

ENTRY 17

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~~Dr. Williams~~  
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CONFERENCE OF STATE OFFICIALS ... STATE LABOR LAWS

ENTRY 17

*Dept. Labor War Labor Policies*  
State Labor Officials Conference of  
Oct. 1, 1918

MVK

STATE DEPARTMENTS OF LABOR

Conference of women present from State Departments as follows:

Dr. Bricker, Pa.	Miss Brisette, Kans.	Miss Peterson, Minn.
Mrs. Edson, Cal.	Miss Barbour, Children's Bureau	Mrs. A.L. Bailey, Vt.
Mrs. Semple, Pa.	Mrs. Musgrove, Ky.	Miss Pauline Goldmark, U.S. R.R. Administration.
Miss Allinson, Com. Women in Industry	Miss Wissner, Investigation & Inspection Service	Miss True, War Labor Policies Board.
Mrs. Hadley, Ad- ministrative <del>Headquarters</del> of the Quartermaster's Department	of Labor Standards	Miss Russmanowska, Inves- tigation & Inspection Service

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It was suggested that the Woman in Industry Service issue a standard form for investigation which all of the State Departments of Labor could use as an outline for studying new occupations for women.

In concrete discussion the inquiry now being made by California at the request of the Woman in Industry Service in the use of women in the projecting rooms of moving picture shows, was discussed. It was pointed out that there were serious fire hazards and inadequate ventilation, but in Pennsylvania, for example, the laws set such high standards for moving picture shows, that the same objections for the employment of women would not obtain there as in some other states.

In Los Angeles there is trouble with the Unions at present, which may account for the wish to introduce women. This illustrates the necessity for local application of any general standards but it is believed that investigations made in one state will be useful in another.

There was also discussion of street railway employment and messenger service and the moral hazard in some new occupations, especially the hazard of isolation. In this connection Miss Goldmark called attention to the temperature houses of the powder plants.

As an illustration of this difference in the different parts of the country Mrs. Edson pointed out that the schedules used in the cost of living investigation of the Bureau of Labor Statistics, would be unintelligible in California in those items calling for a statement of pecks or bushels, as the California measure is pound of the hundredweight.

The pressing machine which is increasingly used by women in the plants working for the Quartermaster's Department, is cited as needing investigation. Cited by Mrs. Hadley.

The Woman in Industry Service is asked to take the following steps:

1. Send out standard form for investigation
2. Send information as to inquiries already under way
- ✓ 3. Ask the states to file information as to work already done, to inquire into all, to establish standards in new occupations for women.
4. Ask the states for criticism of the form of investigation.
- ✓ 5. Ask the states to decide on the extent to which they could take part in a nation wide study of occupations for women by selecting occupations in their own states needing investigation. Filing a statement of their plans with the Woman in Industry Service.

STATE DEPARTMENTS OF LABOR

Mrs. Edson would like a letter authorizing her to state in connection with the investigation of moving picture shows, that a prerequisite to the employment of women will be the determination to give the same pay to women as to men, whose places they take. It was decided that this should be regarded as fundamental in any such investigation.

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ABSTRACT  
of the  
PROCEEDINGS  
of the  
CONFERENCE OF STATE LABOR OFFICIALS  
HELD IN WASHINGTON UNDER THE AUSPICES OF THE  
WAR LABOR POLICIES BOARD  
September 30 and October 1, 1918.

A - Opening addresses.

1 - Address of Secretary Wilson

When we entered the war, we deemed it absolutely necessary that we should make every possible provision for the purpose of maintaining the health of our boys whom we were taking into the camps. We are doing the same with the boys that go over the seas. The saving of man-power is the all-important purpose at this time.

Now, what is true with regard to the preservation of our boys in the camps and in the trenches against disease and against any other form of destruction or injury, is true with regard to the industrial workers. The more we can conserve the lives and the health of our workers, the more men we have available for the trenches. The more the lives of our people are destroyed in industry, the fewer we have for military operations.

And so you are dealing with a very important problem in connection with the proper conduct of the war -- the question of securing the largest possible production from the available man-power and woman-power of the country, and securing it with the least possible sacrifice of life, limb, and health.....

There has been an agitation for the elimination or lowering of standards in order that we might, by the lowering of those standards, increase productivity.

I recall something more than a year ago, when the anthracite coal miners and coal operators were in conference for the purpose of making a new wage scale, that a suggestion was made to the Council of National Defense that we ought to impress upon the conference the need in the crisis through which we were passing of yielding the eight-hour working day which had been established in the anthracite fields, and returning to the nine-hour day which had previously obtained there, the assumption being that if the anthracite coal miners went back to a nine-hour working day that more coal would be produced.

At that time I suggested to the Council the advisability of making an intensive investigation of the subject before we made any recommendations. Our Bureau of Labor Statistics made an investigation with an interesting result. We found that the anthracite coal miners working eight hours per day in 1916-17 were producing approximately 2% more coal than they had produced in nine hours in 1915-16.

It does not follow that because in a mining industry men have been producing more coal with an eight-hour working day than they did in a nine-hour working day that the same would be true in all other lines of industry. I simply cite this to show some of the problems that we are confronted with in connection with the question of standards. ....

It is absolutely imperative that we shall do all in our power to maintain the standard with regard to at least the minimum age at which children may be admitted into gainful occupations, for the welfare of the child itself, the welfare of the community, for the future of our country.

We have a special problem in connection with women in industry. There are many lines of industry that women are not physically fitted to fill. There are many conditions of industry that affect not only the physical development of women, but their own self-respect. I can conceive of no greater injury that can come to our country than the introduction of our women into lines of industry that they are not physically fitted to perform, or into lines of industry that reduce their own self-respect.

The rapidity with which other countries, when compelled to deal with the problem, introduced women into industries where they should not have been introduced, is well known. We have had more time to deal with the subject, and still there is a tendency on our part to introduce women where they should not be introduced.

Some eight or nine years ago I had the honor of representing the American Federation of Labor as its fraternal delegate to the British Trade Union Congress. During my visit over there I was shocked to find the kinds of industry that women were then engaged in in Great Britain. I found women there at that time working on the pit-heads, dumping the coal out of the mine cars into the railroad cars. I saw women there with their wheelbarrows taking bricks away from the moulds, wheeling them into the kilns and piling them up to be burned; and I saw those same women going into the extremely hot kilns after the brick had been burned and when the time had come to remove them, taking the brick from the kiln, wheeling it out into the yards and piling it there. ....

As I have said, there may come a time when it will be necessary to reduce the standards that we have established in order that we may preserve the conditions under which those standards have been built up and under which we may go on to work out our own destiny in our own way. But that sacrifice of standard should not be made upon the responsibility of those who are only

in a position to see the local situation. When standards are lowered, it should be upon the responsibility of those who are in a position to observe the entire field, and then only after every other means of supplying our armies has been exhausted.

2 - Address of Mr. Frankfurter, Chairman of War Labor Policies Board.

This is an extraordinarily vast country. No one who has not had the opportunity of comparing the difficulties of administration in England, in time of war, where officials sitting in London can get anybody from anywhere in the kingdom certainly within a day's ride, even under congested traffic conditions, can quite get into his own intellectual perception the feeling, the realization, the emotion of what it means to have administrative responsibility in the United States in time of war. Therefore the method which has made the administration of the selective service law so effective, the method which is making the administration of Mr. Hoover's work so effective, is peculiarly the method which we must pursue in the field of labor; - namely, that we must have the vitalizing energy and intelligence of you men and women in the various states throughout the country.

I think if we were to summarize in a word the defect of American labor administration, we would be tempted to say - I think with accuracy, - that its failure was in its lack of enforcement. The laws themselves were meager, but their essential nearness was that there was no provision made in the laws for effective administration.

There cannot be, even with the vast machinery of the administration, direction here from Washington. It must be from the field; and you are stationed in the various fields throughout the country. We must ask you gentlemen, you men and women, and the various organizations throughout the country, to be the enforcing agencies for the federal departments; therefore it is that we feel we have the right to bring you from your field duties here to council with us, to tell us of your difficulties, and to let you see, if we can, the general plan of which you are the executing organs.

B - PROGRAM OF THE WAR LABOR POLICIES BOARD

The program of the War Labor Policies Board according to which the government contracts require compliance with state laws and the state departments are deputized to aid in enforcement was presented.

Major Rosensohn, - Assigned to the office of the Judge Advocate General.

The policy adopted by the various department heads was that all the labor standards which had been established by law or custom should be maintained as far as practicable; they should not be suspended except in the cases of extraordinary emergency. By "extraordinary emergency" we do not mean simply the emergency of the war. The war, in and of itself, is not an extraordinary emergency. There have got to be other factors before any suspension can be allowed.

The War Labor Policies Board thought it advisable that every contract should contain a provision that the contractor in the performance of the contract would comply with all of the State labor laws. Accordingly, a clause with which we are especially concerned, was adopted to be inserted in every contract. That clause is:

"All work required in carrying out this contract shall be performed in full compliance with the laws of the State, Territory, or District of Columbia where such labor is performed; provided, that the contractor shall not employ in the performance of this contract any minor under the age of 14 years, or permit any minor between the ages of 14 and 16 years to work more than 8 hours in any one day, more than 6 days in any one week, or before 6 A. M., or after 7 P. M., nor shall the contractor, directly or indirectly, employ any person under sentence of imprisonment at hard labor which may have been imposed by a court of any State, Territory, or municipality having criminal jurisdiction; provided, however, that the President of the United States may, by executive order, modify this provision with respect to the employment of convict labor and provide the terms and conditions upon which such labor may be employed." These provisions shall be of the essence of the contract.

The War Department has issued an order directing that every contract should contain such a clause; the Navy Department will order it to-day; the Housing Corporation has included them in every contract, and the Emergency Fleet Corporation will also issue such an order.

In enforcing this provision it was also decided that the various State labor departments were the best agencies to enforce the State labor laws on behalf of the government.

Miss Mary Van Kleeck, Director of the Woman in Industry Service.

You are the outposts of this whole situation, and your action is to be an effective action. You are deputized to enforce those provisions of the contract, and the whole point is the effectiveness of enforcement. Clearly it is your responsibility to see the plants working on contracts in each State are living up to the announced policy and desire of the Federal departments; and you are acting in the capacity not only of a state but of a federal agency.

2- The question of the right to deputize was raised.

Mr. Morrissey of Colorado. I wanted to ask if Miss Abbott would consider it a good plan to name State factory inspectors as federal agents. The letter designated me individually, but we have factory inspectors.

Miss Abbott, Research Consultant, War Labor Policies Board.

You can deputize them through that designation.

Major Rosensohn, Bureaus of which you are the heads are deputized and of course you can act through any representative.

3 \* The desire was expressed by some states for lists of government contractors but this was not considered practicable.

Mr. Gardiner of Minnesota. It seems to me that it would be a very good idea if the War Labor Policies Board would furnish the state departments with a complete list of the manufacturers within that state who have these contracts.

Miss Abbott. It is not easy to get lists of contractors and get them out to you in time, and inasmuch as the state people are engaged in the inspection of every single plant, it is very easy for you, upon inquiry, to learn whether they are engaged in war work or not. They are not going to be heard to say that they are not engaged in war work. There will be no difficulty there, because it makes a very great difference in getting the priority in labor and in fuel and in raw material.

Mr. Dunlap of Missouri. Do not be alarmed that any contractor, even though he makes just one tin can, will tell you he is not working for the government. He will tell you "I am working for the government".

- 4 - The best method of dealing with persistent violation, whether by local prosecution or by reporting to the federal contracting department was debated. It was generally felt that local prosecution was better in the majority of cases, but that it would be possible for the head of the state labor department to have recourse to federal authority when in his judgment this was preferable.
- 5 - The applicability of state laws in industries operating under degrees of government control was discussed.  
They are not applicable in government owned plants.

Major Rosensohn. You have how the Western Union Telegraph Company taken over by the government. The railroads have been taken over by the government. Since those things have happened, of course the state laws are no longer applicable, but the governmental policies are applicable, and of course it is for the heads of those departments to determine that.

The government policy makes them applicable on direct contracts. They are applicable on subcontracts and on plants whose products are commandeered.

- 6 - Compliance with certain safety standards, it was reported, is virtually suspended owing to the impossibility of getting materials for the alterations required.

Mr. Bryant of New Jersey. We have some very serious problems to consider in New Jersey as to getting material to carry out the orders of the department. We order a fire escape on a building. A contract is given, and the contractor cannot get the material. Is there any way that that situation can be helped through the Priorities Board? I have two cases where the conditions are hazardous. Just before I left I gave instructions to have both buildings closed until the fire escapes are erected. I know what is going to happen. They won't be able to get the material to build them. The factories that are engaged in war work can get priority for iron.

Mr. Frayne of the War Industries Board.

If they are engaged in war industries they stand some chance. Suppose you write the priority commission on it?

Mr. Kearns of Ohio. We are having serious trouble along that very line in Ohio, now, where we issue orders for safety devices for school-houses of all kinds and it means that they must have sheet metal or iron or steel to comply with the order, and in any number of cases they say to the department that they cannot get the material unless they have a priority order, and they cannot get a priority order unless they are manufacturing goods for the government.

Mr. Frayne. Forward the information to Washington and it might be helpful in getting this material. I do not say that it will, but an application endorsed by a state commission will be recognized much more readily than the owner or the contractor. So in each instance if the commission were to write a letter of endorsement calling attention to the necessity of getting a priority order, it would be very helpful.

C - Child Labor.

- 1 - Miss Lathrop, Chief of the Children's Bureau, spoke of the changes in the federal program caused by the decision of the Supreme Court.

Miss Lathrop. A little more than a year ago some of you came to help us launch the enforcement of the federal child labor law, and you inspired us and helped us a great deal then and all through the 273 days during which that law was in operation. There certainly could hardly have been found a more, inauspicious moment to have it declared unconstitutional than the 3d of June, just as we were getting into the very thick of this industrial activity. However, through the Secretary, through the War Labor Policies Board, we were able to wrest a little victory from that defeat, because the War Labor Policies Board with its representation of the great production agencies of the government is able to put into the government contracts the standards of the federal child labor law. The President, out of the beneficent fund which comes forth on occasion, gave us \$100,000 with which to make investigations so that we can enforce these contract clauses until the happy moment when Congress may be able to secure another law which, presumably, will be more gently regarded by the Supreme Court. Various measures have been presented to Congress, and we have every reason to believe that a permanent measure will be passed during this present Congress.

There have been several measures which we have undertaken in following the policies of the War Labor Policies Board which are somewhat different from those of the past; at any rate, they are based upon a different power. We would have been almost helpless when the law was declared unconstitutional did the Bureau not exist under a law which directs the Bureau to investigate and report on all matters affecting the welfare of children. We therefore had absolute power as investigators to go into factories and to bring in reports, although, of course, we have no law to enforce and no standards on which we could insist. But we did at once save as much as we could of the Child Labor Division with the very limited resources which we had at the time.

Some of you may be interested to know that agents have since been working very hard on gathering the material into proper shape for a report which is nearing publication.

Miss Lathrop announced that Miss Abbott, Director of the Child Labor Division of the Bureau, is assigned to the War Labor Policies Board temporarily, and that her work in the Bureau is being carried by Miss Mathews, Assistant Director.

- 2 - The experience of the Bureau and state departments in enforcing the federal child labor law was discussed, especially the value of joint inspections and of the reports concerning federal inspections made by the Bureau to the states.

Miss Abbott. As you know, we went on the theory that any plan of enforcement or administration of federal standards was to be by some sort of joint arrangement between the state and the federal government; and according to the vote that was taken by the delegates who assembled last July at the call of the Secretary of Labor, all of you were designated or commissioned by the Secretary for the purpose of aiding in the enforcement of the federal act.

Mr. Palmer. As far as Pennsylvania is concerned, we have been very much satisfied with the mutual inspection plan. There has been some difference between the federal law and our own, and we had some difficulty at the start in adjusting that difference, but I think you will agree that we were just about going right when the Supreme Court put the brakes on.

Miss Abbott. The Pennsylvania law was lower than the federal standard in that it permitted a nine-hour day for children between 14 and 16. It is also lower than contract provisions which we are going to be called upon to enforce. The federal child labor law did make a very definite change in the Pennsylvania situation, and the contract provision makes a definite change in the Pennsylvania situation. We went in there and made some joint inspections with some of Mr. Palmer's inspectors and began the work together for a time, and then the Pennsylvania inspectors left our inspectors to finish up the work, and we kept in pretty close touch with them. Then we turned over to them a summary of the findings. These findings were most of them turned in after the law was declared unconstitutional, and a number of suits had been filed.

In another instance, in Ohio, for example, we followed the policy of writing the employer a letter setting forth the findings. Most of the violations were of the Ohio law instead of the Federal, because the Ohio standards were very much higher. We sent at the same time a copy of these findings to the state inspector calling attention to the fact that this duplicate was being sent to the employer, and that he was being notified at the same time

Mr. Kearns of Ohio. The plan of referring violations from the Federal Bureau to the labor commissioner seems to be very satisfactory. At any rate, it is working out that way in Ohio. What we are doing now is to take those reports and turn them over to our deputies in the various districts, to make their investigations. Of course, if we find the laws are still being violated prosecutions will be brought. We started prosecution in one case just before I left home on one of the reports sent out by your department, where we found the law still being violated. I think, however, that wherever, it is possible to do it, it will be much more satisfactory if the federal and state inspectors can make the inspections together where flagrant violations of the law are found and prosecutions are necessary. Of course, we can not make those prosecutions until we get the evidence ourselves.

Mr. Allen of Tennessee. The suggestions made with regard to mutually reporting inspections meet with my full endorsement. I had some experience in receiving and acting on reports from the federal department immediately following the time when the federal child labor law was in force, and I found great benefit resulting to us in Tennessee from that system. We took each individual report that came to us, whether it was good or bad, and got some results from it. We took the bad cases and had our inspectors go to the industries where the federal inspector had found the law violated, or possibly violated, and he traced these matters down until we corrected them in one or two cases by prosecution and in a majority of the cases without it; and following our policy, in those cases where the report showed conditions were good, no violations and no reason for complaint, we immediately told the industry of the facts and made a friend of the managers of those industries. I think the proper idea is that we should have some system adopted that would be uniform throughout the country, some blank maybe that could be used in all cases where the federal inspector would report conditions to the state department, and, if desired, the state inspectors could report conditions to the federal department, and then have a follow-up system by which we could trace those until we got complete and satisfactory results from them.

Mr. Shipman of North Carolina. In reference to the cases of violations found in which our state law has supervision, I found that there were no names. I was wondering if Miss Abbott could furnish us with the names of the children who are below age. If that could be done, we will get right after those cases and have them rounded up.

Miss Abbott. We sent out general instructions at the time that the law was found unconstitutional. We have no request for names from you, but we will be very glad to have it.

Mr. Fox of Maryland. I want to suggest that if we had a uniform method of reporting all violations found by the federal inspectors to the state departments, and then if we had a printed form on which to make returns or report on these, I think we would get somewhere.

Mr. Hudson of Rhode Island. We have reports from your department. We appreciate the information received, but we would like to have it nearer to the time of the investigation. We did not get it until two or three months after the inspections were made. I objected to the fact that as I thought this report was going to be printed, I did not like to have a secret investigation and then have it reported to the public before we got it.

Miss Lathrop. Quite right.

Mr. Hudson. It is a long way to send reports on here to Washington to have them compiled, and then send them back to us. If the inspector could give his information on the spot, I think we could cooperate with him.

Miss Lathrop. We certainly can speed up.

Miss Abbott. The only way we can assume responsibility for what is being done is to see whether the evidence that we have collected is adequate before we turn it over to you. So we have insisted that the reports should come into Washington first, before they were passed on to you. While that is slightly slower, in the long run it will be more satisfactory to you, because you will then know that you are dealing with the final responsibility in connection with the thing and that you will not be dealing with something that we have not recognized as a fact. We will have, of course, to publish the final reports of the work of the Division, but all of the inspectors have been instructed that no local publicity was to be given to the findings.

Mr. Gardiner of Minnesota. I think it would be a good idea if the Federal Child Labor Bureau would get samples of every one of these blanks that are used in the various states where we have child labor laws and formulate one of the easiest working blanks we can possibly get hold of. Then when we are making reports, they should be sent to other states to show the investigations that have been made and the results accomplished in adjoining states.

- 3 - A plan was discussed for reports on violations to be made by the states to the Children's Bureau, as a means of enforcing the contract provision in regard to child labor.

Miss Abbott. The Government does not believe that contract provisions will be self-operating. You are being commissioned by the War Department and by the Navy Department and by the other departments of the Government to report to them violations of the contracts, and then those violations will be taken up with the contractors: so that you are, so to speak, the enforcing officer. We shall be very glad to have those reports come into us because it is a policy to handle them uniformly with the War Department and the Navy Department and the Shipping Board.

I am sure that you will be glad to know that the movement for the insertion of the contract clause did not come from the child labor division but from the War Department to the War Labor Policies Board with the approval of the production departments who were concerned with getting out production because they did not want this impression to go abroad that we wanted little children in the factories working to win the war.

Miss Lathrop. Is it not the sense of the meeting that, if the system of reporting blanks should be agreed upon and the blanks sent out at once by the Government, it would be agreeable to the state inspectors to send in their reports to the Division of such infractions as occur? If that is regarded as a sensible and satisfactory plan, the Child Labor Division will at once proceed to prepare such blanks for reports.

Miss Abbott. We do not find that it is a matter that can always be put on a short blank. We have got to have for the Department proof of the fact that the child is under 14 and a proof that he is working over hours. You all know that those responsible in the War Department are not going to be too patient in handling reports that are not verified and which do not consider the evidence on which the report is based; and in order to get uniform and quick and responsible action from those very busy departments we have got to have evidence go in absolutely airtight as to the facts that are submitted. I am very sure that all of you will be very glad to do that and realize that it is necessary.

We do not want them to go back and verify these facts. We want them to be able to deal with a contract absolutely on the basis of the information that is there, just as the Attorney General in the Department of Justice starts action on the information that they have there. So we will have to ask for something more than a very short blank in that connection.

4 - Various instances of violations of child labor laws, due to war time conditions were brought up in different states.

Miss Bresette of Kansas. We tried to prosecute the Western Union last week, and the county attorney refused to prosecute our case, saying it was under government control. That means that the bars are down in that state for child labor in the messenger service, and they are calling them thick and fast and we are helpless and can do nothing. The District Attorney refused to take any action. He said we would have to take the matter entirely up with the Federal authorities. I wired the Postmaster-General promptly and wrote him repeatedly, but we have not had any reply.

Miss Lathrop. I think it could be reported to the War Labor Policies Board.

Miss Abbott. We want reports of that sort to come in. It is exactly in that way that the states can be of assistance/

Mr. Fox of Maryland. We are having practically the same experience right now. We have found over two hundred violations, and the magistrate punished them all and fined them \$10 and costs, which they were willing to pay every day for working the children.

Mr. Mulready of Massachusetts. I came to Washington to shake hands with someone who brought of the brilliant idea of getting after the contract. Send along your reports and we will do the best we can with them. We had one delivered to us. We had already started prosecution on one man in the county, and we prosecuted quite a lot afterwards, and we got them as far as the court, and the court said -- I wonder if that is a uniform experience -- "These are war times. I do not believe it hurts these children." He asked one of the boys if he felt injured by what he did, and then he said, "We will find them guilty but file the cases with no determination."

Mr Mulready also stated that permits to suspend the Massachusetts child labor law had never been granted, though fifty-one applications had been made. "We stuck to the policy that we would not under any circumstances grant the right for children to work over time."

Mr. Allan of Tennessee. I want to put before you the case of what is said to be a \$50,000,000 corporation, a government war industry, being erected by a private corporation. This corporation has let a contract for the erection of the industrial city to another corporation. With respect to the corporation that is building the plant the state laws and federal laws, I am confident, are being observed,

but in the case of the corporation that is building the industrial city the laws are being disregarded. There are from one hundred to two hundred and fifty children employed there now, illegally. I am stating facts. Women are employed illegal hours and in other instances the laws of the State of Tennessee are being disregarded.

Miss Abbott. There is a mistaken view throughout the country that the department here in Washington were relaxing on that score. What we are able to do for you is to say quite definitely that the Secretary of War and the Secretary of the Navy have indicated that their policy is against that sort of thing.

- 5 - The importance of reports on the issuing of working certificates by the states to the federal government was explained by Miss Matthews of the Children's Bureau. The desirability of uniform reports and some of the difficulties were considered. It was decided to appoint a committee to suggest methods of reporting, and Miss Lathrop appointed Mr. Gardiner of Minnesota, Mr. Gernon of New York, Mr. McLaughlin of California, Miss Matthews of the Children's Bureau, Mr. Hambrecht of Wisconsin, Mrs. Semple of Pennsylvania.

D - The functions of the investigation and inspection service of the Department of Labor, were described by Mr. Ethelbert Stewart, Chief of the Service.

Mr. Ethelbert Stewart. The War Labor Administration bill provided certain services in the Department of Labor. Among them was the Investigation and Inspection Service. I was appointed July 8th, so we have not been in existence very long. I think the states have all received a letter announcing the fact that it was organized and ready to form cooperative arrangements.

The functions of the Investigation and Inspection Service, outlined by the Secretary of Labor, are as follows: "a force of investigators will also be needed for the various other services here contemplated. In view of the fact that the service of an inspector examiner and investigator may also be combined in one man, especially at the beginning of the work, and also that the handling of a field force which travels from place to place is a large task in itself, I believe the greatest economy and efficiency can be obtained by combining these field forces under their secretary in one inspector in charge and in a special service to be called Investigation and Inspection Service. It will be my purpose to require all new services in the Department to use this Investigation and Inspection Service so far as possible in field work. For this purpose the inspector in charge of this service will provide, on consultation with other branches of the government, methods of inspection, investigation and examination, including blank forms, and so forth, and will transmit such report to the various branches to which they belong.

Along that line I wrote to the various states as follows -- that is the thing that interests us most directly: .....

"While this service is equipped with a force of factory inspectors as well as investigators who work directly from the central office in Washington, it is nevertheless the purpose of the director of the Investigation and Inspection Service to cooperate with and use all of its agencies that now exist in the various states. Wherever a state bureau of labor statistics, industrial commission, or other statutory state organizations can be of service in making local investigations, their cooperation is earnestly solicited. Wherever state factory inspection officials are in a position to assist or are in need of assistance in enforcing state factory laws on government contracts, a close cooperation is offered and desired."

I have received letters from a number of states. Practically all simply offered a complete and absolute cooperation, without raising any question. There are two that raised questions, and I want to answer them. One is from Pennsylvania, which very properly raises a question as to whether there is going to be any disturbance of the organization of the Industrial Commission or the Department of Labor and Industry in Pennsylvania. That is precisely what we do not want to do. Wherever you are organized to get information that I want you to get it. Wherever you are equipped so that you can do that without a drain upon your revenues, I want you to give me the facts and pay the bill. That will do two things:

It will enable me to use my force in states where they are not equipped to do it, and use my funds for states where they are simply not able to do any work of that sort.

That brings up the second question. One of the other states raised a question as to the funds; that they are willing to do everything they can, but they have no money even to pay railroad fare, and so on.

Now I have; and where a state is willing to cooperate and help and has the equipment to get the information, I can see that you lose nothing by it; provided other states that are equipped to get it without any serious detriment to themselves do not want all their bills paid too.

A function of this Service is simply to secure facts upon every conceivable subject.

A firm, for instance, is falling down on its delivery of war material. There are all sorts of reasons, but usually, if they get a chance, they say "Labor conditions." We have all sorts of inves-

tigations. I have just been told this afternoon about a concern that really employs about 3,000 people, and yet it is hoarding labor -- eight and ten thousand people on its payroll absolutely told to restrict output, to "lay down" on the job, because it has a ten or twelve per cent contract.

When you get these facts, we are able to put them into the hands of those who presumably have the power and willingness to make the correction.

Mr. Frayne of the War Industries Board: There have been many demands for the letting down of important labor laws applying to the employment of children; laws regulating the employment of women at night time; laws, where they exist, in regard to the one day rest in seven.

In some states the Commissions have been asked to set aside laws upon the mere statement of a manufacturer that he had a war contract, or because of the installation of two or three extra machines, he wanted to immediately set aside the state law.

Upon investigation, we found in every instance, even after some of the Commission were unanimous in agreeing to grant this special privilege, that there was no necessity for it.

We feel that the time is not ripe to set aside these very important laws. Until the time does come, we should safeguard these laws. ~~It has~~ taken so many years to place upon the statute books of the various states as well as the federal government and prevent those who, under the pretense of patriotism, because they have a contract with the Government, use it as an excuse to set them aside in order that they may make bigger profits than some of them are making. They say "Save the world for democracy." We are all in favor of that. I say "Save the women and children for the world."

I do not want to attempt to tell the states how to operate their laws, but I do want to tell you that the War Industrial Board, of which I am a member, has certain powers that will be very useful to the various states. Through the Priorities Division of the War Industries Board it is possible to prevent the raw material going to a plant, if there is a violation of the standards, providing those standards have been accepted as a government policy. If it is a company having a government contract, and it has not complied with the requirements, the raw material may be stopped, or the finished product need not be shipped, if there is a general understanding as a result of this conference.

I voice the sentiment of labor and I voice the sentiment of all of you men and women who have joined with us in this great work of protecting women and children of the country, that those laws must remain; that when the time comes for a special privilege to be given as an absolute necessity to meet a war emergency or a serious war situation, it will be done by consent and by arrangement such as you make here on co-operation with the government.

Miss Barnum of the Investigation and Inspection Service.

I was tremendously interested the other night when we were having a discussion as to the employment of women on night work to hear from Mr. Frayne, who is the labor representative on the War Industries Board, that what I had almost been made to believe was an emergency already existing, did not exist at all. The War Industries Board is constantly meeting what are called emergencies by mechanical devices and by transfers of contracts to other localities where things may be manufactured, taking over a factory and pressing its machinery into service, and so forth, before setting aside the night law for women.

Mr. Frayne. Since the formation of the Department of which Mr. Stewart is the chief, I have turned over probably a hundred or more cases coming to me in the War Industries Board. I have had replies on all these they had time to investigate. Reports from that department proved very clearly to me that it is performing a very useful work. They have been able to obtain information setting forth just what the conditions are and suggest how they can be remedied and incidentally, review many of the reasons for the requests for a special privilege in having the law changed to suit their particular convenience.

E - Women in Industry.

1. The organization of the federal Woman in Industry Service was described by Miss Mary Van Kleeck, Chief of the Service.

Miss Van Kleeck. The Woman in Industry Service has only a small staff. It has a smaller staff than it will have later, because it is just in its beginnings. It is designated as the adviser to the Secretary of Labor on all problems affecting women, and the director of the Woman in Industry Service represents women in industry on the War Labor Policies Board.

There are in several other federal departments activities relating to women in industry. The Ordnance Department, curiously enough, was the first to organize a woman's branch, last January. It is represented in the ten district offices of the Ordnance Department, and is carrying forward what might be called industrial counselling in matters affecting women, in the plants working on contracts for the Ordnance Department. They are not making investigations as such; they are not enforcing laws; they are endeavoring to devise plans with reference to problems affecting women, and, to that end, are maintaining as close connection as possible with state and local agencies and with the other divisions of the government.

The Navy has stated that it would prefer to have its problems handled by the Woman in Industry Service, and for that purpose plan to designate a woman inspector and detail her to work with the Woman in Industry Service.

The Public Health Service is charged by executive order recently with the control of activities in the federal departments relating to health, with the exception of such activities as those in the Surgeon General's office and the studies of occupational diseases which have been carried on for some time by the Bureau of Labor Statistics of the Department of Labor. So that the Public Health Service is necessarily taking up health in industry, and therefore touches women in industry.

The Federal Board for Vocational Education is charged with certain responsibilities along those lines, and is therefore also touching the problem.

In order to bring together these various groups the Woman in Industry Service has organized a Council on Woman in Industry in which there is a representative of every division of the Department of Labor and a representative of these other federal groups which have a relation to women in industry.

we want to establish working relations between the state department of labor and the federal government and I should like to say that the Women in Industry Service wishes to be regarded as your Washington representative, so to speak. We are here to give you information about policies and standards affecting women. We are here to serve in any way possible as a medium of exchange from one department of labor to another.

- 2 - An account of the Women's Divisions of State Labor Departments was given by the four states which have established them: Minnesota, Wisconsin, Pennsylvania and New York.

Mr. Gardiner of Minnesota. When I first entered the department as a factory inspector in 1904 we had no woman's division. I left the department for about four years and returned to it as assistant to the Commissioner, and when I returned a woman's division had been organized under the leadership of the late Mrs. Starkweather. I had not followed the work of this division from the time it was organized until I got back to the department and engaged in its activities. I could not see the necessity for a woman's division. When I had been able to watch the development of the work for two years I changed my mind. There are so many things that they take from the Commissioner's shoulders. Today I cannot understand why any state can get along in the field of labor or in the field of women in industry without a women's division.

Mr. Hambrecht of Wisconsin. The functions of the Industrial Commission might be classified into safety and sanitation, the administration of workmen's compensation laws, woman and child labor, mediation and arbitration, and duties pertaining to apprenticeship.

There are very few state laws existing so far as rigid regulations are concerned, only general statutes leaving to the Industrial Commission the working out of the detailed application of the general statutes. For instance, only a year ago we worked out and put in the rules and regulations, so far as the state is concerned, prohibition of night work in factories for women. That was put on the statute book four or five months after the war was declared and at a time when night work was creeping into the industries of Wisconsin. It met with some opposition, but not a great deal, and now it is an established fact.

I think that if Wisconsin has succeeded in putting on the statute books any laws for the welfare of women and children it has been because of the Division of Woman and Child Labor and because of the confidence that the Commission has in the executive heads of the several departments that are helping us work out these problems.

Mr. Palmer of Pennsylvania. In 1913 our Department of Labor and Industry was developed in Pennsylvania, and at that time the Act provided for representation for women on the industrial board. Also in the Division of Hygiene a woman member was provided. As we developed our department and grew, we developed our woman's division. It was in 1914, I think, that we put a special inspector at the head of it. We have given our women inspectors equal pay with the men, and today we have a \$2,000, \$1,800 and \$1,500 grading.

We feel as Minnesota has stated that other states should have it. We believe they all will have it, because the women know their own problems and taxation without representation is still unjust.

Mr. Lynch of New York. Recently through the cooperation of a group of women who have always been prominent in New York City so far as the welfare of women in industry is concerned, we have been enabled to establish a woman's bureau, and for the present that bureau is being financed by these women and their sympathizers, who enabled us to establish it.

It is working out its own destiny for the time being, and will undoubtedly be a most valuable aid to the Industrial Commission of the State of New York. We hope that in the next budget for the department this State will finance that bureau on the same basis that it does all of the other bureaus.

Experience showing that women had been used on their staffs with excellent results was cited by Ohio, California, Indiana and Massachusetts.

- 3 - Night Work. The most important discussion was on a plan presented by Miss Van Kleeck, as under consideration, for regulating night work for women throughout the country. Only eight states have laws or regulations which unequivocally forbid night work for women; Massachusetts, New York, Pennsylvania, Delaware, Indiana, Wisconsin, Nebraska and Oregon.

Miss Van Kleeck. Of all the problems we have met, the question of night work is the most serious and the most pressing. I want to present the various phases of it as we have encountered them, to lay before you the plan which is under consideration in Washington, and to have from you your opinion of the whole proceeding, and especially evidence which you will bring to us from the states on the whole problem of night work.

I was connected with the Ordnance Department from January to July. A great many requests for exemption from state labor laws come to the Woman's Branch of the Ordnance Department, and we had an opportunity to deal with every one of them in detail and to watch changing

conditions. We went on the assumption that no request for permission to employ women at night would go uninvestigated on the ground that the state labor law did not permit it, because we wanted to be in a position to state the facts; and so in a number of instances we told the employer that the state would have no power to grant exemptions, that the federal government would not grant exemptions for night work, but we would go over the details of his problem and see what other way there might be out of it, in order to prevent night work.

In a very large majority of cases it was perfectly clear that night work was the last thing that the plant needed; there were very many problems of management and of industrial relations for which the happy solution seemed to the employer to be to put women on a night shift. Sometimes it was a problem of too long hours, interfering with labor supply. Sometimes it was a general problem of employment.

But as more and more men were drafted into the military service, the cases which came to us began to show much more serious aspects. They began to show such a situation as this: A labor shortage of 5,000 in a plant working on an absolutely essential product upon which the winning of the war could clearly be shown to depend; housing facilities in process of construction which would house 2,000 --- leaving a shortage of 3,000, at best; added to that an entirely new program of production, by which orders should be completed from three to six months in advance of the original date set for completion. And when you have a plant behind in its original contract, and then they receive instructions that those orders must not only be up to date, but that they must be three to six months in advance, you see the production problem.

In that town it was held that there were women in the families of workmen already there, who, without any additional housing, would be available for employment.

Now, you all know that in industrial plants which have not hitherto employed women in many of the munitions industries, it is not possible to put woman on a solid day shift, because there are many occupations that women cannot complete, and the process of replacement of men by women goes forward in a partial sort of way, introducing women here and there, where they could take men's places. Then, when you add to that a practice which is followed in many plants --- and certainly a desirable practice --- namely, rotation of shifts, you have an additional complication with reference to the employment of women, that is, that if the shifts rotate the employer is quite right in saying "How are we going to meet the problem of introducing women without night work if we are to have rotation of shifts?"

Recent studies by the Public Health Service, not yet in print, demonstrate beyond doubt that night shifts are less productive than day shifts; that, moreover, long hours at night are utterly wasteful. The charts, for instance, showing production hour for hour over a 12 hour period, indicate that those last two hours amount, I might say, to nothing. If I recall, the production figures for the first hour of the night showed something over 10,000 of a given article, and in the last hour it is about 200, in comparison with the 10,000.

Two things have been perfectly clearly demonstrated. Night shifts are not good for men and women. The vitality is low in the morning hours. It has been shown, for example, with reference to an employee five years on night shifts, with time, presumably, to adapt himself to night shifts, with time presumably, for the physiological changes, if we may put it that way, which would make that man a night worker instead of a day worker to take place --- it was perfectly clearly shown that there was lower vitality always in the morning hours between two and three or four as compared with the day; that men are not naturally nocturnal workers.

Now, add to that the special effects on women. Women have their work to do at home. It is the night worker usually who is the most hard pressed economically. They are living in crowded quarters. The difficulty of getting sleep by day is very great, and the consequence is that night work stands indicted from the point of view of production and the point of view of health of the workers. It must be our purpose to restrict and gradually to get rid of night work.

