation, into two classes—those under 21 and those over 21—so that in the event that the court of appeals affirmed the decision of the lower court the night-work provision still might apply to women under 21 instead of only to girls under 16. The bill was passed, and even before it was signed by the governor⁸ the adverse decision of the higher court (*New York v. Williams*) wiped out the night-work law for women. The signature of the governor served to keep the younger women under its provisions.⁹

The night-work law of 1913.

For the following six years night work was prohibited only for women under 21 employed in manufacturing and mercantile establishments. During these years sentiment in favor of prohibition of night work for adult women was steadily increasing. In 1906 representatives from 14 European governments made and signed the now famous international convention for the prohibition of night work of women. By this convention the contracting States bound themselves to prohibit the industrial night work of women between the hours of 10 p. m. and 5 a. m. and to provide for a minimum period of 11 consecutive hours for night rest.¹⁰ Ratification by these countries gave impetus to the movement for night-work laws in the United States. The decision in 1908 of the United States Supreme Court in *Muller v. Oregon*, upholding the constitutionality of the 10-hour law for women, also acted as a definite spur toward further hours legislation.

The factory investigating commission made the subject of night work for women one of its major considerations and had a comprehensive study of the question undertaken. Part of this study was the histories of 100 women night workers in a cordage plant. Seventy-seven of these women were married and five were widowed. Seventy-five had children. These working mothers had 97 children. Their chief reason for working at night was that they could be at home during the day to care for their children. They also did their housework, cooked, and washed. They averaged four and a half hours of sleep a day.¹¹ The results of this study, together with other social and economic data available on the subject, were summed up as follows:

The objections to night work of women are many. Among the principal ones are the following: Lack of sunlight; lack of normal sleep; no compensation in the restless, interrupted sleep of day for the sleeplessness of night; the abnormality of sleeping by day; abnormal change in daily life; the destruction of home life; impossibility of properly caring for home and children; lack of restraining influences; day work besides the arduous night tasks.¹²

The commission, with this information before it, recommended that night work for women in factories be prohibited between the hours of 10 p. m. and 6 a. m. The purpose of the legislation was

⁸ New York Session laws, 1907, ch. 507, sec. 77.

⁹ New York. Department of Labor. Seventh annual report of commissioner, 1907, p. 51.

¹⁰ U. S. Department of Labor. Women's Bureau. The Employment of Women at Night. Bul. 64, 1928, p. 69.

¹¹ New York State Factory Investigating Commission. Second report, 1913, v. 2, pp. 489-458.

¹² *Ibid.*, p. 489.

clearly stated in the bill—"to protect the health and morals of females employed in factories." It was hoped thereby to meet the constitutional difficulties that led to the overthrow of the law of 1899.

The commission justified the enactment of a new law for two reasons: "First, because an adequate period of rest at night is essential for the health of women employed in manufacture; second, because the provision of legal closing and opening hours is the only effective method of enforcing the limitation of hours." It was held that "no legitimate industry will suffer from this measure, urgently needed to protect the health of the workers and to assist the factory inspectors in the difficult task of enforcement."¹³

It is worthy of note that no objection to the bill was received from any source, though it was widely distributed. No one appeared at the legislative hearing in protest. On the contrary, the purpose of the bill was commended by physicians, workers, and manufacturers as well as by the general public. This bill became law in 1913.¹⁴

Extension of the night-work provisions to women in mercantile establishments, 1913 and 1914.

The same year a bill was introduced prohibiting work for women in mercantile establishments between 6 p. m. and 7 a. m. in cities of the second class and between 10 p. m. and 7 a. m. elsewhere, except in towns of less than 3,000 population. It did not apply to Saturdays, provided the total weekly hours did not exceed 54 in cities of the second class nor 60 hours elsewhere. A Christmas exemption was allowed, as usual. Since the stricter hours provisions applied only to cities of the second class, this bill was not supported by the factory investigating commission nor by organizations particularly interested in such measures. Nevertheless, in the rush of labor legislation it was passed and became law.¹⁵

The following year the law was amended¹⁶ to prohibit the employment of all women in mercantile establishments after 10 p. m. and before 7 a. m. This law was the result of the recommendation of the factory investigating commission after a thorough investigation of the whole industry. The Saturday exemption was not continued, but the seven days before Christmas were left unregulated. Two more days with unlimited hours for stock taking were granted in 1915 by the legislature at the request of the retail merchants' association.¹⁷

Further extension of the night-work law.

As hours legislation was gradually extended to women employed in other industries, the night-work provisions as well as the daily and weekly limitations were made to apply. In 1917 women employed in or in connection with a restaurant in cities of the first or second class were prohibited from working between the hours 10 p. m. and 6 a. m. This law did not apply to women employed in or in connection with restaurants in hotels, nor to singers, performers, and attendants in ladies' cloakrooms and parlors.

¹³ *Ibid.*, v. 1, p. 212.

¹⁴ New York. Session laws, 1913, ch. 83. This legislation was upheld in 1924 by the Supreme Court of the United States in the case of *Radice v. New York*.

¹⁵ New York State Factory Investigating Commission. Third report, 1914, p. 58; and New York. Session laws, 1913, ch. 493.

¹⁶ New York. Session laws, 1914, ch. 831.

¹⁷ New York. Session laws, 1915, ch. 886.

Legislation of 1918 prohibited the employment of women over 21 as messengers between the hours of 10 p. m. and 7 a. m. The same prohibition was applied the following year to operators of elevators, but women over 21 employed in hotels were excepted and work might begin at 6 a. m. in an industry or business in which the employment of women between 6 and 7 was not prohibited. This same year women over 21 years of age engaged in certain occupations in the transportation services were prohibited from working between the hours of 10 p. m. and 6 a. m.

Exemption from the night-work law of women in newspaper offices and women printers.

Repeated attempts have been made to break down the night-work law, but in only two instances have they been successful—the case of women in newspaper offices and that of women printers.

Soon after the law was passed the group of women employed in newspaper offices as proof readers, linotypists, and monotypists began to protest against the application of the law to their employment. Each year they had a bill introduced into the legislature that would grant them an exemption from the night-work law. They claimed that they were being discriminated against in newspaper work because of the law, that wages were lower on the day shifts than on the night shifts, and that they were losing their seniority rights by being unable to accept night work.¹⁸ They were opposed by the industrial commission, the State federation of labor, the Women's Trade Union League, and the Consumers' League of the City of New York. The opposition contended that while the present bill affected fewer than 50 women it would provide a dangerous precedent that would react unfavorably upon the large body of women to whom the act as a whole applied.

In 1917 the women printers succeeded in pushing their bill through the legislature before the opposition got into action. The governor heard the appeal of the State federation of labor, the Consumers' League of the City of New York, and others and vetoed the bill.¹⁹

The following year considerable bitterness was aroused over this bill. Typographical Union No. 6 of New York City, the union to which the affected women printers belonged, asked the executive council of the State federation of labor to support the exemption of the printing women from the night-work law. The council refused on the grounds that the bill granted a special privilege to one industry and so provided a dangerous precedent for further exemptions, that it was too broad in its scope, and that it would take away from the women printers needed health protection.²⁰

According to the federation rules, this refusal to indorse the measure precluded Typographical Union No. 6 from giving it further legislative support. Despite rules to the contrary, the president of No. 6 and a committee of union women printers appeared in favor of the bill at the hearing and actively lobbied for it. The

¹⁸ New York. Department of Labor. Division of women in industry. The employment of women in newspaper offices as proof readers, linotypists, and monotypists. November, 1921.

¹⁹ Consumers' League of the City of New York. Unpublished report of executive committee, May 18, 1917.

²⁰ New York State Federation of Labor. Proceedings of convention, 1918, pp. 124 and 127.

bill finally was defeated through the efforts of the State federation of labor, the industrial commission, the Women's Trade Union League, and the Consumers' League of the City of New York.²¹

To prevent the recurrence of such an apparent split in trade-union ranks, the Women's Trade Union League called a conference of trade-union women representing 17 different unions, including Typographical Union No. 6, to thresh out the question of night work and legislation for women in general. This conference went on record as favoring not less but more industrial legislation for themselves.²²

When the bill was introduced the following year and succeeding years it no longer had the official support of Typographical Union No. 6. A new organization, the Women's League for Equal Opportunity, officered largely by printing women, took the field in behalf of this legislation. Its slogan was "Equal opportunity—industrially"; its purpose, to oppose all industrial legislation that did not apply equally to men and women. Undoubtedly the league had its inception in the early efforts of the printing women to obtain release from the night-work law. These women, while lobbying for their bill, found themselves at odds with other working women and representatives of organizations supporting increased legal protection for women in industry. At first they contented themselves with merely pushing their own measure. But when they found that it was inextricably bound up with the whole movement for industrial legislation for women they began to oppose each and every bill for the improvement of the working conditions of women that came before the legislature.

This opposition was particularly embarrassing in trade-union circles as long as these women officially represented their local union. When the printers' union withdrew its support from the bill, the Women's League for Equal Opportunity sprang into being,²³ and in 1920 this organization was successful in securing the passage of the night-work exemption for women printers. The tactics used by the legislative majority to pass the bill were roundly denounced by the legislative agent of the State federation of labor, who claimed that the bill never passed the senate.²⁴

Governor Smith vetoed the bill. In his accompanying memorandum he discussed the legal recognition of the need for night-work laws and the findings of the factory investigating commission as to the evils of night work for women, and then said:

I regard this proposed enactment as a distinctly backward step for the State of New York to take at a time when there is international recognition of prohibition of night work for women, as a health measure.

