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LABOR LAWS AND THEIR ADMINISTRATION IN THE PACIFIC STATES

By HUGH S. HANNA

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BY HUGH S. HANNA.

CHAPTER I.—INDUSTRIAL AND LABOR CONDITIONS.

The industrial activities of the Pacific States possess certain characteristics which have a determining influence upon the lives of the workers and which must be taken into account in any consideration of actual or possible legislation. The following brief survey of industrial and labor conditions emphasizes some of the more significant of these characteristics.

This survey, as indeed most of this report, is primarily concerned with the great body of unskilled labor, including therein the labor of women and children. Workers in the skilled trades are strongly organized in almost all parts of the Pacific coast, and through their organizations are able to protect themselves against many of the evils and difficulties confronting the unorganized, unskilled workers.

THE PREVALENCE OF SEASONAL INDUSTRY.

Three industries, or groups of industries, are of dominant importance as employers of labor—agriculture, lumber, and construction work. Under agriculture is included not only the usual farm crops but a very large amount of fruit growing—orchard fruits in all three States and tropical fruits in California. All of these make an important demand for labor during a rather brief season—the farmer for the harvesting of his crops, the fruit grower for the picking and packing of fruits and berries and nuts. For the most part this demand is for a period of only a few weeks; at the most, for a few months.

The lumber industry covers the cutting and handling of the rough logs, the sawing of these logs in mills, and the making of such finished

products as packing boxes. From the standpoint of labor, it may be regarded as the basic industry of Washington, Oregon, and northern California. According to the United States Census of 1910, of the wage earners in manufactures no less than 63 per cent of those in Washington and 52 per cent of those in Oregon were directly engaged in the lumber industry.[1] Even in California, the lumber industry employed as many as 20 per cent of all wage earners in manufacture, more than twice as many as in any other branch of manufacture. The lumber industry is markedly seasonal, the winter months being those of least activity.

Next in importance to agriculture and lumber as an employer of labor is the group of employments commonly classed as construction work. Under this term is included such work as arises in the construction of railroads, highways, streets, sewers, bridges, and buildings. The employments differ as regards the character of product, but are closely similar as regards the resulting labor conditions. The work is practically all of the heavy outdoor type and most of it is distinctly seasonal. The amount of labor engaged in the various forms of construction work is impossible to estimate, but is proportionately very high on the Pacific coast, because of the recent and extremely rapid development of this section.

Manufacturing, other than of lumber, is as yet of relatively minor importance. With one exception, such manufacturing as exists is spread among a number of separate branches, no one of which employs a considerable number of wage earners or has any distinctive influence upon labor conditions. The exception is the canning and preserving industry. In each of the States all branches of this industry are represented in an important degree—vegetables, fruits, and fish. In California, dried and canned fruits are the most important items, while in Washington and Oregon fish canning predominates. The whole industry is strikingly seasonal, the period of extensive employment being at best for only a few months.

The only other industry requiring notice is mining, which is of considerable importance in Washington and California, but not in Oregon, where the amount of mine labor is negligible. In Washington practically the only form of mining is that of coal, about 6,000 men being employed therein. This number has remained stationary for a number of years, the use of oil for fuel having hindered the development of the extensive coal fields of the State. In California the important branches of the industry are metal mining—gold, silver, and copper—and petroleum and natural gas. There is almost no coal mining in the State. The mining industry in all its branches is comparatively free from seasonal fluctuations.

[1] United States Census, 1910. Supplement for Washington, p. 654; Supplement for Oregon, p. 652; and Supplement for California, p. 677.

EXTENT OF UNEMPLOYMENT.

As a result of the highly seasonal character of so many of the important productive industries, the demand for labor is extremely fluctuating. For a very large proportion of the workers periods of unemployment are of regular recurrence. This is true even in times of ordinary business conditions and entirely aside from fluctuations in business prosperity.

There is no information of even approximate exactness regarding the total amount of unemployment resulting from the conditions mentioned. But that unemployment is of very wide extent is indicated not only by the personal observation of those familiar with local conditions, but also by the results of various official inquiries bearing more or less directly upon the subject.

The most comprehensive of these inquiries is that of the Federal census of manufactures of 1910.[1] In the course of that census there was obtained for each State the number of wage earners employed in manufacturing establishments during each month of the year 1909. The results show a greater fluctuation in employment for the Pacific States than for any other geographic division, and also for each of those States a greater fluctuation than for any other State in the Union, with three exceptions. For Washington the number of wage earners during the month of minimum employment was but 74 per cent of those at work during the month of maximum employment. For Oregon the corresponding percentage is 75; and for California, 71. As against these there may be placed in contrast percentages of 89 for the country as a whole, 93 for the New England States, 88 for the Middle Atlantic States, and 88 for the South Atlantic States.

These percentages do not show the full extent of irregular employment, inasmuch as in any one month the dull season in one branch of industry may be balanced by the busy season in another branch. Moreover, they apply only to manufacturing industries, which may be, and probably are, more stable than other industrial groups for which there are no similar data. The figures as given, however, are significant as indicating, as between the best and worst months on the Pacific coast, a fluctuation in labor demand for manufacturing establishments of no less than 25 per cent.

For the State of Washington results similar to those of the United States census were arrived at by the State commissioner of labor after an investigation of employment conditions in manufacturing industries in 1914.[2]

The lack of staple industries in Washington operating day in and day out the year round and the remarkable predominance of seasonable enterprises offering only intermittent employment, lie at the

[1] U. S. Census, 1910, Vol. VIII, p. 282.
[2] Report of Bureau of Labor, Washington (State), 1913–14, pp. 13–15.

heart of whatever labor problem there exists in this State. * * * How great is this problem and how great is the fluctuation in the labor market is best illustrated by the figures the bureau has gathered in a survey of the logging camps, mills, workshops, and factories of the State. * * * These figures show that in the many different industries canvassed, more than 23 per cent of the men were employed only intermittently, or, to put it another way, while regular employment was offered 40,567 men in these businesses, their seasonable character demanded the employment of as many as 51,080 during certain periods, meaning that 10,513 must find work elsewhere some of the time, generally during the fall and winter. * * * What to do with this 23 per cent of our workmen is our greatest present problem.

This statement is based solely upon conditions in the manufacturing industries of Washington. In agriculture the conditions are apparently worse, although no exact figures are available. The commissioner of labor, in discussing the possibility of exploitation arising from the fluctuation in the demand for labor, speaks as follows of conditions in eastern Washington:[1]

This is particularly true in the improvement of vast tracts of orchard lands east of the Cascade Mountains, where the country is sparsely settled and the rise and fall in the demand for labor is widely divergent and extremely periodical, but it is also to be noted in the wheat-raising districts of that part of the State, where steady employment of labor exists to only a small degree, the demand rising for a short time during the planting season, and is followed by a period of idleness until harvest time comes around when need for labor rises to its highest point and thousands of men are employed between July and September. Practically the same conditions exist also in the hop fields and the fruit districts, when the crops are ready to be gathered. During these seasons there is an influx of laborers into the communities that is marvelous, and invariably the supply is greater than the demand * * *.

In the salmon canning industry of the Puget Sound district of Washington is found a striking example of fluctuation in labor demand. The industry at best is extremely seasonal, the busy period lasting only during the fish-catching season of five or six summer months. In addition the "run" of fish varies very greatly from year to year. The big "runs" of sockeye salmon, which is regarded as most desirable for canning purposes, occur in four-year cycles, but in no case can the size of the run be forecast. As a result, the total fish pack of the canneries in good years is from four to six times as great as in bad years. The State labor commissioner, as a result of a special investigation in 1915, estimates that the number of employees in the fish canneries varies from about 2,000 in the winter months to about 18,000 in the busy packing season.[2] Much of this labor is oriental.

[1] Report of Bureau of Labor, Washington (State), 1913–1914, pp. 28, 29.

[2] Special Report on the Salmon Canning Industry in the State of Washington and the Employment of Oriental Labor. State Bureau of Labor, 1915.

Formerly it was almost entirely Chinese, employed by Chinese padrones under a contract system that amounted virtually to chattel slavery. At present Japanese predominate.

Employment conditions in Oregon need no special comment, industrial conditions in that State being closely similar to those of Washington and labor conditions substantially the same. An investigation made in 1914 for the Oregon Committee on Seasonal Unemployment summarizes conditions in the State as follows:

Men are out of work in Oregon not because Oregon is overpopulated. There are here millions of rich uncultivated acres and hundreds of thousands of horsepower yet to be developed from waterfalls. There is still room for millions of men. Men are out of work because of the irregular and uneven demand for labor. At certain times the demand for labor is sufficient to clear the labor market. At other times there are many thousands of men out of employment.[1]

In California the occasion for irregular employment is perhaps even greater than in Washington and Oregon.

In the first place, the lumber industry as carried on in California is even more fluctuating in its demands for labor than is the case in Washington and Oregon. According to the Federal census of 1909 logging operations in California show a decrease in the number of wage earners from 9,855 in July to 2,251 in January, with a markedly dull season of some five months. In the sawmills the decrease is from 19,148 in August to 12,074 in February, with a markedly dull season of at least three months. Thus, for the lumber industry as a whole, the employment offered in winter is only about one-half that offered in the busy summer season.[2]

But still more important than the lumber industry in contributing to irregular employment in California are agriculture, including fruit growing, and the canning and preserving of fruits and vegetables. The Commission of Immigration and Housing points out that the recent development of the fruit-growing industry has, in itself, been the cause of greater uncertainty of employment through the breaking up of extensive grain ranches into small fruit farms, which require large numbers of workers for but very short periods.[3]

In the orange industry, one of the most important in the State, the growing of two varieties of oranges, ripening at different seasons—Valencias and navels—has stabilized to some extent the employment of labor as pickers and packers, but even then the work offered covers only six or seven months.[4]

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[1] Unemployment in Oregon, by Frank O'Hara, Ph. D. A Report to the Oregon Committee on Seasonal Unemployment, 1914, p. 5.

[2] U. S. Census, Supplement for California, p. 681.

[3] Commission of Immigration and Housing of California. Report on Unemployment, 1914, p. 8.

[4] Idem, p. 43.

In berry and vegetable picking and in almost all forms of canning the period of heavy employment is brief. An inquiry into cannery employment in California was made by the commissioner of labor in 1912.[1] Reports were obtained from establishments employing approximately 85 per cent of the cannery workers in the State. These reports show that the number of employees ranged from almost none in December, January, and February to approximately 13,000 in August. The very busy season, when the number of employees exceeded 10,000, lasted for only two months.

THE FLOATING LABORER.

From the above brief survey of employment conditions it is evident that a vast number of workers are confronted at frequent intervals, and as an ordinary incident of their lives, with the necessity of tiding themselves over a period of idleness or of drifting from place to place. With the better-paid worker in certain employments the tiding-over alternative is sometimes possible. In many sawmills, for instance, the working force is a fairly stable one, and during the dull winter months the better paid of those who are laid off may afford to wait for the coming of spring activity.

But this is not the case with the great majority of unskilled workers. The work offered is essentially temporary—a "job"—lasting for but a little while and at a low wage. When it is finished other work must be found, perhaps in an entirely different industry. This is the origin of the floating laborer—a drifter from job to job.

The amount of floating labor on the Pacific coast is very large. It would be large under any circumstances, being a product of the existing conditions of industry. But its size is greatly increased because of the attraction of the coast, and especially of southern California, for the floating labor of other States. Not only is there still a glamor about the western coast, but the mildness of the climate is a very real attraction. To the homeless and jobless it makes drifting a little easier and poverty a little less severe.

The Immigration and Housing Commission of California believes that the problem of the migratory, casual worker is accentuated in California more than in any other part of the United States. It quotes one of its investigators to the effect that there are perhaps 20,000 men in California who have no fixed residences, but wander from place to place seeking temporary jobs.[2] And this estimate does not cover many thousands of workers in labor camps who, while not exactly floaters, are decidedly transient in their employment.

[1] Bureau of Labor, California. Report on Labor Conditions in the Canning Industry, 1913.

[2] Commission of Immigration and Housing of California. Report on Unemployment, 1914, pp. 9 and 30.

CONDITIONS AFFECTING SAFETY.

In addition to their effect upon regularity of employment, many of the important industries of the Pacific States are of a character to influence in a distinctive way the conditions under which the wage earner works and lives. In this connection two subjects are of particular interest—working conditions as affecting safety and living conditions in labor camps as affecting health.

As regards the subject of safety, it is to be noted that a very large proportion of the employments offered is of a character involving a relatively high degree of accident hazard. This is particularly true of logging operations, sawmills, construction work, and of coal and metal mining. It is also true of a considerable portion of agricultural work. And it is to be noted that while these employments are highly hazardous they are for the most part of a character that renders effective safety work peculiarly difficult. In logging operations, for example, mechanical safeguarding is practicable only upon a very limited scale, and the safety committee idea is much more difficult to apply than in indoor factory work with a stable force of employees. In a general way this statement also applies to nearly all outdoor employments.

LABOR CAMPS.

The labor camp is one of the most important factors in the labor life of the Pacific States. Such camps constitute an integral part of most of the outdoor seasonal work. In logging operations, for instance, the work is necessarily shifting, moving from place to place as the timber is cut, and is almost always carried on in sections remote from settled communities. As a result the labor force must be housed and fed in temporary quarters or camps. Sometimes a camp may be shifted several times a season; occasionally it may remain in one place for several years. But in any case it is essentially a transient affair, and the temptation is for the housing and other provisions to be of the cheapest construction, with little attention to matters of health and comfort. Primarily they are for the accommodation of work-hardened, unattached men, whose demands are rather limited. Some of these camps are reported as being well maintained, clean, and sanitary, but it is generally recognized that when left to themselves the normal tendency is for such places to develop the most deplorable and demoralizing conditions.

Labor camps of the same general character as those in logging operations are found in connection with many lumber mills, in practically all construction work on highways, railroads, and irrigation projects, and in much agricultural work. In the picking of crops, such as fruits, vegetables, berries, hops, as also in the canneries, the labor camp is not uncommon. In this work resident labor, especially that of women and children, is largely employed

in many places, but the importation of "hands" for the busy season is of frequent occurrence. As the picking season is extremely short, the housing accommodations offered in such cases are liable to be of the flimsiest makeshift character. The riot among the hop pickers of Yuba County, Cal., in 1913, known as the Wheatland case, called attention to labor-camp conditions at their worst. A report of the State immigration and housing commission describes the living conditions at the camp where the riot occurred.[1]

When this motley horde (i. e., the 3,000 hop pickers) arrived at the Durst ranch they found a desolate, sun-baked field, without shelter from the burning California sun. There were a few tents to be rented at 75 cents a week, but the majority had to construct rude shelters of poles and gunny sacks, called "bull pens," while many were compelled to sleep in the open on piles of vines or straw.

There was a great lack of toilets, and even those furnished were but crude boxes set over shallow holes in the ground. Many of them had no seats with holes, and a rough scantling nailed across the box took the place of the usual arrangement. These toilets soon became foul. They were also used as receptacles for the garbage from the camp, as well as for the offal of slaughtered animals, and swarmed with blue flies and were alive with maggots. These unspeakable toilets were used indiscriminately by both sexes, and at times women and children were forced to stand in line and await their turn. There was some dysentery, or "summer complaint," and frequently women and children were compelled to relieve nature among the vines and in the fields, and often in plain view of rough men.

There was a scarcity of drinking water; some of the wells were pumped dry, while others became infected from the surface water that drained back from the stagnant pools, which formed in close proximity to the toilets and garbage piles. Under such shocking insanitary conditions sickness followed, as a matter of course. There were cases of typhoid and malaria, caused probably by these germ-laden waters.

The vicious conditions thus described represent, of course, an extreme case and one that occurred before the State had undertaken any active supervision of such camps. But, at the time at least, it was by no means an isolated example. Thus the same commission in 1914 reported that its investigations of 900 labor camps revealed "deplorable conditions."[2] The commissioner of labor of Washington reports in 1914 that "sanitary and housing conditions in some of the highway and railroad construction camps are detestable; the manner in which the workmen are handled is reprehensible and would not be permitted if generally known and realized."[3] And again, in speaking of the hop pickers on a Yakima Valley ranch, he says: "The sanitary conditions under which they lived * * * were unspeakable."[4]

[1] Commission of Immigration and Housing of California. Annual Report, 1915, p. 18.
[2] Idem. Report on Unemployment, 1914, p. 18.
[3] Report of Bureau of Labor, Washington (State), 1913–14, p. 28.
[4] Idem, p. 30.

All the circumstances under which labor camps exist favor unsatisfactory conditions of sanitation and general living—the isolation of many camps with lack of water and sewage facilities, the sudden, often undirected, coming together of large groups of persons hunting and needing work, the limited working season, which renders good housing expensive, and the low living standards to which many of the workers, especially those of the migratory class, are accustomed. These same circumstances, it is also to be noted, render very difficult the task of enforcing good standards of housing and sanitation in such camps.

The number of workers in the labor camps of the Pacific coast is extremely large. The California Commission of Immigration and Housing, as a result of thorough investigation, estimates, in 1915, that 75,000 persons, exclusive of farm laborers, were living in the labor camps of that State.[1] On this basis it would seem highly conservative to estimate that at least 100,000 workers in the three Pacific States pass the major portion of each year in labor camps of various kinds.

WOMAN AND CHILD LABOR.

With the exception of two groups of employments, the important productive industries of the Pacific States give little opportunity for woman and child labor. The exceptions are canning and preserving and crop picking.

Much of the work in fish canneries is done by oriental labor, but a large number of women also are employed. In the canning and preserving of vegetables and fruits the working force is chiefly composed of women and young persons.

In the harvesting of oranges men are employed as pickers, but women are employed as packers; and in the picking of most of the other light crops—fruits, berries, hops, etc.—able-bodied men are not in demand, the work being regarded as essentially adapted to women and children. As a rule the labor force in the picking fields is composed of family groups, sometimes coming long distances; of local help, mostly women and children; and of such floating laborers as are unable to get more lucrative work. In addition, according to the California Commission of Immigration and Housing, arrangements are sometimes made in parts of that State by which groups of boys from welfare institutions and industrial homes are employed at this work. This arrangement is thus described by the commission:[2]

These picking groups, under the supervision of their own superintendent, take the contract for the picking season, camp out on

[1] Commission of Immigration and Housing of California. Annual Report, 1915, p. 25.
[2] Idem. Report on Unemployment, 1914, p. 59.

the place, and the whole crop is handled in this fashion by these contract workers exclusively. In this case, too, there is no social loss in the way of unemployment, as the vacation periods of the institutions concerned are adjusted so that the boys make the picking season their vacation. This plan is growing in favor in the Gold Ridge berry district of Sonoma County.

In both canning and crop picking the season of extended employment is extremely limited. As the various crops ripen at different times of the year, the work is spread over a period of several months, from, approximately, March to November, but the really busy midsummer season lasts for only a very few weeks, and during three or four months of the year no work at all is offered.

There is no reliable information as to the total number of women and children employed in the canneries and at crop picking. But that there is a very considerable number so employed during the busy season is indicated by the report of the California Bureau of Labor upon conditions in the fruit and vegetable canneries of that State in 1913.[1] This report showed that during the week of maximum employment 8,270 women and 1,187 children were at work in the canneries covered by the investigations, which, it is estimated, included about 85 per cent of all the cannery workers in the State.

Woman and child labor in the canneries and at crop picking has been discussed somewhat fully, as it constitutes the most characteristic employment of women and children in the principal productive industries of the Pacific States. In no branch of the lumber industry are such persons employed to an important extent. In logging camps boys may be, and are, used as signal boys for donkey engines, and boys are also in some demand in box factories, but the total number so employed is inconsiderable. The lumber industry is essentially a strong man's industry. This is also true of construction work in all its branches. There has been as yet comparatively little development of the lighter forms of manufacturing—such as textiles and clothing—in which women and children are so extensively employed in the Eastern States.

In the occupations offered by trade and commerce—stores, business offices, hotels, restaurants, telephone offices, etc.—women and children are employed in about the same proportion as in other States. The recent development of the moving-picture business into one of the large industries of southern California has offered a new field of employment of very considerable importance, and has introduced in some measure a new set of labor conditions. It is of particular significance, in this connection, as making a considerable demand for child actors.

[1] Labor Conditions in the Canning Industry. Special Report of Bureau of Labor, California, 1913, p. 15.

CHAPTER II.—STATE ACTIVITIES REGARDING UNEMPLOYMENT.

Unemployment may result from many causes. Two are of especial importance:

(1) Lack of connection between the worker and the job.

(2) The fact that there are more workers than there are jobs.

For the former evil the usual remedy offered is the employment office, to bring together the workers who want jobs and the employers who want help.

For the latter evil—a general excess of labor—no important remedial measures have anywhere been undertaken in the United States. California is one of the few States where the possibility of State action in this matter is under serious consideration.

(1) EMPLOYMENT OFFICES.

In no part of the United States perhaps is there so large a field for employment offices as in the Pacific States. As has been noted, industrial conditions there favor inconstancy of employment. Much of the business activity is based upon the casual, short-time job. This in itself means the frequent shifting of workers from place to place. And the shifting is the more difficult, as much of the work offered is in more or less remote districts of the country.

The worker is hired for the job. When it is finished he must seek other work. Such work may exist abundantly, but he may not know where. Or the report of work at some distant place may attract many more workers than are needed.

Besides, the distances are great. Traveling, if paid for, is expensive, and if not paid for is extremely dangerous, "jumping" freight trains being a frequent method of transportation on the part of the migratory worker.

ABUSES BY PRIVATE EMPLOYMENT AGENCIES.