What is our present situation with reference to it? We have just eight states which have an unequivocal prohibition of night work for women. We have two states, Wisconsin and Massachusetts, which can grant exemptions from the night work law. So we have six states which cannot grant exemptions under the state law prohibiting night work.

The production progress is in a very serious position. We have enormously increased our army appropriations. We have withdrawn men from industry and we are going to withdraw them at a much more rapid rate. We have also greatly increased the need for munitions. We have been depending to a very large extent upon English and French factories for some of our most important munitions. We have got a war problem immediately before us, and we all recognize that production must be now if we are to hold the gains that have already come to the success of the Allies.

That has resulted in two very clear things: First of all, night work is on the increase in those states which do not prohibit night work, and night work is going on in those states without any regulation by state labor laws or federal control, and without any supervision to determine whether in a given case the night work is essential or not.

In those states which have night work laws we are encountering,- and our experience is very thoroughly corroborated by the statements of the enforcing officials,- evidence of disregard of the present night work laws; and, more serious, because that can be met by presecution, we are encountering evidence that there will be a concerted effort to repeal these night work laws at the coming session of the legislature, unless we arrive at some constructive plan.

Briefly, the plan which is under consideration in Washington, but which is not yet finally decided upon or finally announced, is this: That the federal government control night work in all states in cooperation with the state department of labor or state industrial commission; that hereafter no night work will be permitted. No employment of women after 10 P. M.\* in a plant working on government contract or a subcontract for the federal government would be permitted under this plan, except by an emergency certificate granted by the Secretary of War or the Secretary of the Navy, transmitted through the State Industrial Commission or the State Department of Labor after approval by the Secretary of Labor who has designated the Women in Industry Service as his immediate representative to deal with those cases if that plan goes through.

\*  
on before  
6 A. M.

That would mean this:- that if a plant wished to employ women after 10 P. M. or before 6 A. M. , it would make application to the office of the Secretary of War, if it is working on a contract for the War Department. There would be a two-fold investigation by the War Department and the Department of Labor. First of all, the necessity for production would be clearly determined and the possibility of meeting the production of that article by a different method of distribution of the contract in cooperation with the War Industries Board or by some other method of release of men from non-essential industries in the particular community, by the employment of men on night shifts, or, from the point of view of working conditions, the possibility of meeting that situation by two day shifts of women or by different methods of employment, among them the formation of a night shift of men. The same preliminary investigation would determine the conditions which would be required before any, such permit were issued.

No plant would be allowed to employ women more than eight hours by day or night. Every plant would be required to give an intermission of three-quarters of an hour for the night lunch period and to see to it that it was possible to secure a wholesome hot meal at night. Ten minute rest periods would be required in the working periods. It would be necessary that transportation should be provided which would be safe and convenient for the women. It would be necessary that there should be adequate supervision of the night shifts. In addition, there would be added certain requirements which would grow out of the situation in a particular plant.

(a) The Massachusetts plan for granting temporary exemptions as a war measure, through a commission legally empowered to take such action, was described by Mr. Mulready. The federal plan brought out much comment, in general favoring it.

Mr. Hambrecht of Wisconsin. We have a national program and we also have a state program. The state labor laws must give way at any time under wise and judicious advice from the federal government when the matter of military necessity demands it. We are going to do everything that is in our power, and I know that that is true of every state here, to help win this war; but we must first know that it is a military necessity. A contractor may have contracted for more than he ought to. If they have a feeling in the state that all they have to do is to show that they have a big contract on hand and that it is necessary to abuse the state labor laws to put it over, it may be a different thing to convince the Industrial Commission of Wisconsin that it is true, but it is for the federal government to say, it seems to me, as to whether or not that particular factory with its product ought to be allowed to encroach upon the state labor laws in order to put out its product.

Miss Van Kleeck. Let us emphasize that by saying it is the Secretary of War who must declare an emergency in the War Department, and not a captain or a lieutenant who represents the War Department in the field.

Mr. Kearns of Ohio. I think that now the new draft may draw men more rapidly from industry, and we are going to be besieged with requests for exemptions from all the various lines, and I think the only solution for it is the one suggested here, that the federal government through the Secretary of War should issue these permits, but only after proper investigation has been made through the cooperation of the state department.

Miss Van Kleeck. How would the prohibition of night work except under certificate affect Ohio?

Mr. Kearns. Very materially, because under our law there is no prohibition of night work except for women under 18.

Miss Van Kleeck. I presume you have night work going on to some extent?

Mr. Kearnes. Considerable.

Miss Van Kleeck. From the point of view of Ohio would it be a gain in labor legislation or the reverse to have established the federal control in which the Industrial Commission would share?

Mr. Kearns. It would be a gain in labor legislation in a way, because we have no laws prohibiting it at this time. Of course we would like very much -- or my personal opinion is that Ohio would like very much -- to prohibit night work; but whether or not it would be possible to do it at this particular time is another question.

Miss Van Kleeck. But if the federal government saw that it could be of assistance to you in efforts later to establish prohibition of night work --

Mr. Kearns. I think we would welcome it for the reason that it would be a help to us.

Mr. Lynch of New York. I am fearful that if something is not done when the legislature meets, people will be there advocating a suspension of all of the labor laws that affect the working of women in production, and they are able to point to Massachusetts which has granted a number of variations under which women work at night. No matter whether they were justified or whether they were not, that will not be any evidence at all. The simple facts that they have granted them and that women are working in Massachusetts and that Ohio has no law prohibiting women working at night is sufficient. It is hard going for us who are interested in the preservation of the law.

Just as soon as this draft becomes operative the demand for labor will be accentuated, and women are going to work at night whether we who are trying to prevent it and understand its dangers like it or not. That situation is going to confront us, and it is the part of wisdom to try to meet it now. Personally, I believe that the proposition that you have put forth here, which seems to have been well thought out, is the proposition which in the end will result in saving the labor laws and the statutes that now prohibit the employment of women at night, and will be of assistance to those states that have not yet enacted laws prohibiting the employment of women at night, which permit women to work in some instances without any restriction at all. It will be of great assistance to those states, both during the war and especially after the war.

If we once weaken and take the laws off the statute books, then we are going to have a hard time indeed to put them back there after the war ends. I would rather see them remain there and see the federal government assume charge of this situation, grant these permits, work eight hours during the twenty-four, employ women under requests made by the federal government or the proper agencies, and attach to the permit "For the period of the war only or for such length of time thereafter as may be necessary to restore pre-war conditions."

If that can be worked out --- and I should think it could on the basis that has been explained here --- I think that the agency that should assume the responsibility will assume it and that the responsibility and the permits will terminate at the conclusion of the war or within a reasonable time thereafter, and it will be an incentive and encouragement to the progressive people of the states that have not yet secured these laws protecting women and children, and especially the prohibition of night work, and it will assist the states that have done it to maintain their laws on the statute books and they can enforce their laws as they did prior to the war, shortly after the conclusion of hostilities. I know that I am in favor of this.

Miss Van Kleeck. What would be the effect in New Jersey if such a plan as we are discussing went through?

Colonel Bryant of New Jersey. I think we would welcome anything of that kind. When we entered the war I wrote an open letter to the employers of the state, calling attention to the fact that laws protecting women and children and also laws protecting males, should be enforced to the limit, and pointing out the experience that had obtained in England particularly that there was no economic value in the breaking down of those laws. We have insisted, practically without exception, on enforcement of our laws, but of course it is a very much easier thing for us to insist on the enforcement of the laws where we have no law prohibiting night work which would confront the employers who were working a three-shift day.

Of course, New Jersey is entirely honeycombed with work on munitions. I imagine it has more munitions than any other state in the union, certainly in proportion to its size. One firm employs over thirty thousand people on munitions. A great many of these firms are running three eight-hour shifts, and they are employing women, too, on some of the shifts. It is going to make it very difficult for them if that enforcement is made, but I would be very glad to do it. I agree with the Commissioner from New York that if there is any breaking down of these regulations I would rather see it come from the federal government.

(b) The conference was agreed as to the bad effects of night work for women. The states with night work laws reported pressure brought to suspend or repeal them, and the stand taken by the departments against it.

Mr. Palmer of Pennsylvania. Pennsylvania has stood firm for her woman's law; that in face of a very urgent appeal from one of the largest munition plants in the United States, at a time when Germany was pressing her offensive, when we had lost so much of our vital supplies in that drive, we stood flatfootedly in that plant, in the face of the managing officer, stating that we could not and would not attempt to set aside our woman's law.

Mr. Mulready of Massachusetts. A very big institution in Massachusetts where they are manufacturing the Browning gun, a very important part of the war, wanted overtime work, and we investigated it. Let me say, too, that we have a special investigator who attends to every application, goes to the plant, looks into the necessities and does everything preliminary to the hearing. In this case he went to that plant and returned and made the suggestion that it was more a lack of management than a real emergency, but nevertheless if the permit was not granted there would be a delay in the delivery of the Browning gun, and that we could not permit under any circumstances. So we said, "Well, we will give you a permit for thirty days. We will send word to Washington and let them investigate it." And they did. They sent an inspector there, an expert engineer, to determine the truth of what we suggested, and it was found that it was really and truly a case of lack of management more than one of real war emergency.

Mr. Fambrecht of Wisconsin. We have had several requests from employers, and I have one distinctly in mind. The request came endorsed by a captain of the militia, representing the federal government. Certain ordnance was declared to be of vital importance to winning the war, and unless they could work women during the night they would be unable to get out the particular product in the time contracted for.

We handled the proposition a little differently from what they did in Massachusetts. We think that the state is responsible in reference to administering state laws. They suggested that the law interfered with the national program, and I answered both the employer and the captain of ordnance that perhaps that was true, that it was an emergency that required concession with reference to working conditions, but that the Industrial Commission of Wisconsin's law was not passed for the purpose of passing upon war emergencies, and that he should get his certificate from either the Council of National Defense or the Ordnance Department of Washington and he would have no difficulty with the Commission when the certificate of necessity had been determined upon. He said he would do that. That was about three and a half months ago, and I have heard nothing further from him.

Mr. Gernon of New York. We investigated some 400 contracts for the War Department a couple of months ago. We found very early in our investigation that the contracts were given out in no proportion to the capacity of the plant; and that is what had made the emergency in many instances. There is no necessity for giving a man a contract which is ten times greater than he has any capacity to fill. That is where most of the difficulty has come from.

Mr. Norman of Nebraska. Out in Nebraska the manufacturers come time and time again to appeal to the governor or to the labor commissioner at the capitol to suspend the night work law. We have not suspended anything in Nebraska. We make them live up to the law, to help those states that have not got laws to get them at the next session. They get their war orders out, I think, on time, most of them, without any difficulty in Nebraska.

- 4 - Hazardous occupations. The introduction of women into new occupations was discussed from the point of view of determining upon and keeping them out of those which present special hazards. An investigation of occupations and of working conditions in a number of plants in Niagara Falls was described by Miss Van Kleeck as an instance of the kind of scientific study which is essential to this program. It also illustrated a method of cooperation as the work was done jointly by the state department and the Committee on Hazardous Occupations which represents several federal departments.
- 5 \* The subject of "equal pay for equal work" came up, and evoked considerable discussion, the phrase being attacked as misleading and the difficulties of enforcement being brought out.
- 6 - The subject of the employment of women on the railroads was raised by several states. Difficulties were instanced in upholding state standards under government control of the railroads. The use of women in unwholesome occupations was cited. A Woman's Service Section recently established in the R. R. Administration was described by its manager, Miss Pauline Goldmark.

Miss Goldmark. This is a small section which has been particularly appointed for the purpose of taking care of the interests of women, acting under the Division of Labor of the Railroad Administration. There were 23,000 women in the service last April, and the figures have not yet been compiled for July.

It is the intention of the Service to inspect conditions of labor, but necessarily this work will be limited. The participation of the state labor departments is needed. General Order number 27 of the Director General states that the labor laws that are in force in the states apply to the railroad service. This in a way federalizes the local state laws and leaves in the hands of the officials the inspection. They can draw the attention of the Railroads to any non-observance of labor laws.

The women in the railroad service are the first to secure equal pay for equal work without exception. This is assured under the new wage orders. The rates of pay are standardized for every occupation and women participate in the new rulings just as men do.

For instance, a woman who cleans coaches is paid a minimum of 28 cents an hour and a maximum of 40 cents. It is not possible for such women to work for less than 28 cents an hour. A year ago when women began to be taken into the service in such numbers they were getting 18 and 19 cents, and there was a great substitution of women on account of the fact that they were cheap. It was found in Ohio that women were being taken in for 18, 20, and 21 cents as laborers and section hands, when you could not possibly get a man under 26 to 30 cents.

The railroads had the week before been directed to discontinue the use of women as section laborers and as truckers in freight depots and warehouses. This<sup>is</sup> deemed improper work for women, who should be transferred into some class of labor suitable for their strength and with proper regard to their health.

F - Working Conditions Service,

1. The organization and plans of the Working Conditions Service of the Department of Labor were described by Miss Thorne, Assistant director.

Miss Thorne. The Working Conditions Service is one of the new war services. This description of its functions was written by the Secretary of Labor:

"To examine into the matter of working conditions in the war industries; to determine the standards as to conditions which should be maintained in the war industries; to adopt rules embodying such standards and explaining them; to determine the best means for securing the adoption and maintenance of such standards and to cooperate with state authorities for the above purposes."

In going over the ground as to just what should come within the scope of the Working Conditions Service, we determined that we would exclude the wage question as a controversial issue. There are other agencies to deal with controversial issues. The field of this Service falls into three main divisions -- Safety Engineering, Industrial Hygiene and Medicine and Labor Administration.

The field of Industrial Safety has been better organized than the other two. The various states have safety agencies, codes and regulations. It is the function of the Division of Safety Engineering to standardize safety practices and organizations, and to determine federal standards.

The Working Conditions Service has been assured the cooperation of the Bureau of Standards and of the National Safety Council, the most important non-governmental agency in the safety field.

The Division of Industrial Hygiene and Medicine will investigate health hazards, and work for the standardization of health codes. It will undertake large educational work, looking toward the elimination of health hazards in industry. At the request of the Secretary of Labor, the Secretary of the Treasury authorized the Public Health Service to detail personnel to constitute this Division of the Working Conditions Service. Dr. A. J. Lan'a is Chief.

The Chief of the Division of Labor Administration is Dr. William M. Leiserson. The relations between management and employees are an important production problem, differing from other engineering problems in production in that it is modified by the human element involved. The Division of Labor Administration will develop the principles that ought to underly this relationship in production, and will conduct an educational campaign for their dissemination.

2. The war of the Health and Safety and the Safety Engineering Sections of the Emergency Fleet Corporation was described by Mr. P. J. Brand, Assistant Chief Safety Engineer,
3. The plan of cooperation with the federal departments which has been adopted by the Safety Section of the Ordnance Department was presented by Captain Kelley.
4. Mr. Charles Oaks of the U. S. Bureau of Standards spoke on the need for uniform safety standards.
5. A tentative plan was discussed for physical examination of workers by the U. S. Employment Bureau, at the time of employment.

Dr. Selby of the Public Health Service, detailed to the Working Conditions Service.

Unfortunately, the physical examination as it is generally conducted represents to the employee nothing more than an opportunity for rejection. The employer, generally speaking, secures no benefit from the physical examination at the present time, unless it be the exclusion of impaired applicants. The physical examination does not reach all applicants for employment. It reaches only those who apply in those industries which require it as a condition of employment, and as a matter of fact, the men who move from one establishment to another which require physical examinations are re-examined at unnecessarily frequent intervals.

This plan which is proposed, and as to which I hope you will offer suggestions, provides for the extension of the present employment service to include the physical examination as one of its functions .... That necessitates a standard list of job requirements relating especially to the physical capacity necessary in order to accomplish that work. It entails, second, a preparation of a standard physical examination blank which is in itself a tremendous task. It entails the association of the medical staff which this employment office, where the individual when he applies for employment will be given a physical examination. A physician will advise with the employment manager as to the proper placement of the man, taking into consideration his physical capacity and possibly his temperament. And then there must be devised some scheme whereby the factory physician may obtain this information in order

that he may assist the employee in regaining his normal condition if he be defective, or maybe assist him in getting the very best out of himself that is possible to do under his impaired condition.

Mr. Norman of Nebraska. We have had experience with physical examinations at different corporations. Take railroads, for example. We have had it in times past, but it was used for a blacklist.

Mr. Edson of California. How would you expect to follow up a particular examination?

Dr. Selby. The information would be conveyed to the plant physician in some way.

Mrs. Hoskins. You do have a plant physician?

Dr. Selby. Oh, yes, to take care of the injuries and sanitation, and that sort of thing. I presume that this plan would necessitate the preparation of a card which would be given to the employee, good for a certain period of time, possibly a year. In that way he would get a re-examination at least yearly.

Mr. Gernon of New York. There is nothing that there has been so much opposition to on the part of workers, as physical examination. Personally, I would like to see physical examinations if they could be properly conducted, but I do not agree with them for the abuses that have been injected into it.

Mr. Lynch of New York. I am in favor of the physical examination of wage earners. I do not see how anybody connected with compensation work can reach any other conclusion than that there should be physical examination of wage earners, and that the wage earner himself should know what is dangerous for him to engage in. Surely, it shows no particular interest in the wage earner to keep him in ignorance of some disease that he has, and then permit him to go to work at some process in a factory that means certain death.

Dr. Meeker of the Bureau of Labor Statistics.

The employer has abused medical examinations. The railroads abused lots of things a long while ago. It is time we forget some of them and <sup>went</sup> ahead and assisted the railroads. A great many men and a great many institutions have abused all sorts of things in times past, but let us get together and get rid of the abuses of excellent things and go ahead. If ever we needed physical examinations, we need them now, and now is the time for some action to be taken to put the physical examination on the map and put it there thoroughly.

.....If the Public Health Service is to conduct the physical examination in all the plants of this country, it is quite some job that it will have on its hands. Do you contemplate socializing the medical profession? Do you contemplate taking under the Public Health Service practically every practicing physician throughout the country? Because that is what it will mean if you are going to handle this job and going to handle it effectively. Are you ready to answer that question, or do you pass it up?

Dr. Selby. I can answer that question very quickly by saying that we have not got that far in our plan.

Mr. Gram of Oregon. Is it contemplated in these examinations of employees, or re-examinations, that the employee pay a fee for such examination?

Dr. Selby. No, no.

Mrs. Semple of Pennsylvania. I would like to ask Dr. Selby whether he thinks it is practicable or possible to work out such standards for the proper employment of men and that they may be issued in the form of codes as other state codes are issued, tying them up on the other hand with a system of examination blanks. In other words, is it possible to use this system in such a way as to standardize employment of women for the safety of women going into unusual employments?

Dr. Selby. I cannot speak entirely with authority. I was speaking with Prof. Frederick S. Lee in New York the other day, who is probably the leading man in the United States on studies of fatigue, and he has been using what is known technically as a spring balance test, which measures with a fair degree of accuracy the strength of the individual. I see no reason why that spring balance test cannot be used in determining the average strength required in the operation. Having learned the average strength required in a certain operation, the ascertainment of the average strength of the person who is proposed to be placed on that operation can be compared and be set down definitely. I see no reason why that cannot be worked out.

- 5 - The need of more thorough study of industrial seating for differing occupations was emphasized by several states and federal agencies.

G. - Resolution adopted by the conference

Mr. Lynch of New York. I move that this conference go on record as opposed to any lowering or repealing of labor laws and labor standards set up in the various states, unless on recommendation from federal authority with competent jurisdiction, and that any modification or suspension is to be by federal authority of competent jurisdiction.

(The motion was seconded.) .p. - - - - -

It has been asked what I would say was competent jurisdiction. There have been certain agencies working to win the war; first and foremost the President of the United States in his status as Commander-in-Chief; if he should ask that certain standards should be suspended or changed, of course it would be done. If the Secretary of the Navy or Secretary of War should recommend that, it would naturally be the supposition that that was concurred in by the President, who is their chief, and there would be acquiescence in that. If any such recommendation was made, I presume that it would only be made after consulting with the various bureaus that have been handling the subject and with the officers of the American Federation of Labor who have so far taken quite a prominent part in the conduct of the war from the industry side. We would therefore have faith in any recommendation that might come from Washington for either a suspension or a change of some standard in some of the states which might interfere with the winning of the war. But otherwise, we are opposed to it.

Mr. McLaughlin of California. We have every reason to believe that there will be a drive to repeal labor legislation and the wiping off from the statute books of things which are beneficial to labor and for the protection of women and children, and we should oppose it and let it go out to the world that we are so opposed.

Miss Abbott, You can count on this machinery here in backing you up.

After some further discussion the motion was unanimously carried.

Mr. Gernon of New York. I hope we will profit from this conference by having another one for the purpose of trying to bring the standards up in the states that do not have standards. I think if we had a conference like this with time enough to work it out thoroughly, the findings of the conference would have great weight.

Miss Abbott Thank you for the suggestion. I also want to say that this conference is a genuine conference. We had in mind getting you here before we went ahead, and we wanted your advice and experience. I hope you have gotten the idea from all of the people of the Labor Department who have appeared before you that we consider as a help a suggestion or opinion from you as to the way in which things are going in the field. The way in which you can help us most is by telling us when an order has gone out and we think it is working, that it is not working. That is the information we want, and we will use it at once. We want you to suggest ways in which things are going wrong and can be improved in any direction.

What we want to feel here is that the facts are being put up to us in Washington, that full information is being sent in. Information that comes from the labor officials of various states is going to receive most careful consideration in Washington, and because you do not get relief on one proposition please do not think that you cannot put up the next one. It may be that the situation will have changed in the meantime, and that the next one can be relieved.

conference

SPECIAL NOTICE

The Secretary of Labor has been requested to address the Conference. Earlier plans had scheduled him to be out of town on Monday and Tuesday, but an unexpected change has made it possible for him to be in Washington. We are hoping that he will be able to address the Conference some time during its session.

PROGRAM FOR:

CONFERENCE OF STATE OFFICIALS CHARGED WITH ENFORCEMENT OF STATE

LABOR LAWS

Monday, September 30, 1918

Office of the War Labor Policies Board

1607 H Street N. W., Washington, D. C.

Morning Session - 10 A. M. - 1 P. M.

Opening of Conference by Mr. Frankfurter.

Child Labor

Discussion led by Child Labor Division of the Children's Bureau,  
Miss Julia Lathrop, Chief of Children's Bureau, presiding.

1. Method of reporting to state departments and to employers violations of state laws found in federal inspections.
2. Method of securing uniform reports of state and federal certificates or work permits issued.
3. General discussion of methods of improving the cooperation between state and federal departments in the enforcement of child labor laws.

Afternoon Session - 2:30

Clauses introduced into Government Contracts

Major S. T. Rosensohn, Chairman Committee on Contract Clauses.

Inspection and Investigation Service.

Discussion led by Mr. Ethelbert Stewart, Director of the Inspection and Investigation Service of the Department of Labor.

1. Cooperation with state bureaus and factory inspection departments in the matter of investigations and of inspection in states equipped to render service.
2. Maintenance of state standards through state inspection and a minimum standard by government and state inspectors in all states.
3. General problems of the Service.

Page two -- Program Continued.

Tuesday, October 1, 1918.

Morning Session - 10 A. M. -- 1 P. M.

Women in Industry

Discussion led by Miss Mary Van Kleek, Director of Women in Industry Service, Department of Labor.

1. Introduction of women into hazardous occupations.
2. Night work for women.
3. Development of Women's Divisions in state departments.
4. Outstanding problems.

Afternoon Session - 2:30 P. M.

Health and Safety Work of Production Divisions of the War Department and the Shipping Board.

Mr. George Bell, Presiding.

Industrial Relations Group, Emergency Fleet Corporation of the Shipping Board.

Industrial Service Section,  
the Ordnance Department.

Safety and Sanitation Branch,  
the Ordnance Department.

Administration of Labor Standards  
for Army Clothing.

Working Conditions

Discussion led by Mr. Grant Hamilton, Director of the Working Conditions Service of the Department of Labor.

1. Do state laws fit the present emergency?
2. Physical examinations in industry.
3. Campaigns for industrial health and safety.

TOPICS FOR DISCUSSION REGARDING METHOD OF SECURING UNIFORM REPORTS  
OF STATE AND FEDERAL CERTIFICATES OR WORK PERMITS ISSUED.

I. Points which might be covered in uniform reports:

A. General or regular employment certificates.

1. Number of children to whom certificates issued (or number of "original" certificates issued) classified according to:
  - a. Locality ( City or town - not county)
  - b. Age
  - c. Sex
  - d. Color
  - e. School grade attained
  - f. Kind of evidence accepted
  - g. Occupation or Industry, or both.
2. Number of certificates reissued (or number of subsequent certificates issued) classified according to locality.
3. Number of certificates refused, classified according to locality.

B. Vacation certificates issued by locality.

C. Poverty permits issued by locality.

II. Most efficient and economical method of securing reports by state and federal authorities - use of uniform blanks.

III. Frequency of reports.

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ABSTRACT  
of the  
PROCEEDINGS  
of the  
CONFERENCE OF STATE LABOR OFFICIALS  
HELD IN WASHINGTON UNDER THE AUSPICES OF THE  
WAR LABOR POLICIES BOARD  
September 30 and October 1, 1918.

A - Opening addresses.

1 - Address of Secretary Wilson

When we entered the war, we deemed it absolutely necessary that we should make every possible provision for the purpose of maintaining the health of our boys whom we were taking into the camps. We are doing the same with the boys that go over the seas. The saving of man-power is the all-important purpose at this time.

Now, what is true with regard to the preservation of our boys in the camps and in the trenches against disease and against any other form of destruction or injury, is true with regard to the industrial workers. The more we can conserve the lives and the health of our workers, the more men we have available for the trenches. The more the lives of our people are destroyed in industry, the fewer we have for military operations.

And so you are dealing with a very important problem in connection with the proper conduct of the war -- the question of securing the largest possible production from the available man-power and woman-power of the country, and securing it with the least possible sacrifice of life, limb, and health.

There has been an agitation for the elimination or lowering of standards in order that we might, by the lowering of those standards, increase productivity.

I recall something more than a year ago, when the anthracite coal miners and coal operators were in conference for the purpose of making a new wage scale, that a suggestion was made to the Council of National Defense that we ought to impress upon the conference the need in the crisis through which we were passing of yielding the eight-hour working day which had been established in the anthracite fields, and returning to the nine-hour day which had previously obtained there, the assumption being that if the anthracite coal miners went back to a nine-hour working day that more coal would be produced.

At that time I suggested to the Council the advisability of making an intensive investigation of the subject before we made any recommendations. Our Bureau of Labor Statistics made an investigation with an interesting result. We found that the anthracite coal miners working eight hours per day in 1916-17 were producing approximately 2% more coal than they had produced in nine hours in 1915-16.

It does not follow that because in a mining industry men have been producing more coal with an eight-hour working day than they did in a nine-hour working day that the same would be true in all other lines of industry. I simply cite this to show some of the problems that we are confronted with in connection with the question of standards. ....

It is absolutely imperative that we shall do all in our power to maintain the standard with regard to at least the minimum age at which children may be admitted into gainful occupations, for the welfare of the child itself, the welfare of the community, for the future of our country.

We have a special problem in connection with women in industry. There are many lines of industry that women are not physically fitted to fill. There are many conditions of industry that affect not only the physical development of women, but their own self-respect. I can conceive of no greater injury that can come to our country than the introduction of our women into lines of industry that they are not physically fitted to perform, or into lines of industry that reduce their own self-respect.

The rapidity with which other countries, when compelled to deal with the problem, introduced women into industries where they should not have been introduced, is well known. We have had more time to deal with the subject; and still there is a tendency on our part to introduce women where they should not be introduced.

Some eight or nine years ago I had the honor of representing the American Federation of Labor as its fraternal delegate to the British Trade Union Congress. During my visit over there I was shocked to find the kinds of industry that women were then engaged in in Great Britain. I found women there at that time working on the pit-heads, dumping the coal out of the mine cars into the railroad cars. I saw women there with their wheelbarrows taking bricks away from the moulds, wheeling them into the kilns and piling them up to be burned; and I saw those same women going into the extremely hot kilns after the brick had been burned and when the time had come to remove them, taking the brick from the kiln, wheeling it out into the yards and piling it there. ....

As I have said, there may come a time when it will be necessary to reduce the standards that we have established in order that we may preserve the conditions under which those standards have been built up and under which we may go on to work out our own destiny in our own way. But that sacrifice of standard should not be made upon the responsibility of those who are only

in a position to see the local situation. When standards are lowered, it should be upon the responsibility of those who are in a position to observe the entire field, and then only after every other means of supplying our armies has been exhausted.

2 - Address of Mr. Frankfurter, Chairman of War Labor Policies Board.

This is an extraordinarily vast country. No one who has not had the opportunity of comparing the difficulties of administration in England, in time of war, where officials sitting in London can get anybody from anywhere in the kingdom certainly within a day's ride, even under congested traffic conditions, can quite get into his own intellectual perception the feeling, the realization, the emotion of what it means to have administrative responsibility in the United States in time of war. Therefore the method which has made the administration of the selective service law so effective, the method which is making the administration of Mr. Hoover's work so effective, is peculiarly the method which we must pursue in the field of labor; - namely, that we must have the vitalizing energy and intelligence of you men and women in the various states throughout the country.

I think if we were to summarize in a word the defect of American labor administration, we would be tempted to say - I think with accuracy, - that its failure was in its lack of enforcement. The laws themselves were meager, but their essential weakness was that there was no provision made in the laws for effective administration.

There cannot be, even with the vast machinery of the administration, direction here from Washington. It must be from the field; and you are stationed in the various fields throughout the country. We must ask you gentlemen, you men and women, and the various organizations throughout the country, to be the enforcing agencies for the federal departments; therefore it is that we feel we have the right to bring you from your field duties here to council with us, to tell us of your difficulties, and to let you see, if we can, the general plan of which you are the executing organs.

B - PROGRAM OF THE WAR LABOR POLICIES BOARD

The program of the War Labor Policies Board according to which the government contracts require compliance with state laws and the state departments are deputized to aid in enforcement was presented.

Major Rosensohn, - Assigned to the office of the Judge Advocate General.

The policy adopted by the various department heads was that all the labor standards which had been established by law or custom should be maintained as far as practicable; they should not be suspended except in the cases of extraordinary emergency. By "extraordinary emergency" we do not mean simply the emergency of the war. The war, in and of itself, is not an extraordinary emergency. There have got to be other factors before any suspension can be allowed.

The War Labor Policies Board thought it advisable that every contract should contain a provision that the contractor in the performance of the contract would comply with all of the State labor laws. Accordingly, a clause with which we are especially concerned, was adopted to be inserted in every contract. That clause is:

"All work required in carrying out this contract shall be performed in full compliance with the laws of the State, Territory, or District of Columbia where such labor is performed; provided, that the contractor shall not employ in the performance of this contract any minor under the age of 14 years, or permit any minor between the ages of 14 and 16 years to work more than 8 hours in any one day, more than 6 days in any one week, or before 6 A. M., or after 7 P. M., nor shall the contractor, directly or indirectly, employ any person under sentence of imprisonment at hard labor which may have been imposed by a court of any State, Territory, or municipality having criminal jurisdiction; provided, however, that the President of the United States may, by executive order, modify this provision with respect to the employment of convict labor and provide the terms and conditions upon which such labor may be employed." These provisions shall be of the essence of the contract.2

The War Department has issued an order directing that every contract should contain such a clause; the Navy Department will order it to-day; the Housing Corporation has included them in every contract, and the Emergency Fleet Corporation will also issue such an order.

In enforcing this provision it was also decided that the various State labor departments were the best agencies to enforce the State labor laws on behalf of the government.

Miss Mary Van Kleeck, Director of the Woman in Industry Service.

You are the outposts of this whole situation, and your action is to be an effective action. You are deputized to enforce those provisions of the contract, and the whole point is the effectiveness of enforcement. Clearly it is your responsibility to see the plants working on contracts in each State are living up to the announced policy and desire of the Federal departments; and you are acting in the capacity not only of a state but of a federal agency.

2- The question of the right to deputize was raised.

Mr. Morrissey of Colorado. I wanted to ask if Miss Abbott would consider it a good plan to name State factory inspectors as federal agents. The letter designated me individually, but we have factory inspectors.

Miss Abbott, Research Consultant. War Labor Policies Board.

You can deputize them through that designation.

Major Rosensohn. Bureaus of which you are the heads are deputized and of course you can act through any representative.

3 \* The desire was expressed by some states for lists of government contractors but this was not considered practicable.

Mr. Gardiner of Minnesota. It seems to me that it would be a very good idea if the War Labor Policies Board would furnish the state departments with a complete list of the manufacturers within that state who have these contracts.

Miss Abbott. It is not easy to get lists of contractors and get them out to you in time, and inasmuch as the state people are engaged in the inspection of every single plant, it is very easy for you, upon inquiry, to learn whether they are engaged in war work or not. They are not going to be heard to say that they are not engaged in war work. There will be no difficulty there, because it makes a very great difference in getting the priority in labor and in fuel and in raw material.

Mr. Dunlap of Missouri. Do not be alarmed that any contractor, even though he makes just one tin can, will tell you he is not working for the government. He will tell you "I am working for the government".

- 4 - The best method of dealing with persistent violation, whether by local prosecution or by reporting to the federal contracting department was debated. It was generally felt that local prosecution was better in the majority of cases, but that it would be possible for the head of the state labor department to have recourse to federal authority when in his judgment this was preferable.
- 5 - The applicability of state laws in industries operating under degrees of government control was discussed.  
They are not applicable in government owned plants.

Major Rosenschn. You have how the Western Union Telegraph Company taken over by the government. The railroads have been taken over by the government. Since those things have happened, of course the state laws are no longer applicable, but the governmental policies are applicable, and of course it is for the heads of those departments to determine that.

The government policy makes them applicable on direct contracts. They are applicable on subcontracts and on plants whose products are commandeered.

- 6a- Compliance with certain safety standards, it was reported, is virtually suspended owing to the impossibility of getting materials for the alterations required.

Mr. Bryant of New Jersey. We have some very serious problems to consider in New Jersey as to getting material to carry out the orders of the department. We order a fire escape on a building. A contract is given, and the contractor cannot get the material. Is there any way that that situation can be helped through the Priorities Board? I have two cases where the conditions are hazardous. Just before I left I gave instructions to have both buildings closed until the fire escapes are erected. I know what is going to happen. They won't be able to get the material to build them. The factories that are engaged in war work can get priority for iron.

Mr. Frayne of the War Industries Board.

If they are engaged in war industries they stand some chance. Suppose you write the priority commission on it?

Mr. Kearns of Ohio. We are having serious trouble along that very line in Ohio, now, where we issue orders for safety devices for school-houses of all kinds and it means that they must have sheet metal or iron or steel to comply with the order, and in any number of cases they say to the department that they cannot get the material unless they have a priority order, and they cannot get a priority order unless they are manufacturing goods for the government.

Mr. Frayne. Forward the information to Washington and it might be helpful in getting this material. I do not say that it will, but an application endorsed by a state commission will be recognized much more readily than the owner or the contractor. So in each instance if the commission were to write a letter of endorsement calling attention to the necessity of getting a priority order, it would be very helpful.

C - Child Labor.

- 1 - Miss Lathrop, Chief of the Children's Bureau, spoke of the changes in the federal program caused by the decision of the Supreme Court.

Miss Lathrop. A little more than a year ago some of you came to help us launch the enforcement of the federal child labor law, and you inspired us and helped us a great deal then and all through the 273 days during which that law was in operation. There certainly could hardly have been found a more, inauspicious moment to have it declared unconstitutional than the 3d of June, just as we were getting into the very thick of this industrial activity. However, through the Secretary, through the War Labor Policies Board, we were able to wrest a little victory from that defeat, because the War Labor Policies Board with its representation of the great production agencies of the government is able to put into the government contracts the standards of the federal child labor law. The President, out of the beneficent fund which comes forth on occasion, gave us \$100,000 with which to make investigations so that we can enforce these contract clauses until the happy moment when Congress may be able to secure another law which, presumably, will be more gently regarded by the Supreme Court. Various measures have been presented to Congress, and we have every reason to believe that a permanent measure will be passed during this present Congress.

There have been several measures which we have undertaken in following the policies of the War Labor Policies Board which are somewhat different from those of the past; at any rate, they are based upon a different power. We would have been almost helpless when the law was declared unconstitutional did the Bureau not exist under a law which directs the Bureau to investigate and report on all matters affecting the welfare of children. We therefore had absolute power as investigators to go into factories and to bring in reports, although, of course, we have no law to enforce and no standards on which we could insist. But we did at once save as much as we could of the Child Labor Division with the very limited resources which we had at the time.

Some of you may be interested to know that agents have since been working very hard on gathering the material into proper shape for a report which is nearing publication.

Miss Lathrop announced that Miss Abbott, Director of the Child Labor Division of the Bureau, is assigned to the War Labor Policies Board temporarily, and that her work in the Bureau is being carried by Miss Matthews, Assistant Director.

- 2 - The experience of the Bureau and state departments in enforcing the federal child labor law was discussed, especially the value of joint inspections and of the reports concerning federal inspections made by the Bureau to the states.

Miss Abbott. As you know, we went on the theory that any plan of enforcement or administration of federal standards was to be by some sort of joint arrangement between the state and the federal government; and according to the vote that was taken by the delegates who assembled last July at the call of the Secretary of Labor, all of you were designated or commissioned by the Secretary for the purpose of aiding in the enforcement of the federal act.

Mr. Palmer. As far as Pennsylvania is concerned, we have been very much satisfied with the mutual inspection plan. There has been some difference between the federal law and our own, and we had some difficulty at the start in adjusting that difference, but I think you will agree that we were just about going right when the Supreme Court put the brakes on.

Miss Abbott. The Pennsylvania law was lower than the federal standard in that it permitted a nine-hour day for children between 14 and 16. It is also lower than contract provisions which we are going to be called upon to enforce. The federal child labor law did make a very definite change in the Pennsylvania situation, and the contract provision makes a definite change in the Pennsylvania situation. We went in there and made some joint inspections with some of Mr. Palmer's inspectors and began the work together for a time, and then the Pennsylvania inspectors left our inspectors to finish up the work, and we kept in pretty close touch with them. Then we turned over to them a summary of the findings. Those findings were most of them turned in after the law was declared unconstitutional, and a number of suits had been filed.