It is wrong to compromise with a principle. If we exempt printing establishments this year, we will be urged to exempt some other establishments next year, and gradually the statute will be so weakened as to make it useless.

This is not a matter of personal convenience to the people affected. It is a matter of interest to the people of the whole State. The United States Supreme Court in *Muller v. Oregon*, 208 U. S. 412, struck the keynote of the matter when it said, "As healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race."²⁵

²¹ *Ibid.*, p. 127.

²² *Ibid.*, p. 233.

²³ *Ibid.*

²⁴ New York State Federation of Labor. Proceedings of convention, 1920, pp. 7 and 8.

²⁵ New York. Public Papers of Governor Alfred E. Smith, 1920, p. 319.

The year 1921 saw the culmination of the efforts to repeal the night-work law as it applied to women proof readers, linotypists, and monotypists. The removal of all active opposition may have been a factor in this success. At the hearing before the joint committee on labor and industry the Women's Joint Legislative Conference took the position that inasmuch as the bill "covered so few workers, that these workers were protected by the union, that they were highly skilled, highly paid workers with an 8-hour day, it would not oppose their exemption from the night work law."²⁶ The State federation of labor did not change its position but it did not actively oppose the bill. The bill passed the legislature with large majorities and was signed by Governor Miller.²⁷

While the women printers were struggling to be exempted from the night-work law the women reporters and writers in newspaper offices became alarmed lest the law be interpreted to include them. In 1919 they had a bill introduced in the legislature specifically exempting them from the night-work law and the 6-day-week provision of the hour law. Since the department of labor had never interpreted the law as applying to these groups, the bill exempting them passed immediately without any opposition. By some curious oversight the mercantile law, not the factory law, was thus amended.

PROHIBITORY LEGISLATION

Most States have prohibited the employment of women in certain industries and under certain conditions. New York is no exception to this rule. There is a law on her statute books prohibiting the work of women in mines and quarries and a law prohibiting the selling of liquor by women. Women were early forbidden by law from cleaning machinery while in motion and from operating certain polishing and buffing wheels. Later they were prohibited from working for four weeks after giving birth to a child. The widespread substitution of girls and women for men during the war brought about the legal exclusion of the younger group from certain occupations considered morally hazardous.

The genesis of some of this prohibitory legislation is unknown. No records show how or why the law excluding women from work in mines or quarries was enacted.²⁸ Apparently it was a pet measure of some legislator which, while it might have had real purpose in a mining State, was practically without influence in New York. The statute passed in 1892 that prohibited women from selling liquor may have originated with the bartenders' union. It is known that in 1893, upon motion of a representative of this union, the American Federation of Labor passed a resolution demanding legislation to forbid the employment of females in any capacity in connection with saloons and other places selling liquor.²⁹ Whether the influences that brought about the passage of this resolution were the same that led to the enactment of the New York law is a matter of conjecture. The sources of other laws are more easily traceable.

²⁶ Consumers' League of the City of New York. Annual report, 1920, p. 6.

²⁷ New York. Session laws, 1921, ch. 50, sec. 2.

²⁸ *Ibid.*, 1906, ch. 375, sec. 133.

²⁹ American Federation of Labor. Proceedings of convention, 1893, p. 48.

Cleaning machinery.

The law of 1887 prohibiting females under 21 and minors under 18 from cleaning machinery in motion was the direct result of a recommendation by the factory inspectors.³⁰ They found that these inexperienced workers were likely to clean machinery while in motion in order to save time, with the result that their clothes often were caught in the wheels and belts, thus causing injury.³¹

The factory inspectors were supported in their recommendation by the workingmen's assembly and by the Society for the Prevention of Cruelty to Children. The bill passed at the session in which it was first introduced, although it was opposed by the manufacturers of the State.³²

Except for changes in penalties and a minor change in wording this law remains on the statute books as originally passed.

Buffing and polishing.

The prohibition of the work of women in the operation and use of buffing and polishing wheels was clearly brought about by the metal polishers' union. It was entirely unsupported, and was even opposed, by the factory inspectors, who ordinarily were sympathetic with measures for the improvement of working conditions or for the protection of health. These inspectors had early recognized the need for control of dusty trades. In 1887 they had published a lengthy article by Dr. Roger S. Tracy, sanitary inspector of the Board of Health of New York, showing the dangers to health of dusty trades, and had suggested that when manufacturers did not adopt the latest improvements in exhaust fans, blowers, and other such devices, they should be forced by law to do so. It was their opinion that most of the danger to health could be obviated by proper devices.³³

The legislature had carried out their suggestions in 1889 by passing a law³⁴ that required the provision of exhaust fans for carrying off dust from emery wheels, grindstones, and dust-creating machinery.³⁵ This law seemed to make for considerable improvement in the industry.³⁶ There was no concerted demand for further legislation until women began entering these trades in appreciable numbers. Then the metal polishers' union began to agitate for a law to prohibit the employment of women in an industry so fraught with danger to health. It did not show that the work was more dangerous to women than to men, nor did it attempt to secure remedial legislation to make the industry more safe for both women and men. By active lobbying the officials of the metal polishers' union, supported by the legislative agent of the workingmen's federation, secured without opposition in 1899 the passage of a bill³⁷ that they thought would eliminate women from the industry as a whole.³⁸

This law was opposed by the factory inspectors. They argued that while it was proper to restrict and limit the employment of

³⁰ New York. Session laws, 1887, ch. 462, secs. 11 and 20.

³¹ New York. Factory Inspectors. First annual report, 1886, p. 21.

³² Fairchild, F. R. Factory Legislation of the State of New York. Publications of the American Economic Association, 3d series, 1905, v. 6, No. 4, p. 49.

³³ New York. Factory Inspectors. Second annual report, 1887, p. 68.

³⁴ New York. Session laws, 1889, ch. 560, sec. 12.

³⁵ New York. Factory Inspectors. Fourth annual report, 1889, pp. 18 and 19.

³⁶ *Ibid.* Sixth annual report, 1891, p. 54.

³⁷ New York. Session laws, 1899, ch. 375.

³⁸ Metal Polishers, Buffers, Platers, and Brass Polishers' Union. Journal, v. 8, 1899 pp. 262 and 847.

women it was not proper to prohibit their labor in certain fields, particularly in one in which their service was "as valuable, as effective, and as well paid for as that of men."³⁹

To the chagrin of the metal polishers, these inspectors held that the law as passed prohibited the employment of women only on polishing and buffing wheels and did not cover all polishing operations. When this interpretation was upheld by the attorney general the union immediately began to agitate for an amendment to the act so that it would prohibit the employment of women in all branches of the industry.

It was partially successful in this attempt in 1903. In this year a bill was passed prohibiting the employment of women in these occupations on all processes in which the baser metals or iridium were used. Processes involving the finer metals were exempted because of the active opposition of the jewelers,⁴⁰ who claimed that they had skilled women polishers doing the finer grades of work under healthful conditions. These women could not be replaced satisfactorily by men. The legislature acceded to their request for an exemption.⁴¹

The rapid turnover of male employees during the war made the employment of women at metal polishing particularly desirable. A bill was introduced and passed in 1919 permitting their employment by rule or regulation of the industrial commissioner. A hearing was given by Governor Smith at which representatives of the metal polishers' union and the legislative representative of the State federation of labor opposed the measure, and Mark Daly, legislative agent of the Associated Industries, spoke in its favor.⁴² The governor vetoed the bill, for the following reasons.

I believe the statute as it now stands is a very salutary one, which protects the health of the women workers. I am unwilling that any board or commission should be permitted to make exceptions to the statute, because I believe that the nature of the work is such as would tend to undermine the health of women.⁴³

The special legislative committee appointed to recodify the labor law recommended in 1921 an amendment to the law of 1899 to the effect that women over 21 years of age could be employed "in operating such wheels for wet grinding under conditions specified by the industrial board in its rules." Although opposed by the metal polishers and the State federation of labor, this recommendation became law.⁴⁴ So far the industrial board has made no rules governing the conditions under which this work may be carried on and the amendment remains inoperative.

Employment immediately after childbirth.

The New York prohibition of labor of women immediately after childbirth was given its initial urge by Dr. C. T. Graham-Rogers, medical inspector of factories, when in 1909 he suggested that in conformance with European practice such labor be prohibited for four weeks after confinement.⁴⁵ In 1910 he called attention to the

³⁹ New York. Factory Inspectors. Fourteenth annual report, 1899, p. 35.

⁴⁰ New York. Department of Labor. Third annual report of commissioner, 1903, p. 60.

⁴¹ Idem.

⁴² New York State Federation of Labor. Proceedings of convention, 1919, p. 127.

⁴³ New York. Public Papers of Governor Alfred E. Smith, 1919, p. 180.

⁴⁴ New York. Session laws, 1921, ch. 842.

⁴⁵ New York. Department of Labor. Ninth annual report of commissioner, 1909, p. 79.

close connection between infant mortality and the employment of women. The mortality was highest in towns where the largest proportion of women were employed in manufacturing. He gave as causes industrial labor injuries to the expectant mother or her exposure to various poisons that might affect the health of the child, substitution of artificial feeding for breast feeding, and neglect.⁴⁶

That medical men in general were in agreement with Doctor Graham-Rogers is evidenced by the number of articles appearing about that time in the leading medical and economic journals stressing the evils of employment of mothers immediately before and after childbirth. The comprehensive study of infant mortality made by Dr. George Newman and published in 1906 showed the relationship between infant mortality and the employment of the mother.⁴⁷ This study had a profound effect upon laymen as well as upon the medical profession.