The necessity laid upon so many workers of constantly seeking new jobs opens a peculiarly fertile field for their exploitation by unscrupulous private employment agencies. There is much testimony to the fact and frequency of such exploitation. The most striking evidence of this is that in the State of Washington private agencies made themselves so generally distrusted that in 1915 their complete abolition was ordered by popular vote.

In California the private employment agencies as a class have been severely criticized by the State bureau of labor and by the immigration and housing commission.[1] The latter commission says that "the untrustworthiness of private agencies is now a matter of common knowledge." More specifically, it reports: "We have recently made a careful investigation of 81 of the 247 licensed agencies of the State. Of the 81 our investigators give it as their opinion that 52, or 64 per cent, are of doubtful honesty." It was found that the agencies guilty of the more serious abuses were for the most part the smaller ones.

LEGISLATION REGARDING EMPLOYMENT OFFICES.

The three Pacific States have assumed very dissimilar attitudes toward the subject of employment offices, both public and private. Washington has abolished all private fee-charging agencies, but has provided no substitute State system. In Oregon there are no State employment offices and private agencies were unregulated until 1915. California, alone of the three States, has established a system of State employment offices. These are conducted in competition with private agencies under State supervision.

Employment-office conditions in each of these States may be briefly described.

EMPLOYMENT OFFICES IN WASHINGTON.

Prior to 1914 there was practically no legislation regarding private employment agencies, and there had been no attempt at State supervision of their conduct. But distrust of such agencies was constantly increasing and culminated in the year mentioned in the passage by popular initiative of an act aiming at the total suppression of all private employment agencies of the commercial type.[2] The act provides that no person shall receive a fee from anyone for securing employment. Inasmuch as most commercial agencies exist upon fees collected from applicants for jobs and not from employers, this provision is equivalent to the actual prohibition of such agencies. It is reported that there has been some attempt at evasion by conducting offices in secret or by indirect methods of collecting fees. But it is not believed that such evasions are important, especially as the penalty for violation is high, including both fine and imprisonment.

Following the enactment of the law suppressing private agencies, an effort was made at the legislature of 1915 to secure the establishment of a system of State employment offices. The bill, however,

[1] Reports of Bureau of Labor, California, 1911–12 and 1913–14. Report on Unemployment by Immigration and Housing Commission of California, 1914, pp. 9, 10, 33–39.
[2] Acts of 1915, Ch. 1.

failed of passage, and the employment field, aside from a few non-commercial enterprises, was left to offices conducted by some of the cities and by the Federal Department of Labor.

In Tacoma an arrangement was made between the city and the Federal Department of Labor by which a joint Federal-municipal office is maintained. In addition, municipal offices are in operation in Seattle, Spokane, Bellingham, and Everett, and employment work is done by the Federal offices in Seattle, Aberdeen, Bellingham, Everett, North Yakima, Spokane, and Walla Walla.

EMPLOYMENT OFFICES IN OREGON.

Private employment agencies in Oregon were without State regulation until 1915. By an act of that year, all such agencies, except those concerned solely with teachers, professional and clerical workers, were put under the supervision of the commissioner of labor, licenses required, and other conditions of conduct prescribed.[1]

The annual license charge and the amount of bond varies with the size of the city. For cities of 150,000 or over the license fee is $50 and the bond, $1,000. Those amounts are scaled down to a $2.50 license fee and $100 bond for cities of less than 2,500. Portland is the only city in the State with a population of over 150,000 and is indeed the only large city, the next in size, Salem, having less than 20,000. As a result, Portland is the employment office center.

The maximum fees to be charged applicants are detailed in the law. For females the maximum fee varies from 5 per cent of one month's wages, when such wages do not exceed $50, to $7.50 when the wages are more than $100 per month. For males the variation is from 5 per cent of one month's wages when such wages do not exceed $60 to not over $7.50 when the monthly wages exceed $100.

The license is issuable, at the discretion of the commissioner of labor, for the period of one year and is revocable by him after investigation, subject to court appeal. Agencies are required to return fee and pay any transportation costs when an applicant does not obtain the job to which he is sent or is not retained more than two days. If retained two days but not more than 6 days one-half the fee is to be returned.

There are no State employment offices. In Portland there is a free municipal office and also an office of the Federal Department of Labor.

EMPLOYMENT OFFICES IN CALIFORNIA.

Private offices.—The attitude of the State toward private employment agencies has been one of increasing stringency. Beginning with an act of 1903, providing certain moderate regulations for such

[1] Acts of 1915, ch. 128.

agencies, succeeding amendments have more and more limited their freedom of action. One of the most important of these amendments was the doubling, in 1915, of the license fees charged. This was done with the specific object of driving out of business the smaller, less responsible agencies.

The license fees and bonds now required are as follows: In cities of over 30,000 population, a license fee of $100 and a bond of $2,000; in cities of 10,000 to 30,000, a license fee of $50 and a bond of $1,000; in all other cities and towns, a license of $10 and a bond of $500.[1] The great majority of agencies are in cities of over 30,000 and thus pay the highest license fees.

It may be noted that the license fees and bonds in California are about twice as high as those in Oregon. On the other hand, the California law does not limit, as does the Oregon law, the size of the fees which agencies may charge for securing jobs for applicants. No fee is permitted simply for registration of an applicant, but if a job is secured there is no legal restriction upon the amount of the fee chargeable for this service. A provision covering this point was under consideration in the legislature of 1915, but was discarded in the belief that it would be unconstitutional.

Licenses are issuable by the commissioner of labor for the period of one year and are revocable by him at any time, subject to a limited court appeal. Agencies are required to return the fee and any other expenses incurred if the applicant sent out fails to secure employment or the employment obtained lasts less than seven days, the returned fee to be in full or in such part as the commissioner considers fair.

According to the last available report, for the six months April to October, 1914, the private agencies in California secured 126,586 positions for applicants and received $264,239 in fees, an average fee of $2.09 per position secured.[2] As these data cover only a six-month period the total fees collected for a full year would probably exceed $500,000.

State employment offices.—Coincident with the increased restrictions placed upon private employment agencies in 1915, provision was made for a system of State employment offices under the management of the State commissioner of labor.[3] The law required that such offices be established in San Francisco, Los Angeles, Oakland, and Sacramento, and permits the commissioner to establish them in such other places as he may consider desirable. For the support of these offices, an appropriation of $50,000 was made for the two-year period 1915 and 1916. This is an average of $25,000 per year for

[1] Acts of 1913, ch. 282 (as amended by Acts of 1915, ch. 551.)
[2] Report of Bureau of Labor, California, 1913–1914, p. 19.
[3] Acts of 1915, ch. 302.

four offices. In comparison with this, it is of interest to place the fact, noted above, that the fees collected by private agencies exceed $500,000 per year.

In accordance with the requirements of the law, State employment offices were established in 1916 in the four cities of Los Angeles, San Francisco, Oakland, and Sacramento. In Los Angeles arrangement was made for the combination of the new State office with the existing municipal office which had been in successful operation for a number of years. This is now conducted as a State-municipal office.

Municipal offices, supported by the local government, are in operation in Sacramento and Berkeley, but in both cases the resources are small and the work rather narrowly limited.

The offices of the Federal Department of Labor are doing active employment work in San Francisco and San Diego. The department also has offices in several other California cities, but in none of them has the employment work been developed to an important degree.

(2) SEASONAL EXCESS OF WORKERS TO JOBS.

The function of the employment office is to bring together the worker and the job. In so far as it is successful in this effort unemployment is reduced. But such offices can not create work, and to the extent that there are more workers than there are jobs the employment office is helpless. This is everywhere a most serious problem. It is accentuated on the Pacific coast for reasons that have been emphasized above—the seasonal character of much of the industrial activity and the fact that the dull seasons of so many industries occur at substantially the same period of the year.

Broadly speaking, in the summer and early autumn the demand for labor everywhere on the coast is at its height—lumber, agriculture, canning, etc. During the rest of the year the demand slackens, and in the months of December, January, and February one-quarter or more of the workers are necessarily unemployed. It is then that the large cities of the coast are crowded with workers, mostly unskilled and poor, who are nowhere wanted.

In none of the Pacific States has there been any important attempt to meet this recurring condition of unemployment by means of State legislation, although in California the possibility of such legislation is now under serious consideration. Such matters, in general, have been regarded as entirely within the hands of the local authorities. These authorities have followed no uniform plan. Some have done little or nothing, the relief of the unemployed being left to private charity. Others have established lodging houses and wood yards. A few have carried out more or less comprehensive schemes of relief

by the creation of public work, such as the building of streets, roads, and parks, and the cleaning of vacant lots.

With the matter entirely in the hands of the local authorities, however, there is always the temptation for one community to seek to relieve itself of responsibility by pushing the unemployed on to other communities. This practice has been indulged in quite frequently, and at times has been carried to the most vicious extremes, crowds of homeless unemployed being driven from place to place by the police and by mobs of private citizens.[1]

In the effort to avoid the recurrence of such practices in California, the immigration and housing commission undertook to coordinate the work of the various local authorities in caring for the unemployed during the winter of 1914–15. Considerable success was met with, although the commission had no special authority or equipment for such work, and the attempt was repeated in the winter of 1915–16.[2]

The experiment is of particular significance as representing the first important effort to deal with unemployment as a problem concerning the entire State.

SUGGESTED REMEDIES. THE LAND QUESTION.

In addition to its efforts to coordinate local relief measures, as noted above, the California Immigration and Housing Commission has made certain recommendations for State legislation looking toward the permanent reduction of unemployment. The recommendations so far made are in large part no more than outline suggestions to be worked out later in detail. But they are notable in that they avoid merely superficial remedies and concern themselves with fundamental matters. The more important of the points covered are briefly as follows:[3]

1. *Unemployment insurance.*—Following this recommendation as first made by the commission in 1914, the legislature of 1915 provided for a special commission to investigate the whole subject of social insurance and to report thereon to the legislature of 1917.[4]

2. *Better housing and living conditions.*—It is pointed out that sickness is a frequent cause of unemployment, and that much sickness is attributable to unsanitary housing, overcrowding, etc.

3. *Better educational facilities.*—The commission urges the need of teaching English to immigrants, as ignorance of the language is a serious hardship to persons seeking work and encourages their ex-

[1] Immigration and Housing Commission of California. Report on Relief of Destitute Unemployed, 1915.

[2] Idem: (a) Report on Relief of Destitute Unemployed, 1914; (b) Annual Report, 1916, pp. 327–330.

[3] Idem: (a) Report on Unemployment, 1914, pp. 5–23; (b) Annual Report, 1916, pp. 320–327.

[4] Acts of 1915, ch. 275.

ploitation by unscrupulous persons. It also urges vocational education for children as a means of reducing the number of ill-adapted workers and unemployables.

4. *Regularizing industry.*—The proper State departments to study the question and to advise with employers. The commission believes that, with proper diversity of crops, employment in agriculture could be stabilized to a very considerable extent.

5. *Opening up the land.*—The commission emphasizes the land question as of fundamental importance to the whole problem of unemployment. At the present time, it states, the speculative holdings of land keep great tracts out of the market; that even when land is offered for sale prices are so inflated that the small purchaser has little chance to make a profit; and that, in addition, there has been much misrepresentation and fraud in the sale of land to small investors. "A frightfully large proportion of such investors have come to grief, have been forced back to the cities, many of them as unskilled laborers, to swell the ranks of the casual employed." By an act of 1915 fraudulent real estate advertising is made a misdemeanor.

The attitude of the commission toward the breaking up of the large land holdings is indicated in the following excerpt, which also contains some interesting data regarding the extent of such holdings:[1]

Those who have made particular study of the problems of unemployment and immigration realize that one of the most natural outlets, and one of the most logical, is in the direction of releasing to small owners the land now held in large parcels. A recent study of California's assessment rolls reveals the following striking examples of existing conditions:

In Siskiyou County the Central Pacific Railroad Co. was assessed for 664,830 acres of land, being approximately 36 per cent of all land assessed in that county.

In San Bernardino County the Southern Pacific Land Co. was assessed for 642,246 acres.

Kern County had, according to the California Blue Book, 2,793,605 acres with an assessed valuation. The assessment rolls showed that nearly one-half of that vast acreage was assessed to four concerns, namely, the Southern Pacific Land Co., the Kern County Land Co., R. F. Elliott (trustee, Tejon ranch), and Miller & Lux.

The total California holdings of Miller & Lux approximate 700,000 acres. In Merced County alone 245,000 acres were assessed against this corporation.

There is no evidence to show that large land holdings are confined wholly to California. Competent authorities have estimated that the total gifts to the public, i. e., national land grants to railways, have aggregated more than 215,000,000 acres. There does seem to be ample evidence, however, that to-day the large landholders

[1] Commission of Immigration and Housing of California. Annual Report, 1916, pp. 326, 327.

find it to their advantage "to hold on" to the vast acreage of unimproved lands in their possession.

That it would be to the great advantage of our State to break up these large holdings, there can be no doubt. Just what are the best methods to this end, the commission is in some doubt. Therefore, an investigation of the land situation within this State is under way; and it is the hope of the commission that it may be able to offer some definite suggestions before many months have passed.

Possibly some legislation could be devised that would directly break up the large holdings. There are those who contend that a revision of our methods of taxation would serve that end. To transform the latent resources of the State, they say, we must shift the tax burden from improvements on land, such as houses, trees, etc., and from personal property, such as horses, cows, merchandise, and other products of labor, to land values.

Those who look to taxation as the remedy point to the fact that the California assessment rolls show that our tax laws enable the owners of idle, unimproved land to escape with only a nominal, and in many instances a positively ridiculous, low tax. For example, 22,061 acres of Central Pacific lands in Yuba County paid an average tax of 6 cents per acre; 69,008 acres assessed to the same concern in Tehama County paid 7½ cents per acre; 16,000 acres owned by the Agoure interests in Ventura County paid an average of 8½ cents per acre; 13,732 acres assessed to the Southern Pacific Land Co. in Tulare County paid an average of 4½ cents per acre.

So, though good citizens may question the advisability of adopting radical means to pry the land monopolists loose from their holdings, all must agree that the present method of taxation will not do it. However, whether the remedy is in taxation or in some other method, or in a combination of both, the commission is not yet prepared to say.

CHAPTER III.—THE WORKER AND HIS WAGES.

OPPORTUNITY FOR FRAUD.

The exploitation of labor through nonpayment of wages is a widespread and serious evil. The evil is, of course, in no way limited to the Pacific States, but conditions there are favorable to its existence—the casual, seasonal character of many of the employments offered; the existence of a large body of immigrant laborers, ignorant of their rights and often fearful of the law; the location of much of the work in isolated districts; the opportunity in certain lines of business, such as small logging operations, for persons with little or no capital to stake everything, including the wages of their employees, upon the success of the one undertaking.

The full extent of the evil is not known. But that it is of a widespread character is evident from the experience of the several State labor bureaus in handling wage complaints. Thus, the California Bureau of Labor, during the 3 years 1912–1914, received over 12,000 complaints against employers for nonpayment of wages and succeeded in making collections in some 8,000 cases, the total amount collected amounting to no less than $171,000.[1] Again, the Washington bureau, during a period of 16 months, handled 623 wage complaints and obtained settlement in 146 cases for the total sum of almost $8,000.[2] In each of these cases, it may be assumed that the complaints settled by the bureau of labor represent only a fraction of the legitimate complaints for the State as a whole, as in neither case had the bureau of labor any specific jurisdiction, and but comparatively little authority, in the matter of wage payments.

Also, as indicating the seriousness of the subject, is the agreement in opinion of those familiar with conditions in these States. "The nonpayment of wages," says the commissioner of labor of Washington, "causes untold distress among the working people of this State and exists to an extent that would surprise those unacquainted with it." And he states his conviction that "the working people of the State need help in this respect more than they do in any other, for it appears they can take better care of themselves when it comes to finding employment than they can in collecting wages after they get a job."[3] The California labor commissioner is equally em-

[1] Report of Bureau of Labor, California, 1913–14, p. 15.
[2] Report of Bureau of Labor, Washington (State), 1913–14, p. 195.
[3] Idem, pp. 195–205.

phatic: "The problem is fundamental. It strikes at the very root of our economic, social, and political structure. The man or woman who has honestly toiled and can not obtain the wages earned, loses faith in humanity and the efficacy of our laws and courts; is often turned out a beggar, vagrant, or criminal, or seeks redress by forcible means."[1]

In the absence of special laws regarding wage payments the only protection of the worker against fraud is his right to bring civil suit against his employer for recovery of unpaid wages. But this in itself is often insufficient to secure justice. Litigation is expensive; frequently the worker is not only poor but is ignorant of his rights, and very often the amount involved, while important to the individual, is too small to warrant the expense of suit. In addition the worker who seeks legal aid may easily fall into the hands of unscrupulous lawyers or collection agencies. This is not only possible, experience has shown it to be highly probable.[2]

The so-called mechanics' lien laws, by making wages a prior lien upon the employer's property, increase the security of the worker's claim in case his suit is successful. But they do not relieve him of any of the mentioned difficulties incident to his bringing suit and have no important deterrent effect upon misconduct by the employer. Moreover, the lien laws fix a time limit within which action must be filed, and usually it is not difficult for the employer to persuade the worker to postpone action until the time limit has expired. And again in very many cases the employer has no property against which a judgment can be secured. Even if the worker's suit is favorably decided he gets nothnig but a bill for his attorney's fee.[3]

PROTECTION OF WAGES BY LAW.

These are the conditions which have led to the enactment of special wage-payment laws. The laws so far adopted in the Pacific States are of varying degrees of effectiveness. By them some of the abuses have been abolished and others have been modified. But, broadly speaking, the basic cause of evil still exists, namely, that a very large body of workers, unaided and inadvised, is unable to avail itself of the benefits of legislation.

With very few exceptions, no special provision was made for the enforcement of the wage laws. It was assumed that, in so far as civil remedies were provided, the worker would take advantage of them, and that when criminal offenses were involved prosecution would be undertaken more or less automatically by the prosecuting

[1] Report of Bureau of Labor, California, 1913–14, p. 15.
[2] Commission of Immigration and Housing of California. Annual Report, 1916, p. 104.
[3] Report of Bureau of Labor, Washington (State), 1913–14, p. 196.

authorities. In practice these assumptions proved true in only a very limited degree.

To the extent that enforcement has been actively undertaken it has been by an assumption of jurisdiction on the part of the State bureau of labor. None of these bureaus is vested with definite jurisdiction or authority in the matter of wage-payment laws, nor with special equipment to handle wage complaints. But by each of them considerable attention has been devoted of recent years to aiding the worker who believes he has been defrauded of his wages. In Washington and Oregon the amount of attention devoted to the subject has been rather limited, other prescribed duties demanding most of the resources of the bureau. In California, however, particular emphasis has been placed by the labor bureau upon the handling of wage complaints, and a very large part of its time has been devoted thereto.

The commissioner of labor of Washington, in urging the imperative need of legislation to insure the worker's getting his just wages promptly and in full, suggests two possible remedial measures. One is to require all employers of labor to furnish bond to insure the payment of wages, just as contractors on public works are usually required to do. The other is the establishment of small debtors' courts under the jurisdiction of the justices of the peace, where cases involving small debts could be disposed of rapidly, informally, and cheaply.[1]

CHARACTER OF THE WAGE PAYMENT LAWS.

The requirements of the existing wage laws of these States may be grouped into four classes: (1) The requirement of prompt payment of wages at termination of employment; (2) the requirement that wages be paid at certain fixed intervals; (3) the prohibition against payment of wages in anything but lawful money; and (4) a provision, limited to California, for the State supervision of wage payments in the case of Alaskan cannery labor.

(1) PROMPT PAYMENT AT TERMINATION OF EMPLOYMENT.

The Washington law declares that all wages due a worker must be paid immediately upon the termination of his service.[2] This, however, is little more than a declaration of principle, inasmuch as it neither penalizes the employer for failure to pay nor materially aids the worker in recovering from the employer.

[1] Report of Bureau of Labor, Washington (State), 1913–14, p. 205.
[2] R. and B. Codes and Stat., 1910, sec. 6560.

The Oregon law is somewhat more stringent. It makes wages payable at termination of service and allows the court, in case of suit by the worker, to add the attorney's fee to the judgment granted.[1] When this is done it relieves the worker of a burden which in cases involving small amounts of money may be an item of much importance to him.

The California law upon this subject is very much more forcible than that of either Washington or Oregon, but a recent court decision renders the status of the law somewhat uncertain. The situation is this. The legislature of 1911 passed an act requiring payment of wages on termination of employment and made failure to do so a misdemeanor, punishable by a fine not to exceed $500.[2] Under this act the authority of the bureau to secure wage settlements was greatly strengthened, and its activities along this line rapidly increased.

The act remained in force for three years, when (1914) an appellate court of the State declared it to be unconstitutional, on the ground that the penalty carried with it the possibility of imprisonment, and that inasmuch as the element of fraud was not involved in the statute this would be equivalent to imprisonment for debt.[3]

In the effort to meet this objection the legislature of 1915 reenacted the same law but with a different penalty clause.[4] This new clause provides that if an employer fails to pay wages when due the wages shall be regarded as continuing until paid, but not to exceed a period of 30 days. This is equivalent to a maximum penalty of 30 days' additional wages for the benefit of the worker. Furthermore, it is also provided that if failure to pay is due to willful refusal or with intent to defraud the employer becomes guilty of a misdemeanor, subject to prosecution by the State. The act as thus revised has not yet been passed upon by the courts and is regarded as in effect.

(2) WAGES TO BE PAID AT FIXED INTERVALS.