In another instance, in Ohio, for example, we followed the policy of writing the employer a letter setting forth the findings. Most of the violations were of the Ohio law instead of the Federal, because the Ohio standards were very much higher. We sent at the same time a copy of these findings to the state inspector calling attention to the fact that this duplicate was being sent to the employer, and that he was being notified at the same time

Mr. Kearns of Ohio. The plan of referring violations from the Federal Bureau to the labor commissioner seems to be very satisfactory. At any rate, it is working out that way in Ohio. What we are doing now is to take those reports and turn them over to our deputies in the various districts, to make their investigations. Of course, if we find the laws are still being violated prosecutions will be brought. We started prosecution in one case just before I left home on one of the reports sent out by your department, where we found the law still being violated. I think, however, that wherever, it is possible to do it, it will be much more satisfactory if the federal and state inspectors can make the inspections together where flagrant violations of the law are found and prosecutions are necessary. Of course, we can not make those prosecutions until we get the evidence ourselves.

Mr. Allen of Tennessee. The suggestions made with regard to mutually reporting inspections meet with my full endorsement. I had some experience in receiving and acting on reports from the federal department immediately following the time when the federal child labor law was in force, and I found great benefit resulting to us in Tennessee from that system. We took each individual report that came to us, whether it was good or bad, and got some results from it. We took the bad cases and had our inspectors go to the industries where the federal inspector had found the law violated, or possibly violated, and he traced these matters down until we corrected them in one or two cases by prosecution and in a majority of the cases without it; and following our policy, in those cases where the report showed conditions were good, no violations and no reason for complaint, we immediately told the industry of the facts and made a friend of the managers of those industries. I think the proper idea is that we should have some system adopted that would be uniform throughout the country, some blank maybe that could be used in all cases where the federal inspector would report conditions to the state department, and, if desired, the state inspectors could report conditions to the federal department, and then have a follow-up system by which we could trace those until we got complete and satisfactory results from them.

Mr. Shipman of North Carolina. In reference to the cases of violations found in which our state law has supervision, I found that there were no names. I was wondering if Miss Abbott could furnish us with the names of the children who are below age. If that could be done, we will get right after those cases and have them rounded up.

Miss Abbott. We sent out general instructions at the time that the law was found unconstitutional. We have no request for names from you, but we will be very glad to have it.

Mr. Fox of Maryland. I want to suggest that if we had a uniform method of reporting all violations found by the federal inspectors to the state departments, and then if we had a printed form on which to make returns or report on these, I think we would get somewhere.

Mr. Hudson of Rhode Island. We have reports from your department. We appreciate the information received, but we would like to have it nearer to the time of the investigation. We did not get it until two or three months after the inspections were made. I objected to the fact that as I thought this report was going to be printed, I did not like to have a secret investigation and then have it reported to the public before we got it.

Miss Lathrop. Quite right.

Mr. Hudson. It is a long way to send reports on here to Washington to have them compiled, and then send them back to us. If the inspector could give his information on the spot, I think we could cooperate with him.

Miss Lathrop. We certainly can speed up.

Miss Abbott. The only way we can assume responsibility for what is being done is to see whether the evidence that we have collected is adequate before we turn it over to you. So we have insisted that the reports should come into Washington first, before they were passed on to you. While that is slightly slower, in the long run it will be more satisfactory to you, because you will then know that you are dealing with the final responsibility in connection with the thing and that you will not be dealing with something that we have not recognized as a fact. We will have, of course, to publish the final reports of the work of the Division, but all of the inspectors have been instructed that no local publicity was to be given to the findings.

Mr. Gardiner of Minnesota. I think it would be a good idea if the Federal Child Labor Bureau would get samples of every one of these blanks that are used in the various states where we have child labor laws and formulate one of the easiest working blanks we can possibly get hold of. Then when we are making reports, they should be sent to other states to show the investigations that have been made and the results accomplished in adjoining states.

- 3 - A plan was discussed for reports on violations to be made by the states to the Children's Bureau, as a means of enforcing the contract provision in regard to child labor.

Miss Abbott. The Government does not believe that contract provisions will be self-operating. You are being commissioned by the War Department and by the Navy Department and by the other departments of the Government to report to them violations of the contracts, and then those violations will be taken up with the contractors: so that you are, so to speak, the enforcing officer. We shall be very glad to have those reports come into us because it is a policy to handle them uniformly with the War Department and the Navy Department and the Shipping Board.

I am sure that you will be glad to know that the movement for the insertion of the contract clause did not come from the child labor division but from the War Department to the War Labor Policies Board with the approval of the production departments who were concerned with getting out production because they did not want this impression to go abroad that we wanted little children in the factories working to win the war.

Miss Lathrop. Is it not the sense of the meeting that, if the system of reporting blanks should be agreed upon and the blanks sent out at once by the Government, it would be agreeable to the state inspectors to send in their reports to the Division of such infractions as occur? If that is regarded as a sensible and satisfactory plan, the Child Labor Division will at once proceed to prepare such blanks for reports.

Miss Abbott. We do not find that it is a matter that can always be put on a short blank. We have got to have for the Department proof of the fact that the child is under 14 and a proof that he is working over hours. You all know that those responsible in the War Department are not going to be too patient in handling reports that are not verified and which do not consider the evidence on which the report is based; and in order to get uniform and quick and responsible action from those very busy departments we have got to have evidence go in absolutely airtight as to the facts that are submitted. I am very sure that all of you will be very glad to do that and realize that it is necessary.

We do not want them to go back and verify these facts. We want them to be able to deal with a contract absolutely on the basis of the information that is there, just as the Attorney General in the Department of Justice starts action on the information that they have there. So we will have to ask for something more than a very short blank in that connection.

4 - Various instances of violations of child labor laws, due to war time conditions were brought up in different states.

Miss Bresette of Kansas. We tried to prosecute the Western Union last week, and the county attorney refused to prosecute our case, saying it was under government control. That means that the bars are down in that state for child labor in the messenger service, and they are calling them things and fast and we are helpless and can do nothing. The District Attorney refused to take any action. He said we would have to take the matter entirely up with the Federal authorities. I wired the Postmaster-General promptly and wrote him repeatedly, but we have not had any reply.

Miss Lathrop. I think it could be reported to the War Labor Policies Board.

Miss Abbott. We want reports of that sort to come in. It is exactly in that way that the states can be of assistance.

Mr. Fox of Maryland. We are having practically the same experience right now. We have found over two hundred violations, and the magistrate punished them all and fined them \$10 and costs, which they were willing to pay every day for working the children.

Mr. Mulready of Massachusetts. I came to Washington to shake hands with someone who brought of the brilliant idea of getting after the contract. Send along your reports and we will do the best we can with them. We had one delivered to us. We had already started prosecution on one man in the county, and we prosecuted quite a lot afterwards, and we got them as far as the court, and the court said -- I wonder if that is a uniform experience -- "These are war times. I do not believe it hurts these children." He asked one of the boys if he felt injured by what he did, and then he said, "We will find them guilty but file the cases with no determination."

Mr Mulready also stated that permits to suspend the Massachusetts child labor law had never been granted, though fifty-one applications had been made. "We stuck to the policy that we would not under any circumstances grant the right for children to work over time."

Mr. Allen of Tennessee. I want to put before you the case of what is said to be a \$50,000,000 corporation, a government war industry, being erected by a private corporation. This corporation has let a contract for the erection of the industrial city to another corporation. With respect to the corporation that is building the plant the state laws and federal laws, I am confident, are being observed,

but in the case of the corporation that is building the industrial city the laws are being disregarded. There are from one hundred to two hundred and fifty children employed there now, illegally. I am stating facts. Women are employed illegal hours and in other instances the laws of the State of Tennessee are being disregarded.

Miss Abbott. There is a mistaken view throughout the country that the department here in Washington were relaxing on that score. What we are able to do for you is to say quite definitely that the Secretary of War and the Secretary of the Navy have indicated that their policy is against that sort of thing.

- 5 - The importance of reports on the issuing of working certificates by the states to the federal government was explained by Miss Matthews of the Children's Bureau. The desirability of uniform reports and some of the difficulties were considered. It was decided to appoint a committee to suggest methods of reporting, and Miss Lathrop appointed Mr. Gardiner of Minnesota, Mr. Gernon of New York, Mr. McLaughlin of California, Miss Matthews of the Children's Bureau, Mr. Hamrecht of Wisconsin, Mrs. Semple of Pennsylvania.

D - The functions of the investigation and inspection service of the Department of Labor, were described by Mr. Ethelbert Stewart, Chief of the Service.

Mr. Ethelbert Stewart. The War Labor Administration bill provided certain services in the Department of Labor. Among them was the Investigation and Inspection Service. I was appointed July 8th, so we have not been in existence very long. I think the states have all received a letter announcing the fact that it was organized and ready to form cooperative arrangements.

The functions of the Investigation and Inspection Service, outlined by the Secretary of Labor, are as follows: "a force of investigators will also be needed for the various other services here contemplated. In view of the fact that the service of an inspector examiner and investigator may also be combined in one man, especially at the beginning of the work, and also that the handling of a field force which travels from place to place is a large task in itself, I believe the greatest economy and efficiency can be obtained by combining these field forces under their secretary in one inspector in charge and in a special service to be called Investigation and Inspection Service. It will be my purpose to require all new services in the Department to use this Investigation and Inspection Service so far as possible in field work. For this purpose the inspector in charge of this service will provide, on consultation with other branches of the government, methods of inspection, investigation and examination, including blank forms, and so forth, and will transmit such report to the various branches to which they belong.

Along that line I wrote to the various states as follows -- that is the thing that interests us most directly: .....

"While this service is equipped with a force of factory inspectors as well as investigators who work directly from the central office in Washington, it is nevertheless the purpose of the director of the Investigation and Inspection Service to cooperate with and use all of its agencies that now exist in the various states. Wherever a state bureau of labor statistics, industrial commission, or other statutory state organizations can be of service in making local investigations, their cooperation is earnestly solicited. Wherever state factory inspection officials are in a position to assist or are in need of assistance in enforcing state factory laws on government contracts, a close cooperation is offered and desired."

I have received letters from a number of states. Practically all simply offered a complete and absolute cooperation, without raising any question. There are two that raised questions, and I want to answer them. One is from Pennsylvania, which very properly raises a question as to whether there is going to be any disturbance of the organization of the Industrial Commission or the Department of Labor and Industry in Pennsylvania. That is precisely what we do not want to do. Wherever you are organized to get information that I want, I want you to get it. Wherever you are equipped so that you can do that without a drain upon your revenues, I want you to give me the facts and pay the bill. That will do two things:

It will enable me to use my force in states where they are not equipped to do it, and use my funds for states where they are simply not able to do any work of that sort.

That brings up the second question. One of the other states raised a question as to the funds; that they are willing to do everything they can, but they have no money even to pay railroad fare, and so on.

Now I have; and where a state is willing to cooperate and help and has the equipment to get the information, I can see that you lose nothing by it; provided other states that are equipped to get it without any serious detriment to themselves do not want all their bills paid too.

A function of this Service is simply to secure facts upon every conceivable subject.

A firm, for instance, is falling down on its delivery of war material. There are all sorts of reasons, but usually, if they get a chance, they say "Labor conditions." We have all sorts of inves-

tigations. I have just been told this afternoon about a concern that really employs about 3,000 people, and yet it is hoarding labor -- eight and ten thousand people on its payroll absolutely told to restrict output, to "lay down" on the job, because it has a ten or twelve per cent contract.

When you get these facts, we are able to put them into the hands of those who presumably have the power and willingness to make the correction.

Mr. Frayne of the War Industries Board: There have been many demands for the letting down of important labor laws applying to the employment of children; laws regulating the employment of women at night time; laws, where they exist, in regard to the one day rest in seven.

In some states the Commissions have been asked to set aside laws upon the mere statement of a manufacturer that he had a war contract, or because of the installation of two or three extra machines, he wanted to immediately set aside the state law.

Upon investigation, we found in every instance, even after some of the Commission were unanimous in agreeing to grant this special privilege, that there was no necessity for it.

We feel that the time is not ripe to set aside these very important laws. Until the time does come, we should safeguard these laws. It has taken so many years to place upon the statute books of the various states as well as the federal government and prevent those who, under the pretense of patriotism, because they have a contract with the Government, use it as an excuse to set them aside in order that they may make bigger profits than some of them are making. They say "Save the world for democracy." We are all in favor of that. I say "Save the women and children for the world."

I do not want to attempt to tell the states how to operate their laws, but I do want to tell you that the War Industrial Board, of which I am a member, has certain powers that will be very useful to the various states. Through the Priorities Division of the War Industries Board it is possible to prevent the raw material going to a plant, if there is a violation of the standards, providing those standards have been accepted as a government policy. If it is a company having a government contract, and it has not complied with the requirements, the raw material may be stopped, or the finished product need not be shipped, if there is a general understanding as a result of this conference.

I voice the sentiment of labor and I voice the sentiment of all of you men and women who have joined with us in this great work of protecting women and children of the country, that those laws must remain; that when the time comes for a special privilege to be given as an absolute necessity to meet a war emergency or a serious war situation, it will be done by consent and by arrangement such as you make here in cooperation with the government.

Miss Barnum of the Investigation and Inspection Service.

I was tremendously interested the other night when we were having a discussion as to the employment of women on night work to hear from Mr. Frayne, who is the labor representative on the War Industries Board, that what I had almost been made to believe was an emergency already existing, did not exist at all. The War Industries Board is constantly meeting what are called emergencies by mechanical devices and by transfers of contracts to other localities where things may be manufactured, taking over a factory and pressing its machinery into service, and so forth, before setting aside the night law for women.

Mr. Frayne. Since the formation of the Department of which Mr. Stewart is the chief, I have turned over probably a hundred or more cases coming to me in the War Industries Board. I have had replies on all those they had time to investigate. Reports from that department proved very clearly to me that it is performing a very useful work. They have been able to obtain information setting forth just what the conditions are and suggest how they can be remedied and incidentally, review many of the reasons for the requests for a special privilege in having the law changed to suit their particular convenience.

E - Women in Industry.

1. The organization of the federal Woman in Industry Service was described by Miss Mary Van Kleeck, Chief of the Service.

Miss Van Kleeck. The Woman in Industry Service has only a small staff. It has a smaller staff than it will have later, because it is just in its beginnings. It is designated as the adviser to the Secretary of Labor on all problems affecting women, and the director of the Woman in Industry Service represents women in industry on the War Labor Policies Board.

There are in several other federal departments activities relating to women in industry. The Ordnance Department, curiously enough, was the first to organize a woman's branch, last January. It is represented in the ten district offices of the Ordnance Department, and is carrying forward what might be called industrial counselling in matters affecting women, in the plants working on contracts for the Ordnance Department. They are not making investigations as such; they are not enforcing laws; they are endeavoring to devise plans with reference to problems affecting women, and, to that end, are maintaining as close connection as possible with state and local agencies and with the other divisions of the government.

The Navy has stated that it would prefer to have its problems handled by the Woman in Industry Service, and for that purpose plan to designate a woman inspector and detail her to work with the Woman in Industry Service.

The Public Health Service is charged by executive order recently with the control of activities in the federal departments relating to health, with the exception of such activities as those in the Surgeon General's office and the studies of occupational diseases which have been carried on for some time by the Bureau of Labor Statistics of the Department of Labor. So that the Public Health Service is necessarily taking up health in industry, and therefore touches women in industry.

The Federal Board for Vocational Education is charged with certain responsibilities along those lines, and is therefore also touching the problem.

In order to bring together these various groups the Woman in Industry Service has organized a Council on Woman in Industry in which there is a representative of every division of the Department of Labor and a representative of these other federal groups which have a relation to women in industry.

we want to establish working relations between the state department of labor and the federal government and I should like to say that the Women in Industry Service wishes to be regarded as your Washington representative, so to speak. We are here to give you information about policies and standards affecting women. We are here to serve in any way possible as a medium of exchange from one department of labor to another.

- 2 - An account of the Women's Divisions of State Labor Departments was given by the four states which have established them: Minnesota, Wisconsin, Pennsylvania and New York.

Mr. Gardiner of Minnesota. When I first entered the department as a factory inspector in 1904 we had no woman's division. I left the department for about four years and returned to it as assistant to the Commissioner, and when I returned a woman's division had been organized under the leadership of the late Mrs. Starkweather. I had not followed the work of this division from the time it was organized until I got back to the department and engaged in its activities. I could not see the necessity for a woman's division. When I had been able to watch the development of the work for two years I changed my mind. There are so many things that they take from the Commissioner's shoulders. Today I cannot understand why any state can get along in the field of labor or in the field of women in industry without a women's division.

Mr. Hambrecht of Wisconsin. The functions of the Industrial Commission might be classified into safety and sanitation, the administration of workmen's compensation laws, woman and child labor, mediation and arbitration, and duties pertaining to apprenticeship.

There are very few state laws existing so far as rigid regulations are concerned, only general statutes leaving to the Industrial Commission the working out of the detailed application of the general statutes. For instance, only a year ago we worked out and put in the rules and regulations, so far as the state is concerned, prohibition of night work in factories for women. That was put on the statute book four or five months after the war was declared and at a time when night work was creeping into the industries of Wisconsin. It met with some opposition, but not a great deal, and now it is an established fact.

I think that if Wisconsin has succeeded in putting on the statute books any laws for the welfare of women and children it has been because of the Division of Woman and Child Labor and because of the confidence that the Commission has in the executive heads of the several departments that are helping us work out these problems.

Mr. Palmer of Pennsylvania. In 1913 our Department of Labor and Industry was developed in Pennsylvania, and at that time the Act provided for representation for women on the industrial board. Also in the Division of Hygiene a woman member was provided. As we developed our department and grew, we developed our woman's division. It was in 1914, I think, that we put a special inspector at the head of it. We have given our women inspectors equal pay with the men, and today we have a \$2,000, \$1,800 and \$1,500 grading.

We feel as Minnesota has stated that other states should have it. We believe they all will have it, because the women know their own problems and taxation without representation is still unjust.

Mr. Lynch of New York. Recently through the cooperation of a group of women who have always been prominent in New York City so far as the welfare of women in industry is concerned, we have been enabled to establish a woman's bureau, and for the present that bureau is being financed by these women and their sympathizers, who enabled us to establish it.

It is working out its own destiny for the time being, and will undoubtedly be a most valuable aid to the Industrial Commission of the State of New York. We hope that in the next budget for the department this State will finance that bureau on the same basis that it does all of the other bureaus.

Experience showing that women had been used on their staffs with excellent results was cited by Ohio, California, Indiana and Massachusetts.

- 3 - Night Work. The most important discussion was on a plan presented by Miss Van Kleeck, as under consideration, for regulating night work for women throughout the country. Only eight states have laws or regulations which unequivocally forbid night work for women; Massachusetts, New York, Pennsylvania, Delaware, Indiana, Wisconsin, Nebraska and Oregon.

Miss Van Kleeck. Of all the problems we have met, the question of night work is the most serious and the most pressing. I want to present the various phases of it as we have encountered them, to lay before you the plan which is under consideration in Washington, and to have from you your opinion of the whole proceeding, and especially evidence which you will bring to us from the states on the whole problem of night work.

I was connected with the Ordnance Department from January to July. A great many requests for exemption from state labor laws come to the Woman's Branch of the Ordnance Department, and we had an opportunity to deal with every one of them in detail and to watch changing

conditions. We went on the assumption that no request for permission to employ women at night would go uninvestigated on the ground that the state labor law did not permit it, because we wanted to be in a position to state the facts; and so in a number of instances we told the employer that the state would have no power to grant exemptions, that the federal government would not grant exemptions for night work, but we would go over the details of his problem and see what other way there might be out of it, in order to prevent night work.

In a very large majority of cases it was perfectly clear that night work was the last thing that the plant needed; there were very many problems of management and of industrial relations for which the happy solution seemed to the employer to be to put women on a night shift. Sometimes it was a problem of too long hours, interfering with labor supply. Sometimes it was a general problem of employment.

But as more and more men were drafted into the military service, the cases which came to us began to show much more serious aspects. They began to show such a situation as this: A labor shortage of 5,000 in a plant working on an absolutely essential product upon which the winning of the war could clearly be shown to depend; housing facilities in process of construction which would house 2,000 --- leaving a shortage of 3,000, at best; added to that an entirely new program of production, by which orders should be completed from three to six months in advance of the original date set for completion. And when you have a plant behind in its original contract, and then they receive instructions that those orders must not only be up to date, but that they must be three to six months in advance, you see the production problem.

In that town it was held that there were women in the families of workmen already there, who, without any additional housing, would be available for employment.

Now, you all know that in industrial plants which have not hitherto employed women in many of the munitions industries, it is not possible to put woman on a solid day shift, because there are many occupations that women cannot complete, and the process of replacement of men by women goes forward in a partial sort of way, introducing women here and there, where they could take men's places. Then, when you add to that a practice which is followed in many plants --- and certainly a desirable practice --- namely, rotation of shifts, you have an additional complication with reference to the employment of women, that is, that if the shifts rotate the employer is quite right in saying "How are we going to meet the problem of introducing women without night work if we are to have rotation of shifts?"

Recent studies by the Public Health Service, not yet in print, demonstrate beyond doubt that night shifts are less productive than day shifts; that, moreover, long hours at night are utterly wasteful. The charts, for instance, showing production hour for hour over a 12 hour period, indicate that those last two hours amount, I might say, to nothing. If I recall, the production figures for the first hour of the night showed something over 10,000 of a given article, and in the last hour it is about 200, in comparison with the 10,000.

Two things have been perfectly clearly demonstrated. Night shifts are not good for men and women. The vitality is low in the morning hours. It has been shown, for example, with reference to an employee five years on night shifts, with time, presumably, to adapt himself to night shifts, with time presumably, for the physiological changes, if we may put it that way, which would make that man a night worker instead of a day worker to take place --- it was perfectly clearly shown that there was lower vitality always in the morning hours between two and three or four as compared with the day; that men are not naturally nocturnal workers.

Now, add to that the special effects on women. Women have their work to do at home. It is the night worker usually who is the most hard pressed economically. They are living in crowded quarters. The difficulty of getting sleep by day is very great, and the consequence is that night work stands indicted from the point of view of production and the point of view of health of the workers. It must be our purpose to restrict and gradually to get rid of night work.

What is our present situation with reference to it? We have just eight states which have an unequivocal prohibition of night work for women. We have two states, Wisconsin and Massachusetts, which can grant exemptions from the night work law. So we have six states which cannot grant exemptions under the state law prohibiting night work.

The production progress is in a very serious position. We have enormously increased our army appropriations. We have withdrawn men from industry and we are going to withdraw them at a much more rapid rate. We have also greatly increased the need for munitions. We have been depending to a very large extent upon English and French factories for some of our most important munitions. We have got a war problem immediately before us, and we all recognize that production must be now if we are to hold the gains that have already come to the success of the Allies.

That has resulted in two very clear things: First of all, night work is on the increase in those states which do not prohibit night work, and night work is going on in those states without any regulation by state labor laws or federal control, and without any supervision to determine whether in a given case the night work is essential or not.

In those states which have night work laws we are encountering,- and our experience is very thoroughly corroborated by the statements of the enforcing officials,- evidence of disregard of the present night work laws; and, more serious, because that can be met by presecution, we are encountering evidence that there will be a concerted effort to repeal these night work laws at the coming session of the legislature, unless we arrive at some constructive plan.

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op before  
6 A. M.

Briefly, the plan which is under consideration in Washington, but which is not yet finally decided upon or finally announced, is this: That the federal government control night work in all states in cooperation with the state department of labor or state industrial commission; that hereafter no night work will be permitted. No employment of women after 10 P. M.\* in a plant working on government contract or a subcontract for the federal government would be permitted under this plan, except by an emergency certificate granted by the Secretary of War or the Secretary of the Navy, transmitted through the State Industrial Commission or the State Department of Labor after approval by the Secretary of Labor who has designated the Women in Industry Service as his immediate representative to deal with those cases if that plan goes through.

That would mean this:- that if a plant wished to employ women after 10 P. M. or before 6 A. M. , it would make application to the office of the Secretary of War, if it is working on a contract for the War Department. There would be a two-fold investigation by the War Department and the Department of Labor. First of all, the necessity for production would be clearly determined and the possibility of meeting the production of that article by a different method of distribution of the contract in cooperation with the War Industries Board or by some other method of release of men from non-essential industries in the particular community, by the employment of men on night shifts, or, from the point of view of working conditions, the possibility of meeting that situation by two day shifts of women or by different methods of employment, among them the formation of a night shift of men. The same preliminary investigation would determine the conditions which would be required before any such permit were issued.

No plant would be allowed to employ women more than eight hours by day or night. Every plant would be required to give an intermission of three-quarters of an hour for the night lunch period and to see to it that it was possible to secure a wholesome hot meal at night. Ten minute rest periods would be required in the working periods. It would be necessary that transportation should be provided which would be safe and convenient for the women. It would be necessary that there should be adequate supervision of the night shifts. In addition, there would be added certain requirements which would grow out of the situation in a particular plant.

(a) The Massachusetts plan for granting temporary exemptions as a war measure, through a commission legally empowered to take such action, was described by Mr. Mulready.  
The federal plan brought out much comment, in general favoring it.

Mr. Hombrecht of Wisconsin. We have a national program and we also have a state program. The state labor laws must give way at any time under wise and judicious advice from the federal government when the matter of military necessity demands it. We are going to do everything that is in our power, and I know that that is true of every state here, to help win this war, but we must first know that it is a military necessity. A contractor may have contracted for more than he ought to. If they have a feeling in the state that all they have to do is to show that they have a big contract on hand and that it is necessary to abuse the state labor laws to put it over, it may be a different thing to convince the Industrial Commission of Wisconsin that it is true, but it is for the federal government to say, it seems to me, as to whether or not that particular factory with its product ought to be allowed to encroach upon the state labor laws in order to put out its product.

Miss Van Kleeck. Let us emphasize that by saying it is the Secretary of War who must declare an emergency in the War Department, and not a captain or a lieutenant who represents the War Department in the field.

Mr. Kearns of Ohio. I think that now the new draft may draw men more rapidly from industry, and we are going to be besieged with requests for exemptions from all the various lines, and I think the only solution for it is the one suggested here, that the federal government through the Secretary of War should issue these permits, but only after proper investigation has been made through the cooperation of the state department.

Miss Van Kleeck. How would the prohibition of night work except under certificate affect Ohio?

Mr. Kearns. Very materially, because under our law there is no prohibition of night work except for women under 18.

Miss Van Kleeck. I presume you have night work going on to some extent?

Mr. Kearnes. Considerable.

Miss Van Kleeck. From the point of view of Ohio would it be a gain in labor legislation or the reverse to have established the federal control in which the Industrial Commission would share?

Mr. Kearns. It would be a gain in labor legislation in a way, because we have no laws prohibiting it at this time. Of course we would like very much -- or my personal opinion is that Ohio would like very much -- to prohibit night work; but whether or not it would be possible to do it at this particular time is another question.

Miss Van Kleeck. But if the federal government saw that it could be of assistance to you in efforts later to establish prohibition of night work --

Mr. Kearns. I think we would welcome it for the reason that it would be a help to us.

Mr. Lynch of New York. I am fearful that if something is not done when the legislature meets, people will be there advocating a suspension of all of the labor laws that affect the working of women in production, and they are able to point to Massachusetts which has granted a number of variations under which women work at night. No matter whether they were justified or whether they were not, that will not be any evidence at all. The simple facts that they have granted them and that women are working in Massachusetts and that Ohio has no law prohibiting women working at night is sufficient. It is hard going for us who are interested in the preservation of the law.

Just as soon as this draft becomes operative the demand for labor will be accentuated, and women are going to work at night whether we who are trying to prevent it and understand its dangers like it or not. That situation is going to confront us, and it is the part of wisdom to try to meet it now. Personally, I believe that the proposition that you have put forth here, which seems to have been well thought out, is the proposition which in the end will result in saving the labor laws and the statutes that now prohibit the employment of women at night, and will be of assistance to those states that have not yet enacted laws prohibiting the employment of women at night, which permit women to work in some instances without any restriction at all. It will be of great assistance to those states, both during the war and especially after the war.

If we once weaken and take the laws off the statute books, then we are going to have a hard time indeed to put them back there after the war ends. I would rather see them remain there and see the federal government assume charge of this situation, grant these permits, work eight hours during the twenty-four, employ women under requests made by the federal government; or the proper agencies, and attach to the permit "For the period of the war only or for such length of time thereafter as may be necessary to restore pre-war conditions."

If that can be worked out --- and I should think it could on the basis that has been explained here --- I think that the agency that should assume the responsibility will assume it and that the responsibility and the permits will terminate at the conclusion of the war or within a reasonable time thereafter, and it will be an incentive and encouragement to the progressive people of the states that have not yet secured these laws protecting women and children, and especially the prohibition of night work, and it will assist the states that have done it to maintain their laws on the statute books and they can enforce their laws as they did prior to the war, shortly after the conclusion of hostilities. I know that I am in favor of this.

Miss Van Kleeck. What would be the effect in New Jersey if such a plan as we are discussing went through?

Colonel Bryant of New Jersey. I think we would welcome anything of that kind. When we entered the war I wrote an open letter to the employers of the state, calling attention to the fact that laws protecting women and children and also laws protecting males, should be enforced to the limit, and pointing out the experience that had obtained in England particularly that there was no economic value in the breaking down of those laws. We have insisted, practically without exception, on enforcement of our laws, but of course it is a very much easier thing for us to insist on the enforcement of the laws where we have no law prohibiting night work which would confront the employers who were working a three-shift day.

Of course, New Jersey is entirely honeycombed with work on munitions. I imagine it has more munitions than any other state in the union, certainly in proportion to its size. One firm employs over thirty thousand people on munitions. A great many of these firms are running three eight-hour shifts, and they are employing women, too, on some of the shifts. It is going to make it very difficult for them if that enforcement is made, but I would be very glad to do it. I agree with the Commissioner from New York that if there is any breaking down of these regulations I would rather see it come from the federal government.

(b) The conference was agree as to the bad effects of night work for women. The states with night work laws reported pressure brought to suspend or repeal them, and the stand taken by the departments against it.

Mr. Palmer of Pennsylvania. Pennsylvania has stood firm for her woman's law; that in face of a very urgent appeal from one of the largest munition plants in the United States, at a time when Germany was pressing her offensive, when we had lost so much of our vital supplies in that drive, we stood flatfootedly in that plant, in the face of the managing officer, stating that we could not and would not attempt to set aside our woman's law.

Mr. Mulready of Massachusetts. A very big institution in Massachusetts where they are manufacturing the Browning gun, a very important part of the war, wanted overtime work, and we investigated it. Let me say, too, that we have a special investigator who attends to every application, goes to the plant, looks into the necessities and does everything preliminary to the hearing. In this case he went to that plant and returned and made the suggestion that it was more a lack of management than a real emergency, but nevertheless if the permit was not granted there would be a delay in the delivery of the Browning gun, and that we could not permit under any circumstances. So we said, "Well, we will give you a permit for thirty days. We will send word to Washington and let them investigate it." And they did. They sent an inspector there, an expert engineer, to determine the truth of what we suggested, and it was found that it was really and truly a case of lack of management more than one of real war emergency.

Mr. Hambrecht of Wisconsin. We have had several requests from employers, and I have one distinctly in mind. The request came endorsed by a captain of the militia, representing the federal government. Certain ordnance was declared to be of vital importance to winning the war, and unless they could work women during the night they would be unable to get out the particular product in the time contracted for.

We handled the proposition a little differently from what they did in Massachusetts. We think that the state is responsible in reference to administering state laws. They suggested that the law interfered with the national program, and I answered both the employer and the captain of ordnance that perhaps that was true, that it was an emergency that required concession with reference to working conditions, but that the Industrial Commission of Wisconsin's law was not passed for the purpose of passing upon war emergencies, and that he should get his certificate from either the Council of National Defense or the Ordnance Department of Washington and he would have no difficulty with the Commission when the certificate of necessity had been determined upon. He said he would do that. That was about three and a half months ago, and I have heard nothing further from him.

Mr. Gernon of New York. We investigated some 400 contracts for the War Department a couple of months ago. We found very early in our investigation that the contracts were given out in no proportion to the capacity of the plant; and that is what had made the emergency in many instances. There is no necessity for giving a man a contract which is ten times greater than he has any capacity to fill. That is where most of the difficulty has come from.

Mr. Norman of Nebraska. Out in Nebraska the manufacturers come time and time again to appeal to the governor or to the labor commissioner at the capitol to suspend the night work law. We have not suspended anything in Nebraska. We make them live up to the law, to help those states that have not got laws to get them at the next session. They get their war orders out, I think, on time, most of them, without any difficulty in Nebraska.

- 4 - Hazardous occupations. The introduction of women into new occupations was discussed from the point of view of determining upon and keeping them out of those which present special hazards. An investigation of occupations and of working conditions in a number of plants in Niagara Falls was described by Miss Van Kleeck as an instance of the kind of scientific study which is essential to this program. It also illustrated a method of cooperation as the work was done jointly by the state department and the Committee on Hazardous Occupations which represents several federal departments.
- 5 \* The subject of "equal pay for equal work" came up, and evoked considerable discussion, the phrase being attacked as misleading and the difficulties of enforcement being brought out.
- 6 - The subject of the employment of women on the railroads was raised by several states. Difficulties were instanced in upholding state standards under government control of the railroads. The use of women in unsuitable occupations was cited. A Woman's Service Section recently established in The R. R. Administration was described by its manager, Miss Pauline Goldmark.

Miss Goldmark. This is a small section which has been particularly appointed for the purpose of taking care of the interests of women, acting under the Division of Labor of the Railroad Administration. There were 23,000 women in the service last April, and the figures have not yet been compiled for July.

It is the intention of the Service to inspect conditions of labor, but necessarily this work will be limited. The participation of the state labor departments is needed. General Order number 27 of the Director General states that the labor laws that are in force in the states apply to the railroad service. This in a way federalizes the local state laws and leaves in the hands of the officials the inspection. They can draw the attention of the Railroads to any non-observance of labor laws.

The women in the railroad service are the first to secure equal pay for equal work without exception. This is assured under the new wage orders. The rates of pay are standardized for every occupation and women participate in the new rulings just as men do.

For instance, a woman who cleans coaches is paid a minimum of 28 cents an hour and a maximum of 40 cents. It is not possible for such women to work for less than 28 cents an hour. A year ago when women began to be taken into the service in such numbers they were getting 18 and 19 cents, and there was a great substitution of women on account of the fact that they were cheap. It was found in Ohio that women were being taken in for 18, 20, and 21 cents as laborers and section hands, when you could not possibly get a man under 26 to 30 cents.

The railroads had the week before been directed to discontinue the use of women as section laborers and as truckers in freight depots and warehouses. This <sup>was</sup> deemed improper work for women, who should be transferred into some class of labor suitable for their strength and with proper regard to their health.

## F - Working Conditions Service.

1. The organization and plans of the Working Conditions Service of the Department of Labor were described by Miss Thorne, Assistant director.

Miss Thorne. The Working Conditions Service is one of the new war services. This description of its functions was written by the Secretary of Labor:

"To examine into the matter of working conditions in the war industries; to determine the standards as to conditions which should be maintained in the war industries; to adopt rules embodying such standards and explaining them; to determine the best means for securing the adoption and maintenance of such standards and to cooperate with state authorities for the above purposes."

In going over the ground as to just what should come within the scope of the Working Conditions Service, we determined that we would exclude the wage question as a controversial issue. There are other agencies to deal with controversial issues. The field of this Service falls into three main divisions -- Safety Engineering, Industrial Hygiene and Medicine and Labor Administration.

The field of Industrial Safety has been better organized than the other two. The various states have safety agencies, codes and regulations. It is the function of the Division of Safety Engineering to standardize safety practices and organizations, and to determine federal standards.

The Working Conditions Service has been assured the cooperation of the Bureau of Standards and of the National Safety Council, the most important non-governmental agency in the safety field.

The Division of Industrial Hygiene and Medicine will investigate health hazards, and work for the standardization of health codes. It will undertake large educational work, looking toward the elimination of health hazards in industry. At the request of the Secretary of Labor, the Secretary of the Treasury authorized the Public Health Service to detail personnel to constitute this Division of the Working Conditions Service. Dr. A. J. Lanana is Chief.

The Chief of the Division of Labor Administration is Dr. William M. Leiserson. The relations between management and employees are an important production problem, differing from other engineering problems in production in that it is modified by the human element involved. The Division of Labor Administration will develop the principles that ought to underly this relationship in production, and will conduct an educational campaign for their dissemination.

2. The war of the Health and Safety and the Safety Engineering Sections of the Emergency Fleet Corporation was described by Mr. P. J. Brand, Assistant Chief Safety Engineer.

3. The plan of cooperation with the federal departments which has been adopted by the Safety Section of the Ordnance Department was presented by Captain Healey.

4. Mr. Charles Oaks of the U. S. Bureau of Standards spoke on the need for uniform safety standards.

5. A tentative plan was discussed for physical examination of workers by the U. S. Employment Bureau, at the time of employment.

Dr. Selby of the Public Health Service, detailed to the Working Conditions Service.

Unfortunately, the physical examination as it is generally conducted represents to the employee nothing more than an opportunity for rejection. The employer, generally speaking, secures no benefit from the physical examination at the present time, unless it be the exclusion of impaired applicants. The physical examination does not reach all applicants for employment. It reaches only those who apply in those industries which require it as a condition of employment, and as a matter of fact, the men who move from one establishment to another which require physical examinations are re-examined at unnecessarily frequent intervals.

This plan which is proposed, and as to which I hope you will offer suggestions, provides for the extension of the present employment service to include the physical examination as one of its functions .... That necessitates a standard list of job requirements relating especially to the physical capacity necessary in order to accomplish that work. It entails, second, a preparation of a standard physical examination blank which is in itself a tremendous task. It entails the association of the medical staff which this employment office, where the individual when he applies for employment will be given a physical examination. A physician will advise with the employment manager as to the proper placement of the man, taking into consideration his physical capacity and possibly his temperament. And then there must be devised some scheme whereby the factory physician may obtain this information in order

that he may assist the employee in regaining his normal condition if he be defective, or maybe assist him in getting the very best out of himself that is possible to do under his impaired condition.

Mr. Norman of Nebraska. We have had experience with physical examinations at different corporations. Take railroads, for example. We have had it in times past, but it was used for a blacklist.

Mr. Edson of California. How would you expect to follow up a particular examination?

Dr. Selby. The information would be conveyed to the plant physician in some way.

Mrs. Hoskins. You do have a plant physician?

Dr. Selby. Oh, yes, to take care of the injuries and sanitation, and that sort of thing. I presume that this plan would necessitate the preparation of a card which would be given to the employee, good for a certain period of time, possibly a year. In that way he would get a re-examination at least yearly.

Mr. Gernon of New York. There is nothing that there has been so much opposition to on the part of workers, as physical examination. Personally, I would like to see physical examinations if they could be properly conducted, but I do not agree with them for the abuses that have been injected into it.

Mr. Lynch of New York. I am in favor of the physical examination of wage earners. I do not see how anybody connected with compensation work can reach any other conclusion than that there should be physical examination of wage earners, and that the wage earner himself should know what is dangerous for him to engage in. Surely, it shows no particular interest in the wage earner to keep him in ignorance of some disease that he has, and then permit him to go to work at some process in a factory that means certain death.