The Consumers' League of the City of New York in 1911 became interested in the general subject of legislation regulating the employment of mothers before and after childbirth and addressed letters to the leading pediatricians and health officers, asking their opinion as to the advisability of legal prohibition of such employment. Extensive research of published material on the question also was carried on. The data gathered were conclusive enough to support legislation, but legislative activities affecting larger numbers of women pushed the subject into the background.⁴⁸

The factory investigating commission, in its early efforts to obtain suggestions from representative employers, labor leaders, and citizens "for improving the conditions under which manufacturing was carried on," sent out a questionnaire. Among the questions was this: "How should the employment of women be prohibited immediately before and after childbirth?"⁴⁹

The wording of the question required a suggestion of method of prohibition rather than advisability of such legislation. It may have been this requirement that led to the paucity of the answers. Of the 45 persons who replied to the questionnaire, in whole or in part, only 3 tried to answer this particular question. One, a city health officer, advocated prohibition of employment during pregnancy and for one year thereafter; another, a layman, suggested prohibition three weeks before and three weeks after childbirth; and a third, at one time labor commissioner, gave the only answer to the question of method by suggesting a fine for the employer who knowingly employed a woman immediately before or after childbirth.⁵⁰

In proposing legislation the commission apparently was guided largely by what it called "a matter of common knowledge that women who have to deny themselves rest and care during the last few weeks of pregnancy, and the first few weeks after confinement, are very liable to suffer from hemorrhage and chronic uterine diseases."⁵¹ It accepted, too, the generally recognized relationship between infant mortality and the employment of the mother. Legisla-

⁴⁶ *Ibid.* Tenth annual report of commissioner, 1910, p. 78.

⁴⁷ Newman, George. *Infant mortality*. London, Methuen & Co., 1906.

⁴⁸ Consumers' League of the City of New York. Unpublished records, 1911.

⁴⁹ New York State Factory Investigating Commission. Preliminary report, 1912, v. 1, pp. 588 and 593.

⁵⁰ *Ibid.*, pp. 600-602 and 647-649.

⁵¹ *Ibid.*, pp. 99-100.

tion enacted in foreign countries and in Massachusetts served as a guide. The commission appreciated the difficulty of enforcing legislation of this character, particularly that applying to the period before childbirth, and therefore adopted the suggestion of the chief medical inspector of factories that the English law be followed; that is, that employment be prohibited only for the four weeks after confinement.⁵² This proposed legislation aroused little discussion. It passed the legislature without opposition in 1912.⁵³

Messenger, transportation, and elevator service.

Shortage of labor during the war led to the employment of girls and young women in new and unregulated occupations that commonly were considered morally hazardous. The New York Child Labor Committee and the Consumers' League of the City of New York were largely instrumental in having the law of 1918 provide that no female under 21 should be employed as a messenger for a telegraph or messenger company.⁵⁴

The transportation law enacted the following year, at the insistence of the Women's Joint Legislative Conference and many other organizations, prohibited the work of women under 21 in, or in connection with, the operation of railways.⁵⁵ This same year, 1919, females under 18 were prohibited from operating or caring for elevators.⁵⁶ There was practically no opposition to the provisions of this war-time legislation. All groups were convinced of the wisdom of protecting young girls from such clearly recognized hazards.

REGULATION OF CERTAIN OCCUPATIONS

In addition to prohibiting the work of women in certain industries and under certain conditions, the laws of New York regulate most specifically the conditions of their employment in mercantile basements and in foundries.

Work in mercantile basements.

The law regulating the employment of women and children in mercantile basements was passed in 1896 upon recommendation of the Reinhard committee. It was first proposed by the Working Women's Society, to remedy the evils of long hours of work in ill-lighted and ill-ventilated basements.

The Reinhard committee was convinced by its visits and inquiries that there were basements of retail stores that were damp, badly ventilated, and without proper lighting facilities. The committee agreed that work in such places was injurious to the health of the employees. It did not feel justified in recommending an absolute prohibition of employment in basements, but it did recommend that before women or children could be employed in a mercantile basement the employer must have a permit from the local board of health. Such permission was to be granted only when the basement was suf-

⁵² *Ibid.*, p. 100.

⁵³ *Ibid.*, 1912, ch. 331.

⁵⁴ *Ibid.*, 1918, ch. 434, sec. 161-c.

⁵⁵ New York. Session laws, 1919, ch. 583.

⁵⁶ *Ibid.*, ch. 544.

ficiently lighted and ventilated and in all respects in the sanitary condition necessary for the health of the employees.⁵⁷

These recommendations were embodied in the mercantile act of 1896,⁵⁸ which did not apply to towns of less than 3,000 population. The only important amendment to this law was in 1924, when it was extended to cover basement employment in restaurants.⁵⁹

In 1908, when enforcement of the mercantile law in cities of the first class was transferred to the bureau of mercantile inspection of the department of labor, it was further enacted that permission to employ women and children in mercantile basements in these cities must be secured from the bureau of mercantile inspection instead of from the local boards of health.⁶⁰ The power of this bureau was extended to second-class cities in 1913, with the enforcement of the mercantile-hours legislation in cities of this class.⁶¹ When the labor law was recodified in 1921 the power still vested in the health authorities in the smaller cities was transferred to the labor commissioner. The enforcement of the act as a whole has from that time on been in the hands of the labor department officials.⁶²

Core making.

Legislation regulating the employment of women in core rooms was framed by the factory investigating commission and passed by the legislature upon its recommendation. Apparently the only agitation that led to the passage of this measure came from the organized molders.

As early as 1910 the workingmen's federation, on behalf of the molders, secured the introduction of a bill prohibiting the employment of women at core making in the foundries of the State. At the hearing on this bill support was limited to the molders' representatives and to the legislative agent of the federation.⁶³ A number of foundrymen appeared in opposition. Although they were not represented at the hearing, the legislative committee of the Consumers' League of the City of New York opposed the bill, for the reason "that cores for metal castings may be manufactured under good conditions if the process is not carried on in a general foundry."⁶⁴

The labor and industries committee of the assembly refused to report the bill, on the ground that there was no general demand for a measure of this kind, for only 174 women were employed in the foundries of the State.⁶⁵

The molders intended to reintroduce their bill in 1911 but were deterred by the action of the International Molders' Union. When asked for support of the measure by the New York locals, the international had turned the bill over to its counsel for advice. He advised that if such a bill were passed it certainly would be declared unconstitutional. The international therefore suggested that the

⁵⁷ New York. Assembly documents, No. 87, 1896, v. 1, pp. 39-40. Report of special committee of the assembly to investigate the condition of female labor in the city of New York.

⁵⁸ New York. Session laws, 1896, ch. 384, secs. 7, 11, and 12.

⁵⁹ *Ibid.*, 1924, ch. 486, sec. 383.

⁶⁰ *Ibid.*, 1908, ch. 520.

⁶¹ *Ibid.*, 1913, ch. 145, sec. 173.

⁶² *Ibid.*, 1921, ch. 50, secs. 201, 383, and 391.

⁶³ New York State Federation of Labor. Proceedings of convention, 1910, p. 94.

⁶⁴ Consumers' League of the City of New York. Unpublished report of the committee on legislation, April, 1910.

⁶⁵ New York State Federation of Labor. Proceedings of convention, 1910, p. 94.

bill be dropped. This the New York locals were loath to do. They interested the factory investigating commission in conditions in the molding industry as a whole, and then laid before it the so-called evils of the employment of women in the industry.⁶⁵

Preliminary investigation led the commission to report as follows:

"The occupation is an arduous one, and the workers during the day are exposed to marked changes in temperature. The washing facilities are bad. The system of ventilation in many of the foundries is entirely inadequate. The result is shown by the number of molders suffering from rheumatism, pulmonary diseases, and kidney trouble." It was found that women work "under exactly the same condition and with the same surroundings as the men. They are subjected to the fumes of gas and to smoke. This work means severe manual labor, and altogether the occupation seems to be a most dangerous one for a woman in so far as her health is concerned."⁶⁷

The commission gave as its opinion that the employment of women in the foundries of the State should be prohibited; that their employment in the industry was not only a great injury to themselves but it was a "menace to posterity, and should not be tolerated by any civilized community."⁶⁸

During the next year the commission made a more extended investigation of foundry conditions. Its investigations and deliberations led to the formulation of a tentative draft of a bill strictly regulating, rather than prohibiting, the employment of women in the industry. The commission still believed that foundry work was not suited to a woman, but an appeal from women working in the industry, as well as the constitutional difficulties, led it to attempt regulation rather than exclusion.

The bill read as follows:

No female shall be employed or permitted to work in any brass, iron, or steel foundry, at or in connection with the making of cores where the oven in which the cores are baked is located and is in operation in the same room or space in which the cores are made. The erection of a partition separating the oven from the space where the cores are made shall not be sufficient unless the said partition extends from the floor to the ceiling, and the partition is so constructed and arranged and any openings therein so protected that the gases and fumes from the core oven will not enter the room or space in which the women are employed.⁶⁹

Two public hearings were held on this proposed legislation, which foundrymen and labor organizations throughout the State were urged to attend and to give the commission the benefit of their criticism.