In neither Washington nor Oregon is there any legal requirement that wages be paid at fixed intervals. Under the California law, however, it is required that wages be paid at least monthly in all employments and semimonthly, on fixed days, in all cases where more than six persons are employed, other than in farm and house work.[5] Failure to observe this law, if due to willful refusal or with intent to defraud or delay, is made a misdemeanor.

[1] Lord's Oregon laws, secs. 5067, 5068.
[2] Acts of 1911, ch. 663.
[3] Ex parte Crane, Cal. App. 145, Pac., 733.
[4] Acts of 1915, ch. 143.
[5] Acts of 1915, ch. 657.

(3) WAGES TO BE PAID IN LAWFUL MONEY.

All three of the States forbid the payment of wages in store orders or in any form of scrip or pay checks that are not redeemable in lawful money on demand.[1]

The Washington law requires that all pay checks be redeemable within the county, unless a point in another county be more convenient, and Oregon has a similar provision. The Washington commissioner of labor points out that, although pay checks must be redeemable within the county, the workers may still be subjected to considerable hardship. He notes that men are often required to go 50 or 60 miles to the redemption office and believes that, at the least, checks should be made redeemable at the nearest trading point.[2]

In Washington failure to redeem pay checks in full constitutes a misdemeanor, and in addition, upon suit by the worker, the court must add to the judgment the attorney's fees of the worker and $25 damages for his personal benefit. The State supreme court has upheld the constitutionality of this latter penalty.

The California law makes failure to redeem pay checks a misdemeanor. The Oregon law does not make the offense a misdemeanor, and the only penalty mentioned is that the court may add attorney's fees to the judgment.

(4) STATE SUPERVISION OF WAGE PAYMENTS IN THE CASE OF ALASKAN CANNERY LABOR.

In 1913 California passed an interesting act, the primary purpose of which was to meet a peculiar labor condition in connection with the Alaskan salmon canneries. It is the practice of these canneries to hire labor in San Francisco for shipment to Alaska under a contract calling for a season's work and for payment of wages in full on the return to San Francisco at the end of the season. The system permits of many grave abuses. An official investigation by the bureau of labor in 1912 showed that, as a result of the general helplessness of the laborers employed, wage deductions were made upon such a scale that few of the men actually received at the end of the season more than a pitiable fraction of the wages mentioned in the contract.

In an attempt to avoid some at least of the abuses of the system the act of 1913 provides that in all cases where persons are hired and paid within the State but the work is performed outside the State wages are to be paid in the presence of the commissioner of

[1] Washington R. & B. Codes and Stat., 1910, secs. 6560, 6561, 6562. Oregon, Lord's Oregon Laws, sec. 5066. California Acts of 1911, ch. 92 (as amended by Acts of 1915, ch. 628).

[2] Report of Bureau of Labor, Washington (State), 1913–14, p. 200.

labor or of an examiner appointed by him upon application of either the employer or the employee, and that, when this is done, the findings of the commissioner or the examiner are to be conclusive as to the amount of wages due.[1]

Under this law examiners of the bureau supervised the paying off of much of this labor at the ends of the canning seasons of 1913 and 1914, with the result that the average payment increased from $35 per man in 1912, before the law went into effect, to an average of $110 in 1913 and an average of $120 in 1914.[2]

The effectiveness of this law, however, was dependent upon the enforcing procedure prescribed in the wage-payment act of 1913, which, as has been noted, was declared unconstitutional.

The importance of the subject of the contract-wage system in use among Alaskan cannery labor is evident from the previously mentioned investigation of the labor bureau. The information then brought out revealed some extremely vicious conditions affecting, it is estimated, as many as 5,000 men. The following excerpt from the report of that investigation indicates the condition of labor in a field of employment about which there is comparatively little knowledge:[3]

The question of the payment of wages to the men employed in the Alaska salmon canneries has been one of great annoyance to the bureau during the past two seasons. These men are hired in San Francisco during the months of March and April and are shipped north to work in the salmon canneries located on the coast of Alaska. They are returned during the months of August and September and are paid off in San Francisco for the full season's work. At the time these men are paid off the real trouble begins. Innumerable disputes arise on account of the deductions that are made for various items, principally for gambling debts, liquor, and food.

In order to fully realize the situation it will be necessary to explain the methods resorted to in the hiring of men to work in these canneries. As a rule, the company owning or operating the cannery enters into a contract with a Chinese contractor, whereby the Chinese contractor agrees to furnish all the help necessary to clean, pack, cook, label, and box all the salmon delivered to him at a certain cannery. The company agrees to pay the Chinese contractor a certain amount for each case of salmon packed and guarantees a minimum number of cases. If no salmon is packed—by reason of the failure to deliver the fish at the cannery, which may arise when the salmon are not running—the Chinese contractor receives his contract price. The Chinese contractor guarantees to deliver a certain number of men necessary to operate the cannery, and is penalized in the sum of $250 for each man he is short on the day of the sailing of the company's ships. As soon as the Chinese contractor signs up with the company, he sublets his contract to several other subcontractors,

[1] Acts of 1913, ch. 198.
[2] Report of Bureau of Labor, California, 1913–14, p. 17.
[3] Idem, 1912, pp. 51, 52.

consisting chiefly of Japanese, Filipinos, Porto Ricans, and Mexicans. These subcontractors go among their own people and hire them for the season at a fixed sum, usually from $160 to $180. This sum is, as a rule, the full amount that the Chinese contractor has allowed the subcontractor, but the subcontractor figures to make his money from the privileges of running the "slop chest"—which is the term applied to the store—and from the gambling. In addition, the subcontractor draws his wages, and it is the general practice for a subcontractor to work along with his men at the cannery. The Chinese contractor advances $40 for each man to the subcontractor. The subcontractor turns this amount over to his men, but not directly. Usually he permits them to go to some store which he selects—where they can purchase clothes—and he often pays their room and board up to the time of sailing, for it must be understood that the hiring of men goes on for months before the ship sails. When the men are on board the ship whatever is left of the $40 advance money, after the above deductions have been made, is paid to them.

A rather interesting deduction is the one of $2.50 to $5 per man for services of detectives and watchmen, who are employed by the subcontractor to see that the men do not get away before the ship sails. Here we have the unique position of a man being obliged to pay for the privilege of being watched so that he can not run away. The Chinese contractor furnishes the food on the voyage to and from and during the time the men are at the cannery. This food consists of the regular Chinese fare, namely, rice, kelp, tea, and, sometimes, beans, except that at the cannery fish is often given to the men. The food question causes considerable trouble, owing to the fact that the men do not relish it and are compelled to buy American foods from the "slop chest" or from the Chinese stores. On the return to San Francisco, the company pays the Chinese contractor the total amount due him under the terms of the contract, and the Chinese contractor, in turn, pays to the men the amount agreed upon, less the charges that appear against them in an account rendered by the subcontractor. In past years the Chinese contractor would turn the money over to the subcontractors for payment to the men, but it became a general practice for the subcontractor to abscond with the money and leave the men clamoring at the doors of the Chinese contractor for their wages.

During the past few years the offices of this bureau have been besieged by hundreds of these cannery hands upon their return from Alaska. These men present a multitude of claims, which involve questions of false or exorbitant deductions on their wages. Many of these men are returned to San Francisco without a cent due them after a season's work, all of it having been charged against them for food or gambling debts incurred at the gambling tables operated on the ships by the subcontractors.

CHAPTER IV.—WOMAN LABOR.

Of recent years all three of the Pacific States have shown marked activity in the enactment of laws for the protection of the woman worker. Prior to 1913 these laws consisted of statutory restrictions upon working hours and statutory requirements regarding health conditions in work places. The requirements regarding health conditions were few and of little effect. But restrictions upon hours of labor were becoming more and more rigid. Starting, in 1901, with a Washington law limiting the work of women to 10 hours, but permitting a 7-day week, legal working hours for women had been gradually shortened until an 8-hour day had been enacted in Washington and California for many of the important industries, and Oregon had adopted a 10-hour day, 60-hour week.

THE INDUSTRIAL WELFARE COMMISSIONS; THEIR IMPORTANCE AND JURISDICTION.

In 1913 an entirely different method of State control over woman labor was inaugurated. There was created in each of the States a special administrative body—known as the industrial welfare commission—to which was given far-reaching authority to determine the conditions of employment of women and children.[1] Statutory requirements already in force—such as those limiting hours of labor—were not repealed. They remained in force as minimum restrictions which the welfare commission might make more rigid but not less rigid.[2] Also, the legislature, of course, did not divest itself of any of its power to make such further statutory requirements as it might see fit. But, broadly speaking, it was the intention of each of these States that the welfare commission should take from the legislature the responsibility of making detailed rules and regulations regarding the employment of women.

This delegation of authority was a most important one. It makes of the industrial welfare commission in each of the Pacific States, an agency of dominant influence in determining the attitude of the State toward the protection of woman labor and, to a less complete extent, toward the protection of child labor.[3]

[1] Acts of Washington, 1913, ch. 174. Acts of Oregon, 1913, ch. 62. Acts of California, 1913, ch. 324 (as amended by acts of 1915, ch. 571).

[2] Except emergency overtime in Oregon. See later section of this chapter.

[3] See Chapter V.

The primary duty of the welfare commission is to determine, according to prescribed procedure, what particular regulations are necessary for the health and welfare of women and children in industry, and thereupon, to issue such regulations as obligatory orders. This duty extends to all women and all minors under 18 years of age, employed as wage earners in any industry or occupation. The acts of all three States are identical in this respect.

The three acts, however, are not quite identical as regards the subjects for which the commission is given authority to determine standards. In Oregon and California this authority covers the subjects of minimum wages, hours of labor, and conditions affecting physical and moral welfare. In Washington the commission's authority is not so extensive. It covers minimum wages and conditions affecting physical and moral welfare, but does not specifically cover the subject of hours of labor. In practice, however, the Washington commission has placed certain restrictions upon the night work of children as detrimental to their general welfare, and it is possible that the law might be similarly interpreted as regards the hours of labor of women.

All three acts contemplate that different standards may be determined for different employments—that, for instance, a higher minimum wage may be fixed for retail stores than for factories, on the ground that saleswomen are under a greater expense for clothes. Moreover, as the word "occupation" is used in the law, very small groups of workers may be separately considered. In practice each of the commissions has adopted the industry as the basic unit in most instances—stores, factories, hotels and restaurants, laundries, etc.—and have fixed standards for the industrial group as a whole. In a few cases, however, smaller occupational groups have been treated separately.

In only one of the three States—Oregon—has any distinction been made by locality. Here the law specifically permits different standards to be erected for the same employment in different parts of the State, and the commission has used this permission to make separate rulings for Portland City as distinguished from the State as a whole. In Washington and California the law is silent upon this point, and the respective commissions have assumed that standards must be uniform for the State and have so acted up to the present time.

EXISTING RESTRICTIONS UPON THE EMPLOYMENT OF WOMEN.

The welfare commissions of all three States were created by legislative acts of 1913 and were appointed and organized during the course of that year. Their work is still in progress. The Oregon commission has been the most active in framing standards and issu-

ing orders. Its orders have covered wages and working hours in all industries. The Washington commission has also been active in the framing of minimum-wage standards, most of the important industries having been covered. The California commission thus far has arrived at determinations for only one industry—fruit and vegetable canning.

As a result of the work of the welfare commissions, the existing legal restrictions upon the employment of women in the Pacific States are a combination of commission orders and statutory requirements.

The following table gives for the three States the substance of these restrictions as regards wages, hours of labor, and night work. Statutory requirements are printed in italics. All other entries represent commission orders.

Because of the condensed character of the table, the classifications are not entirely precise, but are sufficiently so for the purpose of broad comparisons. And it is to be remembered that the wage rates given are for experienced women and do not cover minors and apprentices.

TABLE 1.—RESTRICTIONS UPON THE EMPLOYMENT OF WOMEN IN WASHINGTON, OREGON, AND CALIFORNIA.

[Items in italics represent statutory laws. Other items represent orders of the industrial welfare commissions.]

Kind of establishment or work.	Minimum wage per week.				Maximum hours per day and per week.				Prohibition of night work (after specified hours).			
	Washington.	Oregon.		California.	Washington.[1]	Oregon.		California.	Washington.	Oregon.		California.
		Portland.	Rest of State.			Portland.	Rest of State.			Portland.	Rest of State.	
					D. Wk.	D. Wk.	D. Wk.	*D. Wk.*		*p. m.*	*p. m.*	
Mercantile	$10.00	$9.25	$8.25	None.	*8 56*	8 50	9 54	*8 48*	None.	[2] 6.00	[2] 8.30	None.
Factories	8.90	8.64	8.25	None.	*8 56*	[3] 9 54	[3] 9 54	*8 48*	None.	8.30	8.30	None.
Canneries	8.90	8.64	8.25	(4)	None.	[5] 10 54	[5] 10 54	[6] 10 60	None.	8.30	8.30	None.
Laundries	9.00	8.64	8.25	None.	*8 56*	9 54	9 54	*8 48*	None.	8.30	8.30	None.
Telephone and telegraph	[7] 9.00	8.64	8.25	None.	None.	9 54	9 54	*8 48*	None.	None.	None.	None.
Office work	10.00	[8] 9.25	8.25	None.	None.	10 51	10 54	None.	None.	None.	None.	None.
Hotels, restaurants, etc.	[9] 9.00	8.64	8.25	None.	*8 56*	9 54	9 54	*8 48*	None.	None.	None.	None.
Other [10]	None.	8.64	8.25	None.	None.	9 54	9 54	None.[11]	None.	None.	None.	None.

[1] Law permits of 7-day week.
[2] Except confectionery stores and cigar stands in hotels.
[3] Except woolen mills, 10 hours per day allowed.
[4] For time workers, 16 cents per hour; equivalent to $9.60 for a 60-hour week. For piece workers, see text.
[5] With overtime up to 60 hours per week permitted for not over 6 weeks in the year at 1½ regular rate.
[6] With overtime permitted up to 72 hours per week at 1½ regular rate.
[7] For cities of over 3,000.
[8] Order fixes $40 per month.
[9] Waitresses excepted.
[10] Personal service establishments (manicuring, etc.) in Oregon.
[11] Except that amusement places and express and transportation companies are covered by the 8-hour law.

Comparisons between States, as offered in this table, show differences of much interest. The differences are of especial significance because of the fact that industrial and living conditions are fairly homogeneous for the three States and particularly so for the States of Washington and Oregon.

The first part of the table shows the minimum wage rates as established by the welfare commissions of Washington and Oregon. The most striking point here is that the rates for Washington are uniformly higher, and in several cases very much higher, than those for Oregon. Thus, the Washington rate for mercantile establishments is $10 per week as against $9.25 per week for Portland and $8.25 for the rest of Oregon. Similar differences exist for the other industrial groups listed. Also it may be noted that the variations between industries in the two States are not according to the same basic scale. Thus in Washington the rate for laundry work is higher than for factory work, whereas in Oregon no distinction is made between these two classes of employment.

In California the only minimum wage rates so far established by the welfare commission are for fruit and vegetable canning. These are in the form of piece rates for pieceworkers, who predominate in the industry, and of hourly rates for time-workers. The minimum time rate is 16 cents per hour for experienced workers. The piece rates are by the pound or can. The actual earnings that the piece rates will produce can only be determined after experience. It was intended that they should permit of earnings of not less than the 16 cents per hour minimum fixed for time-workers. An hourly rate of 16 cents represents a weekly rate of $9.60 for a week of 60 hours.[1]

The second part of the table gives the legal restrictions upon hours of labor. Here again there are striking differences as between States and as between industries in the same State. Washington fixes a flat 8-hour day for a limited number of employments but permits seven-day work therein and thus makes a 56-hour week legally possible. In most employments, of course, a six-day week is cus-

[1] The minimum wage rates for fruit and vegetable canning as issued by the California Industrial Welfare Commission (February, 1916) are in full as follows:

Occupation.	Minimum piece rate.
Cutting apricots	$0.225 per 100 lbs. (or $0.09 per 40 lbs.)
Cutting pears	.375 per 100 lbs. (or .15 per 40 lbs.)
Cutting cling peaches	.225 per 100 lbs. (or .09 per 40 lbs.)
Cutting free peaches	.125 per 100 lbs. (or .05 per 40 lbs.)
Cutting tomatoes	.03 per 12 quarts
Canning all varieties of fruit, No. 2½ cans	$0.015 per doz. cans
Canning all varieties of fruit, No. 10 cans	.036 per doz. cans
Canning tomatoes, No. 2½ cans	.01 per doz. cans
Canning tomatoes, No. 10 cans	.024 per doz. cans

Minimum time rates: Experienced hands, 16 cents per hour; inexperienced hands, 13 cents per hour. A person employed as much as three weeks in the industry is to be regarded as an experienced hand.

tomary, aside from any law upon the subject, but there are certain kinds of labor, such as hotel service, where seven-day work is not infrequent.

The California law is more stringent in this respect. It establishes not only an 8-hour day but also a 48-hour week for a number of important industries. For the canning industry, however, the welfare commission has fixed a normal 60-hour week and permits as much as 72 hours per week, provided that overtime is paid for at one and one-quarter the regular rates.

The Oregon restrictions upon working hours are of particular interest as being wholly the result of commission determinations. The original statutory law fixed a 10-hour day, 60-hour week, in most employments of women. Commission orders have reduced these maximums, but in no case have the reductions been to an 8-hour day, as fixed in Washington and California for certain employments. On the other hand, the Oregon restrictions are more comprehensive in scope than those of either of the two other States, all employments of women being covered.

The third part of the table shows a general lack of interest in the subject of night work by women. In Washington and California there are no restrictions at all upon such work. In Oregon orders of the welfare commission forbid the employment of women after certain hours in the evenings at certain kinds of work. The most stringent of these prohibitions is that against the employment of women in mercantile establishments after 6 p. m.

THEORY OF THE INDUSTRIAL WELFARE COMMISSION.

The plan of delegating to an administrative body the authority to determine rules and standards for the protection of labor had its first important development within the United States in the Wisconsin industrial commission act of 1911. As originally conceived, the plan was primarily concerned with the subject of safety standards, but it was later extended to cover a much larger range of subjects. The Pacific States were among the first to accept the plan thus developed. It constitutes the basic idea of the industrial welfare commission acts of all three of these States, and, in addition, was incorporated in the workmen's compensation act of California, in so far as safety standards are concerned.

Inasmuch as the status of this plan, both as a matter of law and a matter of practical effectiveness, is still in debate, the theory upon which it is based becomes of very great interest. This theory, in its application to the subject of woman labor, may be briefly outlined as follows:

It is the policy of the State that women shall not be employed at wages inadequate for decent living or under conditions harmful to their health and welfare. To enact this policy into law requires the fixing of minimum wages and standards of working conditions. But the fixing of such standards to meet the many different circumstances of employment and to keep pace with changing circumstances is a matter which the legislature believes it is impracticable for it directly to undertake. The legislature therefore delegates this work of framing detailed standards to an administrative commission. It declares by statute that no experienced woman worker shall be employed at a lower wage than permits of decent living or under conditions harmful to her welfare and leaves it to the commission to determine in particular cases what wages and conditions are necessary to prevent these evils.

It is of the essence of this theory that the determinations so arrived at shall represent true findings of fact. To accomplish this, provision is made for investigation on the part of the commission and for conferences and hearings at which employers, workers, and the public shall be represented. It is assumed that determinations so arrived at will be accurate and reasonable.

These determinations are to have the force of law, being the expression of legislative will. But it is not conceived that the commission itself makes laws. It merely determines the facts and conditions under which the law applies. Thus, in theory, if the commission, acting according to the procedure prescribed, finds that women in mercantile establishments can not maintain a decent living on less than $10 per week, then $10 a week automatically becomes the legal minimum wage for such workers. Or if it finds that the health and welfare of women in factories necessitates the provision of washing facilities, then the requirement of wash rooms in factories automatically becomes a law.

The constitutionality of this whole theory, and thus of all three industrial-welfare commission acts, now awaits decision by the United States Supreme Court in the case of Stettler *v.* O'Hara. This case is an appeal from the Supreme Court of Oregon, which had upheld the welfare-commission act of that State as in harmony with both the State and Federal Constitutions.[1]

In California a constitutional amendment of 1914 gives the legislature specific authority to enact minimum wage laws for women and to delegate authority to an administrative commission to determine wage standards.[2] This validates the welfare commission act so far as the State constitution is concerned.

[1] 139 Pac. Reporter, p. 743 (Mar. 17, 1914).
[2] See Acts of 1913, p. 1746.

DIFFICULTIES IN THE FRAMING OF STANDARDS.

The welfare-commission act of each of the Pacific States is specific in declaring that standards are to be based entirely upon the needs of the women workers. This is in contrast with the minimum-wage acts of such States as Massachusetts, Colorado, and Nebraska, where the law is equally specific in declaring that in fixing minimum wages the financial condition of the employers and of the industry is to be considered. In the Pacific States the sole criterion in the eye of the law is the health and welfare of the worker. The Oregon act, for example, requires that women's wages shall be sufficient "to supply them with the necessary cost of living and maintain them in health," and that they shall not work "unreasonably long hours" or "under surroundings or conditions detrimental to their health or morals."