Dr. Meeker of the Bureau of Labor Statistics.

The employer has abused medical examinations. The railroads abused lots of things a long while ago. It is time we forget some of them and <sup>went</sup> ahead and assisted the railroads. A great many men and a great many institutions have abused all sorts of things in times past, but let us get together and get rid of the abuses of excellent things and go ahead. If ever we needed physical examinations, we need them now, and now is the time for some action to be taken to put the physical examination on the map and put it there thoroughly.

.....If the Public Health Service is to conduct the physical examination in all the plants of this country, it is quite some job that it will have on its hands. Do you contemplate socializing the medical profession? Do you contemplate taking under the Public Health Service practically every practicing physician throughout the country? Because that is what it will mean if you are going to handle this job and going to handle it effectively. Are you ready to answer that question, or do you pass it up?

Dr. Selby. I can answer that question very quickly by saying that we have not got that far in our plan.

Mr. Gram of Oregon. Is it contemplated in these examinations of employees, or re-examinations, that the employee pay a fee for such examination?

Dr. Selby. No, no.

Mrs. Sample of Pennsylvania. I would like to ask Dr. Selby whether he thinks it is practicable or possible to work out such standards for the proper employment of men and that they may be issued in the form of codes as other state codes are issued, tying them up on the other hand with a system of examination blanks. In other words, is it possible to use this system in such a way as to standardize employment of women for the safety of women going into unusual employments?

Dr. Selby. I cannot speak entirely with authority. I was speaking with Prof. Frederick S. Lee in New York the other day, who is probably the leading man in the United States on studies of fatigue, and he has been using what is known technically as a spring balance test, which measures with a fair degree of accuracy the strength of the individual. I see no reason why that spring balance test cannot be used in determining the average strength required in the operation. Having learned the average strength required in a certain operation, the ascertainment of the average strength of the person who is proposed to be placed on that operation can be compared and be set down definitely. I see no reason why that cannot be worked out.

- 5 - The need of more thorough study of industrial seating for differing occupations was emphasized by several states and federal agencies.

G. - Resolution adopted by the conference

Mr. Lynch of New York. I move that this conference go on record as opposed to any lowering or repealing of labor laws and labor standards set up in the various states, unless on recommendation from federal authority with competent jurisdiction, and that any modification or suspension is to be by federal authority of competent jurisdiction.

(The motion was seconded.) .p. - - - - -

It has been asked what I would say was competent jurisdiction. There have been certain agencies working to win the war; first and foremost the President of the United States in his status as Commander-in-Chief; if he should ask that certain standards should be suspended or changed, of course it would be done. If the Secretary of the Navy or Secretary of War should recommend that, it would naturally be the supposition that that was concurred in by the President, who is their chief, and there would be acquiescence in that. If any such recommendation was made, I presume that it would only be made after consulting with the various bureaus that have been handling the subject and with the officers of the American Federation of Labor who have so far taken quite a prominent part in the conduct of the war from the industry side. We would therefore have faith in any recommendation that might come from Washington for either a suspension or a change of some standard in some of the states which might interfere with the winning of the war. But otherwise, we are opposed to it.

Mr. McLaughlin of California. We have every reason to believe that there will be a drive to repeal labor legislation and the wiping off from the statute books of things which are beneficial to labor and for the protection of women and children, and we should oppose it and let it go out to the world that we are so opposed.

Miss Abbett. You can count on this machinery here in backing you up.

After some further discussion the motion was unanimously carried.

Mr. Gernon of New York. I hope we will profit from this conference by having another one for the purpose of trying to bring the standards up in the states that do not have standards. I think if we had a conference like this with time enough to work it out thoroughly, the findings of the conference would have great weight.

Miss Abbott Thank you for the suggestion. I also want to say that this conference is a genuine conference. We had in mind getting you here before we went ahead, and we wanted your advice and experience. I hope you have gotten the idea from all of the people of the Labor Department who have appeared before you that we consider as a help a suggestion or opinion from you as to the way in which things are going in the field. The way in which you can help us most is by telling us when an order has gone out and we think it is working, that it is not working. That is the information we want, and we will use it at once. We want you to suggest ways in which things are going wrong and can be improved in any direction.

What we want to feel here is that the facts are being put up to us in Washington, that full information is being sent in. Information that comes from the labor officials of various states is going to receive most careful consideration in Washington, and because you do not get relief on one proposition please do not think that you cannot put up the next one. It may be that the situation will have changed in the meantime, and that the next one can be relieved.

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BEFORE THE WAR LABOR POLICIES BOARD.

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Conference of State Officials Charged with :
   
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Enforcement of State Labor Laws. :
   
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SECOND DAY.

Washington, D. C.,

October 1, 1918.

SMITH & HULSE,  
Stenographers,  
Whitford Bldg.,  
Washington, D.C.

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CONFERENCE OF STATE OFFICIALS CHARGED WITH ENFORCE-  
MENT OF STATE LABOR LAWS.

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SECOND DAY  
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Office of the War Labor Policies Board,  
1607 H Street, Northwest,  
Washington, D. C.,

Tuesday, October 1, 1918.

The conference resumed its session, pursuant to adjournment, at 9 o'clock a.m., Miss Mary Van Kleek, Director of Woman in Industry Service, Department of Labor, presiding.

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Miss VanKleek: I thought we would want to expedite our meeting today. We have a very large number of subjects to cover with relation to women in industry.

Perhaps it would be most useful if I take the first few moments to summarize the problems that we hope to discuss, and then throw open the meeting to general discussion, because we want the greater part of the morning to be given up to discussion by you from the State point of view.

I merely want to present to you some of the problems that we are meeting from the point of view of the Federal government. Perhaps it would be useful if I tried to sketch the scheme of organization at present in the Federal government for dealing with women in industry and the relation we hope to establish with the State departments of labor.

We want to look at it in this way: there are certain agencies in the Federal government and there are agencies in the State which have relation to women in industry. We want to break down any barriers between those agencies and regard ourselves as one big working scheme, one big staff composed of Federal and State officials, to deal with the problems ahead, and I think we shall all agree that one of the most important labor problems directly ahead is the problem of woman's work.

It is difficult to express that in the singular, because it is problems of woman's work that form the basis, perhaps, of the big questions we have ahead, just for the reason that women constitute the reserve force that the men call upon in the emergency due to the withdrawal of so many men for the draft and due to the increased program of production.

I think we may admit at the outset that these problems are very different in the different States; that in the States

in which there are fewer war contracts there has developed a different condition from that which obtained in States, many of them the eastern States, in which there has been very large numbers of war contracts for some time past. So I think if we bear that in mind in all our discussion it will help us to realize that what is true in one State is not necessarily true in another State, and therefore we may get very different reaction with reference to this problem.

The scheme of organization, briefly, is this: of course, as was explained yesterday, the Secretary of Labor is the labor administrator to head in the Federal government the activities of the Federal government with relation to labor. There are created different laws and Congressional appropriations for the Department of Labor, and in the scheme of organization it included several new services, among them the Woman in Industry Service, which was given the smallest appropriation of any division of the department, and was told it was expected to maintain contact with all of the work in the other divisions of the Department in dealing with women in industry, because of course there is no division of the Department of Labor that does not in some way touch women in industry. So we maintain a close connection with the work of any other department of the Federal government,

like the War Department, or the Navy Department, with relation to labor problems affecting women, and it was designated as the central group for policy making and the development of standards.

The woman in industry service has only a small staff. It has a smaller staff than it will have later, because it is just in its beginnings. It is designated as the advisor to the Secretary of Labor on all problems affecting women, and it is represented on the War Labor Policies Board; that is, the representative of the woman in industry service is supposed to be a representative of problems of women's work on the War Labor Policies Board.

There are in several other Federal departments activities relating to women in industry. The Ordnance Department, curiously enough, first organized a woman's branch. It organized its woman's branch last January, and the woman's branch is represented in the ten district offices of the Ordnance Department, and those women are carrying forward what might be called industrial counselling in the plants working on contracts for the Ordnance Department in matters affecting women. They are not making investigations as such; they are not enforcing laws; they are endeavoring to devise plans with reference to problems affecting women, and, to that end, are

maintaining as close connection as possible with State and local agencies and with the other divisions of the Government.

The Navy has stated that it would prefer to have its problems of the Navy plant, the plant working on contracts for the Navy, handled by the woman in industry service, and for that purpose will designate a woman inspector and detail her to work with the woman in industry service.

That is a thing of the future. The Navy has as yet not organized work for women.

The public health service is charged by executive order recently with the control of activities in the Federal departments relating to health, with the exceptions of such activities as those in <sup>the</sup> Surgeon General's office and with the exception of the studies of occupational diseases which have been carried on for some time by the Bureau of Labor Statistics of the Department of Labor. So that the public health service, in view of its being designated by the President as having control of the health activities of the different departments of the Federal government, is necessarily taking up health in industry, and therefore touches women in industry.

The Federal board for vocational education is charged with certain responsibilities along those lines, and is

therefore also touching the problem.

In order to bring in these various groups the Woman in Industry Service has organized a council on woman in industry in which there is a representative of every division of the Department of Labor and a representative of these other Federal groups which have more or less of a relation to women in industry.

That council has meetings at frequent intervals. It is entirely a conference council for the discussion of problems affecting women. In other words, you see, we are trying to draw together, so far as Washington and the Federal government are concerned, the various groups that have relation to these problems.

In that scheme of things we are depending largely <sup>on</sup> State departments of labor to work with us; and that is not a topic which <sup>we</sup> can cover in a sentence. That is the subject for discussion this morning which will underlie every other subject touched upon. We want to establish working relations between the State departments of labor and the Federal government and I should like to say that the Woman in Industry Service wishes to be regarded as your Washington representatives, so to speak. We are here to give you information about policies and standards affecting women. We are here

to serve in any possible way as a medium of exchange from one department of labor to another department of labor; a center of information in that way. We are of course counting upon you to feel that we can get together in one big group in this organization.

Now, like the proverbial fool who rushes in, I feel that the discussion yesterday afternoon raised some questions as to law enforcement which we must at least have a hypothetical agreement upon before we proceed with the morning session; and I am therefore going to take the liberty of trying to sum up the place where I think we stand with reference to the opinion of the Judge Advocate General and with reference to enforcement of State labor laws, and later in the day I hope that Major Rosensohn will be here and that the situation may be greatly clarified from the point of view of a lawyer.

But for the present, let us assume certain things, because everything that we discuss will come back to the question of law enforcement and the powers of the State departments of labor.

From Major Rosensohn's own statement and from the actions taken in the Federal government, we are clear to this point, that there has been an opinion of the Judge Advocate General

with reference to the powers of State departments of labor over Government contracts. Whatever that opinion may be, the War Labor Policies Board has affirmed and reaffirmed the powers of State Departments of labor by putting into the contract a requirement that all the work done in connection with that contract for the Federal government shall be in full compliance with State labor laws. That contract provision in itself might be assumed to carry with it the enforcing power, since State labor laws for the most part include in them a statement of the powers of the industrial commission or the bureau of factory inspection; and in order that there might be absolutely no doubt on that point, the War Labor Policies Board went further and recommended to the contracting departments that the head of the contracting department should designate in those States in which there is an enforcing authority for the child labor laws an official in the State to act as his representative in enforcing the contractual obligation of the contractor with reference to those clauses relating to labor conditions.

That means that you have been given an obligation to enforce the provisions of the contract for the Federal government, regardless of any interpretation of the original decision of the Judge Advocate General.

There is, however, a doubt of the application of the Judge Advocate General's decision. That decision declared that because it was impossible and had been shown so in previous decisions on other matters for the States to interfere with the operations of the Federal government, therefore it could not be held that State laws with reference to hours of labor could apply to plants working on contracts for the Federal government, and there is a doubt as to whether or not that statement may not apply merely to a particular form of contract known as the agency contract.

The agency contract has a number of characteristics, but among them is the general characteristic that in it the employer is not supposed to take control over<sup>his</sup> employees, which is in line with the opinion of the legal department of the New York Industrial Commission to which Commissioner Lynch referred yesterday. In other words, the original decision is ambiguous. We hope that we shall have it clarified shortly by an opinion from the Judge Advocate General which will clear up this ambiguous point. That may happen before this conference adjourns, or it may happen shortly after, and the information will be sent to you. But, meanwhile, let me say again that regardless of the interpretation of the decision there is a contractual obligation to enforce the law.

Major Rosensohn went further to make a suggestion which in his opinion would avoid difficulties for some of you in the States, and his suggestion was that the powers of the Federal government be invoked first before there was prosecution. Major Rosensohn would himself say that that was merely his opinion, that it was merely in the interest of making sure that the Federal government did back you up in cases where you were likely to be challenged as to the authority of the State labor laws.

Let me say as my personal opinion, which I hope may be contradicted or affirmed in an authoritative way before this conference ends, and as Miss Abbott said yesterday, that prosecution by the State is absolutely essential at this point. We are not in any position to assume law enforcement authority in the Federal government. It would be a most wasteful performance to attempt it during the war; and the effect of such action on State administration immediately following the war, when certainly the Federal government will not have the same hold, would be obviously very serious. Therefore it is certainly clear that the action of the War Labor Policies Board in putting these statements into the contract and, secondly, in deputizing the State authorities, is in the interest of getting the best possible enforcement of the law.

Now, in any case it is for you to decide whether you are going to prosecute, whether you are going to get a warrant, or whether you are going to seek action of the Federal government and ask the Federal government to use its influence; though I might cite one case very recently in which we were asked to express an opinion where a contractor who was working for the Navy was deliberately violating the State law on the assumption that the State law did not apply. When the State industrial commission brought them into court, the contractor, through his lawyer, wrote to the Navy Department and requested that an immediate statement be sent from the Navy ordering that plant to employ women at night, as the statement was necessary in order to defend the proceedings in court. Needless to say, the contractor received a vigorous statement from the Navy Department that the Navy wished the law enforced, that the contractor had taken his own responsibility in the matter. Let me say that it was an exceedingly important product that the plant was working on, of the utmost importance in the war; That the contractor had taken his own responsibility and must suffer the punishment, and that there was to be no interference with the policy already stated by the department.

That is a case on record, and there are other cases.

This is the point, after all: we want the law enforced with the backing of the State departments and with the backing of the Federal government, both. It certainly is not wise for the States to bring into court cases which are not clear and in which decisions might seriously weaken the administration of the law, and then come to the Federal government with a case that is not well worked out and ask the Federal government to back it up. For that reason it is desirable that there should be the closest possible contact between the States and the Federal government in this matter.

It seems to me that the procedure is that when a plant is working on a contract for the government, if there is a violation of the contract and the State labor law, which is identical, it is desirable that the State should determine the wisest possible action; and the wisest possible action is the action which will be most effective. But proceed with whatever course that seems to you best. Of course you do not always prosecute. Sometimes you give warning. If you intend to prosecute, file that information with the State department. Then that case can be watched, and if it is necessary, the revoking of the contract can be the last resort.

But it seems to me perfectly obvious that we can not expect  
a revoking of the contract to be the first result; that that  
is a serious matter from the point of view of the whole  
production program as well as from the point of view of  
State labor law administration.

You are the outposts of this whole situation, and your  
action is to be an effective action. You are deputized  
to enforce those provisions of the contract, and the whole  
point is the effectiveness of it. Clearly it is your  
responsibility to see that the plants working on contracts  
in each State are living up to the announced policy and  
desire of the Federal departments; and you are acting in the  
capacity not only of a State but as a Federal agency.

If we may assume that-- and we may discuss it later,  
because it is only one person's opinion in a difficult  
situation-- possibly we can proceed faster with the discus-  
sion of the enforcement of the laws after the morning session,  
because that is our big task.

May I take up first of all the first subject on our  
program this morning; that is, the introduction of women into  
hazardous occupations. By that we mean occupations which  
present some special hazard, particularly from the point of  
view of physical safety.

As women are introduced into industry in place of men this much has been made clear in experience, that the shortage of labor is very likely to be most acute in the most disagreeable occupations, in the occupations involving hazards, and the pressure is going to be thereafter greatest, perhaps, to put women into occupations in which there are dangers; and that is the reason that we are putting this topic first upon the program, as we have to put it almost first among the activities of the woman in industries service.

I may illustrate, perhaps, by the particular piece of work we have already been doing, and it is an apt illustration, because it involves cooperation with the Industrial Commission of New York State and may therefore illustrate in a practical way what we may hope to accomplish in these directions.

Before the woman in industry service was organized a request was sent to the Department of Labor for permission to employ women on night shifts in the manufacturing plants at Niagara Falls. Niagara Falls is, as you know, producing a great many things that are essential to the war program along the lines of chemicals and metals and alloys and lead, and various other industries. That request was referred to the woman in industry service by the War Labor Policies Board

with instructions to take it as an example of a problem and to develop thereby a method for dealing with this problem of introducing women.

We started out with this assumption, that the request to employ women at night was an S. O. S. call on labor supply; that there was a great deal to be done before we could even come to the question of considering night work for women there.

We prepared to deal with the question not simply as a case presented to us, but as a question of determining what the conditions were that were affecting the labor supply at Niagara Falls and what the conditions were which were likely to affect it. As the war went on and over a period of months it was more and more necessary, perhaps, to introduce women, it was necessary to introduce a plan where women might be introduced later if they could not be introduced now. We organized a commission which we called the Commission on Hazardous Occupations, under the direction of the Surgeon-General's Office, with representatives from the War Department and the Navy Department and the Public Health Service and the New York State Industrial Commission, and we asked that that Commission be a working committee and that the field agencies in those various groups be put at our

disposal to deal with the problem at Niagara Falls. It is both a health problem and an engineering problem there. The field forces had completed their work at Niagara Falls. They have found, as we expected, that the case there is one of certain hazards which affect seriously the employment of men as it affects the employment of women.

We have illustrated at Niagara Falls two things: We have a type of industry, the lead industry, which does affect women more seriously than it does affect men. There is clear evidence to that effect. In cases like that we hold that there should be a clear prohibition of the employment of women if it is shown that because of their effects there is a hazard which is serious from the point of view of the effects. If, however, the hazardous occupation is one in which the hazards affect men and women alike, as in an abrasive industry where the dust has a serious effect on the lungs, then it is the task of the Federal departments and of the state departments to do what they can to remove those hazards whether or not women are to be introduced into that occupation, because those hazards, we clearly recognize, are interfering with production, and it is a war-time job to see to it that those hazards are removed.

Parenthetically let me say that there has been too much tendency, I think, to classify women and children as a protected group for labor legislation, instead of saying

what seems to be the facts, that women are to be protected as workers, that men are to be protected as workers, that there are hazards in their occupations and that action on the part of labor departments should be just as effective and just as drastic for men as for women; that there are certain things which must exclusively be done for women, but that they are very much fewer than we have assumed; that by and large, the conditions that should be established for women should be established also for men.

May we base our discussion this morning not upon the idea that women are to be classed with children, and that therefore we are to make an appeal on the ground of the particular position of women in society, but that we are to face this problem as a problem of working conditions affecting both men and women, and that we are to see to it that we are going to establish, possibly by this method of having a larger number of women in industry, if that is the best method of meeting it, something permanent which will improve all working conditions.

That is certainly clear in a number of these plants we have visited in Niagara Falls, that it is best to remove certain of these hazards, that it is best to change all conditions of work so that it may be possible to employ large numbers and keep them more permanently at work.

Woman in industry becomes a problem of labor supply just at this moment. We cannot deal with it in a fragmentary way. We have got to deal with it as an essential labor problem and view our plans and our actions from that standpoint.

The work has been completed at Niagara Falls, the actual initial field work, and we are now in process of negotiation with the Industrial Commission whereby the Industrial Commission will go over these recommendations, make additional joint inspection where it is a matter of the enforcement of the labor laws, cooperate with us in those matters which are yet matters to be dealt with by state labor laws, which the state labor law may not cover but which can be covered by the authority of the Federal Government, and unite the conclusions of the State Departments and the Federal Government.

You all know that it is possible, if the Federal Government goes into the states without reference to State Departments of Labor, for the employer to say to the Federal Government that he cannot enforce their request because the state commission asked him to do something else; and, on the other hand, if that practice

is followed you are going to find that the employers will say to you, "We cannot enforce your request because the Federal Government is asking us to do something else." In many instances that would be merely an excuse, but the point is that we have got to make some plan by which there will be no such crossing of wires, by which we will concur in the things that we want to accomplish where the state law is not sufficient to accomplish them, and the Federal authority in the situation, the moral force of the situation, might accomplish it. Then we can unite and get so much more done. And if we can follow some such policy as that at the end of the war, we shall have advanced without leaving any reasons in the minds of anybody in the states to say that there is a conflict between the two groups.

What has been done at Niagara Falls----and I need not go into any detail----has been to make a very careful study of each occupation, first from the point of view of the Public Health Service, the aspect of medical work involved, the point of view of engineers as to what can be done in dust removal and the like, and then to have those checked by representatives of the Woman in Industry Service and the

New York State Department of Labor, who are women. The representatives of the Public Health Service are men. They discovered that there was a great difference of opinion as to the occupations that women ought to fill, and then endeavored in getting around the table to find out what the real objective purpose was for these recommendations. We have not any standards, as a matter of fact, as to how much weight women should lift, for instance, as to what constituted a real hazard, as to the best methods of protecting health in industry; and it is only by this process of taking a concrete situation, taking a given industry and a given place, and then trying to work that out, that we can arrive anywhere.

We would like to feel that you are all a part of that work. We would like to have information. For instance, I know that a number of states have already been considering occupations for women, and have reached certain conclusions. It would be of immense value to us to have from you a statement of the occupations you have been considering, because if you decide on the possibility of employing women in a given occupation, the results you gain will be important to any other state, and although,

of course, they must always have a local application and there are differences in these processes in different plants, nevertheless it is not necessary to do the same sort of detail work on the same job in every state.

Will you let us, therefore, be the medium for passing on from one state to another the conclusions that you may reach? Pennsylvania has certain conclusions. If those are passed on to other states, it may result in suggestions from other states which I am sure Pennsylvania will welcome.

Some other state probably has been working on such a problem as lifting of weights. If that is passed on you may be contradicted by some other state's experience, and in the end we will arrive at some definite conclusion. As Mr. Gernon said in the discussion yesterday the important thing, after all, is not to determine how many pounds a woman can lift, but to study a given operation with all its features, the way it is actually done, and if we study a given process in that way, we shall be able to arrive at a conclusion. Braking on the railroads may have its counterpart in the yards of the chemical industry. We may therefore get a cross cut through several industries

with reference to certain operations. It must be a practical conclusion that is applicable through the offices of the employment service, through the state departments of labor, through all of these groups that are doing work in devising new plants; and it is that kind of careful study of the occupations in which women may be introduced that we must make, because women are being introduced, and some sort of intelligent action must be taken. The thing is so vast, the number of occupations to be studied is so enormous, that unless we can all concentrate on this and really get some results, the whole process will be entirely hit or miss.

Now, the feature of night work. Of all the problems we have met, that is the most serious and the most pressing, and I want to present the various phases of it as we have encountered them here in Washington, and to lay before you the plan which is under consideration in Washington and to have from you your opinion of the whole proceeding, and especially evidence which you will bring to us from the states on the whole problem of night work. We shall be particularly anxious to hear from Mr. Mulready of Massachusetts on the work of the Industrial Commission

there because of its bearing on exemptions.

It happened that I was connected with the Ordnance Department from January to July. I state that because in that connection a great many requests for exemptions from state labor laws come to the Woman's Branch of the Ordnance Department, and we had an opportunity to deal with every one of them in detail and therefore to watch changing conditions. We went on the assumption that no request for permission to employ women at night would go uninvestigated, on the ground that the state labor law did not permit it, because we wanted to be in a position to state the facts; and so in a number of instances which came to us, for example, from a State like Pennsylvania, we told the employer that the State Industrial Board would have no power to grant exemptions, that the Federal Government would not grant exemptions for night work, but we were sure to go over the details of his problem and to see what other way there might be out of it.

In a very large majority of cases it was perfectly clear that night work was the last thing that the plant needed; that there were very many problems of management, very many problems of industrial relations for which the

happy solution seemed to be for the employer to put women on a night shift and all their difficulties would be solved. Some times it was merely a problem of transportation. They could not get an adequate labor supply. Some times it was a problem of too long hours which was interfering with the labor supply. Some times it was a general problem of employment, such as labor turn-over, and loss of people for that reason. A great variety of reasons could be shown in those instances, and in the most serious cases where it was obvious that something should be done, the Ordnance Department followed the practice of offering to send a woman employment manager to the plant to stay there for several weeks if necessary to help them work out their problem. I would say that in the majority of cases that offer was not accepted; but where it was accepted it gave us an opportunity to study the bona fide problem as it obtained.

As the months went on, as more and more men were drafted into the Military Service, we thought that the time had come to look at this problem very seriously, and the cases which came to us began to show much more serious aspects. They began to show such a situation as

this: A shortage of labor among men of 5,000 in a plant working on <sup>an</sup> absolutely essential product upon which the winning of the war could be shown clearly to depend; housing facilities in process of construction which would house 2,000---a shortage of 3,000, at best; adding to that an entirely new program of production, that is to say, a program of production by which orders should be completed from three to six months in advance of the original date set for the completion of the orders. And when you have a plant behind in its original contract, and then they receive instructions that those orders must not only be up to date, but that they must be three to six months in advance, you see a production problem.

In that town it was held that there were women in the families of workmen already there, who, without any additional housing, would be available for employment.

Now, you all know that in industrial plants which have not hitherto employed women, in many of the munitions industries, it is not possible to put women on a solid day shift, because there are many occupations that women cannot complete, and the process of replacement of men by women goes forward in a partial sort of way, introducing

women here and there, where they could take men's places. Then, when you add to that a practice which is followed in many plants---and certainly a desirable practice---namely, rotation of shifts, you have an additional complication with reference to the employment of women, that is, that if the shifts rotate the employer is quite right in saying, "How are we going to meet the problem of introducing women if we are to have rotation of shifts?"

Recent studies by the Public Health Service, not yet in print, demonstrate beyond doubt that night shifts are less productive than day shifts; that, moreover, long hours at night are utterly wasteful. The charts, for instance, showing production hour for hour over a 12-hour period, indicate that those last two hours amount, I might say, to nothing. If I recall, the production figures for the first hour of the night was something over 10,000 of a given article, and in the last hour it is about 200, in comparison with the 10,000.

Two things have been perfectly clearly demonstrated: Night shifts are not good for men or women. The vitality is low in the morning hours. It has been shown, for example, with reference to an employee five

years on night shifts, with time, presumably, to adapt himself to night shifts, with time, presumably, for the physiological changes, if we may put it that way, which would make that man a night worker instead of a day worker to take place---it was perfectly clearly shown that there was lower vitality always in the morning hours between two and three or four as compared with the day; that men are not naturally nocturnal workers; that either a man or a woman finds night work unnatural, and that we ought to get rid of night work in our industrial order for both men and women.

Now, to add to that the special effects on women. Women have their work to do at home. They have their home duties. They, like the men, are living often in crowded quarters. It is the night worker usually who is the most hard pressed economically. They are living in crowded quarters. The difficulty of getting sleep by day is very great, and the consequence is that night work stands indicted from the point of view of production and the point of view of health of the workers. It must be our purpose to restrict night work and gradually to get rid of night work.

What is our present situation with reference to it? We have just seven states, if our figures are up to date--- and, as you know, labor laws do change fast, so I am prepared to hear that some other state has a night work law, and I shall be glad if that is so---we have seven states which have night work laws, an unequivocal prohibition of night work for women. We have some states which have no night work laws. In some of those, like Maryland and, I think, New Hampshire, in which there is a prohibition of night work if it is more than eight hours--- but we are not counting them. There are seven which have an unequivocal prohibition of night work. Then we have two states, Wisconsin and Massachusetts, which can grant exemptions from the night work law. So we have five states which cannot grant exemptions under the state law prohibiting night work.

The production program is in a very serious position. We have enormously increased our army appropriations. We have to accomplish that done two things: We have withdrawn men from industry and we are going to withdraw them at a much more rapid rate. We have also greatly increased the need for munitions. We have been depending to a very

large extent upon English and French factories for some of our most important munitions. We have got a war problem immediately before us, and we all recognize that production must be now if we are to hold the gains that have already come to the success of the Allies. There must be production, and there must be enormously increased production in the face of a decreased labor supply in which women form the available reserve force.

That has resulted in two very clear things: First of all, night work is on the increase in those states which do not prohibit night work, and night work is going on <sup>in</sup> those states without any recognition from state labor laws or from Federal control, and without any supervision to determine whether in a given case the night work is essential or not.

In those states which have night work laws we are encountering, and our experience is very thoroughly corroborated by the statements of the enforcing officials, evidence of disregard of the present night work laws; and, more serious, because that can be met by prosecution, we are encountering evidence that there will be a concerted effort to repeal these night work laws at the coming session of the Legislature, (and that unless we arrive at some con-

structive plan that is very likely to be successful if it can be backed up, as it seems likely to be backed up, with statements of the production program and the relation of women to the available labor supply.

Now, that is no easy problem to face. The Federal Government is in a very anomalous position. If night work is permitted on federal contracts (in the majority of states---in the large majority of states---and if night work is simply prohibited in those states which happen to have night work laws, not through any policy of the Federal Government but through the state laws, that is to a certain extent a dodging of the issue. Now, should the Federal Government, in order that it may not be in a position of dodging the issue, attempt to put into the contracts absolute prohibition of night work for women in all states? That would be a logical proceeding which would be backed by all of the facts that we have about the bad effects of night work. Is that practicable? We doubt very much whether that is a practicable procedure, in the face of the production program and the immediate issues that we are meeting. If it is not a practicable procedure, how can the Federal Government, acting with the

states, control night work for women restricting it in all states to those cases where there is a bona fide national emergency in production which cannot be met by any other employment method?

Briefly, the plan which is under consideration in Washington but which is not yet finally decided upon or finally announced, is this: (That the Federal Government attack night work in all states under control in cooperation with the State Department of Labor or State Industrial Commission; that hereafter no night work will be permitted. No employment of women after 10 p. m. or before 6 a. m. in a plant working on a Government contract (or a subcontract for the Federal Government would be permitted under this plan, except by an emergency certificate granted by the Secretary of War or the Secretary of the Navy, transmitted through the State Industrial Commission or the State Department of Labor by the Secretary of Labor who has designated the woman in industry service as his immediate representative to deal with those cases in case that plan goes through.

That would mean this, that if a plant, we will say, in a state which permits night work, a plant in New Jersey,

for instance, wishes to employ women after 10 p. m. or before 6 a. m., it would make application to the office of the Secretary of War if it is working on a contract for the War Department. The office of the Secretary of War would at once transmit that request to the Woman in Industry Service, and there would be a two-fold investigation by the War Department and by the Department of Labor. First of all, the necessity for production would be clearly determined and the possibility of meeting the production of that article by a different distribution of the contract in cooperation with the War Industries Board or by some other method of release of men from non-essential industries in the particular community, by the employment of men on night shifts, or, from the point of view of working conditions, the possibility of meeting that situation by two day shifts of women or by different methods of employment, among them, the formation of a night shift of men. The same preliminary investigation would determine the conditions which would be required before any such permit were issued. If the permit were issued it would be issued only to the particular plant for a specified period, and would be revoked if the required conditions were not lived up to.

Broadly, certain definite requirements would be made. No plant would be allowed to certificate each employed woman more than eight hours by day or night. Every plant would be required to give an intermission of three-quarters of an hour for the night lunch period and to see to it that it was possible to secure a wholesome hot meal at night. Ten minute rest periods would be required in the working periods. It would be necessary that transportation should be provided which would be safe and convenient for the women. It would be necessary that there should be adequate supervision of the night shift. In addition, there would be added certain requirements which would grow out of the situation in a particular plant, and when the Woman in Industry Service should receive any such request for investigation it would immediately associate with it the State Department of Labor.

We have already been working on some such basis as that in a number of cases, which, as I described in the beginning, we had investigated with the understanding that the night work law must hold in the State of Pennsylvania, and that procedure has worked, I think, very effectively; that is, the state and Federal investigations would be joint

investigations, so that there can be no crossing of wires, and so that there can be agreements in the whole situation, and then the certificate would be issued with those safeguards, that it was issued with the consent and approval of the Secretary of Labor and that it was issued as a notice to the states under the war powers of the Federal Government that a national emergency exists in a given plant for a specified period, which would result, as some have expressed it, in a state of suspended animation in that particular plant on the state prohibition of employment at night where the state prohibition is unequivocal, as in these five states.

face

In the other states let us ~~state~~ state this fact, that we shall have a perfectly tremendous problem ahead of us if we are going to put such a program into effect. The protests would be tremendous from manufacturers who have no idea that night work can be controlled by the Federal Government, and we shall need the backing to the limit of the State Industrial Commissions and the State Departments of Labor if any such program is to be put into effect. But these are the things that we hope to accomplish by this program or by any other which may be worked out.

We do not want to see state laws repealed by those states which have won them after such long and diligent effort. We want to see the point established that in no state in this country should women be employed at night except in a national emergency. We want to lay the foundation for the habit that in those states which have no night work laws they will expect to have to go to their state commission or Department of Labor before they put night work in effect; and by that method we hope that a habit may be established which will result in much more extensive laws prohibiting night work after the war and that in the experience gained through that course there will undoubtedly be evidence which would be the most valuable sort of basis for prohibition of night work after the war.

At best we have gone a very, very little way in prohibition of night work, but now we are facing the fact and we realize as never before that safeguards of women's work as to hours of work and as to prohibition of night work are essential to the nation, and we should certainly have a basis for a drive which has far more momentum in it than we have ever had when there is some effective legislation on the statute books.

That, then, is the point at which we have arrived in the discussion of that problem, and it is perhaps the most important problem we have before this group, and one which we want to take up in detail.

Before we take up that problem I wish to say just a word about the other problems that the Woman in Industry Service has before it, because they are many, but they are not in the form, all of them, that can be dealt with by this body. For instance, the question of wages. The Federal Government has very clearly declared its policy that there shall be the same pay for the same work when woman takes man's place. That is not always being enforced, as we know very well. The wage adjustment boards established in the Government have, for the most part, affected women very little so far. Women have not been represented on those boards. The National War Labor Board has no woman representative. The Wage Adjustment Board in the shipping industry you might say, did not need a woman representative, but when you come to consider its relation to a great many industries, like the metal industry, you wonder whether it does not need a woman representative. For the most part, however, the wage adjustment boards have not

had women on them and have not dealt with the problem of women's wages.

We hear a great deal of the soaring wages and of the very high price of 80 cents an hour paid to certain groups of men. We realize that women in this situation are not merely going into the market as wage earners, but that they are bread winners at home; that they are taking the place of men economically at the home. The Women's Trade Union League recently at an executive board meeting declared wages should be the full male wage. That may be quite a poser for some people. It already has proved to be so, and yet we know that before the war the typical wage-earning girl was earning female wages, not ~~individual~~ male wages. In the investigation of 1907 and 1908 it was shown that female wage earners had somebody at least dependent upon them for their wages, as well as having to support themselves. So that we have had before the war a very great justification for thinking of women's wages in terms of women collectively, and we have got much more of a justification of that in actual fact at this moment.

That is the policy of the Federal Government, and any way that can be devised for closer connections with state

wage commissions will help us to reach that problem. Any way that can be devised by which inspectors in these states which have nothing to do with wages will bring to our attention cases where the principle of the same pay for the same work is not being followed, ~~xxx~~ ~~xx~~ will greatly help.

The problem of training is another very serious matter. And there is a training and dilution service in the Department of Labor which is dealing with that as a war emergency. That training and dilution service is in close connection with the Federal Board for Vocational Education, and the importance is of course to help train women for the processes in which they should be employed; and it seems to me that your relation to that and our relation to that is to endeavor to bring about a condition which shall insure that their work shall be done under wholesome and healthful conditions.

Those are some of the outstanding problems that we are facing.

I want, before we begin the discussion, ~~or~~ a statement from the states which already have women's divisions as to the scope of their organization. Women's problems are

not to be considered as something apart from the labor problem, and yet they have special aspects which need special consideration; and all along the line, if we are to deal in any adequate way with the questions ahead in the substitution of women for men, and with the question <sup>of</sup> ~~for~~ the most effective use of woman's work in the industries in which they have always been employed, and if we are to deal adequately with the whole economic problem of the country at this time, which is not merely a problem of war supplies, but a problem of civilian life as well, we do need the concentrated attention of the various states to these problems, and we should like to feel that there will be designated in the different states a group of women in the State Departments of Labor whom we can regard as our representatives, ~~and~~ we in turn being their representatives here, so that we shall have continuous attention and continuous exchange of information on these problems. You all know the tremendous amount of detail <sup>for</sup> ~~we~~ have to cover in law enforcement in the states. It is not possible to accomplish any such exchange of information so far as women in industry are concerned unless somebody is designated to do it.

So far as I know, there are four states, and I hope I may be corrected by the addition of a number of others, which have definite women's divisions. Minnesota has a woman's division; Pennsylvania has a woman's bureau; New York State has a woman's bureau, and Wisconsin has a woman's division.

I will now call on the Commissioners of these four states for a brief statement about the organization of their woman's division, and then if there are additions or if there have been some forms of organization developed to take care of these problems adequately in the other states we want to hear from them.

May I call upon Minnesota?

Mr. Gardiner: (Minnesota): Madam Chairman and ladies and gentlemen, I will speak briefly about the organization of the Woman's Division of Minnesota.

When I first entered the department as a factory inspector in 1904 we had no woman's division. I left the department for about four years and returned to it as assistant to the late Commissioner, Mr. Houck, and when I returned there had been a woman's division organized, under the able leadership of the late Mrs. Starkweather.

I had not followed the work of this division from the time it was organized until I got back to the department and engaged in its activities. I agreed with a member of the committee that I could not see the necessity for a woman's division. I had not risen to the occasion, and it was not until I had been back for two years, during which time I ~~be~~ had been able to watch the development of the work in which they were engaged that I had been able to see the results that were accomplished.

After that I changed my mind, and I have been growing with the growing division of the woman's department. Today I cannot understand why any state of any size or magnitude that is a progressive state can get along in the field of labor or in the field of women in industry without a woman's division.