The molders argued for total exclusion of women from foundries, because a foundry was no place for women, the molders as a class were too rough for women to work with, the work was too dirty and too arduous. It was evident, however, that the real motivating force was economic. They were opposed to women making small cores principally because the lower wage acceptable to women would lead to

⁶⁵ O'Connor, D. W. Foundry Legislation in New York State. *International Molders Journal*, April, 1913, pp. 272-284. "The original cause of the molders here (New York) 'starting things' was a desire to eliminate the female core maker from the foundry, a bill for such object falling in the session of 1910, but such agitation 'evolved' into a movement having for its object the benefit of all molders."—p. 272.

⁶⁷ New York State Factory Investigating Commission. Preliminary report, 1912, v. 1, p. 107.

⁶⁸ *Idem*.

⁶⁹ New York State Factory Investigating Commission. Second report, 1913, v. 1, p. 398.

the gradual displacement of men in the core-making process as a whole. This was made quite clear by one witness representing the organized molders. He told of a firm that had introduced women on the plea that "they only wanted these girls to make these little bits of cores"; they would not "take the place of men" but would only "eliminate the boys." The union agreed to this, with the consequence that "To-day those girls are using these monstrous rammers and making cores of great size * * * and there are very few men there now." He went on to say that women were not paid in proportion to their output and legislation regulating conditions of work would not secure them such payment.⁷⁰

Another molder, in response to an employer's statement that it was difficult to find boys to do the core making, testified that there was no real difficulty in getting boys to do this work; "but," he added, "the wages the boys get and the men get, are superior to the women * * *. The wages of these girls run from three dollars and a half to six dollars provided they work hard, and the boys used to get fourteen to fifteen dollars a week, and that is the reason they [women] are employed, and I don't see any reason unless it is the lower wage."⁷¹

That this man and other witnesses made this point clear is evidenced by the retort of the chairman of the commission, Robert F. Wagner, "I think everybody agrees with that."⁷²

Later in the testimony, Abram I. Elkus, counsel to the factory investigating commission, emphasized this fact still further by interrupting an employer's statement with, "It has been shown that because women work for so much less wages, that while you now are working them on very small cores, the inevitable tendency will be to put them on larger and larger ones."⁷³

The molders' contention that women should be excluded from foundries was supported by Doctor Fronczak,⁷⁴ health officer of Buffalo, and Dr. C. T. Graham-Rogers,⁷⁵ medical inspector of factories for the department of labor, both of whom held that the work was too dusty and too dirty for women. Labor Commissioner Williams also testified that he was opposed to the employment of women in foundries.⁷⁶

All the foundrymen who employed women were opposed to the measure. They said it was so framed as practically to exclude women from core making. Their opposition to exclusion, according to their testimony, was apparently just as altruistic as that of the molders. They wished to give women the "opportunity" to work in core rooms. They held that the work was neither unhealthful nor arduous. In addition, some stressed the difficulty of getting boys to do the small core making and others the better service rendered by the women. When pressed by the commission, the representative of the members of the National Founders' Association in New York

⁷⁰ Ibid., v. 3, pp. 933-935.

⁷¹ Ibid., p. 921. For further testimony of molders see v. 3, pp. 906, 924, and 930 and v. 4, pp. 1809 and 2110-2111.

⁷² Ibid., v. 3, p. 921.

⁷³ Ibid., p. 937.

⁷⁴ Ibid. Second report, 1913, v. 4, p. 1787.

⁷⁵ Ibid. Preliminary report, 1912, v. 2, p. 205.

⁷⁶ Ibid. Second report, 1913, v. 3, p. 127.

admitted that the lower wages for which women could be obtained was the ruling factor in determining their employment.⁷⁷

One employer made a clear case for the opposition when he stated that—

A measure of this kind when made practicable and workable, as far as conditions pertaining to the health of the individual is concerned, should be applicable to men as well as women. Certain features of this bill appear to be framed in such a way as to exclude women entirely from the core-making privilege, in face of the fact which is now fully established that light core making, under proper conditions, is entirely fitting work for women to perform and is one of the few occupations where she can honorably secure a wage return equivalent to that which men receive in the same employment.⁷⁸

In its final report the commission frankly stated that it still believed that a foundry was no place for a woman and that it would have been better if they had not started to work there. But since 300 women had been trained to this work it did not wish to take the responsibility of denying them their jobs. Therefore it advocated sufficiently stringent regulations of women's work to prevent the extension of their employment. It believed that these regulations would in a few years result in the complete elimination of women in foundries.⁷⁹

The bill, substantially in its original form, was recommended to the legislature for passage. At the hearing before the joint legislative committee on labor and industries the representative of the foundrymen asked for permission to file a brief.⁸⁰ There was no further opposition and no voice in support unless general indorsement of all the bills of the commission by such organizations as the consumers' league, the New York Federation of Churches, and the State federation of labor may be considered to apply specifically to this legislation. The bill became law in 1913.⁸¹

The industrial board was empowered to adopt rules and regulations governing the construction, equipment, and operation of core rooms and the size and weight of cores that might be handled by women. Such rules and regulations were adopted in 1915. Aside from specific provisions governing construction, the following are the rules adopted:

No female shall be allowed to handle cores which have a temperature of more than one hundred and ten (110) degrees Fahrenheit. (Rule 584.)

No female shall be permitted to make or handle cores when the combined weight of core, core box and plate at which she is working exceeds twenty-five (25) pounds. (Rule 585.)⁸²

SEATING LEGISLATION

The first labor legislation for women in New York State was the law of 1881⁸³ that provided that all employers of women in any mercantile or manufacturing business or occupation must provide and maintain suitable seats for the use of women employees and permit the use of such seats to the extent reasonable for the protection of

⁷⁷ *Ibid.*, v. 3, pp. 827-829; and v. 4, pp. 2068 and 2096-2100.

⁷⁸ *Ibid.*, v. 3, p. 807.

⁷⁹ *Ibid.*, v. 1, pp. 261-263.

⁸⁰ *Ibid.*, v. 4, p. 2306.

⁸¹ New York. Session laws, 1913, ch. 464.

⁸² New York. Department of Labor. Industrial Board. Bulletin No. 10, 1915, pp. 10-11.

⁸³ New York. Session laws, 1881, ch. 298, secs. 1 and 2.

health. This act, passed at the instigation of the workingmen's assembly, was so loosely drawn that it was impossible of enforcement. Every few years groups would attempt to secure convictions under it, but in vain. In the early nineties the Working Women's Society took up the cudgels in behalf of this legislation. As a result of an inquiry into working conditions of women in stores it reported as follows:

We find the law requiring seats for saleswomen generally ignored; in a few places one seat is provided at a counter where 15 girls are employed, and in one store seats are provided and saleswomen fined if found sitting.⁸⁴

The Consumers' League of the City of New York, formed to aid the Working Women's Society in securing better working conditions in stores, made the observance of this law one of the standards of a "fair house." A firm that did not observe it could not have its name on the "white list."

Except for the few firms on the "white list," employers violated the law on every hand. In 1894 the consumers' league, cooperating with the City Improvement Society, urged the district attorney to bring a suit against certain firms that refused to comply with the law, and offered themselves as witnesses. The district attorney advised that the law was so loosely constructed that it would be useless to attempt to secure a conviction under it.⁸⁵ Thereafter, efforts were centered upon securing passage of the proposed act to regulate the employment of women and children in mercantile establishments. One of its provisions was that employers in mercantile establishments be required to provide seats to the number of at least one to every three women employed and that women be permitted to use these seats at reasonable times.

This bill was later turned over by the legislature to the Reinhard committee for recommendations. After investigation of store conditions and hearing testimony from store employees the committee was of the opinion that the provision of seats was of the "highest importance" to the health of the females employed. They stated that "The testimony of the female employees demonstrated the fact that they themselves regard the necessity of sitting down at unemployed times during the day as imperative. The testimony of physicians is corroborative of the truth of the statements of employees" and "that some employers agreed with the employees and physicians."⁸⁶

Although it was the wholesale violation of the old statute that led friends of the working women to demand an amendment, their demand was reinforced by Mr. E. W. Bloomingdale, speaking for the Retail Dry Goods Association, who stated that a law providing for proper seats should be placed on the statute books and that he believed that most of the merchants of New York wanted such a law enforced.⁸⁷

The Reinhard committee recommended legislation requiring one seat for every three female employees, that the seats should be so placed that the employees could use them conveniently, and that they

⁸⁴ Consumers' League of the City of New York. Annual report, 1894, p. 4.

⁸⁵ *Ibid.*, p. 11.

⁸⁶ New York. Assembly documents, No. 97, 1896, v. 1, pp. 38-39. Report of special committee of the assembly to investigate the condition of female labor in the city of New York.

⁸⁷ *Ibid.*, v. 2, pp. 1807 and 1810.

should be permanent in character. Its recommendations were embodied in the legislation of 1896.⁸⁸ The new seating law applied only to mercantile establishments.⁸⁹ The unenforceable act of 1881 was in effect in factories until 1913, when it was replaced by the statute recommended by the factory investigating commission.