This is a point of much importance, particularly in the case of minimum-wage determinations. Under the law it is the duty of the welfare commission in each of these States to determine for each occupation or group of occupations the minimum wages imperatively demanded by the health and welfare of the women therein. In practice this is a matter that presents many perplexing problems. The financial condition of the industry constantly obtrudes itself. Thus, the Oregon conference upon factories in Portland, in making a recommendation of a minimum weekly wage of $8.64, which was later accepted by the commission, remarks as follows:

> In the establishment of such a minimum, general in its application, consideration must also be given to industry as it exists, and care must be taken that injustice is not inflicted in an effort to remedy abuses that have long existed.[1]

But, entirely aside from the question of financial condition of industry, the fixing of a minimum wage upon cost of living involves numerous difficulties and in many cases can be of only approximate accuracy. Such is necessarily the case when, as in Washington, the standards are to be uniform for the State. Cost of living may differ very considerably as between large cities and small towns, and it is impossible to frame one minimum standard which will meet all of the local differences.

Even for the same industry in one locality it is an extremely difficult matter to ascertain just what a correct minimum wage should be—to determine what items in a woman's living expenses are to be regarded as necessary and what ones are to be excluded as not necessary. In addition, there is the very practical difficulty that when these standards are arrived at through conferences composed

[1] Report of Industrial Welfare Commission, 1914, p. 7.

of more or less conflicting interests they are very likely to be the result of compromised opinions.

As an example of the actual difficulties encountered by the commissions and conferences in their efforts to arrive at minimum-wage standards a brief summary is given of the proceedings of one of the conferences.

EXAMPLE OF CONFERENCE PROCEEDINGS.

There were present all nine of the appointed conference members—three representatives each of the employers, the workers, and the public—and all members of the commission. The chairman of the commission acted as chairman of the conference.

The first part of the meeting was taken up in a general discussion of women's work and wages, and of the position of the apprentice and learner. It was insisted upon by the commission and by several conference members that the minimum wage decided upon should be sufficient to support a self-supporting woman; that is to say, should be sufficient to cover all necessary expenses of a woman without other means of support. It was agreed that each of the expense items—room, board, suits, shoes, etc.—should be considered separately, and that each member of the conference should make an estimate of each item in a prepared form.

This was done. The totals varied greatly—from $671.75, which would be about $13 a week, to $374.05, which would be about $7 a week. The highest estimate was that of one of the employee's representatives; the second was the estimate of an employer. The lowest two estimates were those of employers.

It was then decided that each item should be taken up in turn and that the discussion be between the lowest on the employers' side and the highest on the employees' side. Discussion then centered around the need a woman has of certain things and of the prices that should be paid. No vote was taken, however, and no precise conclusion was reached as to a reasonable amount for each item.

Thereupon one of the employers suggested $8 and a second one moved that $9 be decided upon as a minimum for women 18 years of age and over. The latter was voted upon—three favoring, six not in favor; the three favorable votes being those of an employer and two representatives of the public. Following this one of the employees moved that the minimum be placed at $10. The motion was carried by 5 to 4, the five favorable votes being the three employees and two public representatives. It was felt, however, that unanimity was desirable, so the motion was reconsidered and a committee of three—one from each of the parties—was appointed to confer on the matter. These came to no definite decision. The

discussion developed, however, that the employees could agree on $9 and the employers on $8.50. After a recess one of the employers moved a compromise minimum of $8.75. This was voted down, 6 to 3, the three favorable votes being those of the employers. Finally, a compromise was effected at $8.90, and the recommendation was made unanimous.

EFFECT OF MINIMUM WAGE DETERMINATIONS.

The principle of State-established minimum wages for women is of too recent adoption in this country to permit of definite conclusions as to its practical effects. The Pacific States were among the first to adopt the principle and, with the exception of Utah, which fixed a minimum wage by statute, Oregon and Washington were the first States to establish minimum wages upon a comprehensive scale.

The only independent study so far made of the effect of wage determinations in the Pacific States is that contained in a report of the United States Bureau of Labor Statistics upon the results of such determinations in the retail stores of Portland, Oreg.[1] This study was made in 1914 and covered conditions in March and April of the year 1913 and the same two months in the year 1914—periods ending five months before and beginning five months after the date on which the first wage determinations went into effect.

The study suffered under several important limitations. The period following the adoption of the wage rulings was one of considerable depression in business. The study had to be limited to the one industry of retail merchandizing in a few localities. Because of lack of data and records, all of the stores could not be covered.

But, notwithstanding these and other difficulties, a number of interesting conclusions were arrived at. These are summarized in the published report as follows:

> Girls under 18 years of age have increased, especially in the errand, bundle-wrapper, and cashier occupations, but not in the more skilled work of selling, sewing, or of the office. These first-named occupations tend to become the sphere for minors to the exclusion of adult women with or without experience, a result, in all probability, of the minimum-wage determinations.
>
> The wage determinations have not put men in positions vacated by women. The causes operating to decrease the number of women also operated to decrease the number of men, though to a less degree, as force.
>
> The rates of pay for women as a whole have increased. Wherever the wage rates of old employees have been changed since the minimum-wage rulings, the employees were benefited. * * * Among the experienced women not only the proportion getting $9.25 (the

[1] Bulletin U. S. Bureau of Labor Statistics, No. 176.

legal minimum), but also the proportion getting over $9.25 has increased. The proportion of the force receiving over $12 has also increased, although the actual number has decreased. Some experienced women were receiving rates below the minimum to which the determinations entitled them.

Employment was more regular in 1914 than in 1913. This was due in part to the fact that under depressed business conditions fewer new employees were taken on for short periods. The disparity between rates and earnings was therefore less in 1914, but sufficiently large in that year to call attention sharply to the importance of giving unemployment consideration in making minimum-wage determinations. The Oregon commission took no cognizance of unemployment, confining its first attempts to determining the minimum amount below which a self-supporting woman could not subsist in health and comfort, and to fixing this amount as the minimum rate of pay. * * *

A comparison of sales made by women raised to, receiving, or who should have received the minimum with those of women receiving above the minimum does not reveal differences that would indicate a decrease in the efficiency of those affected by the wage determinations. The numbers for whom comparable data on this subject could be secured were too limited, however, to warrant conclusions.

All the changes arising from decreased business, reorganization of departments, and increased rates of pay resulted in an increase in the female labor cost and also in the total labor cost of 3 mills per dollar of sales. This increased cost was not distributed equally among stores or among departments in the same store. The changes in female-labor cost varied from an 8-mill increase per dollar of sales in Portland neighborhood stores to a 1.2-cent decrease in Salem stores.

WORK AND PROCEDURE OF THE WELFARE COMMISSIONS.

As has been pointed out, it is an essential feature of the commission plan that all determinations are to be the result of thorough investigation by the commission and of discussion in conference by the parties interested. In Oregon and Washington, indeed, the commission may not fix standards for women workers except upon the recommendations of conferences composed of representatives of employers, workers, and the public. But the authority of the commission to veto conference findings, to appoint new conferences, and to direct procedure gives it a very important influence in the framing of all standards.

In California also the use of the conference (called wage board) is contemplated by law, but its appointment is optional with, and its findings are not binding upon, the commission. Before any determinations may be issued as orders, however, the commission must submit them for general discussion and criticism to a public meeting announced for this purpose. In the work so far done by the commission the conference idea has been made prominent.

The welfare commissions of all three of the Pacific States were created by acts passed in the early part of 1913, and all three com-

missions were organized within four or five months of their creation. The Oregon commission, organized in June, almost immediately began preparations for conferences and hearings and issued it first orders within two months. The Washington commission issued its first orders in April, 1914, 10 months after organization. The California commission was much more deliberate. It laid much emphasis upon investigative work, and with a larger appropriation than that of Washington or Oregon carried on extensive field studies. Its first determinations were not arrived at until the early part of 1916—two and a half years after organization. These were concerned solely with the canning industry and are the only determinations so far made by the California commission. Thus the following account of the work and procedure of the welfare commissions will be limited to those of Washington and Oregon.[1]

THE WORK OF THE WASHINGTON COMMISSION.

The first activity of the commission was to make a general investigation of the wages, working conditions, and cost of living of women workers in order to obtain the data necessary for its own information and for the consideration of the conferences.

Arrangements were then made for a series of conferences for several important industrial groups. Each conference consisted of nine members—the employees, the workers, and the public each having three representatives. The commission itself selected the conference members. Considerable difficulty was experienced in obtaining representatives of the workers, because of their fear of being later discriminated against by their employers. In one case where an employee was discharged by her employer after serving on a conference the commission successfully prosecuted the employer.

Members of the commission were present at each conference and one of them acted as chairman, but such members did not participate in the voting.

Thus far general orders have been issued for six industries—mercantile, manufacturing, laundries and dye works, telephone and telegraph offices, business offices, and hotels and restaurants (waitresses excepted). In the case of each of these a conference was held prior to the issue of formal orders. In all but one case—laundries—a single conference sufficed. The recommendations of the first laundry conference were rejected by the commission on the ground that the wage recommended ($8.50) was insufficient on the evidence of its own investigations. A second conference was then called, with an entirely new personnel, and its recommendation of a $9 minimum wage was accepted by the commission.

[1] For account of the early work of the welfare commissions of the three States, see reports of industrial welfare commissions of the respective States for 1913–14.

The recommendations made by the several conferences were unanimous in all but one case, when there was one dissenting vote.

Under the Washington law approval by the commission of the recommendations of a conference completes the necessary procedure preliminary to the issue of obligatory orders. The orders issued go into effect at the end of 60 days and have substantially the same effect as statutory enactment. A limited appeal exists on questions of law, but none at all on questions of fact.

The conferences described have been concerned solely with females 18 years of age and over. For minors under 18, as has been noted, the commission is authorized to act, and has acted, without the formality of a conference.

The table in an earlier part of this chapter gives the wage standards thus far established for experienced women workers—$10 per week for mercantile establishments and offices, $8.90 per week for factories, and $9 per week for laundries and dye works, telephone and telegraph companies, and hotels and restaurants. These standards were fixed in a series of orders issued between April, 1914, and June, 1915.

At the same time that the orders fixing wage standards for adult women were issued, supplementary orders were issued for minors under 18 years, both male and female. The minimum wage rate fixed for all such persons was $6 per week, except in the case of office work, where the minimum was raised to $7.50 per week for persons 16 to 18 years of age, and in the case of hotels and restaurants, where $7.50 was made the minimum weekly wage for all minors. These orders also prohibited night work for minors in mercantile establishments, factories, laundries, and dye works, and telephone and telegraph offices, and absolutely prohibited the employment of female minors at cigar stands and as "shakers" in laundries.

The subject of working conditions has been given comparatively little consideration. In all orders issued there have been some requirements regarding toilets, wash rooms, or other provisions for health and comfort, but these requirements have not been worked out with any thoroughness, and in almost no case are any fixed standards erected or suggested.

The method devised for handling the question of wage rates for apprentices and learners is described in a later section.

THE WORK OF THE OREGON COMMISSION.

As in Washington, the first step of the commission was to hold informal hearings and gather data regarding the conditions of labor and living of women workers. Much information of this character, however, was already available through an earlier investigation made before the passage of the welfare commission act.

As the Oregon law contemplated the possible need of different standards for different localities as well as for different industries, the grouping of women workers into industrial units offered a complicated task. The commission, as a preliminary working basis, decided to treat Portland city as a separate unit and to arrange separate conferences for its important industries. It was contemplated that, if necessary, other localities could later be taken up for separate consideration.

The conduct of the formal conferences was almost identical with that of Washington as described. Each conference consisted of nine members—employers, workers, and the public, each having three representatives. The commission selected all of the conference members. Difficulty was encountered at times in getting representatives of the workers through fear of later discrimination on the part of their employers. Members of the commission were present at all meetings, took an active part in the deliberations, and usually one of them acted as chairman, but in no case did they vote upon any of the questions arising.

The recommendations of each conference have been adopted by unanimous vote of its members and have met with the approval of the commission. Thereupon, the proposed rulings have been submitted to a public hearing. Such a hearing is required under the Oregon law, this constituting its only important point of difference with the Washington law as regards methods of procedure. The purpose of the public hearing is to give opportunity for general discussion and criticism. The commission is not bound by opinions there expressed, but may be influenced thereby to a reconsideration of the proposed rulings. This public hearing completes the procedure preliminary to the issue of definite orders by the commission. All orders become effective 60 days after issue, and have, as in Washington, the same effect as statutory enactments, subject to limited appeal on questions of law only.

The completed work of the commission is represented almost entirely by two series of general orders. The first series, consisting of five orders, was issued at various dates during the latter part of 1913. Taken together, these orders established wage and hour standards for female workers, both adult and minor, in all industries. They did not cover male minors, nor did they cover the subject of working conditions.

The standards as fixed by these early orders were as follows: For experienced women workers, a minimum rate of $8.25 per week outside of Portland city, irrespective of occupation, and also within Portland city, except in the case of three important industries for which the minimum rates were somewhat higher—mercantile establishments, $9.25 per week; factories, $8.64 per week; and office work,

$40 per month. For inexperienced workers a minimum rate of $6 per week, and for girls between 16 and 18 years, a minimum rate of $1 per day. The hours of labor were limited to 54 per week for all adult women, except those in mercantile establishments and offices in Portland, for whom the maximum hours were, respectively, 50 per week (8⅓ per day), and 51 per week. Night work was prohibited for all women in stores, factories, and laundries, but not in other occupations. For girls under 18 years of age, the hours of labor were restricted to 8⅓ per day and 50 per week, in a list of important occupations, and night work was prohibited therein.

These orders remained in force with no important changes until September 1, 1916, a period of almost three years. On that date there became effective a new series of orders, which had been issued in the preceding July as a result of continued investigation and observation by the commission and upon the recommendation of a conference called for the purpose. This new series of orders revises certain of the standards previously erected and makes a number of important additions of subject matter.

The wage and hours' standards for experienced women workers, as in effect after the revision of September, 1916, are shown in the table in the earlier part of this chapter. They are substantially the same as those contained in the original orders of 1913. As regards wages, the only important change is the raising of the minimum rate for Portland city from $8.25 per week to $8.64 per week. As regards hours of labor, the most important changes are the fixing of a 6-day week in most industries and of a 9-hour day as the maximum for all industries, except woolen mills and offices, in which the statutory day of 10 hours still remains legal. The limitations upon weekly hours remain as before as also those upon night work, but more effective provision is made for proper rest periods during the working time and between the working days.

For minors the new orders are much more comprehensive than the old, males as well as females being covered. A minimum wage rate of $6 per week is established for minors 16 to 18 years of age, and the restrictions upon working hours for all minors are made more rigid than by either the former orders or by the statutory law.[1]

Of the new subjects covered by the orders of 1916 the most significant are (1) a method of applying minimum-wage rates to piece-workers, (2) the issue of a sanitary code, (3) a provision for emergency overtime, and (4) a plan for regulating the wages of apprentices and learners.

The original wage orders made no distinction between time and piece workers. The new plan provides that in factories and laun-

[1] See Chapter on Child Labor.

dries—which are practically the only employments using the piecework system—at least 75 per cent of the piecework employees must be in receipt of weekly earnings not less than the minimum-wage rate as fixed for the particular employment, and, in addition, that no female of at least three weeks' experience shall be paid less than $6 per week.

The sanitary code covers practically all of the matters affecting the physical comfort of female employees in their work places—cleanliness, drinking water, lighting, ventilation, toilet rooms, wash rooms, dressing rooms, etc. The provisions, however, are brief and, in many cases, do not erect any precise standards.[1]

The last two of the subjects mentioned—overtime and apprenticeship—may be discussed most conveniently for the three States together.

OVERTIME WORK.

Inasmuch as the Washington commission was given no jurisdiction in the matter of hours of labor it was not confronted with the question of overtime work. In Oregon, however, this question became an early issue, particularly in the case of the canning industry. The statutory law fixes a 10-hour day, 60-hour week for females in the more important industries, including canning. The commission had further reduced the maximum week to 54 hours. The canneries appealed for the privilege of working overtime during the busy seasons. Under the commission law in its original form no reference was made to overtime, and it was doubted whether the commission or the conferences had any authority to consider this subject. A legislative act of 1915 covered this point by providing that in cases of emergency, in the conduct of any industry, overtime might be permitted under conditions and rules prescribed by the commission.

Under the authority of this amendment the commission accepted the plea of the canners as to the necessity of overtime work and granted them the privilege, under certain conditions, of employing adult women more than 54 hours a week. The conditions are, briefly: A special permit required for each worker, overtime not to be worked more than six calendar weeks from May 1 to December 1, to be paid for at a rate of not less than 25 cents an hour, and in no circumstances to exceed 10 hours a day or 60 hours a week.

Finally, in the orders issued in September, 1916, the commission lays down the conditions under which emergency overtime by women will be permitted in any industry. This permission covers only adult women, not minors. It is to be granted only upon application for and the issue of a special license covering the emergency,

[1] See chapter on the Health of the Worker, p. 85.

and on condition that payment for all overtime is made at one and one-half regular rates. In addition, the employer must later furnish a statement showing the women who have worked overtime and the wages paid therefor, to be verified by the persons affected.

In California the only industry thus far covered by orders of the welfare commission—fruit and vegetable canning—is one in which long hours of work during the rush seasons had been customary. The commission accepted the practice as necessary to the industry and after fixing a nominal 10-hour, 60-hour week, provides that 72 hours a week may be worked on condition that all excess over 60 hours be paid for at 1¼ the regular piece or time rates. There is no restriction at all as to the number of occasions upon which such overtime may be worked.

THE APPRENTICESHIP QUESTION.

The requirement that minimum wage standards be based upon cost of living has in mind that the women affected are experienced workers—that is to say, are of sufficient experience in their employment to be of value to the employer. The preceding discussion has been concerned chiefly with this, the most important, aspect of the subject.

By all of the laws, women who are not experienced workers are permitted to work at a wage less than the established minimum. Such women are of two groups—(1) apprentices and learners, and (2) physical or mental defectives. The latter group—the defectives—is small in number and has been handled with little trouble by means of special licenses.

The proper handling of the apprentice, however, constitutes a problem in itself. It is agreed that apprentices, as beginners learning a trade, should be permitted to work at reduced wage rates during the periods of their apprenticeship. The difficulty is to so arrange the wages of such persons and so control their employment that the privilege will not be abused by employers. If the system is not properly devised and controlled the temptation exists for employers to make use of the apprentice as a means of obtaining cheap labor and thus defeating the whole purpose of the law.

Washington and Oregon early adopted apprenticeship plans as a necessary corollary to their wage determinations for experienced workers. California has as yet put no apprenticeship plan into operation.

APPRENTICESHIP IN WASHINGTON.

The law vests the commission with very full authority in the matter of apprenticeship.[1] It provides that the commission may issue

[1] Acts of 1913, ch. 174, sec. 13.

special licenses permitting employment at less than the regular minimum wage to apprentices at any line of work in which a period of apprenticeship is customary. It also provides that the commission may fix the length of time for which such licenses are to be in force.

Acting upon this authority, the commission attempted a regulation of the whole subject of apprenticeship. The plan was briefly: (1) To establish for each industry or occupation what seems to be a reasonable period of apprenticeship—i. e., the period necessary for a normal woman to learn her work sufficiently well to be regarded as an experienced worker; (2) to fix a special apprentice wage, either in the form of a flat wage for the whole apprenticeship period or in the form of a graduated scale; (3) to control the number of apprentices, by providing that their number shall not exceed a certain percentage of the total force; and (4) to keep close supervision over apprentice workers, by requiring that every person so working must have a special license.[1]

The determination of reasonable apprenticeship periods for different industries and occupations was found to be a difficult problem. In some industries, such as most mercantile employments, there is considerable uniformity in the character and difficulty of the various occupations. In factory work, at the other extreme, there are a multitude of occupations quite different in character and requiring very different degrees of application and time to become proficient.

In most cases the wage provided for apprentices is graduated, increasing as the term of apprenticeship proceeds. In the mercantile industry, $6 per week is paid for the first six months, then $7.50 for six months, when the full minimum of $10 a week comes into effect. In telephone and telegraph offices the nine months' apprenticeship period is divided into four wage periods; $6 per week for three months; $6.60 for two months; $7.20 for two months, and $7.50 for two months, when the full minimum of $9 per week becomes effective.

The object of the graduated increase is to compensate the apprentice for increasing efficiency and also to protect the worker from discharge at the end of the apprenticeship period. There is less financial incentive for an employer to discharge a worker whose wage gradually increases until it reaches the regular minimum than when the wage jumps suddenly from a low apprentice wage to the full minimum.

Immediate control over apprentices is sought through the provision that the employment of an apprentice is to be considered illegal unless such person has a license duly issued by the secretary of the commission. The license is issued in duplicate—one for the em-

[1] Report of Industrial Welfare Commission, 1913–14, pp. 61–68.

ployee, one for the employer—and a record is also kept in the secretary's office. The license states specifically the occupation, the period for which the apprenticeship shall continue, and the precise wages payable.

APPRENTICESHIP IN OREGON.

The law provides that in the making of wage determinations apprentices may be permitted to work at less than the regular minimum and that the period of apprenticeship may be prescribed by the commission.[1]

Among the first activities of the commission was the issue of a special order upon apprenticeship. It applied to all industries and provided that in no case should the wage rate of apprentices be less than $6 per week and that the maximum term of apprenticeship at reduced wages should not exceed one year. An exception was later made, permitting a preapprenticeship period of one month at less than $6 per week in the millinery and dressmaking trades. The permission extended only to females who were absolutely without experience, and special licenses had to be obtained from the commission in all such cases.

The plan of a flat $6 rate for apprentices was regarded as tentative and did not prove satisfactory. In the revised orders of September, 1916, it was superseded by a plan of graduated wage increase similar to the system earlier adopted in Washington, except that occupations are not treated separately. The maximum term of apprenticeship is fixed at one year in all occupations. This term, except for telephone establishments, is divided into three equal periods of four months each. The minimum wage for the first period is $6 per week; for the second, $7; and for the third, $8. Whereupon the worker is regarded as an experienced worker entitled to the full minimum for the occupation.