There are so many things in connection with that work that they take from the Commissioner's shoulders, from the men's division of factory inspection, and it is remarkable how states have gotten along without the woman's division at all. Re

The first division in Minnesota was a single individual. Then it was increased to four with a defined head. In

1913 when the department was reorganized the title of the head of that woman's division was changed from the Assistant Commissioner of Labor to the Superintendent, and it still holds that title. Miss Agnes L. Peterson, who was with us, has just taken a brief leave of absence, I am sorry to say, from Minnesota, and I am sure she is going to be engaged in a larger field of activity in connection with women in industry, and I wish her Godspeed and success:

The Legislature provided in the reorganization law for four women inspectors, but unfortunately for the woman's division the appropriation committee did not see fit to provide funds sufficient to warrant the Commissioner in placing a fourth inspector on the staff or on the force. Under the laws of the State of Minnesota in connection with the woman's division one provision says that the Bureau of Women and Children shall have power to enforce and cause to be enforced by complaint in any court or otherwise all laws and local ordinances relating to the health, morals or comfort and general welfare of women and children.

In the inspection that <sup>is</sup> ~~I~~ just closed I want just to

cite a few figures. It will not take me more than a minute. I have brought that with me to show the amount of work that has been accomplished, although the figures really do not show the magnitude of the work of the woman's division, because there is so much follow-up work and so many re-visits and so forth, that in figures it does not look as large as it really is.

In the two years ending June 30, 1918, the Department of Labor and Industries made 15,396 inspections to promote the safety and welfare of workers. Of these, 2,120 were made by the Bureau of Women and Children. The factory inspectors issued 10,309 orders to safeguard dangerous places, and 890 others to enforce regulations relating to women and children, making a total of 11,199 orders issued in two years.

I just want to cite those figures to you to show you just partly what the division has been doing.

Now, ladies and gentlemen, during the activities in the different states and with the Federal Government in connection with the war, the Council of National Defense started out to make an investigation of women in industry and those working outside of the home. When it came to

When it came to Minnesota and asked for our assistance, had it not been for the fact that we had the organization and had the machinery well oiled and working well, it would have been an absolute impossibility to have rendered the Council of National Defense the service that we have been able to render them. We were only too glad to be able to do it, and I think Miss Peterson will bear me out when I say we have not placed anything in their way in order that they might make a success and gather the necessary information.

It is not only the State of Minnesota that is going to be benefited by this industrial survey. Every state in the Union is going to receive benefit from the results of the survey and the statistics that have developed as a result of it.

I am sure---and I want to speak to you frankly,---that while there have been some mistakes, and we all make mistakes; there are weaknesses; there are parts of the machine in the woman's department that need bolstering up and will need bolstering up---we have good working standards and they are going to continue, and they are getting information that no man would ever think of get-

ting, which is all to the benefit of women in industry.

As the war progresses---and I do not quite agree with the opinion of Mr. Cohen from Illinois that he made yesterday that he thought after the war was over that the women would be in the same lines of industry as they were before---we claim that it has been discovered that women can do lots of things that we little dreamed of before this war started, and they will continue in their activities, not alone in these activities, after the war is over, and we need more and more now, and will need more and more, after the war, of women's divisions in the Department of Labor, and we men have to strengthen their hands.

I thank you. (Applause.)

Miss Van Kleeck: May we still stay in the Middle West and ask Mr. Hambrecht of Wisconsin to speak to us?

Mr. Hambrecht: The functions of the Industrial Commission might be classified into safety and sanitation, the administration of workmen's compensation laws, woman and child labor, mediation and arbitration, <sup>and Rules</sup> pertaining to apprenticeship.

There are very few state laws existing so far as rigid regulations are concerned, only general statutes

leaving to the Industrial Commission the working out of the detailed application of the general statutes. I think perhaps that is unique, so far as state laws are concerned. The Wisconsin Industrial Commission has worked out many of the details that have been charged to us. For instance, only a year ago we worked out and put in the rules and regulations, so far as the state is concerned, prohibition of night work in factories for women. That was put on the statute book four or five months after the war was declared and at a time when night work was creeping into the industries of Wisconsin. It met with some opposition, but not a great deal, and now it is an established fact.

These several powers that have been charged to the Industrial Commission are impossible of adequate administration unless the Commission would employ as the administrator of those departments an executive deputy. Consequently, we feel that we have at the head of each one of the five departments, leaving out mediation and arbitration, which is only an occasional function of the Commission, an executive power that ranks in every respect with reference to his ability and with reference to powers delegated to him on the same plane as the Commissioner's. The Commission

looks to the executive deputy for ideas rather than constantly giving the ideas to the executive deputy, and I feel that that manner of carrying out the work that is charged to us is bringing good results. I feel that we are fortunate in having an executive to whom we can refer, and I am very pleased to say that up to the present time we have always felt that implicit confidence ~~was~~ in the people to whom we have delegated this work. The Commission would feel like making a change if it had to constantly tell the deputy what was to be done.

I think that if Wisconsin has succeeded in putting on the statute books any laws for the welfare of women and children it has been because of this Division of <sup>Woman & Child</sup> Labor and because of the confidence that the Commission has in the executive heads of the several departments that are helping us work out these problems.

There is a complete understanding between the executive heads of the Industrial Commission's Departments. I might give an illustration. When the administration of the law pertaining to women working in pea canneries was undertaken it was a very acute situation with reference to the administration, but we succeeded in administering it. Miss Copp, who

is here with us, had charge of the administration of the working hours and conditions in the pea canneries, and she had at her command during the entire canning season all the deputies of the Industrial Commission and all the other departments, because we considered it a most important part of the work in hand. Consequently, the entire force of the Safety and Sanitation Department was turned over to her, and we met very hearty cooperation among the pea canners themselves, and I am sure we got very good results.

It also happens in our Safety and Sanitation Department that problems come up with reference to accident prevention, that some times Miss Copp and her deputies can handle better than one of the specific deputies, and, in turn, that work is exchanged, so that the whole commission is working as a unit, at the same time being departmentized into five important administrative heads.

The question of legislation, if I may term it so, by the Commission has also worked out exceedingly satisfactorily, in this way. If we meet a particular difficulty with reference to the administration of our law we can remedy it by formulating a rule of the Commission which has the effect and force of a statute. If we find that a certain

exception ought to be made as to working conditions, the Commission can do it without waiting two years for the Legislature to meet. The constitutionality of that privilege of delegation of power to the Commission was recently passed upon in Wisconsin. At first the Supreme Court decided that that was a delegation of legislative powers that would be contrary to the spirit and letter of the Constitution. Upon a re-hearing the Supreme Court reversed itself and held, and I think very properly so, that the legislative power had been determined by the Legislature itself in laying down broad principles; in other words, that the Legislature said that factories and machinery in factories should be safeguarded, leaving to the Commission the manner of safeguarding, and the details of the administration were very properly left to the Commission. So the constitutionality of that has already been passed on and is working very satisfactorily.

I thank you. (Applause).

Miss Van Kleeck: I think the next state to organize a woman's bureau was Pennsylvania. Mr. Palmer?

Mr. Palmer: I do not know the chronological order of these departments.

Like Colorado and some more of them, in 1913, as most of the states know, our Department of Labor and Industry was developed in Pennsylvania, and at that time the Act provided for representation for women on the industrial board. One member, Mrs. Semple, ~~was~~ is present here today representing the Industrial Board of Pennsylvania. Also in the Division of Hygiene a woman member was provided, Dr. <sup>Elizabeth</sup> Bricker, who is here also. We think that the doctrine of taxation without representation is still unjust, and wherever women are allowed to work in Pennsylvania it will be by the sanction of the woman representatives of our departments.

*Unity*  
 ( I do not feel that it was really necessary to place this responsibility on the women because I do not believe that either Commissioner <sup>Jackson</sup> Johnson or myself has any less regard for the women and children. I think it is only right to class them together. There is no one that this picture here (referring to Fourth Liberty Loan poster on wall) appeals to any more than it does to me. I think that physical conditions group women and children together, and I think the women should properly be over and in control of those two divisions.

That was before the war. Along with that, <sup>a</sup> as we de-

veloped our department and grew, we developed our woman's division. It was in 1914, I think, that we put a special inspector at the head of it. We have given our women inspectors equal pay with the men, and today we have a \$2,000, \$1,800 and \$1,500 grading.

With the war came <sup>new</sup> two problems, and we have increased that division, placing Dr. Bricker of the Division of Hygiene as director of that division. Subordinate to her or associated with her will be the woman director that fills the place that she previously filled. Mrs. Semple has for the industrial board made extensive investigations in other states, visiting Massachusetts to see what good work was being done in New England and in Connecticut and some of those other states that have been faced with war problems.

*Cont*

The people in Washington know that Pennsylvania has stood firm for her woman's law; that in face of a very urgent appeal from one of the largest munition plants in the United States, at a time when Germany was pressing ~~xx~~ her offensive, when we had lost so much of our vital supplies in that drive, we stood flatfootedly ~~in~~ that plant, in the face of the managing officer, that we could

not and would not attempt to set aside our woman's law. And in order to feel sure that Pennsylvania was doing her part and was cooperating with the Federal Government, I visited the Secretary of War himself, and he asked us that we hold to our laws until we receive from him a direct personal appeal to set them aside. That has been the position that we have taken there, by the Governor, by our Industrial Board and by our Attorney General, that only by a permit signed by the Secretary of War or the Secretary of the Navy overriding our state law can we set aside our state regulations.

We feel, as Minnesota has stated, that other states should have it. We believe they all will have it, because the women know their own problems, and, as I say, taxation without representation is still unjust. (Applause.)

Miss Van Kleek: May we hear from Commissioner Lynch about the newly organized bureau of Women in Industry in New York State?

Mr. Lynch: I want to touch on it rather briefly, because I am anxious to get back to the discussion of one of the other vital things before this conference, and that is night work for women, and also the matter of paying women for work.

In that connection, let me say that I would like to hear the expression "the same pay for the same work", instead of that old fraud, "equal pay for equal work."

We have had inspectors, women inspectors in the New York Department of Labor, for a great many years, and the questions affecting women particularly are handled by the women inspectors to a very great extent until the <sup>division</sup> ~~Commission~~ of Industrial Hygiene was added to the New York State department ~~officials~~, and the question of women in industry was handled in some of its phases through that division.

Recently, through the cooperation of a group of women who have always been prominent in New York City so far as the welfare of women in industry is concerned, we have been enabled to establish a woman's bureau, and for the present that bureau is being financed by these women and their sympathizers with the work who enabled us to establish it.

It is working out its own destiny for the time being, and will undoubtedly be a most valuable aid to the Industrial Commission of the State of New York. Miss Swartz, who is here with us, is the chief of that bureau, and we hope that in the next budget for the department

the State will finance that bureau on the same basis that it does all of the other bureaus, and that by that time, by the time that the matter is up for consideration before the Legislature, this women's bureau shall have demonstrated its usefulness and its necessity so that the Legislature can do nothing else than to provide funds for properly conducting it; and if it does, it will be a most valuable accessory to our work. (Applause.)

Miss Van Kleek: Unless there is further discussion on this point, I think we had better proceed to the discussion of women in night work, and I want to ask Mr. Mulready to tell us about the administration under the War <sup>Emergency</sup> ~~Measures~~ Industrial Commission in Massachusetts of exemptions during the war---

Mr. Kearns: (Ohio): I do not like to let this opportunity slip by, Madam Chairman ---

Miss Van Kleek: I hope Ohio has a woman's division to report.

Mr. Kearns: We do not happen to have a woman's division. We have no division that is supervised by a woman, but Ohio has since 1908 had in the Department of Inspections of Work Shops and Factories eight women ~~knackknack~~ whose

principal duties have been the enforcement of the laws relating to the employment of women and children and investigating conditions under which both women and children are employed.

In addition to those eight women, Ohio's department is working with the authorities in the larger cities, such as Cincinnati, Cleveland and Toledo, getting excellent cooperation from that source, and, of course, at the present time is working with the <sup>Committee on</sup> women in industry. Ohio is really one of the pioneers. I heard some one here representing one of the states say that they had had such a division since 1911 or 1913, or somewhere along there. Ohio has had its division since 1908.

I want to say this---I do not want to take up much of your time except that I wanted to put it on record here--- that we have these women employed in this work and that they are accomplishing magnificent results, not only enforcing the laws which we have on the statute books relating to the employment of women and children, but under the broad provisions of the industrial commission law, or the law creating the Industrial Commission of Ohio, the department was given a great <sup>deal</sup> broader powers in the matter of investigation

and enforcement of regulations regarding the employment of women, in connection with the protection to the life and limb, health and welfare of all industrial workers; so that it has given us a broader field to work in, and these women as well as the inspectors have gone much further in the matter of regulating conditions particularly under which women and children are employed than the laws or the statutory enactments permitted them to go under the old order of things.

So we have really accomplished magnificent results and I think one of the best moves that Ohio ever made or that any other <sup>state</sup> ever made was when they added women inspectors to the factory inspection of the Labor Department.

Mr. Lissner: (California): It seems to me that we might have a brief report from the Industrial Welfare ~~Work Department~~ <sup>Commissioner</sup> of California, which <sup>is</sup> doing considerable work along those lines. Mrs. Edson?

Mrs. Edson: (California): We have no woman's division in California. We have an Industrial Welfare Commission on which there is a woman member provided in the statute. The work of the Industrial Welfare Commission is to fix minimum wages and control the hours of labor in

those industries not under the Eight Hour Law, and to provide for the comfort, health and safety of women employees in the State.

We have a great many departments working on the industrial program. There has been no difficulty between our departments, because we are a harmonious family, but I do feel that the situation as in Pennsylvania and also in Wisconsin is more ideal than it is when there are so many different departments. My hope is that in the State of California we <sup>shall</sup> will have an industrial commission. We do not stop with women as inspectors, but they should be commissioned <sup>as</sup> as well. (Applause.)

Miss Van Kleeck: <sup>c</sup> Is there any further discussion on this point?

Mr. Simonds: (Vermont:) The only difficulty we have experienced has been to get appropriations to put our law enforcement under a special war measure passed at the last session. I did ~~secure~~ secure authority from the Governor to institute a woman's division.

Miss Van Kleeck: We are glad that women's divisions are so popular.

Is there any further contribution? Mrs. Cox, would

you say anything about Indiana?

Mrs. Cox: (Indiana): I really think it might be a little premature. We have laid the foundation and ---

Mr. Van Kleeck: You are going to have it?

Mrs. Cox: No, I cannot say that, except that women generally, when they go after things, get them. Further than that, I cannot say that we are going to have it. However, the Governor of the State of Indiana is working on the needed legislation. The statute provides the exact number of factory inspectors, and all those places were filled when the emergency in the women's situation came up, and of course it would not do at all to ask one of the gentlemen holding those positions to vacate. Therefore the Governor of the State of Indiana declared an emergency, and was sustained by the Attorney General of the State and appointed a woman to whom should be referred problems relative to women and children in industry. He pays that woman from the contingent fund, and she is out in the field trying to prepare herself somewhat as an expert witness before legislative committees.

Miss Van Kleeck: We wish her success. That is good testimony that you are giving us for Indiana.

Is there anything further on this subject? If not, I think we are ready to hear the discussion of night work.

Mr. Mulready, may we hear from Massachusetts?

Mr. Mulready: (Massachusetts:) Some speaker said yesterday that certain things were to be taken for granted, so I assume that it is taken for granted that Massachusetts has a woman's division (laughter), because if appointment of inspectors and recognition of women on the board forms a woman's division, then we have a most excellent division. We have a very excellent woman on our Board.

The law provides that we shall have at least four women inspectors, and our Board, under the influence of that good woman, has appointed nine, rather than four women inspectors, and among our best workers are our women inspectors. I am not sure but what it would be an improvement if one of these women inspectors was designated as the chief; and I am sure I will go home with that suggestion, because if that will relieve the Commissioner of Labor of a little of his duties, the Commissioner will be glad to be relieved.

Yesterday, when I invited myself to speak here this

morning, I was very much troubled. I was troubled, in the first place, with the law that was expounded to us, and I could see trouble ahead for me if that was good law.

At the beginning of the war I asked our Attorney General for an opinion upon our status as a state board of labor and industry. He gave us an opinion that where plants were run by the Government, like an arsenal or a navy yard, or plants of that kind, our state law would not apply; nor would it apply on contracts when the entire plant was taken over by the Government, but---and that is the point that was not touched yesterday, I think---if it was found that in a given plant part of the work was Government work, and part commercial work, our law did apply to both kinds of work.

Now, with the explanation of the Chairman this morning and with that opinion of our own Attorney General I am glad to rest ~~there~~ just where the presiding officer suggested that we do rest, and that destroyed my desire to speak, almost.

But I did want to speak about the Massachusetts idea on the question of emergency.

If you stop to think, friends, after all the best

states are last in getting exemptions. One gentleman here yesterday morning told us that in his state, for instance, it is not a crime to work children eleven hours a day. What would he want an exemption for? Surely, he has gone the limit with his children or the children of that state. So that really the more drastic, the more stringent the law, the more necessity for doing something toward exemption, if exemptions are at all necessary. And are they? Every one that I have heard speak says they are. Even the military gentleman who was here yesterday made an exception, and everybody with whom I talked says that something must be done, when our very excellent presiding officer this morning pointed to the fact that we are only at the beginning of it.

{ In Massachusetts we have a reputation of being very stringent in labor legislation. Every requirement, so far as I recall it, that the Government now asks other states to adopt, has been adopted and been in force in Massachusetts for a long, long while---eight hours for the children. We have ten hours for the women, fifty-four in a week, and all that sort of thing. So that all those requirements are in force. }

I was speaking one day on this subject in a gathering of labor commissioners, and some criticism was made of our system which I want to explain to you. Finally one man, more strenuous than the others, was asked the question what he would do under certain circumstances which had been described. Finally, forced to an answer, he said, "Well, I suppose under those circumstances I would be obliged to look the other way." If we get to looking the other way and permitting violations, that will do us more serious damage than if we by law create an agency for meeting a situation which must come.

We hear a great deal nowadays about the manpower. I would like to change it to "human power". If the men go across to fight, and if they start over there together, those of us who are left at home, men and women, have got to face the situation as it is, by some plan or other, either Federal or state.

Now, you will recall that away back early in the war, early in the entrance into the war by our country, word was sent out from Washington---I know somebody will say "By whom"? and I cannot answer, but I think it was by the Council of National Defense---to every Governor of every

*Governor* ✓

state in the Union, that there must be a power delegated to suspend those labor laws that would prove burdensome in time of war. The power was to be delegated to the Governor. Down in Massachusetts we did not like that. A labor man in our state listening to me today, the father of us all in labor legislation, said no; that would be a dangerous thing. Do not misunderstand me. We have one of the best Governors in all this country, the war Governor, Governor McCall of Massachusetts, a good man; and he <sup>can</sup> be trusted with that duty perhaps as well as any other man we know in official life. But we said, "No; that is a dangerous proposition. No Governor with all the great many things that are calling for action on his part could possibly give the attention to that that ought to be given to so important a matter."

So we met in conference. Our public safety committee called thirty or forty of the leading labor men of the state in a conference and said, "How will we arrange this thing? Something has got to be done. What shall we do about it?"

Our Massachusetts law attempted to define emergencies, or, as was well said yesterday, everybody has to realize

in the beginning that certain emergencies are bound to occur, but our law did not quite fit the existing situation.

Well, we met, and as a result of the deliberations a law was proposed to the legislature. In fact, I want to say that a long act governing the powers of the Governor in the better defense of the Commonwealth was enacted, and ~~in~~ that law for the better defense of the Commonwealth appeared the section which related to the subject under discussion.

May I trouble <sup>you</sup> not by reading the law, but by calling your attention to one or two of the provisions?

In the first place, a commission was to be appointed consisting of four members, and the Commissioner of Labor was made ex officio the Chairman of that Commission. Our people were very, very fortunate in securing for that commission two of the leading manufacturers of Massachusetts, William M. Butler, head of one of the biggest cotton industries in Massachusetts, a lawyer, an ex-president of the Massachusetts State Senate, a man in every way a great big man, who said to me when I invited him to serve on the Commission that he could not possibly find the time to do it; but when he came to one meeting and saw

the great possibilities of the position he said, "I am with you to the end." The other was Mr. Coonly, now a member of the Fleet Corporation, stolen away from us by the United States Government, one of the best men in Massachusetts. I often said to him in our association on the Commission that if he was not a capitalist, if he was not a big business man, he would be a splendid social worker. He had the social vision in all his work. We had George F. *Rand* (?), president of the Massachusetts branch of the Federation of Labor.

Then we thought that the Commission ought to have a woman, and so we chose a Miss Meecham, a woman who for fifteen years has been connected with Ginn & Company.

It was said in the beginning that the Commission of Labor was pretty well handicapped between those two opposing forces. Let me say to the ladies and gentlemen, those of you who are studying our cooperation, that those predictions did not prove true; and in the hundreds of cases we have listened to there never has been a division when it came to the final vote. There have been times when we did not quite agree, but there never has been a division of vote. Our vote has been unanimous.

Now the commission is formed, and the law provides:

"Any employer of labor may make application to the state board of labor and industries or to the commission created by clause A of this section, setting forth that a law or laws of the Commonwealth," etc., "affecting conditions of labor or interfering with the prosecution of work which such employer is doing or is about to do, which work is required by an emergency arising out of the existing state of war, and asking that a permit be granted to him suspending the operation of said law or laws, or any part thereof, as applicable to his work or establishment, the committee will convene and give a hearing upon such application as soon as possible after the receipt of the application."

Now, a very wise provision was placed in the law which called for, at the hearing, representatives of interested parties. At the beginning we went to the division of labor and we said, "Give us a force of ten men and women who will attend every weekly meeting of our commission and listen to the evidence that is submitted and, through their affiliated organizations, object to anything that we are attempting to do or thinking of doing." We said

to every woman's organization, "Choose a committee of two or three who will attend our meetings, be welcome there and welcome to ask questions or offer suggestions." We went to all the child welfare workers and in like manner to all the interested organizations. It is easy to see, I think, without referring to it, almost, that while we should not have secrecy in our deliberations, we must have privacy, and so the doors are not open to the public, but they are open to these people who are selected entirely independently of the Commission holding the hearing.

Then a further provision was made that in cases of emergency the Commissioner of Labor might grant a permit, and that permit would expire automatically in 72 hours. Then the entire office force of the Department of Labor was placed at the disposal of this Commission. We have the machine created.

Somebody said yesterday that it would be wrong to grant every petition that came up. You will notice the figures. We have had 369 applications. We have granted permits to 73. That does not mean that all the others have been denied; but, again, as was suggested yesterday in

somebody's plant, we talked with the people; we suggested that possibly they might arrange it in some other way than by a permit, and in that way we reduced the number. We granted, however, 184 permits. While we had a large number of applications for night employment, we granted but nine night employment certificates, and in those cases many of them were but for a very brief period, a week, or when some such emergency came up it would be granted for a week or ten days. Only one that I now recall is in existence at the present moment.

We had 51 applications for the suspension of the law regarding the working of children. Whatever plan about women working may be had, all men ~~will~~ and women will agree with me that there ought not to be any permits granted for the overtime working of children; and so in our case, while the law permits us to do it, we have steadfastly stuck to that policy that we would not under any circumstances grant the right for children to work overtime. So in our state we have never granted that permit. (Applause).

The Commission has granted 40 special permits for three days.

Now, where do we get our information? From every available source. If I was talking in New York instead of in Washington I would say that we have had quite a bit of trouble getting information from Washington, just a little bit; and in some cases we have found that the officials themselves did not agree among themselves as to what they really wanted. We have been commended by the Secretary of War in a personal letter for the work we were trying to do, and we have in every way been given close cooperation.

May I speak of one institution. We have an institution manufacturing exclusively munitions in Massachusetts. Everybody who comes to Massachusetts wants to see that institution, and so we have a young lady guide up there, and they call her Mr. Mulready's girl, and everybody that wants to go is shown around by Mr. Mulready's girl in the United States Cartridge Company. They employ about 17,000 people. Two-thirds of them are women and girls. They are going to employ 20,000; and the machines never stop---a continual grind, day and night and Sundays and holidays. They are all the time grinding. They are manufacturing 3,500,000 cartridges a day. They are going

to increase that to 5,000,000 cartridges a day. We granted permits allowing the law to be suspended so that that work could be done, but we provided that women might not be employed at night. That knocked out the night employment study which we otherwise might have made at the expense of the women who had gone into the industry.

The United States Government, and I call your attention to this not in a spirit of criticism, as you understand, but really because we may consider it in the adoption of our plan which will come out of this conference ---the United States Government now comes on and says we ought to have women in that night shift; we can't get men; men are going out so fast that we must have women in that night shift. Then we say, "How many hours do you think would be reasonable?" And they say, "Eleven hours." And we say, "Your petition is dismissed. You cannot have eleven hours." And then one very bright woman connected with the Department of Ordnance comes forward and says, in that very captivating way that they have, "How many hours would you allow?" I say, "Name your hours, and we will knock them down just as fast as you name them, until we get to the place where we stop, but we will not

name your hours for you." Consequently that is in the air; it is a question of what ought to be done.

So I might go on with numbers of other cases. They are individual cases and depend upon individual facts and individual investigation.

But we shall welcome in Massachusetts the suggestions of the Woman in Industry Division here in Washington. I am not sure but what the whole thing ought to be talked up; I am not quite sure that it ought to be. It has worked splendidly to our advantage. It has worked indirectly in another way. We had a man representing a great big industry the other day before us, and he was asking that boys and girls be allowed to work, a large number of them, overtime, and I told him that we never had broken that rule. Then he said, "Well, I hope that you will stop everybody from doing it." I said, "We will, if you will name the people that are doing it." "I will not do that, but go in most any place." I took the hint and went in, and we discovered things that we little dreamed of. That is not an indictment of our inspectors, because we have twenty-nine inspectors now. We had twenty-four last year. We made forty thousand inspections last year

with twenty-four inspectors. That is too much.

I was speaking one time before a committee of the Legislature, and one member of the committee said, "Don't you think that an inspector ought to make at least four inspections a day?" I said, "That depends. I know I sent one of our inspectors into a plant in Massachusetts, and he worked continually and very diligently, and it took him two weeks to make the investigation, and then it was not quite complete. So that really we cannot make inspections as you would make pies---just by getting together the proper materials and making them."

I think we confuse some times the question of suspending a law and rescinding a law. Some people say we break the law. It has been very aptly said by one of the members of our commission that we bend the law and that, like a good stick which is bent, it comes back right where it started from as soon as the emergency disappears.

We never grant a permit for more than 60 days. We extend the permit after that time, but it comes back to us for re-hearing and re-investigation before it is extended, making a period in which to work out the problem.

May I speak of one other case? A very big institution in Massachusetts---and I think this presiding officer knows the facts in that case---where they are manufacturing the Browning gun, a very important part of the war, wanted overtime work, and we investigated it. Let me say, too, that we have a special investigator who attends to every application, goes to the plant, looks into the necessities and does everything preliminary to the hearing. In this case she went to that plant and returned and made the suggestion that it was more a lack of management than a real emergency, but nevertheless if the permit was not granted there would be a delay in the delivery of the Browning gun, and that we could not permit under any circumstances. So we said, "Well, we will give you a permit for thirty days. We will send word to Washington and let them investigate it." And they did. They sent an inspector there, an expert engineer, to determine the truth of what we suggested, and it was found that it was a really and truly case of lack of management more than one of real war emergency.

Now, may I say one word more? I know that we are somewhat unique in the history of the labor movement in the

United States, but let me say, with all due humility, that it is not the first time in the history of this country that Massachusetts has taken the lead. (Laughter and applause.)

Miss Van Kleek: Now, we want to have an absolutely free discussion of this question. I am not going to call on the speakers, but I hope you will all take part. I know that there are a number of states that have been treating this problem as a matter of law, and that there are other states which have no law on the subject.

Mrs. Semple: (Pennsylvania:) May we ask Mr. Mulready to give us a statement, if possible, as to the proportion of exemptions that affect women?

Mr. Mulready: (Massachusetts): Nearly every one; not quite every one. A few affect men only. But, you see, it is the woman question that interferes with the happiness of the manufacturers.

In Massachusetts we were building the great big camp buildings and everything that went with them, and they said they were working on what they called an eight-hour basis. An eight-hour basis, as I understand it, is that they work eight hours for the ordinary wages, and then they double the pay for all the number of hours that they want

to work overtime, and some of them were getting great big pay by that process, but they were raising Cain with our argument that eight hours was long enough for a man to work.

Our Highway Commission of Massachusetts was building a state highway, which was quite necessary, to get from the town of Ayer, where the town was located, to the camp and around the territory there. We had a hundred or two hundred men working there. Under our laws men employed in public work are not allowed to work over eight hours a day. They did not mind about working any more hours, but they did insist that they were going to have the same pay as they could get right over the fence in the camp, and they abandoned the poor contractor and the poor State of Massachusetts out in the street with those awful dangerous street crossings by two railroads.

We granted a permit for that contractor to work men overtime if they were willing to work, in order that they might get the same wages as the United States Government had on the other side of the fence. That was stretching a point on war emergency, but I think it was created by an emergency of the war.

Now, in answer to Mrs. Semple's question, of course

nearly every case is one involving women, because we have not granted any permit where children will be involved.

Mr. Hambrecht: (Wisconsin:) We had a similar request in Wisconsin. I suppose every state in the United States had a similar request. Fortunately, the Industrial Commission had been created along the lines I have outlined. We have had several requests from employers, and I have one distinctly in mind. The request came accompanied by a captain of the militia, representing the Federal Government, in which certain ordinance was declared to be of vital importance to winning the war, and unless they could workmen during the night time they would be unable to get out the particular part of the ordinance in the time contracted for. It was rather an unfortunate situation.

We handled the proposition a little differently from what they did in Massachusetts. We think that the state is responsible in reference to administering state laws. They suggested that the law interfered with the national program, and I answered both the employer and the captain of ordinance that perhaps that was true, that it was an emergency that required concession with reference to

working conditions, but that the Industrial Commission of Wisconsin's law was not passed for the purpose of passing upon war emergencies, and that he should get his certificate from either the Council of National Defense or the Ordnance Department of Washington and he would have no difficulty with the Commission when the certificate of ~~war~~ necessity had been determined upon. He said he would do that. That was about three and a half months ago, and I have heard nothing further from him.

As a matter of state policy, I feel that that is a safer method of procedure. We have a national program and we also have a state program. The state labor laws must give way at any time under wise and judicious advice from the Federal Government when the matter of military necessity demands it. We are going to do everything that is in our power, and I know that that is true of every state here, to help win this war; but we must first know that it is a military necessity. A contractor may have contracted for more than he ought to. If they have a feeling in the state that all they have to do is to show that they have a big contract on hand and that it is necessary to abuse the state labor laws to put it over, it may be a difficult

thing to convince the Industrial Commission of Wisconsin that it is true, but it is for the Federal Government to say, it seems to me, as to whether or not that particular factory with its product ought to be allowed to encroach upon the state labor laws in order to put out its product.

I thank you.

Miss Van Kleek: Let us emphasize that by saying it is the Secretary of War who must declare an emergency in the War Department, and not a captain or a lieutenant who represents the War Department in the field.

We had an illustration the other day of a very large plant that was employing women at night in defiance of the law. As soon as that was discovered the plant replied that it had the permission of Lieut. Smith!

It is my view that there can be absolutely no successful administration of any such plant unless it is perfectly clear that the national emergency can be determined only by the Secretary of War or the secretary of the Navy, the head of the contracting department of emergency production. It is the head of the contracting department, and not the Council of National Defense, in this instance.

Mr. Mulready: Let me say that it is true that it

ought to be.

Miss Van Kleek: That is the practice, is it not, in Massachusetts?

Mr. Mulready: It is the practice if we can do that; but here is my point on that: I think the simple establishment of the emergency is the easiest part of it. We were led astray in the beginning because we were not used to associating with military gentlemen. When a man came to see us with full uniform and with tones we did not understand, we said, of course, the army says we must do this. We learned after awhile that that was not right.

Is not the most important part after the emergency is acknowledged? It may be that conditions in a given factory may be quite bearable for six or seven or eight hours a day in the day time. That is our real job, and that, I think, must be done, it seems to me, by the states and the United States cooperating. The Secretary of War may issue certain specified things. Minimum? Sure. But I would like to reach toward the maximum. We have a plant running in Massachusetts where the girls only work five hours a night and where they get nine hours' pay for working five hours.

That is another thing that has been mentioned here. It is not altogether a question of multiplying girls; it is a question in many instances of multiplying machines. There has been a great difficulty in getting machines, and consequently the men are forced to do something.

Somebody said here yesterday that possibly we could take some of the orders away and transfer them to some other concern that did not have enough. Have you stop<sup>ped</sup> to think how that would work? I do not know the gentleman, and so it is very impersonal, but if the gentleman who spoke here yesterday about working eleven hours for children would take the product that ought to be manufactured under better conditions than that and transfer it into that state from a state where they have an eight-hour law---I don't think I would go too far in transferring orders. Besides that, and perhaps more important than that, is the fact that these goods are needed now, and most of them are machine-made goods, and if you made a transfer you would not know where you would land. Let us not preach the doctrine of transfer too strongly---at least, that would be my suggestion; but let us make the men who are doing things come to our ideas of how the things ought to be done. Make them

meet conditions so far as you can.

Miss Van Kleek: Let me point out with reference to your last point, that the transfer of products does not of course mean a transfer to a state which has lower standards, but it is certainly clear that some times a plant is handling more than it has a right to, but there are frequently pointed out a number in the same state where there might be a possibility of transfer.

Mr. Gernon: (New York): We investigated some 400 contracts for the War Department a couple of months ago, and I know at one time when a certain product that was very essential for the soldiers at the front was very short, one of the leading sections of our state in manufacturing that product offered the War Department that they would produce 20 per cent of that product to relieve that situation. The facts were that there were none of that product being made in that locality. We found very early in our investigation that the contracts were given out in no proportion to the capacity of the plant; and that is what has made the emergency in many instances. There is no necessity for giving a man a contract which is ten times greater than he has any capacity to fill. That is where

most of the difficulty has come from.

I wish to hear the Chairman speak about the basis for the restriction of night work; that is, the system and the causes of it have been known to the people in the labor movement for years. That is the theory upon which the labor people have opposed the night work. Anybody who ever worked night work knows that they cannot be efficient and work night work, and I hope that this war will make it plain to the manufacturers of this country that nobody can work more than eight hours and be efficient, and in some industries it should be less than eight.

There is probably some improvement in the conditions. The contracts go out with no regard to the capacity of the plant, and surely this city has been visited by the fellow looking for a contract. I came into this city on the train, at least and in the car were ~~just~~ eight men who were going from one city here and were complaining very bitterly that everybody in the state had contracts but the people in their city. I gained all this information by sitting in the smoker talking to them. It opened up a thought in my mind that if that is so, and these men were in a line of business that is very essential, there might be some

relief, and it would be far better to cut down the contracts of some of these people and give them around a little bit.

Mr. Kearns: (Ohio): In that line I just want to say that we have had the same trouble in Ohio. Recently <sup>not</sup> we have ~~gmt~~ so many requests for exemptions, but a year ago we had several requests, and we found upon investigation by the Committee on Industrial Relations appointed by the National Council of Defense, composed of two manufacturers and two representatives of labor, upon their investigation that that very condition existed; that contracts had been given out to some plants way beyond their capacity, and they were not able to get the goods out on schedule time. The suggestion was made to them at that time that some of it be sublet to some other establishments and plants in their immediate vicinity that were able to do a part of the work.

I think that now the new draft may draw men more rapidly from industry and we are going to be besieged with requests for exemptions from all the various lines, and I think the only solution for it is the one suggested here, that the Federal Government through the Secretary

of War should issue these permits, but only after proper investigation has been made through the cooperation of the State Department, whether it is an industrial commission or the Commissioner of Labor, or whatever it may be.

Miss Van Kleek: How would the prohibition of night work except under certificate affect Ohio?

Mr. Kearns: Prohibition of night work? Well, very materially, because under our law there is no prohibition of night work except for women under 18.

Miss Van Kleek: What do you think the effect would be? Do you think that the Industrial Commission would welcome that as an addition to its duties? Do you think the effect in the state would be good?

Mr. Kearns: Do I think the effect of such an order would be good?

Miss Van Kleek: Yes.

Mr. Kearns: I would not like to see it done, but I imagine something along that line will have to be done.

Miss Van Kleek: You have no night work law in Ohio? I presume you have night work going on to some extent?

Mr. Kearns: Considerably.

Miss Van Kleek: What I am getting at is from the

point of view of Ohio would that be a gain in labor legislation or the reverse to have established the control in which the Industrial Commission would share?

Mr. Kearns: It would be a gain in labor legislation in a way, because we have no laws prohibiting it at this time. Of course we would like very much---or my personal opinion is that Ohio would like very much---to prohibit night work; but whether or not it would be possible to do it at this particular time is another question.

Miss Van Kleek: But if the Federal Government saw that it could be of assistance to you in efforts later to establish prohibition of night work---

Mr. Kearns: I think we would welcome it for the reason that it would be a help to us.

Mr. Lynch: (New York): I am glad that the discussion has finally come back to the program that you outline here, because it seems to me that this is a thing that interests the states. I wish that I could write a law that the Legislature would pass and then appoint a commission that would administer the law, but I can do neither the one nor the other. I am fearful that if something is not done when the Legislature meets, people will be there advocating a

suspension of all of the labor laws that affect the working of women in production, and they are able to point to Massachusetts which has granted a number of variations under which women evidently work at night.

No matter whether they were justified or whether they were not, that will not be any evidence at all. The simple fact that they have granted them and that women are working in Massachusetts and Ohio has no law prohibiting women working at night. It is sufficient. It is hard going for us who are interested in the preservation of the law.

Now, we must take into consideration the attitude of the woman who works, the attitude which she has toward this question of employment at night, because that is also going to be in evidence and it is going to be used with some force and effect.

I have recently interviewed a number of women in New York State who are working all night/<sup>not</sup> in factories and establishments over which the labor law has jurisdiction, but in hotels and in other employments not governed by the labor law, and I find that these women tell me that they prefer the shift from eleven to seven o'clock in the morning; that they would rather work during those hours

than during any other hours of the day.

One of the managers of one of the largest factories in the state told me that they could fill that shift three times over while they are obtaining women to work on the other two shifts.

That is the point of view of the women who work, and it is easily understood, of course, because if she has domestic duties to perform it gives her opportunity to perform those duties. If she is desirous of entertainment she has the hours during which entertainment may be had, and she prefers that arrangement.

I think that there seems to be rather a reluctance here to admit that the women are going to be employed in industries to a very much greater extent, and that they are going to be employed at night. Just as soon as this draft becomes operative the demand for labor will be accentuated, and women are going to work at night whether we who are trying to prevent it and understand its dangers like it or not. That situation is going to confront us, and it is the part of wisdom to try to meet it now. Personally, I believe that the proposition that you have put forth here, which seems to have been well

thought out, is the proposition which in the end will result in saving the labor laws and the statutes that now prohibit the employment of women at night, and will be of assistance to those states that have not yet enacted laws prohibiting the employment of women at night, which permit women to work in some instances without any restriction at all. It will be of great assistance to those states, both during the war and especially after the war.