Prior to 1911 there was no public concern expressed in the lack of adequate seating facilities for women workers in factories. In that year the medical inspector of factories called attention to the frequent use of improvised seats, such as boxes, barrels, and boards. He suggested that a "suitable" seat should be defined as one that would permit the feet of an employee to rest comfortably on the floor and the back of which was set at an angle of not less than 100°.⁹⁰

The commissioner of labor also recommended that the seating law be amended to require the provision of adjustable seats, permanently secured at convenient locations. He deemed this amendment necessary to "simplify the problem of enforcement and remove ambiguity in the law" as well as to provide rest for women.⁹¹

The factory investigating commission agreed with the commissioner on the need for a better seating law for women in manufacturing establishments and for waitresses in hotels and restaurants. It found that "the continual standing of women in factories and manufacturing establishments is one of the worst features of a large part of their work. Women are required to stand in candy factories, laundries, textile mills and printing shops for hours at a time and often for the entire day. The effects of continuous standing upon the female organism are grave. Much of this standing is unnecessary, a great deal of the work could very readily be carried on in a sitting posture."⁹²

The commission found further that the existing law was too vague and indefinite to be of much use. It recommended that the law be amended by defining a suitable seat as one with a back at an angle of not less than 100° and by specifying that such seats be provided for women employed at all processes adapted to a sitting position.⁹³

This bill was rejected by the legislature as being too specific. It was revised, reintroduced, and enacted the following year. The new law provided that "suitable seats with backs where practicable" should be supplied.⁹⁴ The industrial board was given power to make rules and regulations prescribing the number and kinds of seats that should be provided and when they could be used.

The law of 1919 that regulated the hours of work for elevator operators also provided that "suitable" seats should be maintained for any woman operating or caring for an elevator and that she "should be allowed the use thereof at such times and to such an extent as may be necessary for the preservation of her health."⁹⁵

⁸⁸ New York. Session laws, 1896, ch. 884, secs. 6, 11, and 12.

⁸⁹ New York. Session laws, 1900, ch. 533. Waitresses in hotels and restaurants were brought under the provisions of the factory act in 1900.

⁹⁰ New York. Department of Labor. Eleventh annual report of commissioner, 1911.

p. 77.

⁹¹ *Ibid.*, p. 34.

⁹² New York State Factory Investigating Commission. Second report, 1913, v. 1, p. 213.

⁹³ *Ibid.* Preliminary report, 1912, v. 1, pp. 832-833.

⁹⁴ New York. Session laws, 1913, ch. 197.

⁹⁵ *Ibid.*, 1919, ch. 544, art. 12 A, sec. 177.

CHAPTER IV.—HISTORY OF LABOR LEGISLATION FOR WOMEN IN CALIFORNIA

HOURS LEGISLATION

Efforts to regulate hours prior to 1910.

As compared with other industrial States California was late in enacting hours legislation for women workers, but when enacted its 8-hour law for women was the first effective and the most comprehensive in the United States. When agitation for shorter hours by law began in most States, California industries, particularly the unskilled trades, were manned largely by Chinese. The comparatively small number of women employed did not present the need for special legislation that had been felt in the industrial States of the East. Where women competed with men, undercutting was prevented by bringing the women into the unions. Organization of the women workers, most of whom were native born, was not so difficult as it was in the congested manufacturing centers of the East, with their large percentage of foreign laborers. Furthermore, the struggle for existence was not so intense: wages and living conditions were better, life was easier, than among the working population of most of the States. Men far outnumbered women, and their tendency was to be chivalrous, to give women a chance, to treat them as equals. A demonstration of this tendency appears in an unusual provision of the California constitution, adopted in the convention of 1878-79. Article 20, section 18, provides that "No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession."¹

What prompted this early declaration of woman's right to work is not clear. There is no evidence that women had been refused admission to any trade or profession. It probably was a compromise measure inserted to satisfy those who urged constitutional provision for woman suffrage and that half the employees of the public printing office and half the clerical force in the public offices of the State be women.²

The only time this section of the constitution was successfully invoked was in connection with a San Francisco ordinance making it a misdemeanor for women to be employed as attendants in places where intoxicating liquor was sold. The ordinance was declared unconstitutional and promptly repealed.³

While it has not played an important part in court decisions there can be no doubt that the presence of this constitutional provision

¹ California. Constitution, art. 20, sec. 18.

² Eaves, Lucile. A History of California Labor Legislation. University of California. Publications in Economics, 1910, v. 2, p. 313.

³ Ex parte Magulre, 57 California 604 (1881).

had for years a deterring effect upon efforts to secure legislation governing the conditions of women's work.⁴

Though comparatively few women were employed in industry prior to 1890, interest in the conditions of their employment was not lacking. In 1888 an assembly of the Knights of Labor, composed entirely of women, called a mass meeting in San Francisco, with the mayor presiding, to consider ways of bettering conditions of the working women of the city, particularly those in the needle trades.⁵

The same year the State bureau of labor statistics made a study of "the condition of women who labor for a living."⁶ As a result of his investigations the commissioner of this bureau pointed out that sanitary conditions in many cases were bad, seating facilities were inadequate, proper protection from machinery was not afforded, and as an example of what might be done to remedy these conditions he quoted the Massachusetts statutes covering the same field. The commissioner was instrumental in having a law passed at the session of 1889 to improve industrial conditions.⁷ Sanitary conditions were regulated, ventilation was prescribed, basements and cellars were barred as work places if considered by the commissioner of the bureau of labor statistics as "unhealthy or unsuitable," dusty trades were brought under the supervision of the commissioner. These provisions all applied to both sexes. Another section of the law was to the effect that women employed in manufacturing, mechanical, or mercantile establishments should be provided with "suitable seats" and should be allowed to use them when they were "not necessarily engaged in the active duties" for which they were employed.⁸

Again, in its report for the years 1899-1900 the bureau considered in a general way the question of "female labor in the State of California."⁹ The commissioner deplored the low wages and long hours of women workers but feared that there was no hope in legislation as a method of relieving this condition because of the freedom-of-contract clause in the constitution. He suggested that the constitution of the State be amended to provide that the legislature "shall, by appropriate legislation, provide for the health and welfare of women wage earners in this State." With this amendment he thought hours legislation would be safe in California as it had been in Massachusetts, where a similar constitutional provision existed.¹⁰

Four years later the bureau again devoted a section of its report to "women and children wage workers."¹¹ From data gathered in the fall of 1904 in San Francisco and Oakland it was found that the hours of women employed in stores were 48 to 57½ a week, averaging 50¾ in dry-goods stores. The manufacturing average was 53 hours a week, but in bakery salesrooms, where the range was from 54 to 95 hours a week, the average was 68½ hours. The commissioner made no recommendations as to legislation but pointed out that the

⁴ Eaves, Lucile. *A History of California Labor Legislation*. University of California. Publications in Economics, 1910, v. 2, p. 316.

⁵ *Ibid.*, p. 315.

⁶ California. Bureau of Labor Statistics. Third biennial report, 1887-88, pp. 14-108.

⁷ Eaves, Lucile. *A History of California Labor Legislation*. University of California. Publications in Economics, 1910, v. 2, p. 315.

⁸ California. Session laws, 1889, ch. 5, secs. 1-5.

⁹ California. Bureau of Labor Statistics. Ninth biennial report, 1899-1900, pp. 35-46.

¹⁰ *Ibid.*, p. 46.

¹¹ *Ibid.* Eleventh biennial report, 1903-04, pp. 11-17.

law of 1901, limiting weekly hours of work of minors to 54, had brought about a reduction of hours for all persons employed in dry-goods and department stores.

The long hours of work of women in some industries, together with the possibility of hours legislation for women as a means of reducing hours for all workers, led the State federation of labor to take a chance on constitutionality and introduce an 8-hour bill for women. This was done in 1905 and again in 1906. No active campaign was made to secure the passage of these bills, and they died in committee.¹²

The 8-hour law of 1911.

Meanwhile organization among working women was spreading rapidly, and most of the unions in San Francisco had obtained the 8-hour day for their members. The proposal that this 8-hour standard be secured and extended by legislation was made in the summer of 1910 at a meeting of the Women's Union Label League, a small organization of union women and wives of trade-unionists. This suggestion met with the approval of the membership, and a delegation was sent to the meeting of the State federation of labor later in the year to obtain the indorsement and support of organized labor for an 8-hour bill for women.¹³

This federation, at its meeting in October, 1910, welcomed the proposal of the Women's Union Label League for three reasons: It gave organized labor an opportunity, first, to show a broad humanitarian spirit in seeking to obtain for unorganized women workers the benefits of shorter hours that the union men and women had secured by organization; second, to bolster up the 8-hour standard of the unions throughout the State; and third, to demonstrate the political strength of the labor movement.

Labor had a bill drafted and introduced soon after the legislature convened in 1911. Two other bills originating with the Democrats of Stanislaus County were introduced—one by Assemblyman Griffin, calling for a 10-hour day, and the other by Assemblyman Callahan, calling for a 9-hour day.¹⁴

The labor group saw that the Griffin bill, except for the 10-hour provision, was better than their measure, so they suggested that it be amended to an 8-hour bill. The author accepted the amendment and also one exempting the fruit and vegetable canners, the only real opponents of the bill who appeared before the assembly. The bill as amended passed the lower house without a vote being recorded against it.¹⁵ It provided for an 8-hour day and a 48-hour week for all women employed in manufacturing, mechanical, or mercantile establishments, laundries, hotels, restaurants, telephone and telegraph establishments or offices, or by express or transportation companies.