For telephone establishments the same general plan is followed, except that the year is divided into four periods of three months each, with graduated rates of $6 per week, $6.60, $7.20, and $7.80, respectively.

The above plan applies to time workers. For pieceworkers in factories and laundries a beginner may be employed for three weeks at the prevailing rates without regard to any minimum standard, but thereafter must be paid at least $6 a week. And, as was noted above, at least 75 per cent of all pieceworkers in an establishment must receive weekly earnings equivalent to the minimum wage fixed for the particular employment.

[1] Acts of 1913, ch. 62, sec. 8.

ADMINISTRATION AND ENFORCEMENT OF WOMAN LABOR LAWS.

Prior to the creation of the welfare commission the enforcement of all laws regarding woman labor rested, in each of these States, upon the bureau of labor. With the creation of these commissions an element of uncertainty was introduced as to the location of enforcing responsibility. Each of the welfare-commission acts provides, or at least contemplates, that the commission is to enforce its own orders, but none of them specifically relieves the bureau of labor of such responsibility toward the employment of women as may be imposed upon it by statute.

In practice the working principle adopted seems to be that the bureau of labor is to enforce the statutory regulations and cooperate with the welfare commission in enforcing the commission's orders. This cooperation is apparently contemplated in all of the commission acts, but, except in Washington, no provision is made for formal association between the two agencies. In Washington the law makes the commissioner of labor a member of the welfare commission. This establishes a formal link between the two agencies and has resulted in very close association of work.

Thus far the chief interest as regards commission orders has centered in the minimum-wage determinations of the Washington and Oregon commissions. For the enforcement of these, principal dependence is placed upon a provision contained in the commission acts of each of these States which permits a woman worker receiving less than the legal minimum to recover by civil suit all arrears of wages; that is to say, the difference between the wage actually paid to her and the amount to which she was entitled as a legal minimum. The employer in each case is also subject to a criminal prosecution, as for all violations of the commission's orders, but the right of the employee to recover wage arrears is regarded as a much more effective means of securing observance of the wage standards.

In the case of ordinary criminal prosecution the penalty upon the employer is usually not heavy and a worker who makes the complaint upon which the prosecution is based jeopardizes her position without any immediate gain. But wage arrears of the kind mentioned accumulate rapidly. To the employer this becomes a possible penalty much more severe than the criminal penalty for the offense itself, particularly so when a large number of women are affected; and to the woman worker it may easily represent a sum sufficient to justify her in making a complaint. In practice it is found that this form of penalty is effective.

ADMINISTRATION IN WASHINGTON.

From the standpoint of enforcement, the important regulations regarding the employment of women are the statutory eight-hour law for females and the minimum wage rulings of the industrial-welfare commission.

The women's eight-hour law is in many respects a very rigid measure. It applies to most of the important woman-employing industries. For these it fixes an eight-hour day and it has been held by the court that the obligation is upon the employer to prevent work in excess of the eight-hour limit. Not only must he not require women to work longer hours; he must not permit them to do so.

On the negative side, the most striking features of the law are that it places no restriction upon night work and permits a seven-day week. Nor does it prohibit a woman from exceeding eight hours a day by working for one employer in the day and for another in the evening, and the bureau reports that instances of this character are not infrequent. If, however, collusion exists between the two employers, the practice is illegal. A flagrant case of this kind was prosecuted and conviction secured. The circumstances are of interest: "The foreman who had charge of the plant for his employer during the day leased it from 5 o'clock on in the evening and reemployed the same crew of girls to work through until 11 o'clock at night, though they had worked eight hours during the day. He bought all of his raw material from his employer and sold the completed product to him, having a contract therefor, though he took care of his own pay roll. Palpably it was simply a scheme to evade the law and a most heinous one."[1]

The eight-hour law is enforceable by the bureau of labor. The bureau is also the principal enforcing agency for the minimum-wage rulings of the industrial-welfare commission, the commissioner of labor being chairman of that commission and the administrative work of the two bodies being closely identified. For the work of supervision and inspection the welfare commission has only one regular employee—a secretary, whose duties are numerous. The bureau of labor has one woman deputy, whose sole duty is the supervision of the woman and child labor laws.

In the work of enforcement, chief reliance is placed upon complaints from workers in establishments in which the laws are being violated, as these are usually the only persons who, aside from the employer, can be aware of such violations. The difficulty has been that the women affected frequently will not make complaint, either through fear of their positions or from the fact that they are receiving extra wages for the extra time worked. Still more frequently

[1] Report of Bureau of Labor, Washington (State), 1913–14, pp. 151, 152.

women employees are unwilling to testify in court against their employers. As has been noted, however, this hesitancy is very much less in the case of minimum-wage rulings, where, if the complaint is substantiated, the worker may recover all arrears of wages.

There is no requirement that the employer must post time schedules showing the hours at which employees are to begin and stop work. As a result of this, and of the fact that there is no restriction upon night work, in order to establish a violation it is necessary for the bureau to prove that in the particular case under review the woman actually worked more than 8 hours out of the full 24 hours. The obtaining of conclusive evidence under such circumstances is almost always a matter of great difficulty.

As measured by penalties prescribed, violation of minimum wage rulings is made a more serious offense than violation of the eight-hour law. In the former case an employer is subject to a fine of from $25 to $50, and, in addition, is civilly liable to the employee for wage underpayment.

For violation of the eight-hour law the penalty is a fine of from $10 to $100. Almost always only the minimum $10 fine is imposed, and in one recent case the bureau reports that the court imposed a fine of only $5, which is but one-half the statutory minimum.[1]

ADMINISTRATION IN OREGON.

The orders of the welfare commission of Oregon have covered working hours as well as wages in all industries. As a result, the statutory 10-hour law for women has been superseded and all of the important regulations regarding woman labor are now in the form of commission orders. As such, they come under the immediate enforcing supervision of the welfare commission. Differing in this respect from the acts of Washington and California, the commission act of Oregon specifically directs that the welfare commission "shall, from time to time, investigate and ascertain whether or not employers * * * are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders." Under an earlier statute, however, the responsibility still rests upon the bureau of labor "to cause to be enforced all laws regulating the employment of children, minors, and women."[2]

For inspection and supervisory work the welfare commission has only one salaried employee—a secretary—upon whom falls many other activities. The bureau of labor has no women inspectors. The four male inspectors, in the course of their factory-inspection work,

[1] Report of Bureau of Labor, Washington (State), 1913–14, p. 156.
[2] Lord's Oregon Laws, 1910, sec. 5016.

cover woman labor to some extent, but their attention is chiefly concerned with other subjects.

For the enforcement of the commission's rulings, therefore, principal dependence is placed upon complaints from workers and upon periodic inspection of pay rolls. Complaints, as in Washington, are more readily made in case of wage underpayment than in the case of illegal hours of labor.

Moreover, there is the difficulty of establishing the fact of violation in the case of working hours similar to that noted for Washington. There is no provision for the posting of fixed time schedules by employers, and while night work is prohibited in certain industries the prohibitions are simply against employment after certain hours in the evening, with no reference to the time of beginning work.

On the other hand, an order of the welfare commission flatly forbids female employees to exceed the legally established hours by working for different employers during the same day.

The minimum penalty for violating the rulings of the commission is the same as in Washington, but the maximum is more severe, the penalty being a fine of from $25 to $100, or imprisonment from 10 to 30 days, or both fine and imprisonment. In the case of wage violations, there is also the privilege of civil suit by the worker for the recovery of unpaid wages. There has been a number of such suits by employees.

By the statutory 10-hour law for women, now superseded by commission orders upon the same subject, the penalty for violation was $25 to $100. Under this law, prosecutions by the bureau of labor were fairly frequent and conviction was usually obtained, but as a rule no more than the minimum fine was imposed and suspension of sentence was frequent. Thus, for the two-year period ending September 30, 1914, 26 prosecutions under this law were brought to court. In 16 of these 26 cases fines of $25 were imposed; in 5 cases sentence was suspended; 3 were found not guilty; and 2 cases were dismissed without trial.[1]

ADMINISTRATION IN CALIFORNIA.

As the rulings of the California welfare commission are few and recent, the problem of enforcing regulations regarding woman labor has been concerned almost entirely with the statutory woman's eight-hour law. This law fixes a flat eight-hour day, 48-hour week for women in a number of important industries (canneries excluded), and is enforceable by the bureau of labor.

The law is so drawn as to make it the duty of the employer actively to prevent any work in excess of the hours fixed by law. But there

[1] Report of Bureau of Labor, Oregon, 1913–14, pp. 15, 16.

is nothing in the law to prevent a woman from working more than eight hours per day if the work is done in different establishments.

Moreover, there is no restriction upon night work and no provision for published time schedules for women workers, with the same resulting difficulty in proving a case of violation as was noted to exist in Washington and to a less degree in Oregon.

The penalty prescribed for violation of the welfare commission's orders is much higher than in either Washington or Oregon—a fine of not less than $50, or imprisonment of not less than 30 days, or both. In addition, as in the other two States, the woman worker has the privilege of recovery by civil suit of all wage arrears due to violation of the minimum-wage rulings.

For violation of the statutory eight-hour law the penalties are progressive—a fine of $25 to $50 for the first offense and for the second a fine of $100 to $250, or imprisonment of not less than 30 days.

In enforcing the eight-hour law, as also all other labor laws under its jurisdiction, it has been the policy of the bureau of labor to subordinate routine inspection to the investigation of complaints. The bringing of complaints to the bureau is encouraged and is facilitated by the maintenance of offices in four cities.

For the year ending June 30, 1914, 682 complaints, alleging violation of the eight-hour law, were received by the bureau. Prosecution was undertaken in 37 cases, 26 resulting in conviction and 11 being dismissed.[1]

[1] Report of Bureau of Labor, California, 1913–14, pp. 47, 48.

CHAPTER V.—CHILD LABOR.

There exists in each of the Pacific States a considerable body of legislation for the protection of children in industry. Part of this is in the form of child-labor laws, directly prohibiting or regulating the employment of children at certain kinds of work. Part is the indirect result of compulsory schooling laws. The requirement that children attend school necessarily forbids their working during a considerable portion of the year.

COMPULSORY EDUCATION.[1]

The three States have assumed substantially the same attitude toward compulsory education. Their laws are not identical, but all have apparently the same ideal—school attendance by every child until 15 years of age or until the completion of the grammar school grades, and by every child of 15 years unless regularly employed.

These requirements are made, more or less completely, by each of the States. The law of Oregon permits of no important exception. Washington, however, allows any child to be excused from school for reasons that seem sufficient to the school authorities—poverty being one of the possible reasons—and California admits poverty as an excuse in the case of children of 14 years.

The compulsory education law in each of the States is enforceable by the local school authorities. The effectiveness of such enforcement depends primarily upon the existence of special attendance officers. Provision has been made for such officers in all of the larger centers of population, but there are a number of communities in which no effective system has as yet been introduced to secure regular and complete school attendance.

AUTHORITY OF THE INDUSTRIAL WELFARE COMMISSIONS OVER CHILD LABOR.

As regards child labor legislation proper—i. e. positive restrictions upon the employment of children below certain ages, in excess of certain hours, etc.—the three States show no such uniformity as exists in the case of compulsory schooling.

[1] Washington: R. and B. Codes and Stats., 1910, secs. 4714–4717. Oregon: Lord's Oregon Laws, 1910, sec. 5025. California: S. D. Codes, 1906. Gen. Laws, act No. 3574, sec. 1 (as amended 1911, ch. 482). Acts of 1915, ch. 625, sec. 2.

They do agree, however, in one important particular. This is in the policy of delegating to the industrial welfare commission the authority to make rules upon certain important subjects affecting the employment of children.[1]

In the preceding chapter the functions and activities of the welfare commissions of the three States were described at some length, with particular reference to woman labor. Briefly stated, these commissions were created for the purpose of taking over from the legislature the responsibility of making detailed rules regarding such subjects as minimum wages and working conditions for women and children. The legislature lays down the general principle that wages must be reasonable, that working conditions must not be harmful, etc., and leaves it to the commission to determine what particular rules and standards are necessary to insure the carrying out of this principle. Statutory requirements already in force are not necessarily repealed. They remain in force as minimum restrictions which the commission may make more rigid but not less rigid.

Under the welfare commission act of California the determination of standards of employment for children must follow the same procedure as provided in the case of women. But under the acts of Washington and Oregon the authority of the welfare commissions is somewhat more complete as regards child labor than as regards woman labor. In the case of women, determinations arrived at must follow the recommendations of conferences composed of representatives of the employers, the workers, and the public. But in the case of children the conference procedure is not necessary. The commission has an entirely free hand to make rules for child employment upon all such subjects as come within its jurisdiction.

JURISDICTION OF THE WELFARE COMMISSION.

By each of the acts the welfare commission is given jurisdiction over minimum wages and general working conditions. In Oregon and in California the commission is also given specific authority to fix the hours of labor of children, limited only by the maximum working hours already fixed by statute. In Washington no authority regarding working hours is specifically granted the commission, but it has gone so far as to forbid night work for children in certain occupations, doing this under its general power to forbid conditions of employment in any way harmful to children.

In none of the States is the welfare commission specifically authorized to change the statutory laws regarding age of employment; but in each of them the commission would seem to have indirect authority

[1] Acts of Washington, 1913, ch. 174. Acts of Oregon, 1913, ch. 62. Acts of California, 1913, ch. 324 (as amended by Acts of 1915, ch. 571).

to prohibit the employment of children at any occupations it considers physically or morally harmful, and the exercise of this authority is equivalent to the raising of the age limit in so far as these particular employments are concerned.[1]

The industrial welfare commission thus becomes of dominant importance in determining the attitude of the State toward child labor, just as it was seen to be in the case of woman labor. With the possible exceptions of the subject of legal age of employment in all three States and that of hours of labor in Washington, the commissions have authority virtually to rewrite the child-labor laws.

The welfare commissions are all of comparatively recent date, and their attention thus far has been largely monopolized by the question of minimum wages for women. But already their rulings regarding the employment of children have been of much importance.

LEGAL RESTRICTIONS UPON CHILD LABOR NOW IN FORCE.

Restrictions upon the employment of children are of several kinds. Three of these are of particular importance—those, namely, (1) upon age of employment, (2) upon hours of labor, and (3) upon minimum wages. Requirements regarding working conditions, all of which are as yet of relatively minor significance, are noted in a later chapter.

(1) AGE OF EMPLOYMENT.

Limitations upon the age of employment are contained in the statutory laws of all three States. The laws of Washington are in this respect the least restrictive and those of California the most restrictive.

The law of Washington, indeed, fixes no absolute age limit. It directs that no boy under 14 or girl under 16 shall be employed without a "labor permit" from the judge of the superior court of the county.[2] But it establishes no formal requirements or conditions for the issue of such permits, leaving this to the discretion of the individual judge. The enforcement of the law rests upon the State bureau of labor.

The Oregon law is more precise.[3] It fixes 14 years as the minimum age below which children may not be employed during the school term in a number of important employments, including factories and stores. It also directs that no child between 14 and 16 shall be so

[1] Thus, orders issued by the industrial welfare commission of Washington forbid the employment of females under 18 as "shakers" in laundries and at cigar stands in hotels and restaurants.

[2] R. and B. Codes and Stat., 1910, sec. 2447 (enacted 1909, p. 947). Also note sec. 6570.

[3] Acts of 1911, ch. 138.

employed without a work permit to be issued only upon prescribed evidence of age, schooling, and physical condition. But a general exception to all of these provisions is made for the summer school vacation, the age limit then being reduced to 12 years. The issue of all work permits is by a special board of child-labor inspectors. This board has general supervision over the whole child-labor law and, together with the bureau of labor, is to enforce its observance.

The California law is still more rigid.[1] It establishes 14 years as the absolute minimum age in all employments during school session, and requires of all children 14 to 16 years (except in farm and housework) work permits issued upon age evidence, etc. Poverty, however, is recognized as an excuse for the issue of a permit to a child of 14, and during the summer-school vacation as also on regular weekly holidays the age limit for all work is lowered to 12 years, as in Oregon. The issue of all work permits is in the hands of the local school authorities, except those for theatrical performances, which are issuable only by the State bureau of labor. The enforcement of the child-labor law is charged to this bureau.

(2) HOURS OF LABOR.

The legal restrictions upon the working hours of children are, in Washington and Oregon, a combination of statutory law and orders of the welfare commissions. The Washington commission, as has been noted, is not vested with specific authority upon this subject, but has assumed it to the extent of prohibiting night work in certain employments. In Oregon, the authority to shorten hours is specifically granted the commission and has been used by it to reduce the working day of all children under 16 from 10 hours, as provided by statute, to a maximum of 8 hours. The California commission has similar authority over working hours, but so far has made no use of it, and the occasion for its use is less than in the other States, as the statutory law already fixes a flat 8-hour day for children and prohibits their working at night.

The following gives, in very condensed form, the limitations upon the working hours of children now in force in the three States. The items in italics represent orders issued by the welfare commissions. All other items represent requirements of statutory law.

Washington (acts 1911, ch. 37, and commission orders):

For boys, no limit at all on the number of working hours legally permitted.
For all females, a maximum 8-hour day, but with a 7-day week permissible, and with canneries specifically excluded.
Night work prohibited in several important industries.

[1] Acts of 1915, ch. 625.

Oregon (acts 1911, ch. 138, and commission orders):
In all employments, canneries included,
For children under 16, an 8-hour day and a 6-day week.
For girls 16 to 18, a 9-hour day and a 50-hour, 6-day week.
For boys 16 to 18, a 10-hour day and a 6-day week.
Night work prohibited after 6 p. m. for boys under 16 *and girls under 18.*

California (acts 1913, ch. 214):
For all children under 18 in all employments, canneries included, an 8-hour day and a 48-hour week.
Night work prohibited after 10 p. m. in all employments.

Because of the importance of the canning industry as an employer of children, it is of interest to note that restrictions upon working hours do not apply to cannery children in Washington, but do apply in Oregon and California.

(3) MINIMUM WAGES.

The authority of the welfare commission to fix minimum-wage rates for minors under 18, as well as for adult women, has been availed of by the commissions of Washington and Oregon. In the fixing of such rates it was not contemplated by law that the basis should be cost of living. The provision in the law of each of these States is simply that the wages of minors shall be "suitable" for such persons. The rates established are as follows:

Washington.—A rate of $6 per week is fixed as the minimum wage of minors under 18 years in factories, stores, laundries, and telephone and telegraph offices. For office and clerical work the $6 minimum is raised to $7.50 for minors between 16 and 18 years, and in hotel and restaurant work the minimum of all minors under 18 is placed at $7.50 (without board or room). In comparison with these figures, it may be noted that the lowest of the minimum wage rates for adult women in any industry so far covered by commission orders is $8.90 per week.

Oregon.—A flat minimum wage of $6 per week is fixed for all minors 16 to 18 years of age. The lowest of the minimum wage rates so far established for adult women is $8.64 per week.

In California no general minimum wage rates for minors have been fixed. For the only industry as yet covered by commission rulings—fruit and vegetable canning—wage restrictions are entirely in the form of piece rates or hourly rates, and apply to minor children as well as to adult women. (See p. 35.)

ADMINISTRATION AND ENFORCEMENT OF THE CHILD-LABOR LAWS.

The three Pacific States have adopted quite different policies in the matter of administering and enforcing the child-labor laws, and particularly so as regards the issue of work permits.

ADMINISTRATION IN WASHINGTON.

The distinctive feature of the Washington child-labor laws is the grant of authority to the judge of the superior court of each county to issue "labor permits" for boys under 14 years and for girls under 16 years. There is apparently no limitation upon the discretion of the judge in issuing such permits. A provision of law, which is probably no longer in force, directs that the judge is not to issue a permit unless satisfied that the work to be done is not harmful and that the working of the child is necessary for the support of itself or family.[1] But, in any case, there are no requirements prescribed as to proof of age, schooling, or physical capacity, and none as to uniformity in the character or form of the permits issued in the several counties. It is left to each judge to fix his own rules and regulations.

This system is generally regarded as easily susceptible of abuse. Aside from any question as to the good intention of the individual judge, it is pointed out that usually he is not in a position, nor has he the equipment, to make proper investigation of applicants for permits. In King County, in which is located the city of Seattle, and in a few other counties, local arrangement outside of the law, has been made by which the labor permits are now issued by the local school authorities. This arrangement centralizes the issue of all work permits for children—the labor permits provided for by the child-labor law and the school-leaving certificates provided for by the compulsory education law.

It is the duty of the bureau of labor to enforce the child-labor laws. Such enforcement consists almost entirely in seeing that children are not employed without the labor permits described. In practice, this enforcement is left largely to the local attendance officers. The bureau exercises general supervision and its inspectors attempt to cover the employment of children on their inspection visits. But the number of work places covered by the active jurisdiction of the bureau is limited to those using machinery, and the attention of the inspectors is primarily devoted to matters of safety.

In the summer of 1913, an extensive investigation of child labor in the fish canneries was made by the bureau of labor in conjunction with the industrial-welfare commission. Numerous cases were found of the employment of children without labor permits. Prosecution was undertaken in 105 cases, 65 resulting in conviction.[2] The usual penalty imposed was the minimum one of $10 and costs.

A recent investigation of school-leaving children in Seattle, made by the school board of that city, discovered frequent cases of illegal

[1] R. and B. Codes and Statutes, 1910, sec. 6570. Probably superseded by Acts of 1909, ch. 249, sec. 195. (See Bulletin of U. S. Bureau of Labor, No. 85, p. 800.)