There are two other propositions in connection with that that I think are important. One of them relates to the pay. I do not know what the Federal Government can do under this arrangement in establishing standards in so far as pay is concerned.

I said a few moments ago that I know of no greater fraud than the fraud called equal pay for equal work--- always at the decision of the employer who determines whether the woman has done an equal amount of work compared with the man who formerly held that position, and of course, in the great majority of cases, determines it negatively and advances ~~the~~ arguments to sustain his contention.

My proposition is that the woman who takes the place of a man should have the same pay that the man got for

that job, and if it is increased during the time she holds it, she should receive the higher rate of pay. It is up to the employer to obtain the woman who can do that work, the same as he obtained the man to do it. It is not a question of his being permitted to play the alleged frailties of the gentler sex up as an argument for the payment of a lower wage.

Then there is another fraud that is going around that is even worse, I think, than that equal pay for equal wages assertion. That is the basic eight-hour day. There is a proposition that is worked overtime.

(Laughter). People have been led to believe that we are establishing the eight-hour day in this country, when, as a matter of fact, we are doing nothing of the kind. There have been strikes in those plants by wage earners for the privilege of working overtime, excited by the fact that there has been held out to another section in that same factory or ship yard or whatever it may be extra wages for working overtime, and the result is we have been working ten and twelve hours a day instead of eight. The basic eight-hour day is simply a wage proposition, and nothing else, a proposition on which to base wages; and we

hear this assertion that men are now able to earn enough in four days so that they can live for three days. That is advanced as an argument against these higher wages.

I some time wonder whether it is a question of fatigue that enters there by reason of the fact that men are permitted to work 12 hours a day to earn these high wages rather than working a rational and reasonable number of hours a day for six days and possibly for seven. I trust that some way can be found so that these things will not be permitted to creep in.

We have in New York laws for the protection of women and children. I do not know that men need so much protection in these strenuous times as woman and children do, because women are subject to exploitation, and they must be considered separately, notwithstanding the opinion of the Chairman today. Woman will not organize and protect themselves, yet their introduction into industry is greater than we have ever had before, and it may result in their organization and union and their ability, then, to protect themselves. But our experience shows, running <sup>through</sup> all of my connection with organized labor---and that is quite a few

years---that they do not organize and that they are unable to protect themselves and that they are only protected in those unions of longstanding where the majority of the membership is male and the male membership protects the female membership.

So they must be given special consideration and they must be guarded from exploitation by people who will exploit them and do it for reasons of patriotism---and this cry of women coming to the rescue of the country, and all that, we know, we who are up against this every day, that they are coming to the rescue of the pocket book of the man who is making that cry, and for no other reason than his pocket book.

I hope we will have some consideration of this subject. New York as a state protects the women in industry in the factories and mercantile establishments.

✓✓ I want to see those laws maintained, but I am doubtful that they will be maintained if the Legislature is in a position to act in January and February and March, and we have Massachusetts's example and one or two others, and four states in addition to them. If we once weaken and take the laws off the statute books, then we are going to have a hard

time indeed to put them back there after the war ends. I would rather see them remain there and see the Federal Government assume charge of this situation, grant these permits, work any eight hours during the twenty-four, employ women under requests made by the Federal Government or the proper agencies, and to attach to the permit "For the period of the war only or for such length of time thereafter as may be necessary to restore prewar conditions."

If that can be worked out---and I should think it could on the basis that has been explained here---I think that the agency that should assume the responsibility will assume it and that the responsibility and the permits will terminate at the conclusion of the war or within a reasonable time thereafter, and it will be an incentive and encouragement to the progressive people of the states that have not yet secured these laws protecting women and children, and especially the prohibition of night work, and it will assist the states that have done it to maintain their laws on the statute books and they can enforce their laws as they did prior to the war, shortly after the conclusion of hostilities. I know that I am in favor of this. (Applause.)

Miss Van Kleeck: I am especially glad that Mr. Lynch brought up the subject, because it a part of the proposed plan that the issuance of any certificate will be absolutely dependent upon full compliance with state labor laws and with the standards of the Federal Government, including the principle of the same pay for the same work, as Mr. Lynch has put it. So that that would be absolutely a prerequisite to the granting of the certificate and a prerequisite to the continuance of the certificate, that those principles should be enforced.

Mr. Castator: (Michigan): Madam Chairman, ladies and gentlemen, it interested me very much to hear the former speaker from New York. I just want to state the stand that the Commissioner of Michigan is taking in regard to maintaining our labor laws.

There was a certain manufacturer who wanted to work his female help more than 54 hours a week. When he came into our office he started in to tell the Commissioner how many liberty bonds he had purchased, how much he had donated to the Red Cross and the War Service, and so forth, and tried to impress upon the Commissioner that his whole thought, his energies, were put forth in winning the war.

Shea  
fls  
Bwth

He wanted the privilege of working women sixty hours a week, ten hours a day. The Commissioner said to him, "I can see that your mind is set on winning the war. That is all you are figuring on at this time." He said, "That is right. I will do anything in my power to help the boys at the front." The Commissioner said, "I will tell you what I will do: if you will give the women a profit on the work that they do over and above fifty-four hours a week, there will be no complaint from my department." Please excuse me for using the remarks that this manufacturer used, but he said, "What the hell do you think I am in business for?" The Commissioner said, "I know what you are in business for. It is for the Almighty Dollar, and you have proven to me that you are not thinking so much about the boys across the sea. If I catch you violating that fifty-four hour law I am going after you."

If the National government takes that power away from us, I do not know what will become of the women in Michigan.

Miss VanKleek: There is no idea of taking the power away from you on any such proposition as that.

Have you a night-work prohibition in Michigan?

Mr. Castator: No.

Miss VanKleek: What is intended is to control all night

work. No manufacturer working for the Federal government could employ women at night without getting through you a permit from the Office of the Secretary of War.

Mr. Castator: We have to this extent, that no male under 18 can be employed after 10 o'clock; but no female.

Miss VanKleek: Only under 18?

Mr. Castator: That is for males.

Miss VanKleek: Have you no night work law in Michigan?

Mr. Castator: No, we have not other than that. The question came up here as to the National government overruling our State laws.

Miss VanKleek: We are talking about the night work prohibition, and not about your 9-hour law or your 54-hour law in this connection.

Mr. Lynch (New York): The effect in Michigan, and I suppose in a great many other States, would be that if this were made effective women employed during the day in Michigan in this same plant that employs women at night could only work 48 hours. So it would be a reduction for the day work in Michigan as well as some control over the women who work at night.

Mr. Castator (Michigan): It would be if you had an 8-hour shift.

Miss Kleek: That would be required as a prerequisite

Mr. Gardiner (Minnesota): The question just occurred to me, would there be any way of checking the women that work in one plant eight hours a day and who might possibly go to another plant in another section of the State and work on the night shift in order to get a little extra money?

Mr. Lynch: What do you do now to check that? Why will it be any more of a question in your State than it is now?

Mr. Gardiner: We do not have that to contend with.

Mr. Lynch: You have the night work law?

Mr. Gardiner: No.

Mr. Lynch: They can do it now, can they not?

Miss VanKleek: They can do it without a law.

Mr. Lynch: They can work at night in one plant and work in the day time in another plant, if they are husky enough to stand it. I think the plan would work to prevent it. We do not find very many women who are sturdy enough so that they can work in two plants. They might do that in New York State where they could possibly work two shifts of women. We have found men, however, who work on their day of rest in another plant so they could still work seven days a week. So the greed is not entirely on the part of the women. I do not think we need concern ourselves about that question.

Miss Barbour: Just before I left the State of Virginia as the state factory inspector, we had the same identical question that came up here. We had tobacco manufacturers, and they were at that time, if I am not mistaken, filling war orders of tobacco, Government orders. We had one plant working women ten hours per day, which is the State limit, and the second working five hours at night. I immediately proceeded to take the second employer into court and had him convicted for violation of the ten-hour standard in Virginia for the working of women. I believe that would work in any State, because the second employer is the man who violates the standards and not the first one. That is according to the court records in Virginia today.

Mr. Lynch (New York): I am interested in the case just mentioned by the lady from Virginia. Might I ask whether you first served notice on the second employer not to employ these women, before filing your prosecution?

Miss Barbour: I will answer that, that I did not.

Mr. Lynch: You got a conviction?

Miss Barbour: I got a conviction, and it is <sup>on</sup> of record in Judge Critchfield's police court in the city of Richmond.

Mr. Lynch: I thought there was something unusual about that. Judge Critchfield is the explanation. I think the

proceedings should be against the employee who does that, because the employer may not know the facts.

Mr. Norman (Nebraska): Out in Nebraska the manufacturers come time and time again to appeal to the Governor or to the Labor Commissioner at the Capitol--

Miss VanKleek: Nebraska has a night work law?

Mr. Norman: Yes; this was to suspend the law. We have not suspended anything in Nebraska. They live up to the law and we make them live up to the law, to help those States that have not got their laws, help them to get their laws at the next session.

Miss VanKleek: Have you had especially the pressure of war production in Nebraska at present, Mr. Norman?

Mr. Norman: Yes, we have. The employers come time and time again to get it suspended, but we have not given the privilege yet.

Miss VanKleek: That is the whole aim, to prevent all night work except where it is proved to be absolutely essential.

Mr. Norman: They get their war orders out, I think, on time, most of them, without any difficulty, in Nebraska.

Miss VanKleek: Colonel Bryant, of New Jersey, has been called for. Everybody in the audience wants to hear from him.

Colonel Bryant, may we hear from you?

Colonel Bryant (New Jersey): I do not know that New Jersey is particularly proud of its attitude on the question of night work for women. Repeated attempts have been made to pass on this question in New Jersey ever since I have been Commissioner of Labor, which is fourteen years, but the influences have all been sufficiently strong to oppose the passage of such an act.

The New Jersey law prohibits the employment of women more than ten hours a day, or a total of more than sixty hours a week, which, in times of peace, is practically a <sup>fifty</sup>~~sixty~~-five hour week, because practically none of the firms work on Saturday afternoons.

We have followed the practice in New Jersey of charging the several bureau heads with the enforcement of several protective features rather than specifying protective work for women. We have a bureau chief who is charged with the enforcement of our rules for lighting and sanitation, and it is his duty to see that all the factories in the State have proper ventilation, healthful air to breathe, to see that dust is removed from all processes, whether followed by women or men, see that excessive heat is removed, and so forth. He attempts to make the conditions healthful for the

operatives, whether male or female.

The same system applies to the protection of machinery and structural conditions, which of course are equally necessary where the two sexes work.

In addition to that, we have an expert investigator of occupational diseases, who is a woman and who is particularly charged with making investigations of various processes to ascertain danger points from the health standpoint, and these are passed on to the inspectors and enforced through the various bureaus.

We also have three women inspectors who have particular charge of the enforcement of the human side or the comfort side of the female employees, such as dressing rooms, retiring rooms, lunch rooms, and other features of that kind.

Miss Van Kleeck: What would be the effect in New Jersey if such a plan as we are discussing went through?

Colonel Bryant: I think we would welcome anything of that kind.

When we entered the war I wrote an open letter to the employers of the State, calling attention to the fact that laws protecting women and children and also laws protecting males, should be enforced to the limit; that no restrictions would be made, and pointing out the experience that had obtained

in England, particularly that there was no economic value in the breaking down of those laws. We have insisted, practically without exception, on enforcement of our laws; but of course it is a very much easier thing for us to insist on the enforcement of the laws where we have no law prohibiting night work which would confront the employers <sup>who</sup> where working a three-day shift.

Of course, New Jersey is entirely honeycombed with work on munitions. I imagine we have more munitions than any other State in the Union. Certainly in proportion to its size. One firm employs over thirty thousand people on munitions. A great many of these firms are running three eight-hour shifts, and they are employing women, too, on some of the shifts. It is going to make it very difficult for them if that enforcement is made, but, meanwhile, I would be very glad to do it, and I agree with the Commissioner from New York that if there is any breaking down of these regulations I would rather see it come from the Federal government and let them take the responsibility of calling for the breaking down of any State requirements and to put up any restrictions upon the enforcing power of the State.

Mr. Palmer (Pennsylvania): It might be interesting for those present to know that at a hearing before the priorities

committee of the War Industries Board Judge Parker was not expressing his personal opinion exactly, but he called attention to certain points that had been brought out which deserve serious consideration. They were as follows:

That if the emergency existed and the War Department had agreed to prove that the emergency existed before the permit would be granted, the law should be extended or the permit issued; that they give protection, as has been brought out by Commissioner Lynch and others, to those States that have a law; it also gave Federal control over those forty-one States that it has been stated do not have laws.

He further intimated that if it seemed necessary the War Industries Board could extend its authority over those plants that were not working on Government work; that they could extend it over the entire field if they found that they wanted to so extend it.

That was the summary made by Judge Parker at his hearing in Washington some few weeks ago. I thought perhaps you might be interested. I feel at liberty to bring out this point, as it was presented to that meeting some few weeks ago in discussing the necessity of developing this National cooperative plan working through State agencies.

Mrs. Semple (Pennsylvania): I have the feeling that in accordance with the suggestion of the Chairman that the opening of the meeting we have confined this discussion entirely to the labor supply, and yet, Madam Chairman, if I may now offer a difference of opinion with you, I can not help feeling that it is more a question of labor supply in handling this whole subject, for the employment of women, it seems to me, particularly when it comes to night work, is a social question that even as labor people we ought to keep in mind. And I am perfectly familiar with the situation that Mr. Lynch describes so accurately and strongly that women themselves are not by any means always in sympathy with legislative safeguards that have been thrown around them. I know that is true not only concerning night work, but the safeguarding as we look at it of their labor during the day, and as labor officers we are at present facing an emergency arising before us and we must summon to our aid in that emergency the laws which some of us are so fortunate as to have. We have the right and the duty of summoning to our aid the social forces of the country and massing them as far as possible to the support of those laws and to the furtherance of them, the extension of them for the future.

I quite agree with everything you have said about the very great value of handling this present situation in such a way as you have described it.

There has come to me, also, a very strong conviction concerning the employment of women, particularly at night, who have home duties and little children of their own; and the social effect of that is something that we ought to consider.

And there has gradually come to me this thought-- I do not know that it is practicable-- but I have wondered whether or not in this contractual obligation there might be included some provision concerning the employment of women with family, with little children, putting that control into the hands of the school boards of the school departments of the different States.

We put into the hands of the school department to a very large extent the question of child labor, and I have wondered whether the thought underlying it may not be extended so that if a woman with small children seeks employment at night it might not be granted on a system of certificate something like those with reference to the employment of children.

That perhaps seems a far cry and something rather visionary, and yet I think that something is needed there on the

social side and something possibly might be worked out.

Mr. Gernon (New York): I do not quite know whether your program tends to restrict males as well as females in the plan that is proposed?

Miss VanKleek: It does not; this is night work for women.

Mr. Gernon: That is just the point that I wanted to make. In the matter of enforcement we are going to have considerable trouble. For instance, a plant may have their men on a 12-hour basis, two shifts, and the women on three shifts. I can see considerable difficulty there.

Miss <sup>Van</sup>Kleek: Won't that tend to encourage the employment of men eight hours?

Mr. Gernon: That is one reason that I favor the plan. It might have that tendency, but I was wondering whether it would not be far better to insist that before women were put into the industry the operation would have to be on an eight hour basis.

Leading to that, I have this in mind: I do not believe that an arrangement of this kind should be allowed unless the plant was working with full capacity on Government work. There are far too many exemptions or requests made when the Government work is only a small incident in some plants in

the whole program, so that they use a small contract, which may be small in relation to their other business, as an excuse for getting these exemptions.

Doctor Meeker: I would like to ask Commissioner Lynch a question. He has made the proposal that we change the formula "equal pay for equal work" to the "same pay for the same work."

That is easy-- when it is easy; but that is the rare exception. What is being done, of course, is the breaking up of jobs into fragments and turning the fragments over to women or to unskilled men. Have you, Mr. Lynch, any solution or any way of dealing with that situation?

Take, for example, many mechanical operations were formerly done by skilled or relatively skilled men which are being done now, or are to be done in the future, not by one woman but by a half a dozen women. That is a very difficult question. Have you had it to deal with? Have you any practical solution to offer?

Mr. Lynch (New York): My experience, Dr. Meeker, is that they are not being done by half a dozen women. I think we can handle that situation when it arises. My experience in investigating this subject in New York State, so far as I was able to investigate it, has been that the women are doing the men's jobs. There are some people here-- Miss Swartz, for

instance-- who were at the industrial conference in Syracuse last December, and you were there. I don't remember whether you remember this particular speaker or not, but he boasted that the women had replaced men in a particular factory and were producing very much more than the men, and when I asked him if he paid them the same wages he said no, quite considerably less in percentage.

I have not found in New York State so far as the introduction of women in factories is concerned, that they are splitting up the job, but that the woman has absolutely taken the place of the man and she is doing his work. She ought to have his pay. When they do subdivide and divide the work, if it is necessary for the protection of women, some way must be found for handling that. The best way is for the women to organize and correct it themselves. An ounce of that kind of prevention is worth a pound of Federal or State cure. The women could get it for themselves if they would organize, but the tendency has not been that way, and we have no reason to suspect that it will be in the future. But I think that there can be some influence or force brought to bear in order that it can be corrected. At least, we can abandon the expression that has been misleading ever since it has been used.

Mr. Gernon (New York): Following what Mr. Lynch has stated, in every instance where it has come to our knowledge where women have been substituted for men, we have made an investigation just as soon as it was possible to get there, and we find that in many instances women outclass the men in production. There are some positions into which a woman does not fit as well as a man does, because the operation is beyond her physical endurance. But where her strength was equal to the task, in almost every instance she performs more work than the man. The result is that she never got the same pay. When the inspector ask<sup>ed</sup> the question, "Why should not this woman get the same money as the man?" the reply was, "Well, we will give it to her when she is able to do the work." But she has already demonstrated that she was doing more work than the man.

*Mary Anderson*  
Mrs. Edeon (California): I just want to say that as far as the eight hour shift is concerned, it would have the tendency, of course, to bring the men to the eight hours shift, just as well as the women, because if the women are going to be employed at night at all they will have to be employed with the men. They are not going to run an eight hour shift for men and an eight hour shift for women. 7

That came up very strongly in the beginning of the war

when we had a labor conference with some of the delegations from England that were here at that time before the American Federation of Labor, and those men said-- the manufacturers that were largely represented at that conference being the largest manufacturers in the United States-- they said, "If we are handling Government contracts and civilian contracts, and we are running eight hours on the Government contract and running nine, ten, or eleven hours on the civilian contract, won't that create a labor unrest?" And they said, "Yes, naturally it would. It would create a labor unrest and bring the other people up to the eight hour day." And they did not like it at all.

It is the same thing here. I feel very strongly that the requests for women to do night work are going to be stopped a great deal by saying that the firms are to run three eight-hour shifts. When the firm steps to think about that, they are not going to ask so frequently for the employment of women at night.

I agree with Mr. Commissioner Lynch that the same pay for the same work is a much better term than equal pay for equal work. I want to say that that is one of the biggest questions before the country today. It has been a big question

and attracting attention in England, France, and all over, and it is here with us, now, and it is up to us to find the best scheme possible to try and enforce that, because if manufacturers do have to pay the same wage for the same work-- in reality, not in theory-- there would not be the rushing into the industries by women that we have today. We know that they would then employ the women as it was necessary to employ them and not as we have it in Chicago and out in the western States.

These are very large questions and they have to be dealt with through the government and through the State officials, and of course through the labor unions. We all know, most of us at least, that the labor union is the greatest safeguard on that proposition.

I do not quite agree with Commissioner Lynch when he says women will not organize. I want to say that personally I have paid my dues and been an active member in a trade union for eighteen years, and there have been thousands of others just like me, and I want to say that the women of today want to go into the labor unions. We ought not to discuss that question here, because it belongs under another head entirely, but I just want to say that in defense of the women, and then I want to get back to the night work again.

As a trade union member I feel that the proposed safeguard on night work by the Government is the only solution that we can have at this time. As one who has worked very strongly to get some of the labor laws upon the statute books for women, I feel that we can safeguard them this way much better than letting it go helter-skelter and then when the legislatures meet, probably repeal the few laws we ~~now~~ have. *now*

So I hope this assembly will study this question very thoroughly, and if the scheme goes through that we will have the fullest cooperation possible from the States, because we here in Washington can not do everything; we can only do anything through the cooperation of the States.

Miss VanKleek: I think it might be proper to add to what *Mary Anderson* ~~Mrs. Edson~~ says, that there is ~~a~~ women's trade union now in this country. For the first time, so far as we know, there is to be an official conference called by the Federal government in Washington of women trade unionists. The women in industry service have now their national and international union, which has women members sending a woman delegate to Washington, and the trade union women will discuss all of these problems themselves.

Mr. Lynch (New York): I certainly do not want to be misunderstood. I have perhaps an attribute that is discon-

certing to myself: I try to see things exactly as they are, and any amount of adulation for the occasion does not very often sway my feelings. I know that women do not organize; and so far as I am personally concerned, I was for fourteen years president of an international organization that was the first to insist and maintain for more than half a century that the women who are members of that organization should receive exactly the same wage minimum as was accorded to the men who belonged to that organization. I have tried to be true to that principle. I do not pretend to deceive myself any for the purposes of this occasion, because I think if I deceived myself I would be one of the poorest friends and supporters of the interests of women in industry here at this assembly.

Miss Hulsey. I think there are two ways by which equal wages for equal work may be encouraged.

In machine shops women have not had the training which men have had. Men are retained for the setting up, which means an increased subdivision of the job, because there are five women and one man doing work formerly done by five men. It is going to increase. Women are not doing in any sense precisely the same work which the men did formerly. It seems to me the basis of our equal pay has got to be the job done.

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If five women and one man do the job formerly done by five men, those six persons collectively should receive the same wage received formerly by the group of five. The man should receive the same wage that he formerly received, and the difference be divided between the remaining women in that group. It means that the class of the job is not reduced; it means that the women are receiving a slightly less rate than the men. The manufacturer does not have to pay the same wages, because he says he can not transfer them on to other work. It recognizes that principle, because it seems to me it safeguards the man's work. Of course that same plan has got to be employed under conditions where the output of the group is larger than it was under former conditions, conditions where the output may be somewhat less. But it is the job which should be considered as a unit, I think, together with the output from the workers on the job under the new plan. (Applause).

Mr. Gernon (New York): I think if that plan were carried out it would destroy the whole wage system. I have studied it pretty carefully. Take the machinist business, for an illustration. One of the things that has happened is that they are looking for skilled machinists. There are thousands and thousands of machinists who have left machine

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shops with a low basis of pay and have gone into the munitions plants to do just one single operation on a lathe or some other machine, because they can make more money than they could covering their whole range of business.

I know that the women are doing exactly the same kind of work as the men. Let me say that since the developments of this war, there have been thousands of men who have been put on an operation that knew no more about it than the women who are being put on it today. They were not machinists; they were simply taken because they were human beings and they had hands and feet, and they were put on that operation, and, unfortunately, so many of them are hired and they are told nothing about the operation, nothing about its hazards, and women today are doing exactly the same work.

England has women tool makers, and they say they are very efficient. I can not say anything from my personal knowledge, but I have seen women that have been put into the same places that men formerly occupied, and in many instances they are superior to them in the operation that they are performing.

And with the high speed of industry, with the developments of machine tools, it has come about that they do not want mechanics; they simply want a machine operator, and if they can put them on a machine and teach them enough about it to

make it run, they do not always look at their own advantage and get more efficiency. So the women are doing much of the work equal to the men, and they ought to be equally paid.

Mrs. Cox (Indiana): I would like to ask Miss Hulse a question. Did I understand you to say that women are not doing exactly the same work as men?

Miss Hulse: In those cases they are not.

Miss VanKleek: Miss Hulse was referring to instances in which they have had a group of men displaced by a group of women.

Mrs. Cox: I thought she certainly could not be making that as a general statement.

Miss Hulse: There are many specific instances now, and I believe that principle of subdivision is going to grow with the withdrawing of the men and putting unskilled women on the less skilled part of the job, retaining a skilled man for the most skilled portion of the job.

Mrs. Cox: I did not think that you wished to be understood as making the statement that women were not doing the same things as men.

Miss VanKleek: You did not mean that?

Miss Hulse: No; I did not mean to say that.

Mrs. Hoskins: I have been where they have had this problem of replacing men with women, and it is certainly a fact that we must face. There are a great many instances where women can not perform the whole task. There is a very strong feeling that women must be paid the same wage as the men, and yet, when you find that you have to put a man on that job with the women to take the heavy parts, it has been very hard to put that up to the management in such a way that they can say that the woman is really doing that job. That is a thing that we must face, and you have got to adjust that in some way, and the only way you can, as I see it, is to base the thing on production, because there are some jobs many women can do in whole and many, many jobs that they can only do partly. It is a hard thing to know how to treat it.

Mr. Kizer: My own personal opinion<sup>is</sup> that such things as loading operations and inspection of the automatic machines, and various others, are brand-new occupations and can be figured out on the basis of the same pay for the same work, taking into account the economic factor that women are more willing to work nights than men. In other words, there are more women willing to work nights than men. A good man will not work nights and does not have to work nights. A

good woman will, so far as being good on the operations is concerned.

Mr. Gram (Oregon): I simply want to say that I can not agree with some of the opinions that have been stated. I am absolutely of the same opinion as Mr. Lynch, of New York, is. Oregon is ordinarily a lumbering State, but of late they began to introduce women into sawmills, box factories, sash and door factories, and on different kinds of machines, saws and planers, and we have got them working in iron foundries, and in ship yards, if you please. The question is, where will we draw the line? I question whether anybody can say that a woman can do certain things but she is not physically fit to do other things, because there are some women that can lift as heavy a load as some men can.

The employer, of course, puts up the argument that there is a shortage of labor. There is no shortage of labor in Oregon, except that there is a shortage of Chinese labor. That is all there is to it. Women are employed and introduced into these industries simply because they can be employed more cheaply than men can be employed.

If this Commission has got authority to make rules and enforce rules, I believe they should make a ruling that when women are employed in sash and door factors, or in a box

factories to do the same work that the men did previous to their employment, that they must get the same pay that the men were receiving for that class of work. Then constitute a board of women to pass upon the physical ability of women to perform that labor that she is supposed to perform. You may control it in that way, and in course of time, when the war is over, they will eliminate themselves from this class of employment if compelled to get the same rate of wages as the men are getting.

I do not see how you can regulate it in any other way. I would be glad to see a ruling of that kind made, provided the Federal commission can enforce it.

Miss VanKleek: There is already that principle here by the National War Labor Board.

Mr. Gram: Compel these men to hire all of their employees through the Federal labor bureau. Have them state specifically the class of work the women are expected to perform; then have the board pass on whether they are physically fitted to perform the work or not. I believe that would take care of it better than any other way.

Mr. Norman (Nebraska): I believe what the women ought to do is to go to the Director General of Railroads and protest against women being employed in railroad shops, trucking

heavy iron. There is no fine work in a railroad shop. It is all heavy work. I believe that is no place for a woman, in a machine shop of a railroad. It might be in munition factories where there is fine work. I believe the women ought to take that up with the railroad administration and stop that kind of work.

Miss VanKleek: We fortunately have present a woman representative of the railroad administration.

Miss Goldmark: I am very glad to have a moment to speak about this new work of the woman's service section and ask for your cooperation, because it is very much desired and very much needed.

This new section is a small section which has been particularly appointed for the purpose of taking care of the interests of women, acting under the directions of the Director General.

There were 22,000 in the service last April, and the figures have not yet been compiled for July.

It is not the intention of this service to give up the inspection service at all, but necessarily that will be limited, and the particular participation of the Labor departments is needed in order that we may be fully acquainted with the conditions.

The general statement of the Director General that the

labor laws that are in force in the States should be in force in the railroad service in a way Federalizes the local State laws, and leaves in the hands of these officials the inspection and the drawing of attention of the official to any nonobservance of labor laws. That was adopted on yesterday afternoon. I doubt whether it is advisable to begin local prosecution of the railroads. It occurs to me that a much more ready remedy is in our hands in that the Federal authorities working under the Director General have it in their power to stop these conditions at once. In this employment we have the beginnings of standardized pay, the same pay for the same work, standard pay for all the employees of the Federal service under the new rulings; and women participate in these rulings just as men do.

The application of this matter presents some difficulties, but we have the recognition of the participation by women in the unions themselves, and as a result of this open door women are beginning to organize in a most extraordinary way. The women car cleaners are coming in in a perfectly unexpected manner.

Each one of the employments has stipulated the exact pay. There is a minimum pay and a maximum pay. Increases are given on the basis of pay previous to January 1, 1917.

There is suggested a minimum of 28 cents an hour and a maximum of 40 cents, so that it is not possible for those women in a day to work under 28 cents an hour. A year ago when women began to be taken into the service in such numbers they were getting 18 and 19 cents, and there was an enormous substitution of women on account of the fact that they were cheap. It was found in Ohio that women were being taken in for 18, 20, and 21 cents for general labor on a scrap heap, as laborers and sectionhands, possibly, when you could not get a man under 26 cents or 28 or 30 cents.

The first stipulation is observance of the labor law; the second, equal pay for equal work; and the third has come up very recently, that women are no longer to be employed in section work and no longer to be employed in freight houses in doing any trucking.

You see, we have some standards that we really can get enforced, and get enforced immediately. We want your cooperation. Personally, I should be delighted to get reports of any nonobservance of the labor law, directly to headquarters. The whole field has not been covered. There are still occupations of women that have to be carefully studied and further rulings made on the basis of the facts found.

Miss Bresette (Kansas): I want to know if you have considered the employment of girls in the railroad yards, or working for the railroads in any capacity. We have a great many girls 16 and 17 years old going into the yards. We consider the moral hazard is very great, and we have been powerless to stop it because we have no State law with which to regulate the employment of women in that capacity.

Miss Goldmark: Those are exactly the facts that we want to have come to us in order to make them the basis of further recommendations from this section.

Mrs. Cox (Indiana): In this regulation of wages in the railroad shops the element of time enters into it. I have recently made a rather superficial survey of women in railroad shops in our State and I found women receiving a certain rate of pay which was not the pay that the men previously were receiving; and when I put it up to the manager and asked him why, he said, "We have orders from the department regulating the wages." Those women had not been working in the shops as long as the men had. They are doing the same work, and I do not see why they ought not to have the same pay. I said, "Does she do it as well?" "Yes." "Doing identically the same work?" "Yes." She was receiving forty some cents, and the man sixty, not because he was doing any different work,

er doing work with any greater production, but because he was with the company longer.

Miss Goldmark: I do not understand that that is the basis. Take the machinist helpers. One of the things that we want to determine is when they graduate out of that class. But they have not been in for a great length of time, and there is a specific rate of pay for machinist helpers.

Mr. Morrissey (Colorado): I have a somewhat different idea of this pay question than most of the speakers who have talked here this morning. My good brother Lynch said that he considered the expression "equal pay for equal work" a fraud. I consider his statement, "the same pay for the same work," also a fraud. My idea is that women should have higher pay than men for the same work. (Laughter). I will tell you where I got this idea. In coming on this trip to Washington we had a stop of fifteen minutes at Lincoln, Neb., and I got out of the car, walked up and down the railroad track and around the yards there. I saw some coach cleaners. They were women, and I noticed that one of them had a pair of high-heeled shoes on. I went up to her and said to her, "What kind of shoes have you?" She said, "Sweds" or "suede". Anyhow, they had high tops. I know that these shoes cost \$16, because we have one woman factory inspector

in Colorado, and she just bought a pair of those suede shoes recently. (Laughter).

Miss VanKleek: I hope she gets higher pay, Mr. Morrissey?

Dr. Meeker: I do not know whether I have any standing in this council. I am merely the Commissioner of Labor Statistics of the United States Government. I have always felt an interest in women's work, and Miss VanKleek and I have come to a very good understanding, so that the condition that Mr. Hambrecht described as applying in Wisconsin will undoubtedly apply in the United States Government henceforth.

You will recall that he said-- I think that I understood him correctly-- that the whole of the women's division in the State of Wisconsin he deems so important that he turned over the whole inspection force to that division.

Miss VanKleek and I have an understanding whereby if I make an investigation into any industry or any line or group of industries on which she wants particular information, my agents will get all the information that she may need. On the other hand, if she secures larger appropriations so that she can make investigations on her own hook, in order to avoid this intolerable and eternal duplication, she will make a single investigation and get the information that I may want. In addition to the information that she is seeking at the time.

That is the only possible arrangement on which to work. You can not divide industry into male industry and female industry. It does not divide along those lines. Industry is industry, and employees are employees. Legislation intended to protect and safeguard women will likewise protect and safeguard men. I think the 8-hour ruling that has been discussed today is evidence of that fact.

It seems to me that the discussion has brought this point out very clearly, the necessity of intensive surveys of industry in order to determine those occupations suitable to women and those occupations unsuitable to women in the present stage.

That was exactly the motive that induced me to go into the operation of street railways in the city of New York, because I have just completed an investigation, a very complete investigation, in the operation of street railways, and I knew that that occupation was unsuitable to men and therefore yet more unsuitable to women, and I discovered that no changes had been made that were worth mentioning whatsoever in the car barn conditions, in the operation of the street railway lines in Brooklyn and New York. Those facts were presented. They were very much criticized and the bureau was called various epithets; but when it came to the possibility

of prosecution, then the status of the bureau was commented on more favorably.

The Bureau of Labor Statistics, if it had a sufficient appropriation, could have made similar investigations in all the industries of the country so that you might now have the information for your use. You might know much more than you do now, what occupations are suitable to women and what are not suitable to women.

Of course, you all know that women are more susceptible, or at least that lead poisoning is more injurious to women than it is to men, and certainly they ought to be excluded from all occupations where there is serious risk, or any risk I will say, of lead poisoning.

I think Dr. Hamilton is not able to determine in her own mind whether women are more susceptible to poisoning in general than are men. My own opinion is-- and it is merely an opinion based upon some observation, but not very much, on some sources of information, but not very many-- my own opinion is that women are more subject to all poisoning. I think that is probably if not proved, at least indicated, by the experience in Great Britain-- the greater susceptibility of women to fatigue and the greater injury to their health by fatigue. Fatigue is merely an industrial poison in the last

analysis.

I hope that some action will be taken whereby it will be feasible to make further investigations, more detailed studies of the occupations in industry with the view of determining which occupations you should take the stand that women should never enter and which occupations may be so renovated that women may be employed without serious injury to their health and to the future of the community, and have women enter those occupations which are safe and sane.

It has been said by some speakers that women can not work on heavy work. What is heavy work? The heaviest work is the lightest work. This subject is so big that I do not know just which line to take, now; but I am an all-around machinist, of a sort; I know something about it. The heaviest work is the lightest work. Work that is heavy enough for the employment of a crane is the work that requires less muscular exertion. Women can do that kind of work just as well as men can do it, in Great Britain. They are not doing much of it in this country. I do not believe they are doing it at all. It is the middle class work that constitutes the heavy muscular strain. In Great Britain they say that work requiring lifting between 60 and 80 pounds is the most difficult for women to perform. In Great Britain they allow woman

to lift 60 pounds, sometimes more than men lift. But no woman that I have ever seen can lift 60 pounds, 50 pounds, or 25 pounds, and do it constantly all day long without serious injury to her health. We ought to be pretty careful in saying that women can do light work. They can operate a profiling machine, or that sort of thing, without injury. Maybe they can and maybe they can not. It depends on how the work is, entirely, and it depends on the machine whether the work is free from injury or whether it involves very serious injury.

All of these things ought to be taken into account, and I hope that some arrangement can be made for this conference to take care of just such investigations to determine what occupations women may go into without injury.

Mrs. Musgrove (Kentucky): I would like to ask Miss Goldmark if that Federal restriction applies to office workers on the railroad.

Miss Goldmark: Under the present conditions and hours of work, they are laboring under the same disadvantages of the 8-hour basic day that Mr. Lynch described, for the present.

Mrs. Musgrove: There has been some complaint that my State law does not cover office work, so I hope the Federal government will take it up.

Colonel Bryant: She spoke of two occupations in rail-roading that have been protected. I did not catch what they were.

Miss Goldmark: Trucking in the freight yards and section work.

Colonel Bryant: Section-hands on the tracks?

Miss Goldmark: Yes.

Mrs. Musgrove: I would like to ask one more question. Is it the policy of the railroad administration to notify the various State authorities, the employment officers, particularly? I know in our State we have been supplying a great many women for railroad work through our employment service, and up until the time you made the statement I knew nothing about any prohibition.

Miss Goldmark: That is a special provision which this new section was very anxious to bring before the officers, and we are now contemplating a communication to the departments to inform them of this desire of cooperation in the enforcement of the laws governing women's hours.

Mrs. Musgrove: They will be notified, will they?

Miss Goldmark: Specifying these points that I have spoken of.

Miss VanKleek: I think that we have had a very helpful

discussion here. Before we take a recess, Miss Abbott has an announcement to make. But before we hear the announcement, I just want to sum the thing up in this way:

The women in industry service is glad to be of any possible assistance to you on all questions of women in industry. There are several different groups concerned with women in industry. Of course, any questions affecting railroads Miss Goldmark will be glad to hear from you about promptly, and the other groups in the same way. But if you are confused as to where to send your communication, the women in industry service will be glad to hear from you directly if you will address it at the Department of Labor, Washington. We will see to it that the communication goes to the proper department that is responsible for that particular phase of women's work.

We do want to have you really feel that you have a connection with us so that the information from the different Federal groups will go to you promptly on any decisions as to standards or policies or plans in which there should be the closest possible connection, and we ask that the reverse be true, that we be informed of plans and standards and policies adopted in the States.

(Whereupon, at 12:55 o'clock p.m., after several announcements by Miss Abbott, a recess was taken until 2:30 o'clock p.m.)

WarLab.  
Pol. Bd.  
10/1/18

AFTER RECESS.

The conference resumed its session at the expiration of the recess, Miss Abbott presiding.

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Miss Abbott: We are going to hear the very first thing this afternoon from some of the industrial divisions of some of the production departments. We have come to distinguish between those departments of the Government which are engaged in getting out a production program, and we are to hear first from Mr. Brand, who is the assistant chief safety engineer of the United States Shipping Board.

Mr. Brand, you are limited to fifteen minutes.

REMARKS OF MR. P. J. BRAND,  
ASSISTANT CHIEF SAFETY ENGINEER, UNITED STATES  
SHIPPING BOARD, EMERGENCY FLEET CORPORATION.