The bill did not find such smooth sailing in the senate. Before it could come to a vote the business interests of the State began to voice their objections. They demanded a hearing before the senate

¹² Eaves, Lucile. *A History of California Labor Legislation*. University of California. Publications in Economics, 1910, v. 2, p. 316; and California State Federation of Labor. Proceedings of fifth annual convention, 1905, p. 51.

¹³ Hichborn, Franklin. *Story of the Session of the California Legislature of 1911*. San Francisco, James H. Barry Co., 1911, p. 246.

¹⁴ *Ibid.*, pp. 246-248.

¹⁵ *Ibid.*, pp. 249-250.

committee on labor, capital, and immigration, to which the bill had been referred. Their request was granted. At the hearing both sides were represented in full force. Opposed to the bill were representatives of the laundry interests, hotel men, candy manufacturers, cotton-goods manufacturers, cracker manufacturers, and department-store proprietors.¹⁶ The chief arguments against the measure were presented by President Schlesinger, of the San Francisco Chamber of Commerce, Charles F. Oliver, representing the merchants of San Francisco, and a cotton-mill manufacturer. In general they conceded that the principle of the bill was highly commendable, but they held that in practice it would work hardship on the business interests and upon the women themselves. If passed, it would throw many women out of their jobs, and those who were retained would have their wages reduced.¹⁷

It has been said that the opposition was, on the whole, "blunderingly represented";¹⁸ that the arguments were not substantiated, and that a most "unfavorable impression" was created by the apparent "indifference of some of the speakers, particularly of a number representing department stores and candy manufacturers, to the well-being of their female employees."¹⁹

Labor forces were effectively marshaled by John I. Nolan, legislative agent of the San Francisco Labor Council. The most telling speeches in favor of the bill were made by the working women themselves, Hannah Nolan, of the laundry workers' union; Margaret Seaman, of the garment workers; and Louise La Rue, of the waitresses' union, being the chief speakers. Practically every union with a woman membership had a representative speak in favor of the bill. The women took their stand upon physiological, humanitarian, and economic grounds.²⁰ They argued that 8-hour legislation "would do much toward preserving the health of the working girl, thereby aiding in putting a stop to race suicide, better labor conditions among women generally, and cut down greatly the percentage of tuberculosis among girls."²¹ According to their labor friends, every argument of the opposition was "met and vanquished" by these women of the labor movement.²²

The Women's Christian Temperance Union went on record in favor of the legislation.²³

At the request of the employing interests a second hearing was granted by the senate committee, at which nothing new developed. The committee then proceeded to report the bill for favorable consideration by the senate. A bitter fight ensued to defeat the measure by amending it so that it would be clearly unconstitutional.

Seven roll calls were necessary before the bill finally passed the senate.²⁴

¹⁶ *Ibid.*, p. 252.

¹⁷ California State Federation of Labor. Proceedings of twelfth annual convention, 1911, pp. 80 and 93.

¹⁸ Hichborn, Franklin. Story of the Session of the California Legislature of 1911. San Francisco, James H. Barry Co., 1911, p. 252.

¹⁹ *Ibid.*

²⁰ California State Federation of Labor. Proceedings of twelfth annual convention, 1911, pp. 80 and 93.

²¹ Sacramento Bee, Feb. 17, 1911.

²² California State Federation of Labor. Proceedings of twelfth annual convention, 1911, p. 80.

²³ Sacramento Bee, Feb. 17, 1911.

²⁴ Hichborn, Franklin. Story of the Session of the California Legislature of 1911. San Francisco, James H. Barry Co., 1911, pp. 253-258.

Final passage was due almost entirely to the untiring efforts of John I. Nolan, legislative agent of the San Francisco Labor Council, E. A. Clancey, legislative agent of the building trades, and Maud Younger, a leading suffragist identified with the waitresses' union. Miss Younger's individual support was practically the only influence outside of labor circles that was brought to bear upon the legislature in favor of the 8-hour bill. Her affiliation with the waitresses' union led many people to class her support with that of labor, and the victory for 8-hour legislation is ascribed properly to labor alone.

The opposition, defeated in the legislature, then transferred its activities to the governor's office. The Merchants' Association, Board of Trade, and Chamber of Commerce of San Francisco, and the Women's Garment Association of San Francisco and Oakland, sent an appeal to employers' organizations throughout the State. It read as follows:

Do the retail storekeepers, merchants, and other employers of female labor realize that the bill limiting the hours of women's labor to 8 hours a day and 48 hours a week has passed the legislature, and that only the veto of the governor can prevent the bill from becoming a law? This law will cripple all retail business in the State, and drive out hundreds of manufacturers, and displace thousands of women wage earners. The governor has promised to set a day for hearing of arguments and protests, and we do confidently believe that the governor will veto the bill if the evil results of same are properly and promptly presented. Have all interested in your community individually and collectively immediately telegraph their protests to the governor and ask him to exercise his veto. Please bring the contents of this telegram at once to the attention of your principal merchants and others interested.²⁶

Telegrams and petitions came to the governor "by the wagon-load," but as the leader of the Progressive Party in the State he could not well veto a bill that organized labor considered "perhaps the most important labor law" ever passed in the State.²⁶

In signing the 8-hour bill, Gov. Hiram Johnson, in a statement that recited the economic arguments advanced against the bill, pointed out that these were the same that had been made by employers and some economists ever since the shorter-hours movement was inaugurated, that their predictions had not come true in other countries and States, and that there was no reason to believe that the situation would be different in California. He struck a popular note in his sentences: "Strong men, by unity of action, have obtained for themselves an 8-hour day. Shall we require greater hours of labor for our women?"²⁷

Extension of the 8-hour law in 1913.

No sooner was the law in effect than a case was taken to the courts. The defendant, a hotel proprietor, claimed that the statute violated the freedom-of-contract clause of the Federal Constitution and also article 20 of the State constitution prohibiting discrimination between the sexes in the pursuit of a business or profession; that the act was special, and was not uniform in its operation, since it applied

²⁶ Labor Clarion, Mar. 17, 1911.

²⁶ California State Federation of Labor. Proceedings of twelfth annual convention, 1911, p. 80.

²⁷ California. Journal of the Assembly, extra session, 1911, p. 2562. Statement of Gov. Hiram W. Johnson relative to assembly bill No. 248 [8-hour bill]; and Session laws, 1911, ch. 258.

to hotels but not to rooming or boarding houses doing the same class of business.²⁸

The trade-unions took up this complaint, which they interpreted as meaning that the law did not go far enough, and urged an amendment at the 1913 session of the legislature extending it to public lodging houses, apartment houses, hospitals, and places of amusement, and to the canning industry.²⁹ Opposition to this measure came primarily from the canneries and the hospitals. The active support of Katherine Philips Edson and Bessie Beatty succeeded in keeping the hospitals, with the exception of graduate nurses, within the provisions of the bill, but the canning industry was exempted before final enactment.³⁰

The same session of the legislature saw an effort made by the California State Federation of Labor to secure the enactment of an 8-hour law governing the work of men as well as of women.³¹ This action was due partly to the fear of an influx of unskilled labor with the opening of the Panama Canal, and partly to the unsuccessful efforts to gain a foothold for unionism in Los Angeles. Not succeeding in its legislative efforts, the federation made use of the initiative and referendum the following year. A bill providing for an 8-hour day for all persons was submitted to the people at the general election in November, 1914. This measure failed to carry.

The further extension of the 8-hour law by statute was in 1919, when it was made to cover elevator operators in office buildings. The bill was introduced at the request of the bureau of labor statistics because during the war women worked on elevators for the first time.³²

Regulation of hours by the Industrial Welfare Commission.

In addition to losing its fight for a general 8-hour law, labor received another defeat at the 1914 election, when a constitutional amendment validating an act establishing an industrial welfare commission was referred to the people and approved by a generous majority. This act, giving a commission of five wide powers to regulate the conditions of women's work, was bitterly assailed by labor as well as capital, but nevertheless it was accepted by the people as a proper safeguard of the women workers of the State. Since the main importance of the law is its minimum-wage provisions, the details of its passage will be outlined in that connection. It must be noted here, however, that this act gave the newly created commission power to regulate the maximum hours of labor of women and minors in any occupation, trade, or industry in the State, provided that the hours so set did not exceed the legal maximum of the 8-hour day and 48-hour week in the industries to which the hour law applied.³³

The industrial welfare commission has accepted the 8-hour-day and 48-hour-week standard for all occupations covered by the 48-hour

²⁸ *Miller v. Wilson*, 162 Calif. 687; aff. 236 U. S. 373.

²⁹ California State Federation of Labor. *What They Promise to Do for Labor*. Pamphlet, Oct. 7, 1912, p. 9.

³⁰ California. Session laws, 1913, ch. 852, secs. 2 and 4.

³¹ California State Federation of Labor. *Labor legislation pamphlet*, Feb. 15 1913,

p. 4.

³² California. Session laws, 1919, ch. 248.

³³ *Ibid.*, 1913, ch. 324.

law. In addition, it has sought to establish the 6-day week for all occupations. To do this the commission adopted three methods for limiting the number of days on which a woman could work in one week: Certain industries (laundry, mercantile, manufacturing, nut cracking and sorting, and labelers and office workers included in the orders covering canning and drying of fruit, fish, and vegetables) were forbidden to work on more than 6 days in any one week; other industries (unclassified occupations and hotels and restaurants) were allowed to work on 7 days if the individual woman worker's daily hours did not exceed 6; finally, the seasonal industries (fruit and vegetable canning, fruit and vegetable packing, and fish canning) were allowed to employ their women workers on the seventh day in emergencies if they increased their rate of pay. Through the industrial welfare commission orders, all women workers covered by the hour law and some women outside the hour law have obtained a limitation of the number of their working days.