[2] Report of Bureau of Labor, Washington (State), 1913–14, pp. 171–176.

child employment—i. e., without the required labor permits, in violation of the minimum-wage rulings, etc.[1]

ADMINISTRATION IN OREGON.

The distinctive administrative feature of the Oregon child-labor law is the centralizing of permit issue in a single State agency—a special board known as the board of inspectors of child labor. All work permits for the whole State must be issued through this board, which also has general supervision over the enforcement of all of the requirements regarding child labor. This centralization of authority is in complete variance with the practice of Washington, where permits are issued by the local county courts, and with that of California, where permits are issued by the local school authorities.

The board of child labor inspectors was created in 1903. It consists of five members, nonsalaried except one member who serves as secretary. The duties of the board are the issue of work permits to children and, in conjunction with the bureau of labor, the general supervision of child labor in the State. But it has no such authority as that given the welfare commission to make rules and regulations regarding the employment of children.

The routine part of the board's work is performed by the secretary. This consists of the issue of work permits for Portland city in person, the supervision of their issue for the rest of the State, investigation of complaints, and, to a limited extent, inspection of work places where children are employed.

Three kinds of work permits are issued—the regular age and schooling certificate for children 14 to 16 years; vacation permits for children 12 to 14 during summer school vacation; and special permits for children of 15 for work outside of school hours and on Saturdays.

The age and school certificate, permitting employment throughout the year, is the most important of these three forms. It is issued only upon documentary proof of age, and after the issuer is satisfied that the child has had the required amount of schooling and is physically able. The law does not require medical examination, but in cases of doubt it is the practice of the secretary to require the approval of a physician.

No work permits may be issued except by the secretary of the board or by persons authorized by the secretary in writing. For the city of Portland and immediate vicinity the work of issue is handled entirely by the secretary in person at the board's office. For

[1] Vocational Guidance Report, 1913–14, by Anna Y. Reed, Ph. D. Published by the Board of School Directors, Seattle, Wash., 1916, pp. 38–41. This report contains much interesting data relative to school training and industry.

other parts of the State it has been necessary for the secretary to delegate authority to local residents. Sometimes these are school officials, sometimes private citizens, the stated purpose being to secure the services of persons in full sympathy with the child-labor law. In the more remote sections of the State permits are occasionally issued by mail after age affidavit has been made before a local notary and sent to the secretary's office.

For the enforcement of the child-labor law dependence is placed upon the activities of the secretary of the board in cooperation with the inspectors of the bureau of labor and upon the local attendance officers. The secretary devotes a portion of her time to investigation and inspection, but is not able to carry on routine inspection of work places where children are, or might be, employed. The factory inspectors of the bureau of labor are directed, as part of their regular inspection work, to note violations of the child-labor law. But such inspectors, as a rule, cover only work places where machinery is used and devote their attention chiefly to matters of safety.

No prosecutions have ever been undertaken by the board for violations of the child-labor laws. The board believes that the laws have been better enforced and that, in general, better results are obtainable without prosecution.

ADMINISTRATION IN CALIFORNIA.

The child-labor law of California is very comprehensive and with relatively high standards. But in its present shape it is the product of numerous additions and amendments without complete correlation and, as a result, is not only not entirely clear upon certain points but presents certain anomalies.[1] Thus, in its provisions regarding the issue of work permits for children 14 to 16 years of age higher requirements are demanded of older than younger children. This is indicated in the following brief descriptions of the various kinds of work permits recognized in practice:

Age and schooling certificate.—This is issuable only to children of 15 years. The conditions of issue are very strict—completion of grammar school or attendance at night school and presentation of school record, documentary evidence of birth, written promise of employment, and physician's certificate of physical fitness.

Permit to work—graduate.—This is issuable only to children of 14. It gives the same full permission to work as does the age and schooling certificate granted to children of 15, but the conditions of issue are much less strict—merely completion of grammar school, written promise of employment, and issuer's opinion as to physical fitness.

[1] Acts of 1915, ch. 625.

Permit to work—temporary.—This is issuable to children of 14 whose poverty, in the opinion of the issuing official, makes it necessary for them to work. The permit may be issued for only a limited period, but this period may be as long as six months.

Vacation permit.—This is issuable to children 12 to 15 for use during the regular summer school vacation, and also upon the regular weekly school holidays.

The issue of work permits is entirely decentralized, with the exception of those for theatrical performances, which are issuable only by the commissioner of labor. All other permits are issuable by the various local school authorities. The forms to be used are prepared and distributed by the bureau of labor, which seeks to obtain uniformity in issue but has no direct authority upon this point. In many of the larger cities the issue of work permits has been put in charge of the school-attendance officers, thus combining the related functions of permit issue and compulsory school attendance.

The enforcement of the child-labor law—that is, the duty of seeing that it is observed by employers—rests upon the bureau of labor. Dependence is also placed upon the local attendance officers. The bureau of labor in its work of enforcement relies primarily upon the method of investigation upon complaints and does comparatively little routine inspection.

For the year ending June 30, 1914, 173 complaints of violation of the child-labor law were made to the bureau.[1] From these there resulted 21 prosecutions, conviction being secured in 18 cases and 3 cases being dismissed by the court.

INFLUENCE OF MINIMUM WAGE AND COMPENSATION ACTS.

In the past chief dependence for the enforcement of the child-labor laws has been placed upon direct penalties for violation. Recently, however, new forms of pressure tending toward the reduction of child labor have been introduced through the passage of minimum-wage acts and of compensation acts. The fixing of a minimum wage for young persons—of $6 per week in Washington, for example—renders the labor of children financially unprofitable in many cases where at a lower wage such labor might be profitable. Similarly compensation acts usually withdraw certain important benefits in the cases of injury to minors illegally employed, and this tends toward greater hesitancy in the employment of all young persons.

These two forms of legislation are too recent to have developed their full effect in the direction noted. It is believed, however, that their combined effect in eliminating the child from certain branches

[1] Report of Bureau of Labor, California, 1913–14, pp. 47, 48.

of industry has already been important and will be of increasing importance in the future, particularly so as the penalties attached to their violation are much heavier and surer than the direct penalties of the child-labor laws.

FEDERAL CHILD-LABOR LAW OF 1916.

The preceding description of child-labor legislation in the Pacific States did not take into account the Federal child-labor act of 1916, inasmuch as that act does not go into effect until September 1, 1917.[1] The Federal statute, however, may have an important bearing upon the child-labor legislation of those States, and its contents, therefore, become a matter of immediate interest.

The Federal child-labor law fixes certain standards of employment for children which must be observed by every mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in the United States whose products enter into interstate shipment. The limitation of the law to establishments engaged in interstate commerce is not important, as practically all of the establishments covered are so engaged to some extent. Of greater significance is its limitation to the list of work places mentioned. Thus a large number of employments, such as crop picking, which is an important employer of labor in the coast States, are not covered at all. On the other hand, it is to be noted that canneries, another large employer of labor in all the Pacific States, are specifically included.

The employment standards fixed by the law are brief. For mines and quarries a flat minimum age limit of 16 years is established. For mills, canneries, workshops, factories, and manufacturing establishments in general the minimum age limit is placed at 14 years, with the further provision that no child between 14 and 16 years is to be employed more than eight hours a day or six days a week nor between the hours of 7 p. m. and 6 a. m. The administration of the provisions of the act is charged to a board composed of the Attorney General, the Secretary of Commerce, and the Secretary of Labor.

The standards thus erected for factory work are more rigid upon one or more points than those of any of the three Pacific States. First, as regards the age of employment, fixed by the Federal act at an absolute minimum of 14 years. The present Washington law, as noted, has no absolute minimum age limit, and both Oregon and California permit the employment of children under 14 under certain conditions, as during the summer school vacation. These exceptions are not permissible under the Federal law.

Again, as regards the eight-hour day, six-day week, as fixed by the Federal act for children of 14 to 16 years in all factory work. This

[1] Public Laws, No. 249, 64th Congress.

is a much more rigid requirement than the one now in force in Washington, although no more rigid and not so comprehensive as the requirements of Oregon and California.

Finally, as regards the prohibition of night work between 7 p. m. and 6 a. m. for children between 14 and 16 years of age in factories. This is somewhat more stringent than the Washington and California restrictions now in force, and it is more precise, though not as comprehensive as the Oregon requirement.

It was not the purpose of the Federal child-labor law to supplant State activity. That law lays down a few simple, basic standards for the employment of children in all of the States. In so far as the existing standards of any State may be lower than those of the Federal statute the State standards are superseded, but the Federal law in no way interferes with State legislation which provides more rigid standards and was intended to encourage, not to discourage, the extension of State activity for the protection of children.

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CHAPTER VI.—RESTRICTIONS UPON THE HOURS OF LABOR OF MEN.

OREGON 10-HOUR LAW.

The State of Oregon in 1913 enacted a law limiting to 10 per day the working hours of all persons employed in factories of any kind.[1]

This law is of unusual importance as being one of the very few attempts to restrict by law the hours of labor of men in general industry. Previous restrictions upon the length of the working day for men had been limited to employments in which long hours involved definite, immediate hazard to the worker, as in underground mining, or in which, as in railroad work, the safety of the public was concerned.

The present law bases itself upon a somewhat different line of reasoning from that advanced in defense of the earlier laws. It urges that an unduly long workday in itself may be injurious to the health of the worker, aside from any precise and immediate hazard of his employment; and that, in addition, the practice may be injurious to the State by preventing the worker "from acquiring that degree of intelligence that is necessary to make him a useful and desirable citizen." Upon these grounds it declares that the employment of any person in factory labor for more than 10 hours a day is harmful to the worker and the State, and is therefore forbidden.

The actual requirements of the law are not very stringent. A nominal 10-hour day is established as a maximum, but, in addition to emergency overtime, regular overtime is permitted for three hours a day provided payment is made therefor at time and one-half the regular wage. The great majority of manufacturing establishments are probably not affected, at least not seriously affected, by the law. In any case it has as yet received very little attention in practice, its constitutionality being contested and still in doubt.

The law was sustained by the Oregon Supreme Court in 1914 in the case of State *v.* Bunting and is now before the United States Supreme Court on appeal.[2] The State court held that the limitation of the working hours of men in factory employment was within the power of the legislature, and also held that the overtime permission

[1] Acts of 1913, ch. 102. The only other law of such broad scope is a Mississippi law of 1912 (ch. 157), quite similar in content to the Oregon law, except that overtime is not permitted. The Mississippi law was held to be constitutional by the Supreme Court of that State. 59 So., 923.

[2] 139 Pac. Reporter, p. 731. (Mar. 17, 1914.)

did not invalidate the law. The attitude of the court upon these two points, as indicated in the following quotation from its opinion, is of much interest:

By the adoption of the fourteenth amendment it was not designed nor intended to curtail or limit the right of the State under its police power to prescribe such reasonable regulations as might be essential to the promotion of the peace, welfare, morals, education, or good order of the people.

In order to warrant declaring the act violative of the fundamental law it should be shown that in the light of the world's experience and common knowledge the act under consideration is palpably and beyond reasonable doubt one that will not tend to protect or conserve the public peace, health, or welfare in its enforcement. It is by no means clear beyond a reasonable doubt that the law will not promote the peace, health, and general welfare of citizens of the State, or that longer hours of labor in factories would not be injurious to the health as declared by the act, or that the act is repugnant to the Constitution. The presumption, therefore, is in favor of the wisdom and the correctness of the legislative finding and determination that the law is a necessity for the protection of the health, well-being, and general welfare of the public; that the regulation prescribed by the enactment will tend to correct the evil at which it is aimed. The courts can not set aside the legislative decree without intrenching upon the prerogatives of a coordinate branch of the State government and usurping the powers of the legislature.

* * * It is contended by counsel for defendant that the provision for employees to work overtime not to exceed 3 hours in any one day, conditioned that payment be made for said overtime at the rate of time and one-half the regular wage, renders the whole act void. It is clear that the intent of the law is to make 10 hours a regular day's labor in the occupations to which reference is made. Apparently the provisions permitting labor for the overtime on express conditions were made in order to facilitate the enforcement of the law, and in the nature of a mild penalty for employing one not more than 3 hours' overtime. It might be regarded as more difficult to detect violations of the law by an employment for a shorter time than for a longer time. This penalty also goes to the employee in case the employer avails himself of the overtime clause. Reasonable modes of enforcing a statute should be upheld.

RESTRICTIONS IN SPECIAL EMPLOYMENTS.

Other legislation upon the working hours of adult males is concerned, as has been noted, with particular employments involving some immediate danger to the worker himself or to the public.

EIGHT-HOUR DAY IN UNDERGROUND MINING.

An 8-hour law for all, or for certain forms of, underground mining has been adopted in all three Pacific States.[1] In Washington the 8-hour limitation applies only to coal mining, but

[1] Washington: Codes and statutes, 1910, secs. 6583–6586. Oregon: Lord's Oregon Laws, 1910, secs. 5058, 5059. California: Acts of 1913, ch. 186.

as there is little deep metal mining in the State the number of miners not covered by the law is not large. This is also true of Oregon, where the law applies only to deep metal mining and where coal mining is unimportant. The California law applies to all forms of underground mining—which in practice is almost entirely metal mining—and also applies to all smelters for the reduction and refining of ores and metals.

HOURS OF LABOR OF RAILROAD WORKERS.

The hours of labor of railroad employees engaged in interstate commerce are subject solely to the control of the Federal Government. The existing Federal law fixes a maximum workday of 16 hours for all persons engaged in the movement of trains in interstate commerce.[1] For telegraph and telephone dispatchers there is a further limitation to nine hours per day if the work of their office is continuous and to 13 hours per day if the office is operated only in the daytime, with overtime of 4 hours in 24 permitted for 3 days in the week in case of grave emergency.

As most railroad operations are interstate in character, the above law constitutes the sole legal restriction upon the working hours of the great majority of railroad workers in the Pacific States as in all other States. There remains in each State, however, a certain amount of strictly intrastate railroading. For the protection of the employees of such roads, Washington and California have laws quite similar in character to the Federal 16-hour law. The State of Oregon has gone further. For intrastate railroad employees it has fixed a 14-hour limit, and for dispatchers and operators a 9-hour maximum, with emergency overtime of 4 hours per day for 3 days in the week.[2]

In the case of street railways Washington limits the working time of motormen and conductors to 10 hours in 24.[3] Oregon has no law upon the subject, and an old 12-hour law of California enacted in 1887 is regarded as obsolete.[4]

HOURS OF LABOR OF DRUG CLERKS.

A California statute prohibits the employment of drug clerks for more than "an average of 10 hours a day, or 60 hours a week, or 6 consecutive calendar days."[5] This law was enacted for the protection of the public health and not as a labor measure.

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[1] Hours of Service act, approved Mar. 4, 1910.

[2] Washington R. and B. codes and statutes, 1910, secs. 6581, 6582. Acts of Oregon, 1911, ch. 137. Acts of California, 1911, ch. 484.

[3] Washington, codes and statutes, 1910, ch. 6578 (enacted 1895), p. 192.

[4] California, S. D. codes, 1906. Political codes, sec. 3250 (1887, p. 101).

[5] Idem. General Laws, Act No. 2665 (as amended, 1907, ch. 224).

CHAPTER VII.—MEDIATION IN LABOR DISPUTES.

Mediation in labor disputes is made a duty of the State labor commissioner in Washington. An old law of California, enacted in 1891, provides for a State board of arbitration and conciliation but the law is regarded as unworkable and no such board has been appointed for a number of years at least.[1] Oregon has no legislation upon this subject.

WASHINGTON.—The Washington law provides simply for voluntary mediation or arbitration.[2] It makes it the duty of the commissioner of labor, on request of either party to a labor dispute, to offer his services as a mediator. If his personal mediation fails he is directed to urge the two parties concerned to submit their differences to a board of three arbitrators, one to be chosen by the employer, one by the employees, and these two to choose the third. In case this is not agreed to the commissioner is directed to request a sworn statement from each side as to the causes of dispute and the reasons for refusal to submit the matter to arbitration, such statements thereupon to be made public.

The commissioner of labor is frequently called upon to act as mediator in labor troubles and devotes a considerable portion of his time to this work. He has no original jurisdiction in such matters, and no authority of any kind. He urges the enactment of a law requiring both parties to a dispute, immediately upon its commencement, to file with the bureau sworn statements as to the causes of the dispute and the reasons for whatever action was taken.[3] The present law, as noted above, authorizes the commissioner to request, but not to require, such statements.

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[1] Stats. 1891, p. 49 (Codes 1906, General Laws, act No. 219).
[2] R. and B. codes and statutes, 1910, secs. 6599–6604.
[3] Report of Bureau of Labor, Washington (State), 1914, p. 143.

CHAPTER VIII.—THE SAFETY OF THE WORKER.

The field for possible safety activity in the Pacific States is suggested by the figures of the following table, giving the number of accidents reported to the compensation commissions of each of the States for the period of a year.

TABLE 2.—NUMBER OF ACCIDENTS REPORTED TO COMPENSATION COMMISSIONS OF CALIFORNIA, OREGON, AND WASHINGTON DURING ONE YEAR.

[Sources: Washington Industrial Insurance Commission Report, 1915, p. 87; Oregon Industrial Accident Commission Report, 1915, pp. 25-27; California Industrial Accident Commission Report, 1915, p. 48.]

Nature of injury.	Washington.	Oregon.	California.	Total.
Fatal	211	60	678	949
Permanent injuries	1,336	111	1,292	2,739
Temporary disabilities	11,190	3,498	60,241	74,929
Total	12,737	3,669	62,211	78,617

The above figures do not represent the total number of accidents occurring, reports being recognized as incomplete for accidents not under compensation. They are sufficient, however, to indicate the enormous amount of physical suffering and economic loss resulting from industrial accidents. Thus, the 949 fatal accidents meant not only the premature death of so many workers but the leaving dependent of hundreds of widows and young children.

The effort to relieve this human suffering by means of compensation laws is described in a later chapter. The present chapter is concerned with the effort to prevent the occurrence of the suffering.

REVIEW OF SAFETY LEGISLATION.

Of the safety legislation now in force in the Pacific States, that of California is by far the most significant. The laws of Washington and Oregon are of much earlier date, but their scope is much narrower and the authority and equipment of their administrative agencies are much less extensive.

The first safety law of importance on the Pacific coast was the coal-mine safety act of Washington, adopted in 1887–88.[1] By it there were provided a set of regulations for the protection of coal miners and an inspection system to secure the observance of such

[1] Territorial acts, 1887–88, ch. 21.

regulations. This act, with amendments, constitutes the present mining code of the State, its administration being by a special coal-mine inspection department.

Washington was also the first of these States to enact safety legislation for the benefit of the factory worker. This was in 1903, the safety requirements being part of a general factory-inspection act, the enforcement of which was charged to the State bureau of labor. This act also covered the subjects of sanitation and ventilation, but the principal emphasis was placed upon safety. With almost no changes, this act remains in force and, together with the mine-safety law, constitute practically the whole of Washington's safety legislation.

In Oregon there was no safety legislation prior to the factory inspection act of 1907.[1] This act was an almost literal copy of the Washington act of 1903, covers the same subjects, provides for the same kind of enforcement, and has the same limitations. It remains in force in its original form and, with the exception of the safety requirement of an employers' liability act, is the only important State legislation upon the subject of accident prevention.

California was the last of the three coast States to interest itself in the safety of the worker, there being an entire absence of any important safety legislation or safety activities prior to 1913. In that year there was adopted an accident compensation act, and in it there were incorporated rigid safety provisions and a plan for comprehensive safety activities on the part of the State. The safety provisions of this act are of quite a different character from those of Washington and Oregon. Three of the more significant points of difference may be briefly noted here.

The first point to be noted is that in Washington and Oregon the subjects of accident prevention and accident compensation are not directly related. The two subjects are covered by different laws and are administered by different agencies. In California, on the other hand, accident compensation and safety are correlated as complementary ideas. The two subjects are covered by the same act and are administered by the same commission.

In the second place, the safety requirements of Washington and Oregon are laid down in detail in their respective laws. The law enumerates particular dangers that are to be guarded against, and the duty of the administrative officials is to enforce these particular requirements. The California law attempts no enumeration of particular hazards. It declares simply that work places are to be safe and leaves it to the administering commission to frame detailed rules and standards. And it vests the commission with extensive authority to frame such rules and to enforce their observance.

[1] Acts of 1907, ch. 158.

Finally, the safety requirements of Washington and Oregon are primarily concerned with machine dangers and are limited almost entirely to places using machinery. The California law applies to practically all work places and to all kinds of accident hazards, including those of disease.

A more extended discussion of these points of difference is given in the following sections, in which the safety laws and safety activities of each of these States are described in some detail.

SAFETY ACTIVITIES IN WASHINGTON.

The safety legislation of Washington consists of (1) safety provisions of a general factory inspection act, applicable to factories and similar work places, and administered by the bureau of labor; (2) mining laws for the protection of coal-mine workers, administered by a separate coal-mine inspection department.

(1) SAFETY IN FACTORIES AND WORKSHOPS.