Mr. Brand: Madam Chairman, and ladies and gentlemen, I regret very much to have to tell you that Mr. Schultz, the chief safety engineer of our department, is ill, and I take this over for him at a moment's notice. I am sure that I could not do justice to it as Mr. Schultz could, but I will try to do my best.

The building of America's gigantic Emergency Fleet for the transportation of troops and supplies to the war zone is a stupendous task unprecedented in the annals of ship construction, and in order that this great enterprise might proceed with the utmost rapidity, nothing known to modern ingenuity has been overlooked which might contribute to the creation and maintenance of maximum efficiency in production. Man-power, naturally, is the superstructure which supports any great enterprise and success will depend upon the high mental, physical and moral standard on which this most important factor is maintained.

The importance of protecting the health and providing for the safety of the 350,000 workers engaged in ship construction in the 200 shipyards and installation plants controlled by the United States Shipping Board Emergency Fleet Corporation was early realized by the officials of the Corporation and a policy was established that every attention should be given to the welfare of the workers. Organizations to maintain this policy were established and the work is now conducted by the Health and Sanitation Section and the Safety Engineering Section as a part of the activities of the Industrial Relations Group, under the general supervision of the Director of Industrial Relations,

The activities of each of the Sections are directed by an experienced executive head, surrounded by a corps of able assistants and a field staff capable of rendering expert advice and every assistance to the shipbuilding plants.

The Health and Sanitation work was inaugurated in November, 1917, when Mr. Edward N. Hurley, Chairman of the U. S. Shipping Board, effected, through the Secretary of War, the appointment of Major Phillip S. Doane (now Lt.-Col. Doane) from the Surgeon General's office as a medical officer to serve as the Director of this work. His duties at the time were not definitely outlined, but the matter was placed in his hands with instructions to build up his own force and to adopt the measures necessary to protect the health of the men in the shipyards.

Under the direct supervision of Lt.-Col. Doane, with a competent staff of medical officers and sanitary engineers, the sanitation in the shipyards has been elevated to a very fair standard of excellency. A definite program of procedure was early adopted and the inspectors were instructed to cover every subject in their original survey. This included hospitals, first aid equipment, physicians and attendants, facilities for removing the injured or sick workmen to the hospitals, water supply, toilets, wash rooms, dressing rooms, garbage, manure and refuse disposal, the

extermination of mosquitoes, flies and vermin, restaurants and lunch rooms, with particular attention to the food served and the kind of service, and housing and barrack facilities, with necessary provisions in connection therewith, which would provide for the health of the occupants.

In addition to the above activities, which refer principally to plants, careful consideration is given to the general sanitary conditions in the city or neighborhood in which the ship-workers reside. Faulty conditions are brought to the attention of local, State or National Health bodies and their cooperation sought in improving conditions.

Very careful attention is given to restaurants and eating places, the food being watched as to quality and the sanitary manner in which it is served. When necessary to improve these facilities, every assistance is given to the yard officials, and in event new facilities are contemplated, complete plans and specifications both for buildings and equipment are available for installation of various sizes.

This Section has also cooperated with the Division directing the construction of living accommodations for shipyard workers in various sections of the country, and the sanitary engineers have rendered material assistance in

all problems of drainage, sewage, water supply, etc., etc. The examination of seamen, first aid equipment, and medical cabinets in completed ships, and the instruction of captains, mates and masters of our own Merchant Marine, in the use of the medicine and first aid equipment, is another service rendered by this Section.

During the spring and summer months of 1918, the Section was instrumental in raising, through State Health Boards, Municipalities and other organizations, the sum of \$603,000 for mosquito extermination and sanitation in districts bordering on the shipyards.

The personnel of the Health and Sanitation Section is composed entirely of civilians, with the exception of the Director. The work has been largely that of a sanitary engineering, of which the staff has nine sanitary engineers and sanitarians. The country has been divided into districts, and sanitary engineers cover these districts making repeated surveys of shipyards and reporting directly to the Home Office. Reports are then forwarded to the companies, and the District Sanitary Engineers render every assistance to the shipyard owners in carrying out the recommendations. The medical and surgical attendants in the yard are employed by the shipyard owner, but follow the

suggestions in improving conditions and facilities.

The Home Office employs three Doctors, one of which is employed in the local dispensary which is maintained for the benefit of the Corporation's office employees. In that dispensary is maintained a trained nurse in addition to the doctor. The average daily attendance is about forty-five.

The Safety Engineering activities were established in the early part of January, 1918, with the appointment of the Chief Safety Engineer with instructions to organize the Safety Engineering work in a manner capable of rendering every assistance to the shipyards in the organization of effective Accident Prevent measures. The Safety Engineering work was originally conducted under the Insurance Department of the Corporation but later was transferred to the Industrial Relations Group and the Safety Engineering Section established which provided, in addition to the home office staff, for the appointment of a field force consisting of a District Safety Engineer and an Assistant in each of the eleven Shipbuilding Districts. In all cases, competent Safety Engineers with broad experience in Safety and Compensation matters have been chosen.

The Safety Engineering Section functions with the shipyard plants, both Government agency and private, and

with other divisions and sections of the Corporation, having to do with Industrial Relations and the engineering branches, supervising plant construction and the installation of equipment. Safety Specifications for "Plant Construction and Equipment," based upon recognized practical standards, have been prepared, which may be used as a whole or in part to cover the necessary safety precautions and appliances at the time construction work is planned and machinery is installed, and every step is taken to see that such features are included in the original plans so the Safety features may be fully complied with and completed with new work.

The Field Staff of the Safety Engineering Section make periodic surveys of the plants and cooperates in every way possible with the officials in establishing efficient Accident Prevention activities. Stress is laid upon the importance of thorough Safety organization, headed by a competent Safety Engineer, who will devote full or at least part time to Safety, and the appointment of Central and Shop Safety Committees whose duty it is to study plant conditions and occupational practices with a view of creating better and safer working conditions, and the elimination or rectification of such conditions or practices as may be considered unsafe. Considerable attention is also given to educational

measures through which the employees are reached and instructed in the principles governing accident prevention, and every endeavor made to secure their hearty cooperation in the work.

The Chief Safety Engineer and staff at the Home Office, and the District Safety Engineers, constitute the Central Safety Committee of the Emergency Fleet Corporation, which meets periodically to consider all phases of Safety Engineering work, and in each District the Safety Engineer acts in a similar capacity in bringing the Safety Engineers or representatives of the various Shipyards together for the purpose of discussing their Safety problems. The District Safety Engineer serves as a clearing house for the District, and the Home Office as a General clearinghouse on all matters pertaining to Safety which may be of benefit to the Safety organizations in the various yards.

The Safety Engineering Section fully appreciates the help of everybody who can contribute to the reduction of accidents in the Shipyards during the present emergency, and it has solicited the aid of State departments, insurance companies, and national organizations. We are indeed indebted to the many State officials, directly interested in this work, for the excellent assistance they have rendered.

Since the inauguration of the activities in each of the Shipbuilding Districts a large majority of the yards have been organized, and it is pleasing to state that there has been a material reduction in accidents and that the situation in the shipyards is steadily improving.

You have heard, ladies and gentlemen, what we are doing in safety and sanitation work, and if there is anyone in the audience who does not quite understand our activities I should be glad to be questioned concerning them.

Miss Abbott: Are there any questions that anyone wants to ask Mr. Brand about the scheme on which they are working in the shipbuilding board, the Emergency Fleet Corporation.

(No response).

Mr. Brand: The State commission can be of considerable assistance to us in the way of statistics, and so forth. They have been very good to us in giving us that data and have exhibited considerable interest. If any of you ladies and gentlemen have been instrumental in giving us that information, please accept our thanks for it.

Miss Abbott: Major Rosensohn is here this afternoon and wants to say something at this time.

Major, they are all smiling at your coming. They think that you are a brave man. (Laughter and applause).

Major Rosensohn: I am coming with an olive branch.

(Laughter).

After our discussion yesterday I felt very strongly the danger that we were facing with regard to maintaining of labor standards by allowing that opinion to stand. We have been trying to have that opinion modified. So far we have not been able to succeed, but I think we <sup>have</sup> reasonable grounds for hoping that we may be able to have the opinion modified so as not to hold that the State laws are superseded.

Let me further state to you that of course the opinion of the Judge Advocate General is not binding upon any State body. It may have some persuasive effect with the court, but it is not binding upon any of the State departments. You can go ahead with your enforcement of the law just as you have been going ahead.

We are also acting on the basis that that opinion does not exist, first, by informing all our production people that they must not advise any contractor that he is not obligated to comply with the provisions of the State laws or that the State laws are inapplicable as to him, and we tell them expressly that the policy of the Government is that the standards set by the State laws shall be complied with in every respect, and that they must give no advice which will

tend to induce any contractor to violate those standards.

I think you will have to, as a result of the conference of yesterday, have some machinery worked out which will make our powers under the contract effective and we will want your cooperation, your assistance as representatives of the departments, equally so, and we will want your views as to what should be done. I think we have the power all along to supervise and see to it that standards are complied with, so that at some time or other we can get a contractor who is very anxious to go on with his contract rather than to terminate it. We can bring them to terms. Under the circumstances it is desirable that you proceed as if that opinion did not exist, and if it should be attacked, why of course you can state that there is a strong difference of opinion in the Department as to the validity of that opinion, and it is an opinion of the Department that has been practically disregarded by its order directing that these clauses be inserted in every contract. (Applause).

Miss Abbott: I think that is good evidence that we are going to have an added weapon in the enforcement of State laws by the War Department instead of undermining them in that direction.

We are going to hear next from Major Gitchell, chief of

the industrial service section, Ordnance Department.

The Major does not seem to be here. Is Captain Reiley here?

Captain Reiley: Yes.

Miss Abbott: We will hear from Captain Reiley, then. He is the director of the safety and sanitation branch, production division, of the Ordnance Department, and I am very glad to present him to you. (Applause).

REMARKS OF CAPT. A. D. REILEY,  
DIRECTOR, SAFETY AND SANITATION BRANCH, PRODUCTION DIVISION OF THE ORDNANCE DEPARTMENT.

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Capt. Reiley: Madam Chairman, ladies and gentlemen, I have some very copious notes to speak from. I have found that one can get up against an assemblage of experts and say all they have to say, or rather, all they want to say, in a very short time.

We recognize, of course, first, that in all our ordnance plants, safety and good working conditions promote production. That, of course, we all realize as an axiom, to start with. It, however, does not completely dispose of our problem. We not only want production, but we have got to have emergen-

production. We want production now, not tomorrow. If anything that we can do towards the safety and good working conditions is going to get us an increased production, we are going to do it. If, on the other hand, it is going to delay the immediate emergency production that we need today and tomorrow, then we have got a problem to handle which we have got to sit down and think about.

In all these matters we need the States' cooperation; in fact, we have time and again asked for it. I think I myself have been in a great many States and interviewed Commissioners and asked for cooperation, asked to be notified of conditions which in their opinion they did not think were as they should be, so that we could do our best to remedy them.

We have in addition to this problem of cooperation the necessity of limiting as far as we can duplication of inspection.

I was going over the situation the other day and I counted up fourteen, I think it was, different agencies that had to do with safety and sanitation in plants of all kinds. Well, if all fourteen go into one plant at once and we had fourteen different sets of recommendations, fourteen different groups of inspectors, I think that the chances of the plant

knowing what to do would be rather small.

Our problem is to endeavor as far as we can to work with those various agencies of the States and see if we can get a unanimity of opinion as to what is needed, one set of recommendations, one set of orders.

The question has been raised a number of times as to standards. Of course, insofar as the ordnance is concerned, the work is very highly technical. It is of a kind that probably not every man who is thoroughly qualified as a safety engineer, let us say, or an expert in factory management, would be able to handle.

The explosive problem is difficult, and in the face of a huge press for production, its difficulties increase tremendously. We are working through the agencies that are dealing with this problem. We are working in our sanitary matters largely through the public health service, giving them full cooperation and they are giving us full cooperation.

The public health service is an extremely well equipped body, and their method of investigation is usually sending a safety engineer and an industrial physician into a plant at the same time.

Coming down to explosive matters: whenever a condition is

reported to us that the reporting agency thinks should not be permitted to exist, they usually get an expert on the ground right away.

Sometimes it is a man from the Bureau of Mines, which has a very well equipped staff; sometimes it is one of our own experts. But he will go there, and if the State has been active in reporting the condition he will consult with them and cooperate in all ways to see that this condition is remedied.

There has been a considerable amount of discussion as to proper standards for this work, and I think that several different sets are now in course of preparation. I can say for the Ordnance Department that a board of officers is now working on two sets of standards for use in munitions plants, one for safety, one for health; that when those standards are completed, which will be very shortly, we hope to have all our plans conform as nearly as possible to them.

The sanitary standards of course will deal with a great many health problems which do not arise in the ordinary factories, and probably are not applicable to all factories, but really only to the plants that are handling commodities that have a certain amount of danger to the health of the employees.

I was looking over some few months ago some statistics which I got from one of the States, which I think manufactures close to the largest amount of munitions for its size in the United States. In going over those statistics I found that the accidental death rate in the munitions plant was far below that of many industries which, as an old life insurance man, we used to insure freely; and a remarkable thing about it was the tremendous rise in the number of workers engaged in the last, let us say, four to five years, and there had been a steady decrease in the number of fatal accidents.

I have not seen the statistics for the United States as a whole. I do not know just how they will compare. But that particular set, if that record is even approached by the whole United States during the period of the war, it will, I think, show most excellent results so far as our factories are concerned.

We realize fully the loss of time on the part of a munitions worker, whether it be from accident or illness, due to the nature of his or her employment or living conditions; or anything else that enters into the industrial problem of today is a distinct setback to production. We are working on that basis and endeavoring to cover together all the agencies that are working on this proposition, and I hope you

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will remember that that is our attitude. We wish cooperation, and if in the states where possibly the munition problem is new, and you find conditions that you have not had to deal with before, if you will let us know any particular problem, we will see that someone is sent out to assist.

If there is any question that I can answer I would be very glad to.

Miss Abbott: Does anyone have any questions that they would like to ask? I am sure Capt. Riley will be glad to render you any assistance you need in cases where things are not going as you think they should.

Capt. Riley: Thank you. (Applause.)

Miss Abbott: Major Gitchell has not come.

Mr. William Z. Ripley, who has charge of the Administration of Labor Standards for Army Clothing, is unable to be here this afternoon. They have a good deal of machinery to see that soldiers' clothes are made in accordance with proper standards, and I am sorry that he is not here.

The main discussion this afternoon is to be in the hands of the Working Conditions Service of the Department

of Labor. It is one of the new services which has been organized to meet the special problems of the war. Mr. Grant Hamilton, Director of the Working Conditions Service is, I am sorry to say, unable to be with us this afternoon, but Miss Florence Thorne, Assistant Director of the Working Conditions Service is here and will take charge at this moment. I am very glad to yield to Miss Thorne, the Assistant Director of the Working Conditions Service. (Applause.)

Miss Thorne: I am sorry that Mr. Hamilton could not be with you this afternoon. I am sure that you will not get the same information as to the Bureau as though he were here.

[ The Working Conditions Service, (as Miss Abbott said,) is one of the new war services, and the functions of that service you can get most quickly if I read you this description <sup>of its functions was</sup> written by the Secretary of Labor:

"To examine into the matter of working conditions in the war industries; to determine the standards as to conditions which should be maintained in the war industries; to adopt rules embodying such standards and explaining them; to determine the best means for securing the adoption and

maintenance of such standards and to cooperate with State authorities for the above purposes." ~~f~~

But we soon found that there was a real function for this service to perform, a service that was contemplated in the organic acts of the Department of Labor, but which no particular bureau had been organized to take care of up until the war time. Of course, some work, a great deal of it, was done by the Bureau of Labor Statistics, in addition to its regular work, and the pioneer work laid splendid foundations for additional work.

~~f~~ In going over the ground as to just what should come within the scope of the Working Conditions Service, we determined that we would exclude (from that term wages and) the wage question. There were already a sufficient number of agencies to take care of that. That left a field which seemed to us to fall into three main divisions -- safety, industrial hygiene and labor management or labor administration -- it is hard to find a term that does fit that particular third division. ~~f~~

All of these three sections form work that will be very closely related.

First, there are various industrial services in the

various departments, and the plan is for us to work out a method of operation. The job is so big that no one service could do the whole thing, and the best results could be accomplished, we thought, through supplementing the agencies that are already in the field and not by attempting to supplant anyone who was doing a real work.

{ The field of safety (of course) has been better organized than the other two fields. The various states (of course) have their safety agencies and their safety codes. For the United States Government there is a bureau that had done some work along the line of formulating safety standards. ( I think that principally through the cooperation of the Workmen's Compensation Commission quite a few codes were drawn up by the Bureau of Labor Standards. ) It seemed to us that it was to our best advantage to cooperate very closely with the Bureau of Labor Standards, and they agreed to that plan.

Then another agency that is very important in the field of safety is a non-Governmental agency, the National Safety Council. We appealed to them <sup>and</sup> (for cooperation, as they have among their members experts and people interested in safety throughout the country.) They very willingly agreed

to appoint a committee to cooperate with us and also with the Bureau of Labor Standards. That group will be mainly responsible for the development of safety codes.

In the field of industrial hygiene the situation, as well as the proclamation of the President, pointed in one direction -- straight toward the public health service, which, as you know, is well organized, and is one of the most efficient Government agencies.

There again we found a splendid spirit of cooperation. The Public Health Service, or, rather, the Treasury Department, agreed to detail to our service sufficient personnel to man the industrial hygiene section, and Dr. A. J. Lanza was detailed to take charge of that particular work, and associated with him will be Dr. Selby.

The third field that we had in mind was that of -- it is very difficult to find a name that exactly suits, and we <sup>have</sup> finally started out with "labor administration" (in a broad sense, or a narrow sense.) The responsibility of the employer does not cease with "hiring and firing", and the securing of materials and machinery in the preparation for manufacturing, but it ought to go further: it ought to take into consideration that human element that comes into in-

dustry. While the human worker comes in here as part of the machinery of production, yet he is a very different sort of machine from the mechanical machine that he finds there, and there are particular laws that must be worked out and observed in order to get the most efficient production from that labor. There, too, we tried to secure cooperation with those who had been developing this field of employment management since the war began, and again we found the most hearty cooperation there. ]

In order to shorten the program this afternoon and to leave time at the other end for discussion, we decided to cut down our part of the program; and we will now hear from Dr. Selby, who is in charge of the Industrial Hygiene Section.

Dr. Selby: Madam Chairman, ladies and gentlemen, I wish to be perfectly in harmony with the spirit which has been manifested here, and I desire to express a spirit of cooperation.

I do not know whether the Chairman has told you of the organization of this new division in the United States Public Health Service or not, but before I start the topic I have to present to you I want to mention briefly the fact that there is being organized in the United States Public

Health Service to act in cooperation with the Working Conditions Service of the Labor Department a division of Industrial Medicine and Hygiene, the purpose of which will be to cooperate and assist in the promulgation of better conditions which relate to and concern the health of the employed people.

As I said before, wishing to be thoroughly in harmony with this spirit of cooperation, I extend to you the assistance and the help and the best wishes of this newly organized division of the United States Public Health Service. It is entirely at your command.

[ There has just been completed a study of the medical departments of 170 industrial establishments selected chiefly because of the fact that they were known more or less locally and some nationally, <sup>and</sup> because of the fact that they had advanced rather beyond the ordinary industrial concern in matters of medical and surgical attention to their employees. ]

In making this study certain facts have become evident, or, rather, impressions concerning the use and application of the physical examination of seekers after employment. I think it may be stated as a premise that the physical exami-

nation is fundamentally a public health work. It is in a sense an inventory of the individual's condition, it being a known fact that no one can relieve conditions of which he has no knowledge.

The purpose of the physical examination, therefore, from the standpoint of the public health man is to ascertain the facts, and, having ascertained the facts, is he able to proceed intelligently towards their correction?

The results of the examinations of the first drafted men demonstrated clearly and conclusively, I think, to the public the fact that a very large percentage of us are impaired to a certain extent. I think the percentage of defects that disqualified the young men between the ages of 21 and 31 from the privileges of military service was something like thirty-one. That is, approximately one-third of the young men of our nation, among whom you would expect to find the very best possible physical conditions, were impaired. It is therefore logical to assume that we, for example, those of us here today, are impaired to a greater extent than the vigorous young men of our nation.

To carry this a little further, we are representative, I think, of the average person who is in industry; that is,

we are no more healthy than the average person in industry. There are going into the industries people who are entirely unaccustomed to industrial work, as you very well know, men and women from the less gainful occupations, clerical occupations and things of that sort; they are going into the mills and factories and plants of various kinds in order to make a higher wage, entirely without knowledge of their physical capacity to do the tasks which they apply for. The purpose of the physical examination in the industries, I wish to repeat, is entirely to ascertain the facts, in order that the physicians may assist in the proper placement of these applicants for employment; not for their rejection. It is also for the purpose of ascertaining the facts in order that the physician may intelligently assist the workmen in correcting these defects. It is also for the purpose of enabling the physician to supervise those who are impaired in order that they may continue to gain a living wage.

Those are the three purposes of the physical examination, and the only purpose that we will recognize; that is, the proper placement of the men and the supervision intelligently by the physician.

[ Unfortunately, the physical examination as it is general-

ly conducted represents to the employe nothing more than an opportunity for rejection. (It represents to the employer nothing more than an opportunity to reject unfit applicants for employment. He secures also a list -- I am going to use a medical term -- of pathological conditions which means just as much to the employer as it does to us who are here today. So) the employer, generally speaking, secures no benefit from the physical examination as at the present time conducted, unless it be the exclusion of impaired applicants, a thing which at the present time it does not wish or does not seek. ~~3~~ The result is that physical examinations are being discarded in some industries which have been accustomed to requiring them. That is a setback which I deplore. It will be extremely difficult to persuade these men to restore physical examinations after the war conditions are over. Yet I will confess that the physical examination is absolutely essential if properly applied and I consider it necessary in times of war when production is urgently needed, even more necessary than in times of peace.

Now, I am going to set up something for you to throw at. I do not claim originality for this idea; in fact, I

do not claim to be its parent at all; but there has been some talk and some thought among those who are particularly interested in seeing physical examinations properly applied and properly used, because it is certainly worthwhile. There has been some thought among these as to a plan which can be very generally applied and made effective in the use of the physical examination.

But before proceeding with any remarks about this plan I want to point out the further fact that [the physical examination does not reach all applicants for employment. It reaches only those who apply in (the large industries or) those industries which require <sup>it</sup> as a condition of employment, and (as a matter of fact,) the men that move from one establishment to another which require physical examinations are re-examined at unnecessarily frequent intervals,] and that includes expense to the ultimate consumer, of course.

There is a fourth objection to the present plan of physical examination, and that is the fact that the information which is secured is not made available for public welfare. There is a vast amount of very valuable information which is being secured but buried in the minor departments of these industries which should be made available for the

public good.

This plan which is proposed and as to which I hope you will offer suggestions provides for the extension of the present employment service to include the physical examination as one of its functions. I think a very logical thing, this being made a function of the employment service. That would necessitate first of all the standardization of standard employment for all jobs. That was illustrated by a gentleman here yesterday whose name I do not recall. He referred to an operation of a machine which fills bags with sugar,  $3\frac{1}{2}$  pounds to each one. The operator reaches over and has to lift the bag and put in the contents. Three and a half pounds of sugar is a very small quantity, but coming eighteen per minute it is a considerable task. Anyone would think that it would not require much strength to lift  $3\frac{1}{2}$  pounds. The way to ascertain the strength required in a job of that kind is to measure scientifically the strength required in that individual in reaching over to pick up that  $3\frac{1}{2}$  pound sack, and it must be remembered that in doing so she lifts her body from the waist up in addition to the  $3\frac{1}{2}$  pounds, and that is a factor in the strength required for that particular job. I have gone into detail

on that to illustrate the necessity of standardizing the effort required in jobs, because you cannot properly place people until you know the effort that is required. You can ascertain the individual's effort when they apply the capacity for effort and then fit it to a job that they are physically capable of performing. [That necessitates a standard list of job requirements relating especially to the physical capacity necessary in order to accomplish that work. It entails, second, a preparation of a standard physical examination blank which is in itself a tremendous task. It entails the association of the medical staff with this employment office, where the individual, when he applies for employment, will be given a physical examination. A physician will advise with the employment manager as to the proper placement of the man, taking into consideration the physical capacity and possibly the temperament. And then there must be devised some scheme whereby the factory physician may obtain this information in order that he may assist the employe in regaining his normal condition if he be defective, or maybe assist him in getting the very best out of himself that is possible to do under his impaired condition.]

Last of all, there must be a means devised whereby this

information can be collected and made available for the public welfare, such as we do now with our labor statistics and with our vital statistics.

As I said in the beginning, that is simply a suggestion. It might be too revolutionary, yet it seems to me to be something a little bit in advance of what we have at the present time, and it may be the basis, eventually, of working out some scheme whereby this very necessary measure of physical examination may be satisfactorily promulgated in the interest of public health. I hope, as I said before, you will throw at it. (Applause.)

Mr. Norman (Nebraska): We have had experience with physical examinations at different corporations. Take railroads, for example. We have used it in times past, but it was used for a blacklist. Say that a man has worked for a company for years and then they have had physical examinations inaugurated in that department, and that man will look just as healthy as he ever did when he came there. He is examined, and then the doctor says perhaps there is something wrong with his heart, or something to that effect. The man does not get any job. That was one way of not employing him. Of course that condition does not prevail now while

we are in war and there is work for everybody, but when re-organization takes place after the war it will have that effect, I believe, on the employes and the manufacturers avail themselves of using that when they do not want certain employes to work for them. That has been true in the past. I hope it will not be in the future.

Mrs. Edson (California): Doctor, before getting this extensive plan started in the Public Employment Service, what physicians would make your physical examinations? Would they be the company doctors or would they be Public Health officials?

Dr. Selby: Public Health physicians.

Mrs. Edson: There are only certain places that they have; <sup>them</sup> I mean, generally, throughout the United States.

Dr. Selby: Yes; I realize that that will be one of the things to be worked out.

Mrs. Edson: I am from California, and we have an excessive number of Christian Scientists in California, and there they have fought all kinds of public health measures. For instance, we have a simple scheme of social health insurance that we hope to put over by constitutional amendment this fall, and their opposition is so great out there that

it will probably be repealed. I was wondering if you had taken into consideration that sort of opposition that you probably meet with throughout the country.

Another thing is, do you feel that the Public Employment Service as at present organized is sufficiently stable to put through such a very important power as this?

Dr. Selby: Of course, Christian Science we have with us always. I speak respectfully of them; even so, I am an enemy to the very end in the interest of the public health and nothing else. I do not see that the Christian Scientists could have any effect upon a movement of this kind, any more than they will upon the public health movement in general. We have in the United States a very well organized plan for the protection of the public health, that is, so far as its local, state and national agencies are concerned, and I see no reason why these local, state and national agencies for the protection of the public health cannot be used in this connection. It might mean, perhaps, the employment of an additional medical officer in each locality, but probably nothing more.

As I said in the beginning, however, this is purely a scheme. We have not worked out the details, by any means.

I realize that the present plans of the United States Employment Service may not prove to be permanent. Yet, I am convinced that where employment bureaus have been established in cities, or in cities under state management or cooperation with the locality, that the satisfaction has been so great that the employment agency is a permanent feature, and undoubtedly, being a permanent feature, there will be some permanent means whereby it may be organized and carried on. This work would be carried on in conjunction with the organization which would be created to handle it.

{ Mrs. Edson: How would you expect to follow up a particular examination? }

Dr. Selby: The examination would be taken entirely out of the hands of the employer. I am confident that he would be perfectly delighted to get rid of it.

Mrs. Hoskins: How do you plan to follow up that examination?

{ Dr. Selby: The information would be conveyed to the plant physician in some way.

Mrs. Hoskins: You do have a plant physician?

Dr. Selby: Oh, yes, to take care of the injuries and sanitation, and that sort of thing. I presume that this

plan would necessitate the preparation of a card which would be given to the employe, good for a certain period of time, possibly a year. In that way he would get a re-examination at least yearly. ~~7~~

Mr. Gernon (New York): In connection with examinations made in the plants, do you find any abuse there that you care to speak of in connection with this plan?

Dr. Selby: No, I do not; and the reason I do not -- I do not mean for a minute but what this has been abused; in fact, I have personally seen evidence in my own practice prior to the time when I was attached to the United States Public Health Service. But in my travels I visited the physicians almost exclusively, although I saw certain others when I felt that it was necessary to obtain information from them, and, naturally, I got the physician's standpoint.

Mr. Gernon: ~~7~~ There is nothing that there has been so much opposition to on the part of workers, as physical examination, but, personally, I would like to see physical examinations if it could be properly conducted, but I do not agree with it for the abuses that have been injected into it. ~~7~~

We found in our recent investigation of the substitution

of women for men, physical examination of the women, and matters of the most confidential nature left to the employment agent for the benefit of everybody to read in the plant. Things like that cannot be permitted. It would cause considerable trouble. You have to be very careful of the physicians that handle the examinations, and I am afraid that if you are going to have the public record as made there in the public employment agency, you would have more opposition than you have to the present system.

Dr. Selby: In reply to that, we all acknowledge that the present system is not satisfactory. Under the proposed system that information would be guarded just as closely as the information which goes to your health officer.

Speaking with the frankness which is permitted of physicians, I am going to say that venereal diseases are being reported at the present time, especially in the vicinity of our Army camps. That is information of a very private nature which most people are thoroughly ashamed of. All of it is being reported and handled through our system for the collection of vital statistics. There is no reason why the information which is secured through the physical examination cannot be treated equally confidentially and through a

similar means which of course would relieve any possible objection in that direction.

Mr. Lynch (New York): Is not the great proposition that we have before us the need of physical examination?

Dr. Selby: Without doubt.

Mr. Lynch: And is it not possible, of course, to raise any number of objections to anything that is needed? The objection to physical examination is because the employer has been conducting it in many instances for selfish purposes; in many other instances with good purposes in view. I do not think that all employers are doing it for selfish purposes, by any means; but those who do it for selfish purposes are like all the rest of that class of society, that their actions cause all the trouble.

[I am in favor of the physical examination of wage earners. I do not see how anybody connected with compensation work can reach any other conclusion than that there should be physical examination of wage earners, and that the wage earner himself should know what is dangerous for him to engage in. Surely, it shows no particular interest in the wage earner to keep him in ignorance of some disease that he has, and then permit him to go to work at some process in

a factory that means certain death. } We have those things passing before the New York State Industrial Commission -- 60,000 compensation accidents every year, and a number of them coming before the Commission where timely warning would have prevented the accident or prevented death. If we are going to conjure up a lot of objections to physical examination by public authorities, why we can stay here a week and do it, but I think the great thing is, first, that we should have it, and second, that it should be done by public authorities that the people can reach if it is abused, and, third, that if we have it it will eventually lead to health insurance for the wage-earners individually. (Applause.)

Mr. Stewart: I would like to ask Mr. Lynch how many of the 60,000 cases coming before the Compensation Board were the result of the health conditions or physical condition at the time of the employment of the person injured.

Mr. Lynch: I cannot tell you the exact number, because I do not believe we made any compilation of that kind. We are somewhat as every other public office; we have a number of things to do and we cannot do all the things that should be done; but there are enough of them coming before the Commission alone. These are appeals from the Deputy Commissioners.

That is comparatively few cases to show, but in the aggregate there are quite a large number of them.

Mr. Stewart: Mr. Lynch, the point I want to make is this. I object absolutely to the coupling up of the statement of 60,000 accidents with the question of medical examination before employment. A man might get his finger cut off or his hand cut off, or he may have had a weak lung when he was employed ten years before. He may have flat feet. But unless you have connected in some way the physical or health condition of the man at the time of his employment with the fact that he got his hand cut off on a <sup>buzz-</sup>saw, or assuming that a brakeman got his arm between the bumpers, why, to say that physical examination is going to reduce accidents which are not matters of the individual's health, is coupling up two things that do not couple, to my mind.

Mr. Lynch: But those that I have in mind are coupled, and we see them --

Mr. Stewart: Not 60,000 of them in New York.

Mr. Lynch: Oh, of course not. I said we had a total of 60,000 compensated accidents passing in review before the Commission. Of course those 60,000 are not associated with medical examinations, but there are enough of them to show

that medical examinations are a necessity.

Dr. Meeker: Madam Chairman, may I ask a question of the Doctor?

I believe thoroughly in physical examinations and also in health insurance, so Mr. Lynch and I cannot get up any argument on that score unless somebody else will take the opposing side. What I want to ask is a little more particularly about the plan enunciated by the Doctor. I am not arguing for the last word on that subject, but if the Public Health Service is to conduct the physical examination in all the plants of this country, it is quite some job that it will have on its hands. Do you contemplate socializing the medical profession? Do you contemplate taking under the Public Health Service practically every practicing physician throughout the country? Because that is what it will mean if you are going to handle this job and going to handle it effectively. Are you ready to answer that question, or do you pass it up?

Dr. Selby: I can answer that question very quickly by saying that we have not got that far in our plan. ]

Dr. Meeker: What are you going to do about it?

Dr. Selby: The way in which this has been submitted

here today is not official. I do not speak with authority. I speak as one who is interested in this and who is aware of the fact that some people are considering the advisability, perhaps, of beginning to organize a system of this character. However, what you say is perfectly true, and it will mean to a certain extent the socialization of medicine; but, ladies and gentlemen, that is accomplished today. Absolutely, the medical profession on a united front is fighting for the United States of America, and there is not a physician in the United States but who is socialized to the very acme of socialism -- he is willing to give up his life for his country. (Applause.) And if as the result of this war socialization of medicine follows, the medical profession is ready to be socialized. (Applause.)

Dr. Meeker: All I have to say is that I do not like to throw a wet blanket on the proceedings, but I have just talked with physicians who do not talk socialization at all, who oppose anything that approaches cutting down the private fees of physicians.

Now, I would like to know if Capt. Reiley is still here. I would like to ask him a question. Has Capt. Reiley disappeared?

Mr. Mulready: He was afraid you were going to ask him, and he has gone. (Laughter.)

Mr. Gram (Oregon): Is it contemplated in these examinations of employees, or re-examinations, that the employe pay a fee for such examination?

Dr. Selby: Oh, no, no.

Mr. Gram: It is contemplated that it will be free?

Dr. Selby: Yes, sir.

Mr. McLaughlin: I would like to ask the Doctor if it is the intention under this plan to turn the impaired employe out, or insist upon his going to the hospital?

Dr. Selby: I think that that should be done. In fact, that is being done in Chicago at the present time, through a private agency. They have what they call a central dispensary there; I think that is the name of it. All these employes are sent there for reconstruction or rehabilitation.

Mr. McLaughlin: It is not much satisfaction to a man, as I see it, to go before an examining physician in the Public Employment Bureau and be told that he is not physically fit to take a position, and then be turned out on the world to earn his own living. If you do that in the public employment service you are sounding the death knell of the

service from the jump. That is my candid opinion.

Mrs. Semple: (Pennsylvania) I am interested very much in that. I would like to ask Dr. Selby whether he thinks it is practicable or possible to work out such standards for the proper employment of men and that they may be issued in the form of codes as other state codes are issued, tying them up on the other hand with a system of examination blanks. (You might say that would guide, if the Doctor will excuse me, what we might call the ordinary physician.) In other words, is it possible to use this system in such a way as to standardize employment of women, for the safety of women going into unusual employments?

Dr. Selby: I cannot speak entirely with authority. I was speaking with Prof. Frederick S. Lee in New York the other day, who is probably the leading man in the United States on studies of fatigue, and he has been using what is known technically as a spring balance test, which measures with a fair degree of accuracy the strength of the individual. I see no reason why that spring balance test cannot be used in determining the average strength required in the operation. Having learned the average strength required in a certain operation, the ascertainment of the average

strength of the person who is proposed to be placed on that operation can be compared and be set down definitely. I see no reason why that cannot be worked out. *J*

Mrs. Semple: You think it would be possible to work out a code governing the reasonable and proper employment of women on the basis of their average strength?

Dr. Selby: Yes.

Mr. Norman (Nebraska): Is it the intention to take the women and the men and make them stand this test, just the same as you would test a locomotive hauling so many thousand tons over the railroad? I do not believe in testing out a woman or a man to see just how much they can lift and then keep up that pace, day in and day out in a factory, for in a few months they are down and out. I might be wrong, but as an individual I do not believe in testing human beings out the same as you do a locomotive.

Mrs. Semple (Pennsylvania): I will say that my question was not along that line. My question was more as to testing to see what they might do safely.

Dr. Selby: Yes, madam; I agree with you.

Mr. Frayne: I do not believe we are going to get any physical examination requirement during the present war period.

I believe that it is going to be a long time before we do get them. When it does come, which I believe it will, it will have to be more carefully worked out and thought out than anything that has been submitted up to the present time. While there have been several plans suggested and promoted, there have been many reasons why they should not be accepted. Some have been given here by previous speakers.

There are many dangers that surround the workers in connection with a regulation of physical examination. I am not speaking now in opposition to it, because I feel that when the time comes when we must have a physical examination as a means of employment, it is going to come, but I think the worst possible time to promote it is in war times. We are planning now to rehabilitate the disabled soldiers and sailors who have been injured in the war, and those in industry, men with an arm or a leg off, and often two arms and a leg, and find something for them to do; and when it comes to regulation now in war time, when everyone is trying to get into some kind of productive employment, it seems to me that a great handicap would surround any attempt to get out any regulation that might be satisfactory in any way.

I am not taking the position that it is not going to come, but if I am here when they are making the plan I am going to try to be in it and have something to say.

We do want to prevent, first, the blacklisting of men and women who may be listed by one plant being used in another to prevent them from getting employment. I want also to prevent any regulation that might use them as a basis of machinery rather than as a human being. And, third, I want to see a system entirely controlled by the United States Government, so that if I want to have a physical examination I would go to the proper point designated and get my card filled up in such manner as may be agreed upon, and carry that for the period for which it is issued, certifying that I am sound to a certain degree or a certain percentage. I will carry that, and when I seek employment, along with my application I will certify with my card that I stood a certain physical test, and if they do not employ me they do not get the card. I get it, and I keep it in my possession, so that it cannot be used against me as a blacklist or any other means of depriving me of employment, and if I do get employment I will only be possibly a 50 per cent efficient employe and be paid accordingly.

As the Doctor said, a moment ago, if men from twenty-one to thirty-one years of age showed 31 per cent deficiency, I think we would be very <sup>un</sup>fortunate in some of our munition plants and other places if that test was put into effect just now. We have men and women working in places 50 or 60 or even 75 years of age, doing quite effective and efficient work. It is badly needed at this time, and it seems to me that while the question is an educational one, one of great importance, one that we might take home to consider, it is not one that is going to be settled, in my judgment, during the war, and possibly for a long time after that.