The commission was given power to regulate hours in all occupations. The canning and packing industries, that had been powerful enough to secure exemption from the 8-hour law and its amendments, thus were under the jurisdiction of the commission. One of the most important pieces of work done by the commission has been in connection with these industries. By a gradual process their entirely unstandardized business has been brought to an acceptance of a basic 8-hour day and a 48-hour and 6-day week. Higher rates of pay for overtime work have tended to keep it in check. For certain occupations within the industries, such as labeling, dried-fruit packing, and office work, where there is no necessity for seasonal employment, no overtime has been allowed.

With the exception of domestic servants and agricultural workers, practically all women in California are working the 8-hour day and 48-hour week, or less, and in the few instances where overtime is permitted higher rates are secured.

Amendments exempting fish canners and pharmacists from the 8-hour law.

The California 8-hour law for women is unusually broad in its scope, and questions naturally have arisen as to its application. In two instances where there was doubt the matter was settled finally by amendments excluding the particular occupations from the provisions of the 8-hour law. The first of these amendments applied to the women employed in fish canning.

The fish canners were employing women longer hours than those allowed in the law. The State federation of labor protested this practice, contending that fish canning was covered by the 8-hour law and consequently no overtime was allowable. To settle the difficulty, the fish canners were instrumental in having a bill introduced in the 1917 legislature exempting their industry from the provisions of the 8-hour law. Labor opposed the measure before both the legislature and the governor, but it became law.²⁴

Another question as to the application of the 8-hour law was brought up by the women pharmacists. Hours of all persons "selling

²⁴ *Ibid.*, 1917, ch. 582; and California State Federation of Labor. Report on labor legislation and labor records of senators and assemblymen, 1917, p. 14.

drugs or other medicines or compounding physicians' prescriptions in any store, establishment, or place of business, where and in which drugs or medicines are sold, at retail, and where and in which physicians' prescriptions are compounded" were limited to 10 a day and 60 a week by legislative act in 1905.⁵⁵

No issue in which women were involved was raised by this law until after the passage of the 8-hour law in 1911. The commissioner of the bureau of labor statistics, the enforcing officer, then held that the 8-hour law applied to all women who sold merchandise, whether in a drug store or in any other kind of store. Since practically all women pharmacists combined selling with the putting up of prescriptions, it meant that the 8-hour law applied to them. While this ruling was never contested as far as the women were concerned, it was held by many that the 8-hour law did not supersede the earlier drug-clerk law. Nevertheless, women druggists enjoyed the 8-hour day by interpretation of the statute until 1925. In that year six or seven women pharmacists, led by Mrs. Bruce Phillips, a former drug-store operator, asked for an amendment to the drug-clerk law that would make it, and it alone, apply to hours of work of pharmacists. The rank and file of women pharmacists affected by the measure were opposed to it. Many of them were employed in hospitals for 8 hours a day, and they feared that under the proposed amendment they would be forced to work 9 hours, the standard of the drug-clerk law as amended in 1921. The Society of Registered Pharmacists also was opposed to the suggested change; it was believed that the amendment would open the door for other exemptions from the 8-hour law. But in order to get the support of the women pharmacists for another amendment that the men pharmacists wanted, the society finally agreed to support the proposed measure. Thus supported as a compromise by the organized pharmacists, despite the objections of the vast majority of the women workers, the amendment passed.⁵⁶ The hours of women pharmacists are now definitely governed by the drug-clerk law, which allows a 9-hour day.⁵⁷

NIGHT-WORK LEGISLATION

There is no night work law in California. Such regulation of night work as exists is by order of the industrial welfare commission.

California industries have never made it a practice to operate at night. Evening work was not uncommon prior to the enactment of the 8-hour law, but that legislation put an effective check on most of it.

Though night work in manufacturing establishments was practically nonexistent, the industrial welfare commission did not propose to let it gain a foothold in the future. The commission wished to set up and maintain an ideal industrial code in California, so in 1918 notice was served on employers manufacturing or contemplating manufacturing in that State that after January 2, 1919, work for

⁵⁵ California. Session laws, 1905, ch. 34.

⁵⁶ *Ibid.*, 1925, ch. 394.

⁵⁷ This material was secured by interview with Mr. Walter G. Mathewson, commissioner of labor statistics and industrial commissioner; Mr. Philip Weiss, secretary of the Society of Registered Pharmacists; Mr. Zeb, secretary, and Mr. Fletcher, inspector, of the State board of pharmacy.

women between the hours of 10.30 p. m. and 6 a. m., unless a permit had been obtained from the commission, was prohibited. Permits would be granted only for essential war work or where the process was continuous and night work a necessity.³⁸

Subsequent orders for the manufacturing industries had varying provisions for night work, but in the last order issued and still effective 11 o'clock was made the hour when night work would be considered to begin. When work is allowed under a permit, rates of pay must be at least one and a half times the day rate.³⁹

The same conditions were made to apply to the nut cracking and sorting industry when that was brought under an order in 1923.⁴⁰

Of the nine wage orders issued by the industrial welfare commission in 1919, four—fruit and vegetable canning, laundries, fruit and vegetable packing, and offices—prohibited the work of women and minors between the hours of 10 p. m. and 6 a. m., and manufacturing prohibited it between 11 and 6. Another, fish canning, required a higher rate of pay for women and minors working at night. Only three—mercantile, hotel and restaurant, and unclassified—had no provisions limiting night work.

Since 1919 there has been a retrogression. The night-work provision has been omitted from recent orders governing fruit and vegetable canning, green-fruit and vegetable packing, fish canning, and offices.

MINIMUM-WAGE LEGISLATION

Minimum-wage legislation in California was not the result of a popular demand for a remedy for underpaid labor. It was part and parcel of a program of social reform of a progressive governor with power enough to put through any legislation that he seriously advocated.

In 1912 Katherine Philips Edson, a prominent clubwoman who at the time was associated with the bureau of labor statistics, called the attention of Gov. Hiram Johnson to the low wages of women in California as brought out in a study made by the bureau in 1910.⁴¹

From comprehensive data covering all the leading occupations in the cities and larger towns of the State, it was found that, of the 37,204 women for whom wage data were obtained, 14,681, or approximately 40 per cent, were receiving less than \$9 a week.⁴²

Impressed with the need for remedy and the solution that Massachusetts was attempting to apply to a similar situation, the governor suggested that Mrs. Edson have a bill drafted along the lines of the Massachusetts Minimum-Wage Commission. This measure was introduced as part of his legislative program in 1913.

In the meantime a bill drafted by the National Consumers' League for legislative leaders in Oregon was introduced in the California legislature at the request of Helen Todd, a leading suffragist. Mrs. Edson saw that this bill, with certain amendments, was far better than the administrative measure, and she induced the governor to transfer his support to it. The new bill provided for an industrial

³⁸ California. Industrial Welfare Commission. Order No. 11, issued Nov. 2, 1918.

³⁹ *Ibid.*, Order No. 11-A, issued Jan. 30, 1923.

⁴⁰ *Ibid.*, Order No. 15-A, issued June 8, 1923.

⁴¹ California. Bureau of Labor Statistics. Fifteenth biennial report, 1911-12, pp. 81-458.

⁴² *Ibid.*, p. 458.

welfare commission of five, with power to fix wages, hours, and conditions of labor for women and minors. Penalties were provided for noncompliance with its orders.

At the joint public hearing of the senate and the assembly practically the only proponents were the representatives of the governor. The opposition was made up of representatives of organized labor, almost every union in which women were employed expressing disapproval.

Although organized labor was officially opposed to the bill and had expressed itself accordingly, it was too busy promoting other pieces of industrial legislation—workmen's compensation, compulsory insurance, and the 8-hour day—to devote much time to an active effort to defeat the measure. Similarly the employers of the State were so thoroughly engaged in fighting labor's legislative program that they paid almost no attention to the minimum-wage bill.

A few prominent employers were in favor of the legislation. The California Retail Dry Goods Association indorsed the bill; it had petitioned the governor to appoint a commission to investigate the question of women's wages. Ever since the report of the Chicago Vice Commission there had been considerable talk linking with vice the low wages in department stores. Merchants were quite sensitive about this and were willing to pay more in wages if by so doing they could shift the responsibility for wage conditions to the State.

The State federation of women's clubs and the Women's Christian Temperance Union formally indorsed the measure. No particular interest was displayed by any group, and the bill was put through by the administration in the last days of the session.⁴³

It was after the law was passed that the opposition came. Both labor and the employers became excited. The California constitution offered them a chance to discredit the law and render it practically ineffective, and they made the most of their opportunity.

The legislature that passed the minimum-wage law was not sure of its power to enact such a measure and so at the same time passed a constitutional amendment giving the legislature and its delegated body, the commission, the right to fix minimum wages. It was believed that this amendment, if ratified, would make it possible for the commission to proceed to determine wages without fear of having its every action held up in the courts on the plea of unconstitutionality.

The enabling act was submitted to the people at the general election, November, 1914. Each side had ample opportunity to prepare its case and present it. Labor carried on an active campaign through the labor press and on the public platform against the measure. The Los Angeles and San Francisco Chambers of Commerce, the California Merchants and Manufacturers' Association, and various other business organizations bitterly assailed the measure.