The safety requirements of the factory inspection act may be classed as of the older type of safety legislation, which regarded accident prevention as concerned almost entirely with mechanical safeguarding against the more obvious machine dangers. This becomes evident upon a reading of the law. The following quotations are complete upon all essential points:

> Any person * * * operating a factory, mill, or workshop where machinery is used shall provide * * * belt shifters * * * where the same are practicable; * * * also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screws, live rollers, conveyers, mangles in laundries, and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to * * * ordinary use * * * and the dangers to employees therefrom, and with which the employees * * * are liable to come in contact while in the performance of their duties * * *.[1]
>
> The openings of all hoistways, hatchways, elevators, and wellholes and stairways in factories, mills, workshops, storehouses, warerooms, or stores, shall be protected where practicable, by good and sufficient trapdoors, hatches, fences, gates, or other safeguards * * *[2]

These requirements have three definite limitations. In the first place, the very precision of the law constitutes a limitation upon its scope, inasmuch as dangerous conditions not specifically enumerated remain uncovered. Thus, in a recent case, the State supreme court held that the requirement that shafting be guarded does not extend

[1] Codes and Statutes, 1910, sec. 6587.
[2] Idem, sec. 6589.

to revolving rods and bars being worked upon as materials, even though their movements are similar.[1] In other words, this particular kind of hazard, even though very great, is not within the law.

A second limitation arises in the determination of what particular safeguards are to be considered "reasonable," "practicable," etc. Immediate determination is left to the bureau, but the discretionary authority thus conferred by law is not very extensive, inasmuch as any order of the bureau is contestable on the ground not only that the safeguarding ordered is not required by law but also that the particular guarding demanded by the bureau is "unreasonable," "impracticable," interferes with the "ordinary use" of the machinery, or is not necessary, because the danger point referred to is not one that the employees are liable to come into contact with during the "performance of their duties."

Finally, it is to be noted that as the safety requirements apply only to places using machinery, a large number of employments are excluded where accident hazards exist and where it is possible that effective safety work might be done. Thus, it is estimated that the effective jurisdiction of the bureau is limited to work places employing only about one-third of the employees covered by the compensation act, all of whom are presumed by the compensation act itself to be engaged in extrahazardous work. According to the records of the bureau for 1914, the inspection law covered 1,910 plants with 55,300 employees.[2] For the same year the industrial insurance commission reports that there were approximately 176,000 employees within the scope of the compensation act. The largest groups of workers covered by the compensation act and not covered by the inspection law are those engaged in logging operations and in construction work of various kinds. Both of these classes of work are recognized as peculiarly hazardous.

Legislation regarding safety in general work places is thus of rather limited scope. The actual safety activities of the bureau, however, have been broader than the law itself. It has sought, through its inspection work and through cooperation with employers, to erect certain standards of mechanical safeguarding. Also, it has carried on a fairly comprehensive safety campaign among employers and workers.

SAFETY STANDARDS AND INSPECTION.

As regards mechanical safeguarding, the commissioner, by study of particular problems, has attempted to standardize certain features of the inspection work and has prepared a brief "Handbook on Safe-

[1] Gilbert *v.* C. M. & P. S. R. R. Co., Supreme Court of Washington (Aug. 13, 1913), 134 Pac., 471.

[2] Report of Bureau of Labor, Washington (State), 1913–14, pp. 278, 279. The report of the same bureau for 1915–16 (p. 148), received after the above text was in type, shows no important change in the scope of inspection. The figures reported for 1915 are: Plants covered, 1,828; workers covered, 52,993.

guarding," which covers in some detail various safety regulations for general machinery, laundries, elevators, etc. But such standardization is by no means complete, and under the law very rigid standards can seldom be insisted upon.

The work of field inspection is done by the five deputy inspectors of the bureau, each covering a prescribed district. The inspector's work covers other subjects than safety but safety occupies the major portion of his attention. Each inspector works independently, but correlation is sought by periodic conferences of all the inspectors with the commissioner.

As regards the enforcement of orders, the inspection law of Washington contains a peculiar arbitration provision. This is to the effect that if an employer objects to any order of the bureau he may appeal to a board of arbitration, to consist of three members, one chosen by the employer, one by the bureau and these two to choose a third. The decision of this board is to be final upon both the employer and the bureau. This provision for arbitration has apparently never been availed of. And, in any case, it has been the policy of the bureau to seek to obtain compliance with its recommendations by means of cooperation with the employer. Prosecution has almost never been resorted to.

The number of factories covered by the bureau's inspection is reported for 1914 as being 1,910, with 55,300 employees. As against this, as has been noted, the number of employees covered by the compensation act is reported by the industrial insurance department as having been 176,820 in 1914, and 158,351 in 1915.[1]

As the number of points covered by the inspection law is very limited, annual visits to all factories are easily practicable in the industrial centers. In the more remote sections, a serious difficulty is in the locating of isolated establishments, there being no requirement as to registration.[2]

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[1] Reports of Industrial Insurance Department, Washington (State), 1914, p. 19, and 1915, p. 17.

[2] The last available report of the bureau gives the following data regarding inspections made during the 17-month period from April, 1913, to September, 1914. It is to be noted that during that period 323 plants which had been in existence previously were located for the first time, and that in more than 40 per cent of the plants visited conditions were found unsatisfactory.

(From Report of Bureau of Labor, Washington (State), 1913–14. p. 233.)

Annual inspections	2,516
Reinspections	2,684
First inspections (of old plants not formerly reached)	323
New plants (beginning operations during period)	420
Total inspections	5,943
Plants in which conditions were found satisfactory	3,199
Plants in which conditions were found unsatisfactory	2,434
Plants closed	310
Total	5,943

SAFETY CAMPAIGN.

As an important factor in accident prevention, however, the bureau now regards the matter of mechanical safeguarding as of subordinate importance. It points out that, according to the reports of the industrial insurance commission, only a small fraction of the accidents in the State are attributable to lack of safeguards; that the vast majority are due to other more personal causes—carelessness, ignorance, bad plant conditions, etc.—that can only be reached by the education of employer and worker, and by better plant organization.

To this end the bureau, with the cooperation of the industrial insurance commission, inaugurated in 1914 a fairly comprehensive educational campaign. The principal features of this campaign have been the distribution among employers of various prepared caution signs, the encouragement of employers to organize shop safety committees, and the issuing of a safety bulletin. Principal emphasis was placed upon the shop committee idea. The effort to have such committees organized was made partly through correspondence and printed material, and partly through personal visits and personal urging by the commissioner and his deputies. The movement is regarded as having been very successful.

The issuance of a safety bulletin, as a quarterly publication, was begun in August, 1915. The title is the "Workman's Safety Guide." It is prepared primarily for the workers and its intention is to spread safety information of all kinds, and more particularly to encourage the organization of shop committees and to increase their efficiency. The numbers of the bulletins so far issued are well printed and well presented.

For none of this safety education work has the bureau any special appropriation or equipment and this necessarily places somewhat narrow limits upon its effective scope.

(2) SAFETY IN COAL MINES.

The laws for the protection of coal miners consist primarily of requirements regarding means of exit, ventilation, signals, etc. In addition, however, they include a strict 8-hour law for underground workers, a provision regarding weighing and the use of check-weighmen, and a prohibition of the employment of women and children in mines.

The mine legislation in total, while fairly detailed upon some points, is not regarded as being sufficiently comprehensive to meet the best modern practice. This fact was recognized by the legislature of 1911, which provided for the appointment of a commission to revise the coal-mining laws. The commission consisted of repre-

sentatives of the miners, the operators, the mining engineering profession, and the State inspection department. A code was compiled and submitted to the legislature of 1913. It failed of passage and no action was taken by the legislature of 1915.[1]

The safety requirements are given in detail in the several laws and are enforceable by the coal mine inspection department. There is no delegation to the department of administrative authority to make rules or erect standards apart from the specified requirements of statute.

If, upon inspection, conditions are found contrary to legal requirements or unsafe for the workers, the department's remedy is by court injunction, two days' notice to the employer being required. The department itself is not given authority summarily to forbid the continuance of work which it considers dangerous.

The coal mine inspection department has only two employees—the chief mine inspector and one deputy inspector. As a result the organization of the department is simple. Both the chief and his deputy spend most of their time in field inspection. Both are engaged in the same kind of work and are in close personal touch at all times.

In 1914 there were 56 coal mines in operation in the State, the number of employees being 5,647. During the 18 months ending December 31, 1914, the inspector and his deputy made approximately 300 visits and inspections, each mine being visited several times a year.[2] In addition to periodic inspections, many investigations are the results of complaints on the part of the miners. As the coal miners are well organized, complaints may be readily made through union officials.

The educational work of the department has been chiefly in the direction of encouraging the movement for mine-rescue and first-aid training and to encourage the establishment of safety associations in the mines of the State. In this it cooperates with the United States Bureau of Mines.[3]

It is the policy of the department to obtain compliance with the mining laws through cooperation with the employer. Attempts at legal compulsion are rarely resorted to. During the year 1914, the last for which record is available, the only prosecutions were against mine workers for violation of a law forbidding the carrying of matches into mines worked by the light of safety lamps.[4]

[1] Report of State Inspector of Coal Mines, Washington, 1914, p. 14.
[2] Idem, p. 14.
[3] Idem, pp. 14, 15.
[4] Idem, p. 8.

SAFETY ACTIVITIES IN OREGON.

There is no mine-safety legislation in Oregon, mining indeed being of negligible importance in the State. Otherwise the safety legislation of Oregon is almost identical with that of Washington, the factory-inspection act of Oregon being an almost literal copy of the earlier Washington act.[1] This is true as regards both the safety requirements themselves and the placing of their enforcement upon the bureau of labor.

In Oregon, however, the authority of the bureau of labor to require safeguards is legally somewhat stronger, because of certain stringent requirements of an employer's liability law which demands that all dangerous machinery, appliances, and places be guarded without "regard to cost," and makes violation a misdemeanor.[2] This law is not under the direct jurisdiction of the bureau of labor, but it may be availed of by the bureau as an aid in its work.

The safety requirements of the factory-inspection act, being the same as those of the Washington act, have the same limitations as those pointed out in the discussion of the safety legislation of Washington. That discussion need not be repeated.

Also the administrative experience and practices of Oregon have been closely similar to those of Washington, with the exception that not as much emphasis has been placed upon educational activities as distinguished from mechanical safeguarding.

For the work of field inspection the bureau has four deputy inspectors who devote practically their whole time to field work. Their inspection duties cover several subjects, but by far the greater part of their attention is devoted to matters of safety. The State is districted for purposes of inspection, each inspector covering all places within his district.

The bureau publishes no information in regard to the number of work places subject to inspection or the number of inspections made. As regards the scope of the bureau's jurisdiction, it is probable that the estimate made for Washington would apply, namely, that the jurisdiction of the bureau in matters of safety covers only about one-third the number of workers covered by the workmen's compensation act.

The attitude of the bureau toward prosecutions has been substantially the same as that of the Washington bureau. The effort has been to secure results through cooperation. Prosecutions have been rarely undertaken. On the other hand, occasional use has been made in Oregon of the provision of the factory-inspection law which permits an employer who is dissatisfied with an order of the bureau to appeal to an arbitration board.

[1] Lord's Oregon Laws, 1910. Secs. 5040 and 5042.
[2] 1911, ch. 3.

SAFETY ACTIVITIES IN CALIFORNIA.

Prior to the year 1913, as has been noted, there was an almost entire absence of safety legislation in California, and the subject of industrial safety had received little attention in the State. But discussion of accident compensation aroused interest in the associated idea of accident prevention, and the compensation act as recast in 1913 provided for comprehensive safety activities on the part of the industrial accident commission.

The plan then adopted was substantially the same as the one first developed in Wisconsin. The law directs simply but broadly that:

> Every employer shall furnish employment * * * and * * * a place of employment which shall be safe for employees therein and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations, and processes as are reasonably adequate to render such employment safe, and shall do every other thing reasonably necessary to protect the life and safety of employees.[1]

No attempt is made to enumerate special dangers or means of protection. This is left to the determination of the commission, which is authorized to draw up safety rules and standards and, after a public hearing, to issue such rules and standards in the form of orders.

These orders have substantially the same effect as statutory law. An employer dissatisfied with any order may request a rehearing by the commission, and if dissatisfied with the result of the rehearing may thereupon appeal to the State supreme court or the district court of appeal. But if he does not do this in advance of prosecution for failure to comply with an order he may not offer as a defense that the order was unlawful or unreasonable. Moreover, in any case the commission's findings of fact are conclusive.

Failure to comply with the safety provisions of the act or with the orders of the commission constitutes a misdemeanor, and in case of continued violation each day's violation constitutes a separate offense.

The scope of the law is such as to cover every employment in the State except farm and house work. Mining, logging, and construction work are thus included. Moreover, the protection contemplated by law covers all kinds of industrial hazard, including those of industrial diseases.

SAFETY DEPARTMENT.

The law is very liberal in equipping the industrial accident commission with authority and resources to carry on effective safety

[1] Acts of 1913, ch. 176 (Am. 1915, chs. 541, 607, 662), sec. 52.

work. The commission is allowed an almost entirely free hand in the selection and appointment of safety experts and inspectors and in fixing the salaries of its staff. It is also free to arrange its own methods of work.

Acting upon this authority, the commission organized a special safety department and placed all safety activities under its immediate charge. The department consists of a superintendent of safety and 12 assistants. The superintendent was formerly safety expert of a large steel company and almost all of the assistants are men of technical training.

In addition to this regular staff a plan of cooperation was arranged with the United States Bureau of Mines for the promotion of safety in mining. The agreement called for the United States Bureau of Mines to appoint one of its engineers to take charge of the safety work in the mining industry. Half of the salary and expenses of this engineer were to be borne by the State and half by the United States Bureau of Mines. This cooperative plan was carried out and is regarded as being a complete success. Under a similar arrangement another official of the Federal bureau, a specialist in first-aid work, was assigned to California.

The work of the safety department has been along two main lines: (1) Educational and propaganda work, and (2) the framing of safety rules and standards.

(1) EDUCATIONAL WORK.

The work of safety education was particularly necessary in California because of the previous absence of legislation or agitation concerning safety matters. The department therefore as its first activity attempted to bring the need and possibilities of accident prevention to the attention of employers, employees, and the public.

An extensive safety-first campaign was carried on by means of literature, newspaper publicity, and visits to industrial plants; conferences were held in the larger cities of the State, at which addresses were made by employers, workers, members of the commission, and other qualified persons. Much stress was laid upon the importance of shop committees and employers were urged to appoint such committees.

A safety museum was early established in San Francisco. It is well housed and well equipped. A branch museum was later established in Los Angeles.

(2) SAFETY RULES AND STANDARDS.

In framing rules and standards, the practice of the commission has been to have such work done for particular industries or subjects by committees representing the parties immediately concerned—em-

ployers, workers, machine manufacturers, insurance companies, etc. There is a double purpose involved in this plan—first, to have the safety regulations framed by those best informed in the particular subjects under consideration; and, second, by having the regulations fixed by the parties most concerned it is believed that observance can be more readily secured. If an employer, for instance, is a party to the framing of a certain rule, he is not in a position to contest its reasonableness.

Two general safety committees, one for San Francisco and one for Los Angeles, were organized. Each consisted of three representatives of employers, designated by the employers' association, three labor representatives, designated by the State Federation of Labor, and one representative of the casualty insurance companies, together with a representative of the commission as secretary. On the San Francisco committee the superintendent of safety acted as secretary, and on the Los Angeles committee the assistant superintendent of safety.

The appointment of two district committees—one for the northern part of the State and one for the southern part—was simply to facilitate the work, it being felt that attendance at meetings and conferences would thereby be made more feasible. The work of the committees was coordinated by means of correspondence and visits.

These two committees worked out a set of general safety rules, which were adopted by the commission and duly promulgated. The committees were continued in office to act in an advisory capacity in the selection of subcommittees for the preparation of rules on special industries, and special subjects—boilers, elevators, laundries, etc. These subcommittees are still at work.

In addition to the general committee and the subcommittees a special committee on mining rules was appointed. This was composed of three mine operators and three miners, together with the mining engineer of the commission. The mine workers' representatives were unable to attend the meetings. The remaining members worked out an elaborate code of mining rules. After two public hearings, at which certain changes were suggested, the commission adopted these rules and promulgated them as orders. This mining code is extremely elaborate and represents one of the most comprehensive codes of its kind in the United States.

The safety work of the State of California is thus in process of development. From the nature of the plan followed it will be a considerable time before its success can be determined. It will be necessary to complete the series of safety codes before there is even a broad basis for the real constructive work of accident prevention. The effectiveness of these codes must then be tested, as also the efficiency of the commission in securing good results.

The criticism of those opposed to this plan of having safety standards erected by the commission in cooperation with committees of employers and workers is that the employers may dominate the committees and the standards secured be less rigid than might be obtained directly by statute.

RESULTS OF SAFETY ACTIVITIES.

Since the object of all safety work is the prevention of accidents the only true measure of its success is the degree in which the number of accidents is reduced. In none of the Pacific States is there any satisfactory information upon this point. By each of them it is believed that safety efforts have resulted in a marked decrease in accident hazards. But for no State as a whole and for no large industry (except coal mining in Washington) has there been any important attempt to compile the material necessary to determine this fact. This condition is, of course, in no way peculiar to the Pacific States, the whole subject of accident rates having been little developed in the United States.

To determine true accident experience from year to year it is necessary to know the accident rate for each year. And for the computation of an accident rate there is necessary not only the number of accidents but also the accident exposure—i. e., the number of persons employed and the period of their employment. Mere accident numbers mean little or nothing. A decrease in the number of accidents from 10,000 one year to 8,000 the following year does not necessarily imply that conditions have improved, inasmuch as the number of persons employed may have decreased in even greater proportion. In other words, it is quite possible that a decrease in the number of accidents may coincide with an increase in accident rates. It is evident, therefore, that without accident rates of some kind as a basis of measurement it is impossible to tell whether safety efforts have met with success.

Until the recent adoption of their respective compensation acts there was no effective system of accident reporting in any of these States, and no attempt had been made—except in the coal-mining industry of Washington—to obtain data regarding the number of employees exposed to accident. The administration of a compensation act necessarily requires that greater emphasis be placed upon the collection and tabulating of accident data. Reports are automatically received of all accidents covered by compensation, and usually the number of employees exposed, or at least the pay-roll exposure, is, or can be, obtained.

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Thus far, however, the Oregon compensation commission has been the only one to present any computations regarding accident rates. This commission, in its last available report, computes accident-frequency rates from the data obtained under the compensation act. The frequency rates are based upon the total number of full-time workers as estimated from pay-roll exposure. The results, as given in a statement of the report, are very brief, but are interesting as representing one of the few attempts in any State to compute accident rates.

Accident frequency rates per 1,000 full-time workers in Oregon for the year ending June 30, 1915.[1]

Fatal	2.86
Permanent total disability	.05
Permanent partial disability	5.24
Temporary disability	124.85
Total	133.00

A summary of the accident-reporting laws of Washington, Oregon, and California and of the experience thereunder is given below.

ACCIDENT REPORTING IN WASHINGTON.

A requirement for the reporting of all serious coal-mine accidents to the coal mine inspection department has been in force for a number of years. The number of mine employees being also known the department has been able to compute accident rates. These are presented in the following table for the 15-year period, 1900 to 1914:

TABLE 3.—ACCIDENTS AND ACCIDENT RATES IN COAL MINES OF WASHINGTON, 1900 TO 1914, BY THREE-YEAR PERIODS.

[Summarized from Report of State inspector of coal mines, Washington, 1914, p. 105.]

Period.	Average number employed.	Average number of accidents per year.		Accident rate per 1,000 employees.		Tons mined per accident.	
		Fatal.	Nonfatal.	Fatal.	Nonfatal.	Fatal.	Nonfatal.
1900–1902	4,469	31.3	71.3	7.0	15.9	81,251	36,968
1903–1905	4,828	23.0	75.6	4.8	15.7	148,951	42,269
1906–1908	5,535	27.6	84.3	5.0	15.2	124,883	39,431
1909–1911	5,840	36.3	119.6	6.2	20.5	105,344	31,343
1912–1914	5,795	17.6	687.6	3.0	118.7	195,693	5,324

The table shows a fluctuating rate for fatal accidents, with a decrease in recent years, while the nonfatal accident rate, on the contrary, has increased very rapidly. This is contrary to all other experience and can only be explained on the ground that nonfatal accidents have been reported much more accurately in recent years, particularly since the compensation act went into effect. The results

[1] Report of Industrial Accident Commission, Oregon, 1915, p. 27.

constitute a striking example of the misleading character of conclusions based upon incomplete accident reports.

For employments other than coal mining no accident reporting was required until the passage of the compensation act in 1911.[1] This act requires all employers to report all accidents to the industrial accident commission. As the earlier law regarding the reporting of coal-mine accidents was not repealed, coal-mine operators must now report to two State agencies. It is interesting to note that of the two sets of reports made those to the industrial accident commission tend to be the more complete.[2]

Under the compensation act it is probable that all accidents, even those of a minor character, in employments in which compensation is paid, are now fully reported, particularly so as the Washington act pays for injuries of even one day's duration. For accidents in employments not under compensation, however, reports are very incomplete.

ACCIDENT REPORTING IN OREGON.

No accident reporting of any kind was required until 1911, when an act was passed directing all employers of three or more persons to report all accidents to the bureau of labor.[3] This law was extremely comprehensive in its requirements, but was not observed at all closely, and the reports received by the bureau were too incomplete to be of value. In 1913 the compensation act made it the further duty of employers to report accidents to the industrial accident commission,[4] thus creating a double system of reporting. This confusion was removed in 1915 by an act which does away with all reports except those to the industrial accident commission.[5] The essential feature of this law, as now in force, is that all employers under compensation, and all others who employ three or more persons, must report all accidents. As the compensation act provides for no waiting period, it is probable that all accidents under compensation are fully reported. But for accidents in employments not under compensation reports are very incomplete.