Dr. Meeker: I want to get ahead of the doctors there. They know so much more about this than I do, and I want to speak from the standpoint of the layman. I think the purpose of medical examinations and physical examinations is to put the defectives into positions that they can occupy with safety to their health. That is the whole purpose of a right system of medical and physical examination of the worker. Mr. Lynch, you agree with me, do you not?

Mr. Lynch: Certainly.

Dr. Meeker: Let me tell this experience. In a meeting at which I was present last spring one of the medical men at

that meeting got up and objected to medical examination and physical examination of workers on exactly the ground that Mr. Frayne has taken this afternoon -- this war; we need <sup>is</sup> employment. I was tickled almost to death when another medical man got up, a medical man serving one of the greatest corporations in this country, a corporation that specializes on physical examinations; they take no employes without a thorough medical and physical examination -- and this medical man said, "Because we are at war we need a medical examination more than ever before." And he went ahead and pointed out the saving to their own plant by their system of medical examination.

We cannot emphasize this side of it too strongly. <sup>f</sup> The employer has abused medical examinations. The railroads abused lots of things a long while ago. It is time we forgot some of them and went ahead and assisted the railroads. A great many men and a great many institutions have abused all sorts of things in times past, but, (for the love of Mike,) let us get together and get rid of the abuses of excellent things and go ahead and prevent them. If ever we needed physical examinations, we need them now, and now is the time for some action to be taken to put the physical exam-

ination on the map and put it on there thoroughly. ]

The Doctor spoke of the possibility that the United States Employment Service would not be permanent. If any of you think that it will not be permanent, then you have got a good fight on with me. It will be permanent, believe me! Nobody will consent to go back to the condition of chaos that existed at the time the Federal Employment Service was inaugurated. Yes, it is abused and it has imperfections, but it is going to be put on the map permanently.

I do not know whether physical examination will be hooked up with the employment service or not, and I do not care, but physical examination must be put on the map as a war measure, and then it must be retained on the map as a peace measure. (Applause.)

Mr. Allen (Tennessee): I wish to say that I myself am not entirely convinced that I would like to give my consent to the adoption of physical examination. I recognize that it is a progressive science, and we may all be educated up to that some day. I am sorry, however, that really in the beginning of a campaign the question of physical examination has been coupled with the United States Employment Service. The gentleman suggested just now that it meant

the destruction of the United States Employment Service. I believe, from the standpoint of many of us, speaking from experience, it would rather mean the destruction of health examinations. There cannot at this time be any reason for combining these two questions. In my opinion they are both experiments. We all need education before we can become convinced that either one or the other is a success. You cannot drive it into the heads of men who have been studying labor questions and sociological questions all their lives that either one of these things should be accepted without question, but we are willing to give our support to efforts to bring about perfection either in health examinations or in the United States Employment Service. But I think the better plan would be to adopt a method of circulating the reports that pertain to health examinations among the people of the country in the different sections who are practically or nearly ignorant on it so that they may become acquainted with the features of the question and may study it among themselves.

I believe that if I were to propose this proposition in Tennessee -- and I have no doubt that there are many other States in the same position -- and it were put up to the

people interested there for a decision at this time, it would be immediately condemned. But that does not mean that it has no inherent merit or that it will not in time impress itself upon the minds of the people so that it will be accepted. Many of the great institutions of today have begun that way. So I just merely arise in order to ask that there may be among the people of the country a campaign of education conducted in order that they might be better acquainted with the merits of this proposition before it is undertaken to couple it with the United States Employment Service and force it upon the minds of the representatives.

Dr. Waters: May I venture to state that I think the most important aspect of this subject has not yet been touched upon? We have considered the possible advantage to the employer in having the physical examination. We have considered the advantage to the employe by being properly adjusted to his work. We have not considered what I consider more important than either one, and that is the protection of one employe from his fellow employes.

In the matter of contagious diseases we usually recognize that some control should be exercised. That can only be completely exercised through a physical examination or a medi-

cal examination, if you prefer that term.

There is more, however, than the question of injuring health. This subject is important from the safety standpoint, because the man who is undertaking a job for which he is not physically competent may injure the life or limb of a fellow workman. There are plenty of occupations in the workshop and factory where that statement is true. If you have a man operating a crane, or some similar piece of machinery, he may turn out to be an epileptic, and at some moment cannot perform the function that he should perform, and he may jeopardize the life or limb of a fellow employe.

It seems to me that any employe has the right to demand that his fellow workmen be subjected to a medical examination; and in having that right he is himself bound to undergo a similar examination to see that he is not a hazard to the men or women working with him.

Mrs. Barnum: I have been thinking very hard on this, and I am one of those who believe that a person should be placed in a position best fitted for him. I find myself agreeing very strongly with those who have been speaking for a gradual educational movement among the people. Unfortunately, the masses of people are tremendously prejudiced

against physical examinations because of past history. We might all be glad if all of the past could be forgotten at once, but the actual fact that we must face is that it is not forgotten by the masses of people.

Physicians have been in the employ of corporations, throwing all but the very strongest and youngest out on the street for so long, and, as has been said by other speakers, the physical examination has been used in other ways, and so there is a very wide prejudice against it. You all know that the same prejudice against any other excellent thing in industry has always been raised. As Mr. Brandeis so wonderfully said in the memorial meeting to Taylor, if efficiency had begun on a democratic basis and it had been efficiency by consent, we never should have had the tremendous prejudice against efficiency, and we probably never would have had the foolish and absurd so-called efficiency experts who have further prejudiced the people against efficiency.

In the same way a prejudice against physicians has been built up, and now that we need this human machine tremendously we find him a somewhat dangerous machine. He has his prejudices. They are long-standing grievances and

wrongs, and we cannot cheerfully say, "Let us forget it," and find that he is going to forget it.

So I should be in favor of the physical work being done by the consent of the workers as it, for instance, is done in the clothing trades, in several cities where the worker has been gradually educated to realize the necessity for it, from his own reason, and from a social reason, and has something to do with choosing the physician who makes the examination, choosing a man who is a human being and who is informed on industrial problems. In other words, there is physical examination by consent of the worker.

Otherwise, I think we shall have to go very slowly, or we will find, as Mr. Frayne has said, that this human machine will prove a very dangerous machine if we try to physically examine him without his consent.

Mrs. Edison (California): I would like to ask if it has been your experience in the past that the worker, if he has the chance, always picks out the very best physician. That has not been done, I am sure --

Mrs. Barnum: The case I speak of is in the clothing industry. Where the worker has been consulted he has something to say.

Miss Thorne: I am very glad to have these statements about this very important question, and I think it is quite true that there is not such a very wide divergence of opinion after all. Our standard is 100 per cent efficiency, if we can possibly arrive at it, and the basis for it must necessarily be some physical examination. You cannot get a scientific basis any other way.

I think we had better now go to our next and last section, and Mr. Oakes of the Bureau of Standards will tell you something about the need of uniform safety standards.

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REMARKS OF MR. CHARLES E. OAKES.

Mr. Oakes: My subject is safety standards. Safety itself is a very, very old thing. This very house that we are sitting in is really constructed on the safety principle. There is a diversity now in so many lines that there is an opinion raised in very many peoples' minds as to what is best in various directions, and that is the reason we need standards. Standards are really not the thought of one man. That must be brought very vividly to your minds. Standards are the consensus of the opinion of the very best thought.

I would like to read from a paper that I have here containing some ideas that I have along the lines of standardization.

Standardization has been advocated for a number of years and has been carried out locally, if I may be permitted to use the term in this case, by a number of State Commissions having authority over problems of accident prevention, by insurance organizations, and by various technical organizations. Their work is most praiseworthy but the work of accomplishing national standardization has been hampered by their limited field. A diversity of standards cannot fail to result in other than a waste of labor and material. There are as many as three different standards in operation in some of these states. This can hardly be called standardization. We may well ask ourselves at this juncture as to what constitutes standardization.

Safety standards which will truly standardize safety practices must include a number of essentials. They must first of all be practical and must not be so confined in scope or be so rigid as to hamper the development of new and better processes, and due regard must be given to the economy of operation. They must afford the maximum protection with

a minimum outlay. They must be simple, complete and explicit, and they must be so comprehensive that they will be as easy of application in Maine as in California.

It is only necessary to name the great variety of interests affected to be immediately convinced as to the need of a uniform set of standards.

First let us consider the nation as a whole. At the present time our industries are working at maximum capacity turning out materials of war. We are confronted with a huge labor turnover. Efforts are now being directed in various ways to reduce it. What will be the relation of uniform safety practices to the migratory worker? The answer is simple. If he meets the same practice, and the standard must be high, in every state, there is no occasion for a change of job in so far as this particular phase of the problem has a bearing. When it becomes known among the workers that such a condition exists everywhere, his mental attitude will change from a spirit of dissatisfaction which is usually based on lack of knowledge to a spirit of contentment.

That this condition is recognized by our government at the present time is shown by an extract from a letter of the

Secretary of Labor. He said:

"The hurried development of new enterprises and the extension of existing plants to meet the need created by the war necessarily tend to a less degree of care than exists in time of peace with reference to working conditions, but at no time is it more essential to maintain throughout the most essential industries working conditions which will enable wage earners to remain satisfied with their employment, so far as one element is concerned, the delay and extravagance caused by an unnecessarily large turnover."

From a somewhat different point of view the migratory worker constitutes another argument in favor of uniform standards. If a workman has become accustomed to machinery the methods of safeguarding which are entirely different from those in his new environment, the hazard to the workman is greatly increased. Thus we may say with conviction then that our migratory worker is an argument for uniform standards.

The next argument in favor of standardization is the economic gain to be derived from it. The argument which I am about to make is based upon the accepted fact that accident prevention has come to stay. This means that purchasers of

machinery will insist in increasing numbers on the incorporation of safety features in the original design of the machine.

That this state of affairs is an accepted fact is evidenced by the great amount of machinery and appliances which are now sold only by reason of the safety features which are a part of their operation. Examples of these are steam boilers, electric switches, certain types of lathes, and mechanical and electrical interlocks on railroad switches.

It is axiomatic that the incorporation of safety features in the original design of the machine will result in a far less cost to the buyer of the machine than if he is required to safeguard such machines by purely piecemeal construction, a form of practice which is acknowledged extremely poor engineering and on its face shows short-sightedness. Great benefits will accrue to the manufacture of machinery also. The financial returns derived from a standardized type of apparatus should not be under-estimated. This saving is, of course, reflected in the selling price to the consumer.

There is, however, one instance where piecemeal construction is warranted; in fact the only construction which is

possible; namely, the safeguarding of existing installation. Many of the safeguards for such construction are available in manufactured form ready for installation. For the same reasons stated above industry should have a guide to good practice; a guide resulting from the cooperative study of the problem. It is undoubtedly true that the principles of safety are equally applicable to the safeguarding of both existing installations and new types of machinery. As the standard must be based on these principles it necessarily follows that the functioning of the safeguarding must in either case result in maximum of protection. We will by one stroke effect an economy which is impossible to estimate in dollars and cents.

Few I believe realize the magnitude of the outlay which is being spent for safety devices on existing installations. As an example allow me to cite the case of a company, one of whose plants I recently visited. This company operates something over fifty plants. I was informed that an expenditure of \$1,000,000 had recently been authorized for safeguards in the plant visited. Many of these will, of course, be made at the plant, but a great many will be purchased. This is one of many hundreds of plants supporting the

safety movements. The economy that will accrue to these companies thru standardization cannot be estimated.

A factory equipped with standard safeguards will necessarily join forces with the safety organization in the maintenance of an orderly and clean establishment so necessary for the reduction of accidents.

Not only must standards be formulated for safeguarding machines themselves but the arrangement of plant and of the machines must be given attention. This will insure an orderliness and cleanliness which would not otherwise result from haphazard construction.

One very important result of standardization will be the gradual diminution of piecemeal safeguarding; that is the safeguarding of existing installation. It is obviously impossible in a great many cases of existing installations to make a safeguard an integral part of the machine itself. We therefore, lost at one stroke a principle of great value. Designs which make it necessary to operate the safety device before the continuation of operation can proceed give the maximum of protection.

The effect of standardization on the rates of insurance which are charged by the casualty insurance companies is

noteworthy. It is a matter of common knowledge that casualty insurance rates have been steadily reduced during the past few years. This is of course due to a betterment of the physical condition of the plants in the country, even though operated under widely different sets of standards. It will not be necessary to dwell on the effect of a National Standard on Insurance Rates as this can be seen at first glance. The economic benefits to the employer is of course apparent.

The insurance companies themselves are vitally concerned in this problem from the standpoint of making inspections. At present there is continual conflict in the recommendations of insurance inspectors and state inspectors due entirely to difference in standards which they apply. It has not been long since even the insurance companies themselves were inspecting under different standards. This condition has been remedied by the joint action of various rating bureaus in establishing one standard for insurance companies.

Another important result of standardization will be the advent of a greater amount of automatic machinery which are noteworthy because of their greater security to the worker. The attendant economic advantage to the manufacturer because of their use cannot be easily estimated but is at once appa-

rent.

There are a great many arguments that could be advanced in favor of standards. A number of gentlemen in the audience I see have consulted at various times about the matter and are almost uniformly in favor of such standardization. However, there is one very particular thing which should be brought out, and brought out strongly, and that is this -- it can be expressed by the words I have here:

"What can be said as to the need of a uniform set of standards by our administrative bodies? The application of a code in practice must be followed up and the best method of doing great work is thru our state factory inspectors and Industrial Commission. A truly national standard will result in the application of much smoother administrative machinery than has been the case in the past. Disagreement will occasionally arise over the interpretation of standards. Under present practice the administrative body making the code or in many communities where no standards are adopted, the factory inspector is the final arbiter. Under a national code questions of this nature will be decided in the light of a nationally accepted practice. As an instance, an example of a national code may be found in the National

Electrical Safety Code, Bureau of Standards Circular No. 54. This code has been adopted in whole, or in part by some eight states, and is under consideration by many others. A number of questions of interpretation have arisen and have been easily settled on submission to the Bureau. The point which I wish especially to make here is this: A truly national standard can be secured only thru an agency which can cooperate with all interests and can coordinate their thoughts and efforts. This agency should be unbiased in its opinions and decisions and should act only in an advisory capacity, since only by such action can the decision be said to be based on purely economic and engineering principles. It can be said without fear of dispute that one of the reasons that the formulation of the National Electrical Safety Code and its introduction into practice has met with such signal success has been due to the purely advisory capacity in which the Bureau acts..

"It is generally conceded that no administrative body is intentionally unfair. If such bodies have available a national standard decisions will be more uniform and fairer than would otherwise be the case. There will be a decreasing tendency to establish a national precedent thru

legal decisions are usually based on precedent, which precedent might easily be based on purely local practice.

"Another great advantage of national standardization is the reliability which can be placed on the ultimate work, especially if it is undertaken by a well established and unbiased body. Standards formulated by such a body will be put in practice by individual companies before they are even submitted for mandatory action to the various states. This means that the desired effect will become noticeable from two to four years sooner than it otherwise would. An excellent example of this is the above referred to National Electrical Safety Code. This code is even now not recommended for adoption by the Bureau, yet it is being widely used by utilities and manufacturers and has already effected standardization in the electrical industry.

"A word regarding the method of procedure in formulating and introducing a national standard into general practice will perhaps not be out of place here. The key-note with which this work must be conducted is by cooperation with all the interests affected and the coordination of the thoughts and efforts of the individuals and companies interested. There are five main classes of interests who will be vitally

interested in the work, namely: industry, workmen, engineering societies and technical organizations, insurance organizations, state departments of labor and state factory inspectors, and the various federal departments and bureaus.

"The nationalization of safety methods and practices should be brought about by cooperative means and the body charged with this work should have no legal status whatever ~~sixkx~~ in the formulation. They should stand on merit alone. This is distinctly a governmental work. That it is a monumental task cannot be doubted but assurance must be given that it will be promoted without danger of lapses in activity. It will be realized that the initial preparation of a set of standards is only a beginning of the work. It must be developed and revised from time to time and its application in practice followed up making interpretations whenever necessary.

"In closing I shall appreciate your indulgence while I quote from a speech by Secretary Redfield which shows clearly the urgency of the situation:

"I think it may be truly said that two facts become increasingly evident in connection with our industries as the war situation develops in this country. The first is that

every industry whose products can contribute directly or indirectly to carrying on the war will be operated under intense strain. The second is that as the draft progresses and men are called to arms there is likely to be an influx into the factories of inexperienced persons, including probably many women, unfamiliar with the industries in which they become employees. Under these circumstances there is, of course, danger that the loss of life and the suffering from injuries, regrettably incident to industry, may increase. Nay, it seems certain that unless earnest thought and continuous care are given to the matter, it is sure to increase. May I, therefore, express the hope that through every agency an earnest effort may be made to see that not only are the safeguards for life and limb provided by laws maintained in full force and vigor, but that a special appeal is made to our leaders of industry to safeguard by careful provision and constant thought the lives of the toilers now so necessary to our country."

There are a great number of agencies that have been engaged in this work, some<sup>of</sup> which I would be very happy to see combined into one. We have a number of agencies all tending in the same direction, ladies and gentlemen, but differing

in many details to the extent that the manufacturer of machinery in placing his safeguards on machinery must conform to various state standards, and that must ultimately be paid by the consumer. If a manufacturer cannot make his molds to fit a condition existing in the State of Maine and also in California, the people in Maine and the people in California must pay the difference in the cost of the molds, of course. Therefore it is up to somebody to obtain the necessary safety for the employes through standardization, and I am very happy to say that this work has been in course for perhaps the last year, very lately through the organization of the Working Conditions Service. A great deal of attention has been brought to bear on it, and all the engineering organizations, the National Safety Council and various state commissions have offered their cooperation, and without a doubt I think we will have the work started within a very short time. The benefit will be very far-reaching.

If there are any questions that come up that you would like to ask about with reference to our presentation of the subject I should be very glad to answer them or refer you to somebody who can answer them.

Mrs. Barnum: I have been trying to find, and some

other parties have been trying to find, information on industrial seating, but I do not find it. Have you made any study of that?

Miss Thorne: That is one question that --

Mrs. Barnum: We can find no light on it, and it is a subject that we believe is very vital and very important.

Miss Thorne: So far as I am able to find out, no state has made any particular study of it. I do not have it in mind. It is one of the necessary things.

Mr. Mulready (Massachusetts): We have a provision of law that says that suitable seats shall be provided.

Mrs. Barnum: That is not proper seating.

Mr. Mulready: Let me tell you that this is a big question. A suitable seat for a person working in a cracker factory is not a suitable seat for a girl working in a paper factory. So that really I see no other way of doing it than <sup>to</sup> have a suitable seat considering the occupation that the girl is engaged in.

We became famous in the case of seating in our town. Let me say this, that there is in the biscuit business, the cracker business, a seat that is gag gotten up and which is, I believe, patented, for the use of girls engaged in that

business. We would not approve that as suitable. We do not think that is a suitable seat considering the occupation of some of the girls. I should be glad if anybody has found a set that will fit every occupation.

Mrs. Barnum: We have all found, of course, that a seat that fits one occupation is not always applicable to another occupation; but there seems to be nothing of any consequence, that is, no really serious thought has been given to it, and I wish somebody would.

Mr. Mulready: May I have just a moment on that? We have a woman in our department whom we call an expert on seats. We sent her up to a paper-making factory, a very large one, and the superintendent and the workers and everyone concerned agreed that there was no way of a girl being seated at that work and doing it efficiently. Unfortunately for their contention, this lady connected with our department was in her younger days -- and she would not thank me to say that she is old now -- a paper-worker. So she took off her coat and her hat and called for an ordinary chair and showed them that that work could be done and done more efficiently seated than was their custom to do it standing. The consequences were that thousands of chairs

went into that factory just from that exhibition.

So that really this is a mighty interesting question. It is a very important matter, and if you with your power here can adopt a seat or a set of seats you will be doing one of the greatest works for women workers that I can imagine.

Dr. Cary: There is an engineer who has lived in Providence, Rhode Island, who has made a study of factories. His name is Frank Gilbert (?), and he made quite an extensive study of this matter of chairs and seating. He maintains a museum, I believe, with many different kinds of chairs and different arrangements for seating, even some that are hung upon chains with boards across to give a rest of some sort to people who are at work.

Mr. Gernon (New York): The seating proposition is a difficult one, and a suitable seat is one with a back. Our law says that a suitable seat is one that must be adjustable. For instance, a girl might sit at a table and the seat might have a back on it, and she might never touch the back until she quit work and leaned back and rested her back. We have made some development in some occupations, particularly those where the girl is higher than she is on an ordinary chair. An ordinary chair has a standard of 18 inches. Where

that girl has to sit at an elevation higher than that 18 inches and must take her feet from the floor, we have had a footrest put in which we find increases the efficiency of the operator and relieves her of considerable strain.

Those things are problems that have got to be worked out in the occupation itself.

We have occupations in New York where they have five days a week and the manufacturer will not let them work six, and they sit in rocking chairs without arms, and they are furnished with music. They have no work on Saturday nor Sunday, and the employer says that they come back with so much vigor on Monday that he gets results.

So the man who is studying industries, if he will only use a little judgment, he will find he can do a lot of things that will help the girls and help his business.

Miss Thorne: I am sure that we all feel that this task of creating standards is a scientific task and nothing can be done without cooperation.

Mr. Oakes: I wish everyone here would realize the fact that there are some codes now that are war emergency measures, but do not lose sight of the fact that whatever is done in war times is certain to be considered after the

war. In other words, that it is going to be the basis of a continuing movement and it should be done right in the first place. Therefore we ask your cooperation.

Mr. Lissner (California): I think the experience of the Industrial Department of California in the promulgation of standards of safety rules might be interesting, (although )

Although it is practically the same system that is in use in some other states, I think it is the right system. I would like to refer to it just for a moment.

In the promulgation of such standards, the officials concerned use their own judgment, but practical people sat upon the committees that adopted such standards. That is what we have done in California before we have given out any standards. We have standards for construction of boilers and several different sets of standards are in use, and in each case we have held conferences both in San Francisco and in Los Angeles, to which the general public has been invited, but especially represented by employes and employers, and we have named committees to be sure that they were represented, so that the thing has all been threshed out and agreed upon by a majority of those present and the standards have been adopted by the Commission and have gone out.

We have had very pleasant cooperation in that regard with officials of the United States Government; no trouble with them at all. In fact, they have asked for our cooperation. They asked our safety engineer, who is a very high grade man, by the way, a gentleman whom we imported from Pennsylvania, and to whom we pay \$5,000 a year as our Superintendent of Safety. We have a number of others whom we pay \$3,000 a year, and any number of inspectors besides.

He went over to Mare Island, the big Navy Yard there, to advise with the Government in regard to safety plans there. He was also asked to go to Seattle to do the same thing. Where it is necessary that a modification should be imposed in any of our orders on account of the extensions of war activities or on account of something that is not covered by our safety order explicitly, our Superintendent of Safety has been given authorization by the Commission to make variations.

For instance, in ship-building, our construction orders do not fit ship-building in every way, and where that is called to our attention we are very glad to give our Superintendent of Safety the necessary authorization to make

modifications.

While I am on my feet, Madam Chairman, in view of the fact that I came in late, I would like to have the opportunity of saying a word on this subject of health insurance and medical examinations, because I have given particular attention to that subject recently in connection with the study that was made of the compensation for accidents in which disease is a complicating factor.

I do not think that it is a disadvantage to an employe at all to have a medical examination. It is not to his disadvantage to be kept away from a job that he is not fitted for, and it is not to the advantage of the employer to put a man on a job that he is not fitted for. It does not necessarily follow that because there is something the matter with the man that he is going to be refused a job. In fact, if only 90 or 100 per cent perfect men were employed we would not be able to win this war at all. A large proportion of those men who are employed would be out of employment altogether.

The fact that a man has had a preexisting disease does not militate against him in the matter.

I would like to say a few words about the experience of

the California Commission in that regard based upon actual precedents. I have found that accidents attributable to disease might roughly be divided into a three-fold classification, first, accidents in which there had been a latent disease awakened by injury; for instance, a latent tuberculosis lighted up by a crushing injury which made the tuberculosis active and perhaps caused his death. In those cases we invariably grant compensation, because the man was able to work before. The disease was not bothering him in his employment.

The second classification is one in which there has been a chronic disease, some active disease and it has been exacerbated or aggravated by the injury. In those cases we usually allow only for that portion of the disability that may be reasonably charged up to the injury, and stop it at that point.

The third classification is a classification of cases where the injury is exacerbated and delayed in its cure by a disease. For example, a case we might mention of a wound or a fracture which is delayed in its cure by reason of a specific disease -- syphilis, for instance; and in that case we award as part of the compensation treatment for the dis-

ease until it is cured. If it cannot be cured, then finally we make a permanent disability rating in that case.

So that you see that the mere fact, as I said at the outset, that a man has disease in his system, does not necessarily, or at all, as a matter of fact, militate to any considerable extent against compensation; and I know that the policy of the California Commission in that regard is even conservative, because in a meeting of the International Association of Industrial Accident Commissioners just held at Madison, it came out that the policy of some of the other commissions, notably Massachusetts, was very much more liberal in those cases than that of the California Commission.

Just a word in regard to health insurance and the attitude of the Commission on that subject.

I agree that the doctors are doing a great and a wonderful and a patriotic service in this war. I take off my hat to the doctors. I know that many of them, thousands of them, have torn up their affairs by the roots, as it were, and are making as great a sacrifice as anybody could make. I know of an example of that sort right in my own family. But the doctors are not thoroughly socialized, as a class.

Those that are, live by themselves, because, as has been said by Mrs. Edson, we have up in California now a constitutional amendment which will be an enabling act for California. There are three difficulties that we have combined together in a sort of mesalliance. They are the doctors, Christian Scientists and health insurance people, and they are fighting health insurance, but I think it is safe to say that 90 per cent of the members that are left are making an active campaign for health insurance in the State.

Miss Abbott: I think there may be a feeling on the part of some of you that some particular thing that you want to bring up has not been brought up, and if any of you have anything that you would like to be heard upon before you leave, I would be very glad to have you speak at this time. We have some minutes left before this part of the Conference is entirely over, and if anybody has anything that he would like to contribute to the general discussion, we would be very glad to hear from you at this time.

Mr. Lynch: I do not know how popular this suggestion may be, but I move that this Conference will go on record as opposed to any lowering or repealing of labor laws and labor

standards set up in the various states, unless on recommendation from Federal authority with competent jurisdiction.

I hesitate to make that motion. I promise not to use any figures in connection with it, so that there will not be any misunderstanding, but only that it may be tested I would like to make that motion.

(The motion was duly seconded.)

Mr. Lynch: And that any modification or suspension is to be by Federal authority of competent jurisdiction.

Miss Abbott: We had a discussion on that subject, and the Secretary started the ball rolling at the very beginning of the Conference yesterday morning by saying that that was the general position. Have you any further discussion now?

Mr. Lynch: It has been asked what I would say was competent jurisdiction. There have been certain agencies working to win the war, first and foremost, the President of the United States in his status as Commander-in-Chief, if he should ask that certain standards should be suspended or changed, of course it would be different. If the Secretary of the Navy or Secretary of War should recommend that, it would naturally be the supposition that that was concurred

in by the President, who is their chief, and there would be acquiescence in that. If any such recommendation was made, I presume that it would only be made after consulting with the various bureaus that have been handling the subject and with the officers of the American Federation of Labor who have so far taken quite a prominent part in the conduct of the war from the industry side. We would therefore have some faith in any recommendation that might come from Washington for either a suspension or a change of some standard in some of the states which might interfere with the winning of the war. But otherwise, we are opposed to it.

Miss Abbott: Is there any further discussion?

(The question was called for.)

Mr. Mulready: I wish that Brother Lynch had talked with me before he made his motion, because it puts me in a very awkward place. What is to be done in the case of a sudden unexpected emergency? May I give you one or two and ask you what you would do with them?

Supposing that a ship was sailing and needed for its equipment the now famous mattress live preserver, and they could not be furnished and the ship had to go and the soldiers were ready. Would you let anybody work other hours than

governed by law, or would you say, "Not unless we hear from Washington"?

Mr. McLaughlin: May I ask if it is necessary to repeal the Act in order to let that ship sail?

Miss Abbott: Will the stenographer read the motion offered by Mr. Lynch?

(The motion referred to was thereupon read by the reporter, as above recorded.)

Mr. Mulready: If the gentleman says that, I want to second the motion of Mr. Lynch, but I want to go on record against the repeal or against the doing away of any law or any standard. I am opposed to that.

Miss Abbott: I think Mr. Lynch means that every act of that kind must rest on full information, and the state officers collectively reinforce that feeling on their part that they must insist on a rigid and scrupulous enforcement of their state laws. We are all with them on that. I think that has come out.

Mr. McLaughlin: I think it is the intent to. We have every reason to believe that there will be a drive made to repeal labor legislation and the wiping off from the statute books of things which are beneficial to labor and for the

protection of women and children, and we should oppose it and let it go out to the world that we are so opposed.

Miss Abbott: You can count on this machinery here in backing you up.

Mr. Lissner: May we have the motion read? I would like to make a slight amendment to the motion.

(The motion referred to was thereupon read by the reporter as above recorded.)

Mr. Lissner (California): A drive will be made upon state legislatures for the repeal of the standards under the guise of war emergency. It is not at all necessary to repeal the state labor laws or state labor standards for emergency purposes. The proper remedy for that is to give to the proper state officials authority to act in emergency matters. In other words, our labor laws, where our state officials have not that authority, should be made a little less rigid in that regard. I think authority should be left in the state officials in emergency cases to make exceptions and variations from the labor standards. Otherwise a drive will be made for the repeal of them as war emergency matters.

Therefore I move, as an amendment to the motion, that this Conference is positively opposed to the repeal of state

labor legislation and the modification of state labor standards under the guise of war emergency legislation, but that for such purposes the proper state officials may, in cases declared by them to be emergency cases, make temporary variations and exceptions from the established standards.

Mrs. Edson: (California) I never disagreed with Mr. Lissner in my life before, but I think that is a very broad power to give to any labor official. Being one myself I think it would be much safer to leave that program as outlined by Mr. Lynch, for the reason that we are all labor officials, and I am one myself, so I think I can call myself names and you will not mind. There might be pressure brought to bear upon us in such a way that it would be very difficult for us to not break down the standards when even our best judgment might be against it, and I think if we can pass it on to the Secretary of War or the Secretary of the Navy, it would be a whole lot easier for us and would prevent variation in many places from state labor laws. I think, Mr. Lissner, that is an amendment that we ought not to have.

Mr. Lynch: Were you here, Mr. Lissner, this morning when we discussed that very subject?

Mr. Lissner: Yes.

Mr. Lynch: I think I then said that if I could write the measure and appoint a commission to carry it out I might be in favor of the state doing some of these things; but what I am afraid of is that we are not going to start with the idea of giving the Industrial Commission or the State Department of Labor the power to do these things at all, but it is going to make the situation such that they will have to do it. It is all going to be done under the banner of patriotism, and winning the war, and all those things that are being used as we know they are used throughout the country. I think perhaps all the commissions or the state departments have enough power now of the kind Mr. Lissner wants to give them to be able to act in temporary emergency; that is, the brief period such as my friend from Massachusetts stated -- 72 hours or 48 hours, which is at least long enough to get in touch with Washington and get word back again. But if we are going to put in any modification ourselves, be sure that it will be seized upon, because it is distasteful to a certain very powerful element.

I am opposed to the amendment, and I trust that Mr. Lissner will not insist upon it. I think that the motion

that I made is broad enough to cover the situation and one on which we can all stand with some degree of safety.

Mr. Mulready (Massachusetts): Madam Chairman, may I ask if there are any States represented here where the power is given to the labor officers, even with the assent of the Secretary of War, to modify labor law? Is there any State represented who can legally adopt the suggestion which was made by Mr. Lynch which will provide for 72 or 24 hours of leeway?

Miss Abbott: Yes; there are some States that have that authority; but, more than that, it can be done by the war powers of the President or his representatives, if necessary; but the full facts, the full information as to whether those exemptions are needed, are here in Washington, Mr. Mulready, not with the Massachusetts employer. Of course it can only be done properly with the full knowledge of the facts.

Are there any further remarks, or are we ready for the question?

Mr. Allen (Tennessee): May I ask if the motion is on the amendment?

Miss Abbott: The amendment was not seconded. Unless there is a second, the question will be on the motion as

made by Commissioner Lynch.

(The question on Mr. Lynch's motion was put and declared unanimously carried.)

(Applause).

Mrs. Semple (Pennsylvania): May I ask if a repeal of the labor laws is not the last thing that Commissioner Lynch is contending for? The point was not clear to my mind in the reading of the resolution by the reporter.

Mr. Gernon (New York): I hope we will profit <sup>from</sup> ~~by~~ this conference by having another one for the purpose of trying to bring the standards up in the States that do not have standards. I think if we had a conference like this with time enough to work it out thoroughly, the findings of the conference would have great weight.

Miss Abbott: Thank you for the suggestion.

I also want to say that this conference is a genuine conference. We had in mind getting you here before we went ahead, and we wanted your advice and experience. I hope you have all gotten the idea from all of the people of the Labor Department who have appeared before you that we consider a help is a suggestion or opinion from you as to the way in which things are going in the field, and the way in which you can help us most is by telling us when an order has gone out

and we think it is working, that it is not working. That is the information we want, and we will use it at once. We want you to suggest ways in which things are going and can be improved in any direction. Nothing is counted as criticism in that way. That is a real help, and anything that you can send in along that line will be much appreciated.

There are a number of different bureaus and sections and departments that are developing now. We will undertake to keep you informed here in the War Labor Policies Board as to what is being done. I have been charged in the War Labor Policies Board with that responsibility, and I will try to live up to it. I do not want to say that we will correspond or take up matters directly with the individual that is handling it, but if you are confused or in doubt or if there is information that you want in this situation which is more or less changing, any requests which you make to us or to me through the War Labor Policies Board will receive prompt attention and we will see that it goes to the place where it to go for the quickest and most effective action. You may be sure that we want information and suggestion and advice at all times from the officials in the field. There is one thing that we are convinced is necessary, and that is that the local administration be followed up by support from the

Federal administration, and anything that we can do in that direction we are more than glad to do. We have no desire to take away or minimize anything that is being done in the State. We want you to go ahead where you can go ahead and we want to help in every way we can. Absolutely every one who has appeared before you has made it plain that that was his single purpose, so far as that is concerned, and you may rest assured that you are going to have the formal and official backing of the various departments, because they have all indicated that intent.

Mrs. Edson (California): Why have we not heard anything about the public employment service at this conference?

Miss Abbott: I am very glad you asked that question. A conference was held very recently, a national conference with reference to the employment service. This conference was intended to be with reference to the enforcement of laws on that subject, and the employment service has given every indication, I am sure, that they desire to work forward in that direction. At that conference the particular aspects and relationship were discussed for three days, and it seemed as though we would get away from our own problem if we undertook to discuss employment service during these two days.

Are there any other questions?

Mr. Hudson (Rhode Island): Will a copy of the proceedings be mailed out to each one?

Miss Abbott: We will either mail a copy of the proceedings in full or a summary. We are very much concerned here as to the amount of paper that we use and the amount of print that we put on paper, but we are going to see that the proceedings or a summary get to you so that you will be able to use the record that has been made.

Colonel Bryant (New Jersey): We have some very serious problems to consider in New Jersey as to getting material to carry out the orders of the department. We order a fire escape on a building. A contract is given, and the contractor can not get the material. Is there any way that that situation can be helped through the priorities board?

Miss Abbott: Here is Mr. Frayne ready to answer you. He is the War Industries Board member of the War Labor Policies Board.

Colonel Bryant: I have two cases where the conditions are hazardous. Just before I left I gave instructions to have both buildings closed until the fire escapes are erected. I know what is going to happen. They won't be able to get the material to build them. The factories

that are engaged in war work can get priority for iron.

Mr. Frayne: If they are engaged in war industries they stand some chance.

Colonel Bryant: It is quite difficult to get materials.

Mr. Frayne: Suppose you write the priority commission on it?

Mr. Kearns (Ohio): We are having serious trouble along that very line in Ohio, now, where we issue orders for safety devices for schoolhouses of all kinds and it means that they must have sheet metal or iron or steel to comply with the order, and in any number of cases they say to the department that they can not get the material unless they have a priority order, and they can not get a priority order unless they are manufacturing goods for the Government-- which means that the order will not be complied with and it puts the department in the position of having to extend the time in all cases, because if they can not get the material they can not comply with the order. It seems to me that compliance with a safety order of any kind is very essential and it is a matter that ought to be given consideration. Those order should be filled if at <sup>all</sup> possible. We can not let that interfere with furnishing material to an essential industry.

Mr. Frayne: Forward the information to Washington and it might be helpful in getting this material. I do not say that it will, but an application endorsed by a State commission will be recognized much more readily than the owner of the building or the contractor, because many time they may make a claim for this material and there may be a doubt as to whether it ought to be granted at all. So in each instance if the commission were to write a letter of endorsement calling attention to the necessity of getting a priority order, it would be very helpful.

In one hundred per cent of the cases it is necessary that the Government must come before anything else, and when it comes to steel and iron the Government wants enough now to exceed the whole capacity of the entire United States. So that those who want materials for building something that is really not necessary, it must wait. However, the commission can always be helpful in calling attention to just what the situation is.

Miss Abbott: What we want to feel here is that the facts are being put up to us in Washington, that full information is being sent in. Information that comes from the labor officials of various States is going to receive most careful consideration in Washington, and because you do not get relief

on one proposition please do not think they you can not put up the next one. It may be that the situation will have changed in the meantime, and that the next one can be relieved.

And let us have the knowledge and the understanding that we are all working together and that we want to know what is going wrong out in Iowa or Oregon or New York or Maine or Florida or Alabama that can be helped here in Washington, and if we have that kind of information we are going to act much more intelligently than otherwise.

I can assure you that on all these boards and in all these departments there are people who are as eager as you are to see that these things are done promptly and intelligently and effectively, and whenever they have that information they are going to use it in every possible way. So I do hope that one of the resolutions of the conference is going to be that we are going to have even more cooperation than we have had in the past and that we are going to be able to pull together in a way that we have not always been able to pull together in the past.

I am not speaking of myself, because I am only too grateful for the very great cooperation that we have had right along from theseveral States.

We are enormously grateful to you for all the assistance and help that this conference has been to us, and I <sup>am</sup> speaking for the entire service in saying that, because they have all felt that it has been a great privilege.

Mr. Lynch (New York): I now move that we adjourn.

(The motion was seconded, and at 5:15 o'clock p.m. the conference adjourned).

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