The supporters were not idle. The Progressive Party, which was then the dominant party in the State, made the amendment one of its major issues. The State Federation of Women's Clubs, with Mrs. Edson as chairman of the section on industrial relations, had

⁴³ California. Session laws, 1918, ch. 824; and Edson, Katherine Phillips. Statement to the women's organizations of California on the present status of minimum-wage legislation in this and other States, Apr. 22, 1922, p. 8.

been thoroughly aroused to support this legislation. Club women adopted slogans, such as, "Let us be our sisters' keepers" and "Employed womanhood must be protected in order to foster the motherhood of the race." The Women's Christian Temperance Union also was active with its membership and in church circles. The California Retail Dry Goods Association threw its support behind the amendment.

The leading arguments for and against the amendment to validate the law of the previous year were printed by the State for the information of the electorate. The proponents argued that the State had passed hours legislation for the benefit of its working women and it should now finish its job by assuring them proper working conditions and at least a living wage—

* * * a wage that insures for them the necessary shelter, wholesome food, and sufficient clothing. We know that the absence of this is the cause of ill health, lack of strength for a good motherhood, and frequently degeneracy and prostitution for the weakest. * * *

Forty per cent of the women and girls employed in our great State to-day receive less than \$9 per week. * * * Is \$4, \$5, \$6, \$7, or \$8 a week enough to provide a growing woman with proper living?

The most powerful reason for action at this time is to get the wage fixed before the opening of the Panama Canal, when the great horde of cheap labor from southern Europe will come to lower the California standard of living and tend to bring the American and native born down to the living conditions entirely foreign to us and to the California ideal of necessary comfort. * * *

Many employers in California pay good wages, but less kindly employers undersell the better ones because they pay lower wages. These unfair employers will be compelled to come up to the standard set by the commission and thus be placed in a position where they will be on the same competitive basis as the employers who are to-day giving their employees "proper conditions."

With adequate food and comfortable housing, the workers will be more efficient and can give better value for the money received.

Interstate competition will not be a considerable factor, as Oregon and Washington have similar commissions and are controlling their conditions of industry as in California.⁴⁴

The arguments of organized labor against the measure were these:

Any minimum established by law would certainly be lower than that established by the unions, thus tending to undermine the union scale and reduce wages.⁴⁵

Such legislation, besides being in itself impracticable, would prove a detriment to the only practical method of improving the conditions of the working women, namely, organization.

Any attempt on the part of the State to regulate wages * * * would be an unwarranted invasion of the right of the workers to determine that question for themselves.⁴⁶

Women are fitted to perform, without previous experience and study, but very few avocations.

In many cases a woman without experience is helpless, while if given time and an opportunity she readily becomes useful and a valuable worker.

To fix a wage arbitrarily, and say unless paid this sum she shall not be employed at all, takes from her the opportunity many times to any employment whatever and the help, encouragement, and assistance of those employers who otherwise would give her a chance.

There is as much difference in the capacity and ability of different women as of different men—either may be in such condition, mentally or physically, as to need great care and attention before they can adapt themselves to any

⁴⁴ Amendments to constitution and proposed statutes, with arguments respecting the same, to be submitted to the electors of the State of California at the general election on Tuesday, Nov. 3, 1914. State Printing Office, California, 1914.

⁴⁵ Const Seaman's Journal, Jan. 22, 1913.

⁴⁶ Ibid., Apr. 2, 1918. See also Labor Clarion, Dec. 27, 1912.

kind or character of employment. These people need especial care and well-directed persevering effort to bring them to such condition that they are of any value as help. They therefore should be encouraged, not discouraged, in their endeavors to be self-supporting, or at least partially so. A fixed minimum wage destroys all their opportunities."⁴⁷

The employers' objections were along the following lines: The law does away with the right of the employer to regulate pay according to ability; fewer women would be employed; labor costs would be increased and the State subjected to unfair interstate competition.⁴⁸

After a wide educational campaign the people were called upon to vote. The amendment carried by 379,311 to 295,109.⁴⁹

San Francisco, the stronghold of both organized labor and organized capital, showed a majority of over 5,000 against the measure, while Los Angeles County, a nonunion center, gave 60,000 of the more than 80,000 majority in the State. The clubwomen's vote was distinctly evident in this disproportionate showing in favor of the amendment.

With this popular indorsement the commission proceeded with its work of determining wages and working conditions. Its rulings with reference to hours of work have been considered. In addition, minimum-wage rates were established for women employed in practically all the industries of the State.

As need has arisen the commission has secured amendments to the law creating it that have tended to strengthen its work. Only one amendment opposed by the commission has become law and that was the striking out of the specific appropriation stated in the organic act.⁵⁰ Under this condition it would be possible for a hostile administration to stop the work of the commission by refusing to vote money for its continuance. Organized labor as a whole is still unfriendly, but many of the business organizations and the public in general appreciate the progress that the commission has made in building industrial standards for the State. Ever since the United States Supreme Court declared unconstitutional the minimum-wage law of the District of Columbia, the commission has been handicapped in the administration of the minimum-wage features of the California law by the uncertainty surrounding the constitutionality of all mandatory minimum-wage laws. But since its own law has not been passed upon adversely by the highest court, the industrial welfare commission continues to function to the best of its ability.

SEATING AND WEIGHT-LIFTING LAWS

In creating the industrial welfare commission the legislature shared with that commission law-making functions with reference to women's work that in most States are carefully preserved by the legislative body. Not only is the commission empowered to regulate the hours of women's work, as long as it does not exceed the statutory limits, and to fix minimum wages, but it may regulate "the

⁴⁷ Amendments to constitution and proposed statutes, with arguments respecting the same, to be submitted to the electors of the State of California at the general election on Tuesday, Nov. 3, 1914. State Printing Office, California, 1914.

⁴⁸ San Francisco Bulletin, Oct. 30, 1914.

⁴⁹ California Blue Book, 1913-1916, p. 427.

⁵⁰ California. Session laws, 1923, ch. 291.

conditions of labor" in so far as they affect the health and welfare of women and minors. The commission has made several moves in this direction, the most important of which are the weight-lifting and seating regulations, both of which supplement laws on the subject.

Seating.

A seating law was the first recognition by the State of California of a need for special legislation for women. A law passed in 1889 required that women employed in manufacturing, mechanical, or mercantile establishments should be provided with "suitable seats" and should be allowed to use them when they were "not necessarily engaged in the active duties" for which they were employed.⁵¹

The commissioner of the bureau of labor statistics was responsible primarily for the passage of this act, after a study of industrial conditions affecting women. He reported to the legislature that seating facilities were inadequate and later suggested a bill to remedy the conditions.⁵²

Compliance with the act seems to have been general. Seats of some sort were supplied, but frequently they were not of sufficient comfort nor provided in adequate numbers to carry out the intent of the law.⁵³ An attempt was made to provide a sufficient number of seats by the amendment of 1903, which prescribed that there should be not less than one seat for every three females employed.⁵⁴

In 1911 the seating law was made to apply to all establishments employing women, and instead of requiring one seat for every three female employees it required seats for all women workers.⁵⁵

The industrial welfare commission has done what the legislature would have found it difficult to do—that is, defined the term "suitable seats." It has ordered that seats meeting its specific requirements be maintained in canneries, factories, laundries, and mercantile establishments, and by doing away with makeshift seats, many of which were worse than useless, it has obtained for women workers the relief from fatigue that the more general law attempted but never secured.

Weight lifting.

The lifting or carrying of heavy burdens was first prohibited by the industrial welfare commission in canneries in 1916, and during the next four years this prohibition was extended to factories, laundries, and mercantile establishments. The agricultural order issued in 1920 specified 25 pounds as the maximum weight that any woman should be required or permitted to lift or carry.⁵⁶

Except in rare instances the commission has ruled that any weight over 25 pounds should be considered excessive. This weight, therefore, may be considered the maximum allowed in practically all the occupations regulated by the commission.

This being true, it is difficult to understand why the State federation of labor put through the legislature of 1921 a law regulating

⁵¹ *Ibid.*, 1889, ch. 5, sec. 5.

⁵² California. Bureau of Labor Statistics. Third biennial report, 1887-88, pp. 101-108.

⁵³ *Ibid.* Eleventh biennial report, 1903-04, p. 10.

⁵⁴ California. Session laws, 1903, ch. 12, sec. 5.

⁵⁵ *Ibid.*, 1911, ch. 258, sec. 2.

⁵⁶ California. Industrial Welfare Commission. Order No. 14, issued May 25, 1920.

heavy lifting and carrying by women.⁵⁷ This law, which passed without discussion or dissension, provides that the lifting or moving by women of boxes, baskets, or other receptacles or bundles weighing 75 pounds or over in any mill, workshop, packing, canning, or mercantile establishment, be prohibited unless equipped with pulleys, casters, or other contrivances so that they can be easily moved.⁵⁸

Legally, then, until the industrial welfare commission reissues its orders governing weights, the maximum weight that a woman may be required to lift or carry is 75 pounds in all industries, but practically the commission is still able to enforce its 25-pound limit.

⁵⁷ California State Federation of Labor. Proceedings of twenty-second annual convention, 1921, p. 87.

⁵⁸ California. Session laws, 1921, ch. 903, sec. 12.

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* Supply exhausted.