ACCIDENT REPORTING IN CALIFORNIA.

It was not until 1913, and as part of the compensation act, that any form of accident reporting was required. This act, as amended in 1915, directs not only all employers but also all physicians and in-

[1] Acts of 1911, ch. 74, sec. 14 (Am. 1915, ch. 188). Another act of the same year requires public service corporations to report accidents to the public service commission. 1911, ch. 117, sec. 63.

[2] See Report of State Inspector of Coal Mines, Washington, 1914, p. 7.

[3] Acts of 1911, ch. 102. In addition, a special law relating solely to railroads was enacted the same year. Acts of 1911, ch. 279, sec. 73.

[4] Acts of 1913, ch. 112, sec. 29.

[5] Acts of 1915, ch. 76.

surance carriers to report all cases of industrial injury to the industrial accident commission, and the term "industrial injury" includes injuries due to disease as well as to accident in its ordinary sense.[1] By an earlier act of 1911, physicians were required to report cases of certain occupational diseases to the State board of health.[2] This act was never effective and, while still unrepealed, is suspended in practice by the reporting requirements of the compensation act.

As was seen to be the case in Washington and Oregon the accident reports, while very complete for employments under compensation, are very incomplete for those not under compensation.

[1] Acts of 1913, ch. 176, sec. 71 (as amended by Acts of 1915, ch. 607).
[2] Acts of 1911, ch. 485.

CHAPTER IX.—THE HEALTH OF THE WORKER.

Injury to the health of the worker may be due to definite occupational disease, such as lead poisoning and anthrax, or it may be due to the more insidious influence of bad working conditions, such as lack of toilet facilities or bad lighting. In addition, the moral health of woman and child workers as well as their physical health may be endangered by improper surroundings in their work places.

Possible preventive measures through legislation cover a wide range of topics—such as insistence upon cleanliness in work places; the provision of good light; the provision of good ventilation; the furnishing of adequate water-closets and washing facilities; the provision, especially in the case of women, of dressing rooms, rest rooms, and seats; the supplying of pure drinking water; the maintenance of good sanitary conditions in labor camps.

It is only very recently that the subject of health conditions in industry has received any very serious attention in the Pacific States. In none of them as yet is there a comprehensive body of effective legislation upon this subject, but increased interest has resulted in two legislative activities of considerable importance.

The first is the grant of authority to the industrial welfare commission of each of the States to fix standards of working conditions for women and minors. The authority thus granted is very extensive, covering all matters affecting the physical and moral welfare of such persons and while as yet exercised to only a limited extent it offers a broad field for future action.

The second activity referred to was the enactment by California of a sanitary code for the labor camps of that State and placing its administration, in 1915, in the hands of the immigration and housing commission. Washington and Oregon have not as yet made any important attempt to control the conduct of such camps.

These two instances of recent State legislation have been emphasized as of particular importance. Other legislative measures, however, have not been entirely lacking. In all of the States, indeed, statutory requirement regarding matters of health—chiefly ventilation and sanitation—have been in existence for a number of years, with enforcement resting upon their respective bureaus of labor. That, as a rule, no very effective results were accomplished was due in part to the fact that the requirements were too vague and the authority and equipment of the bureaus too limited to permit

of the erection of very rigid standards. But a further, and more serious, handicap was the general lack of knowledge upon the subject of industrial health.

HEALTH ACTIVITIES IN WASHINGTON.

The statutory requirements are limited to a few, brief provisions of the factory inspection act of 1903 regarding sanitation and ventilation and a law of 1911 requiring "suitable" seats for females.[1]

The provisions of the factory inspection act consist of two rather vague requirements that workplaces where machinery is used shall be kept in a "cleanly and sanitary state" and provided with "good and sufficient ventilation", and of a more specific demand that, in case any process is carried on which causes dust to be inhaled to an "injurious extent", exhaust fans or other mechanical means of removal shall be supplied. No standards are erected or suggested as to what constitutes "cleanliness", "good ventilation", etc.

Of greater potential importance than these statutory requirements is the authority granted the industrial welfare commission to determine proper working conditions for women and minors. Thus far the attention of the commission has been chiefly centered upon the question of minimum wages and the subject of working conditions has not been gone into with any thoroughness. The orders issued have contained a number of requirements regarding toilets, wash rooms, dressing rooms, rest rooms, ventilation, and sanitation, but are, for the most part, very general in their terms and fix no basic standards. Thus, the order regarding factories reads, "Every manufacturing establishment where females are employed shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements so that such employees may obtain rest when in a state of fatigue or in case of illness."

The bureau of labor is charged with the enforcement of the statutory requirements and is also the active enforcing agency for the rulings of the welfare commission. As noted, the requirements as a whole are rather weak and the authority vested in the bureau to insist upon rigid standards is limited. Because of this and also because of the fact that the matter of sanitary conditions in work places has not been regarded as of very serious importance in the State as a whole, the bureau has placed relatively little emphasis upon most of these subjects. Employees have been urged to remedy bad conditions but no insistence as a rule has been placed upon very high standards, and prosecution has not been resorted to.

The subject to which probably most attention has been devoted is that of dust-removing systems in shingle mills. As a result of a

[1] R. and B. Codes and Stat., 1910, sec. 6588, and Acts of 1911, ch. 37.

survey of these mills the bureau found numerous cases of throat affection among shingle workers, due presumably to the cedar dust inhaled. An extensive investigation of blower systems was then made and a type found which met the necessary requirements. The use of this system, or one equally as good, was urged upon all employers in the industry on the grounds of increased health and efficiency for the workers, with the added economic argument that fire insurance rates would be thereby reduced. No attempt at compulsion was made, but the bureau reports that its campaign resulted in the installation of good blower systems by a large number of mills.[1]

As regards general conditions of ventilation and sanitation in the factories of the State the bureau finds much room for improvement. In the more recently constructed plants it believes conditions are reasonably good but in "factories operated in old buildings sanitation and ventilation are bad and difficult to improve," and there are many such factories.[2] In some of the fish canneries conditions are reported as being extremely bad.[3]

The worse conditions, from the standpoint of sanitation, are probably found in the logging and construction camps. A bureau report speaks of the conditions in some of the camps as being of a character to beggar description.[4] At present there is no law governing the maintenance of labor camps. They are not covered by the factory-inspection laws and the bureau of labor has no jurisdiction. Nor has the State board of health any specific jurisdiction over such camps.

HEALTH ACTIVITIES IN OREGON.

Both the legislation and enforcing experience of Oregon are almost identical with those of Washington as above described. The statutory requirements regarding sanitation and ventilation are part of the general factory inspection act of 1907,[5] which is a copy of the earlier Washington act, and the only other statutory requirement upon this subject is that "suitable" seats be supplied for female employees.[6]

These several requirements are subject to the same limitations as regards both scope and standards as those of Washington. Enforcement is charged to the bureau of labor which, subject to the legal limitations noted and to the rather general lack of interest regarding health conditions in industry, has attempted to do little more than

[1] Report of Bureau of Labor, Washington (State), 1913–14, pp. 76–89.
[2] Idem, p. 230.
[3] Idem, p. 93.
[4] Idem, pp. 61–83.
[5] Acts of 1907, ch. 158. (Lord's Oregon Laws, 1910, sec. 5041.)
[6] Lord's Oregon Laws, 1910, sec. 5038.

correct the more obvious cases of bad conditions in a limited number of work places. No insistence has been placed upon very high standards and no prosecutions have been attempted.

The industrial welfare commission has the same broad authority as in Washington to fix standards of working conditions for women and minors. This authority was not availed of until 1916, when among the series of orders issued under date of July 3, and effective September 1, 1916, one order was devoted solely to the subject of sanitary conditions. It applies to all work places where women and minors are employed, although the commission, on request, may exempt places employing less than four women. The requirements made are very complete as regards the subjects covered, but most of them are general in their terms and will require interpretation and the fixing of more definite standards. The full list of requirements is as follows:

Cleanliness.—Every room and the floors, walls, ceilings, windows, and every other part thereof, and all fixtures therein, shall, at all times, be kept in a clean and sanitary condition.

Drinking water.—A sufficient quantity of drinking water, within reasonable access to all workers, shall be provided, with sanitary appliances for drinking. A common drinking cup shall not be used.

Lighting.—All rooms shall be properly and adequately lighted during working hours. Artificial illumination in every workroom shall be installed, arranged, and used, so that the light furnished will at all times be sufficient and adequate for the work carried on therein, and prevent unnecessary strain on the vision, or glare on the eyes of the worker.

Ventilation.—The ventilation of each room shall be adequate, and there shall be sufficient provision for preventing excessive humidity, and an amount of cubic air space necessary to health must be allowed for each employee.

Toilet rooms.—In every establishment there shall be provided suitable and convenient toilets separate from those used by the opposite sex, and the number of such toilets shall be not less than one to every 20 women or minors employed at one time or majority fraction thereof. Such toilets must be thoroughly ventilated and open to the outside air, and such toilets must at all times be kept in a clean and sanitary condition.

Wash rooms.—Wash-room accommodations, separate and apart from those used by male persons, must be provided, and individual towels, either cloth or paper, must be furnished. The washing facilities must be adequate, and the wash rooms must be kept in a clean and sanitary condition.

Dressing rooms.—A suitable space, effectively screened, must be provided for women to change their street clothes for working clothes, and where practicable individual lockers should be provided.

Tables, benches, and chairs.—Tables and benches, so constructed as to give the greatest possible comfort and convenience to women and minor employees, considering the requirements of the work upon which they are employed, must be provided, and convenient and comfortable seats must also be furnished where the nature of the work is such that employees may sit while working.

Expectoration.—Signs must be placed in all rooms forbidding expectoration on the walls or floor, and suitable and sanitary receptacles must be provided for this purpose. These receptacles must be cleaned daily.

HEALTH ACTIVITIES IN CALIFORNIA.

Of the laws for the protection of the worker's health the one of most immediate importance is the labor camp sanitation act of 1913. This will be described in the following section.

The other legislation of California upon this subject is similar in substance to that of Washington and Oregon, but upon certain points is somewhat more extensive.

As regards sanitation and general ventilation the statutory requirements are very general in their wording—that all establishments employing five or more persons shall be kept in a "cleanly state," with "sufficient" water-closets within "reasonable" access and separate for the sexes, and that such establishments shall be so ventilated that the air will not become "injurious" to health. Upon the subject of exhaust fans the law is more specific, the requirement being that, when dust or gases are generated "fans or blowers with pipes and hood" must be provided, "all to be properly fitted and adjusted," and of "sufficient" power and size to remove such dust or gases.

Other statutory requirements dealing with particular subjects are: "Suitable" seats for female employees;[1] fresh and pure drinking water;[2] sterilization of wiping rags;[3] cellars not to be used as work places if condemned by the commissioner of labor.[4]

All of these provisions are enforceable by the bureau of labor. In the actual work of enforcement the bureau is subject to similar limitations as those noted in Washington and Oregon. No precise standards are erected by law, and the bureau has a rather limited authority to insist upon rigid standards. Of interest upon this point is a statement of the State supreme court in a recent case declaring unconstitutional a section of the law regarding sanitation as originally enacted:

"The legislature * * * may require the owners of factories and workshops to put their buildings in proper condition as to sanitation, may require them to provide reasonable safeguards against danger for the operatives, but it may not leave the question as to whether and how these things shall be done or not done at the arbitrary disposition of any individual [i. e., the commissioner of labor]."[5]

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[1] Acts of 1913, ch. 352.
[2] Acts of 1915, ch. 485.
[3] Acts of 1913, ch. 81.
[4] Codes, 1906, act No. 1098, sec. 3.
[5] 67 Pac. Reporter, 755. Schaezlein *v.* Cabaniss.

In addition to these statutory requirements, the industrial welfare commission has power, as in Washington and Oregon, to fix standards of working conditions for women and minors. This authority has so far been exercised in the case of only one industry—fruit and vegetable canning. For this industry the commission has prescribed a comprehensive series of requirements for the health and comfort of women and minors. Upon a number of points, such as toilet rooms, these requirements are clear and precise and represent advanced standards of modern practice. They are in full as follows:

SANITARY AND HEALTH REQUIREMENTS IN FRUIT AND VEGETABLE CANNERIES.[1]

Lighting.—Every workroom (hereafter constructed) must be supplied with adequate natural light during the working daylight hours.

Every workroom (now constructed and which is not so equipped as to furnish adequate natural light during the working daylight hours) must be supplied with sufficient artificial light properly placed.

Every workroom must be supplied during the working hours when daylight is not available with sufficient artificial light properly placed.

Ventilation.—The ventilation of each workroom shall be adequate and there shall be sufficient provision for preventing excessive humidity by the removal of escaping steam.

Floors.—Each workroom shall have an impermeable floor, made of cement or tile laid in cement, brick, wood, or other suitable nonabsorbent material which can be flushed and washed clean with water. Floors must be tight and hard and in good repair, and be pitched to provide for drainage so that there will be no unreasonable depth of water. All excess of water or overflow must be immediately removed. Wooden racks shall be provided wherever women are obliged to work on wet floors, or cement or tile floors, and such racks shall be not less than 3 inches in height.

Toilet rooms.—Toilet rooms shall be completely partitioned off from workrooms, and the doors must be so located or protected by screen that the water-closet compartment shall not be visible from the outside.

Toilet rooms shall have adequate natural or artificial light so that every part of the room and of the interior of each compartment shall be easily visible.

Toilet rooms shall be sufficiently ventilated and the ventilation shall be only to the outside of the building.

The floors of such toilet rooms shall be of cement, tile laid in cement, wood, brick, or other nonabsorbent material, and shall be washed and scoured daily and shall be kept in good repair.

All walls of toilet rooms and water-closet compartments, unless constructed of glazed tile, brick, etc., shall be kept covered with a nonabsorbent light-colored paint, varnish, or other impervious compound.

Every water-closet shall be in a separate compartment, which must be not less than 28 inches wide and provided with a door.

Partitions of water-closet compartments shall be not less than 6 feet high, and shall extend not nearer the ceiling and floor than 1 foot.

The number of water-closets shall be not less than one to every 20 women employed, or majority fraction thereof, based on the maximum number of women employed at one time.

[1] California Industrial Welfare Commission, Order No. 2. Issued February, effective April, 1916.

Every water-closet shall have a bowl of vitreous china, or of first quality cast iron, porcelain enameled inside and out, or of other approved material. Every such bowl shall be provided with adequate facilities for flushing, and shall be set entirely free from inclosing woodwork, and so installed that the space around it can be easily cleaned.

The bowls of water-closets shall be provided with seats of wood or other non-heat absorbing material, and shall be coated with varnish or some other water-proof substance.

An adequate supply of toilet paper shall be provided in every water-closet compartment.

All toilets shall be kept clean and the bowls and seats of water-closets shall be scrubbed at least once a day. All toilets, wash rooms, lavatories, and water-closet compartments shall be kept clean.

Water supply.—Each place of employment shall be supplied with sufficient pure drinking water and the faucets shall be placed so that they are convenient to the employees. Common drinking cups are prohibited. Individual cups must be used or sanitary drinking fountains must be installed.

Wash rooms.—There shall be wash rooms and lavatories adjacent to toilet rooms, and all wash rooms and lavatories shall be supplied with soap, running water, and towels, and shall be maintained in a clean and sanitary condition. Common towels shall not be used or permitted and individual or paper towels must be supplied.

Number of washbowls.—The number of washbowls, sinks, or other appliances shall be not less than one to every 20 women. Twenty inches of sink with one faucet shall be considered as an equivalent of one washbowl. Spring faucets shall not be used except where washbowls are provided.

Locker rooms.—A suitable room shall be provided where women may change their clothing. A sufficient number of lockers shall be provided.

Time for meals.—Every woman and minor shall be entitled to at least one hour for noonday meal: *Provided however*, That no woman or minor shall be permitted to return to work in less than one-half hour.

Seats.—Seats shall be provided for each and every woman employed, and such women shall be permitted to use the seats at all times. Seats shall be of such types as approved by the industrial welfare commission.

Carrying.—No woman shall be required or permitted to carry any box, box of fruit, vegetable, or refuse, or trays of cans, or any heavy burden to or from her place of work in the establishment.

LABOR-CAMP SANITATION IN CALIFORNIA.

Inasmuch as labor camps are living places and not strictly working places, the subject of their sanitary condition might be considered as not properly a concern of labor legislation. As a matter of fact, however, the labor camp is essentially a labor matter. Where a camp is maintained the worker, from the nature of the case, must usually live therein, its character is dependent upon the owner and employer, and in all respects it becomes an integral part of the work place.

Until 1913 these camps were subject to no regulation. It was known that conditions in many of them were bad but the extent of the evil was not generally recognized. In 1913 a law was passed providing certain sanitary regulations for labor camps of all kinds, and

the enforcement thereof was placed in the hands of the State board of health.[1] The requirements of this law were few and indefinite. Moreover, the State board of health was not equipped for its effective enforcement, and, with the consent of the board, the whole subject of labor-camp sanitation was turned over to the commission on immigration and housing.

After investigation and study this commission prepared a set of detailed sanitary regulations, much more complete than those contemplated by the law itself. These regulations were printed in pamphlet form and the effort was made to have them accepted voluntarily by the employers.[2] As a result of the commission's investigations and disclosures of labor-camp conditions the legislature of 1915 so amended the earlier law as to make it more comprehensive and more stringent in its requirements.[3] At the same time the duty of enforcing the law was definitely transferred to the immigration and housing commission and an appropriation of $10,000 granted for the special work of camp inspection.

The law applies to all camps where five or more persons are employed. Its sanitary requirements briefly summarized are as follows: (1) Bunks, tents, and other sleeping places to be kept clean and have sufficient air space; (2) bunks or beds to be made of iron, canvas, or other sanitary material; (3) mess tents and kitchens to be kept clean and openings screened; (4) water-closets to be kept clean and screened; (5) all garbage and rubbish to be deposited in covered receptacles and emptied at least daily; (6) owner, superintendent, and foreman each to be responsible. The penalty for violation of these requirements is a fine of not over $200 or imprisonment of not over 60 days, or both, and in addition it is provided that any camp failing to obey the law shall be deemed a public nuisance, subject as such, after five days' notice, to criminal prosecution.

The commission has been and still is carrying on an active field campaign among the camps of the State.[4] The mere locating of the camps is a matter of considerable difficulty, inasmuch as many of the camps are of an extremely temporary character and no system of registration is provided; also, because of inaccessibility, return visits to see that orders have been complied with are often very difficult.

For the work of inspection the commission employs three special camp inspectors. In addition to its own force, the commission has also arranged for cooperation with the State board of health for the handling of all technical problems of sanitation, with the mine inspector of the industrial accident commission for work among the

[1] Acts of 1913, ch. 182 (amended 1915, ch. 329).
[2] Advisory pamphlet on camp sanitation and housing, 56 pp.
[3] Acts of 1915, ch. 329.
[4] Commission of Immigration and Housing of California. Annual Report, 1916, pp. 9–40.

mining camps, and with the industrial welfare commission for work among the canneries. Also it has arranged with the highway commission to have inserted in all contracts for highway construction a clause requiring all camps in connection therewith to be maintained in accordance with the requirements established by the immigration and housing commission.

The regulations which the commission seeks to have adopted are contained in an "advisory pamphlet" in which are given detailed rules, with sketches and photographs for the proper building and maintenance of labor camps. These rules are very complete and are considerably more elaborate than those contained in the law itself.

Thus far the commission has sought to secure its objects by cooperation with employers and workers.[1] No prosecutions have been undertaken, the commission stating that on the few occasions when necessary, threats to prosecute have been sufficient. The commission points out the importance of constant inspection in order to secure and maintain good conditions:[2]

> The commission has found that the practice, so frequently followed in the enforcement of laws regarding sanitation, of not making inspections or reinspections until complaints are made is entirely wrong. This practice is, of course, based on the theory that the employees or any others affected will report insanitary conditions to the proper authorities. But, as a matter of fact, the average employee is afraid of "losing his job" if he complains, and the casual outsider or neighbor who may be affected by insanitary conditions is either ignorant of the danger or lacks the initiative to complain to the authorities. A few complaints against camps come to the office, but many of them are anonymous, and the localities are so scattered that the established routes of regular inspections and reinspections are followed, the complaints being investigated only incidentally.
>
> Moreover, certain data from the reinspection reports, which are given in detail further on, disclose the regrettable fact that many of those who work and live in labor camps are seemingly more or less apathetic concerning general sanitary conditions. Therefore, it is not only impossible to base inspections on complaints alone, but this lack of appreciation on the part of some employees makes more difficult the maintenance of good conditions.

Data contained in the reports of the commission for 1915 and 1916 present a striking picture of a phase of industrial life, and a very important phase on the Pacific coast, about which almost no information is anywhere else available. A few of the more important findings may be briefly summarized.

The commission estimates that the total number of persons living in labor camps during all or most of the year is at least 75,000, not

[1] Commission of Immigration and Housing of California. Annual Report, 1916, pp. 9, 10.

[2] Idem, pp. 10–12.

including farm and ranch labor. In the 663 camps covered by the commission's investigations during the last six months of 1915, there were 40,441 residents. Of these, 4,596 were women and 4,064 were children—together constituting 21 per cent of the total residents and indicating that the camp is not merely a place for the hardy, migratory male worker.[1]

The following table classifies the 663 camps inspected during the six-month period referred to, according to the industry and according to the rating of their sanitary conditions as good, fair, or bad, as made by the inspectors. The number of laborers shown in this table is in each case based on the capacity of housing facilities and so does not agree with the number actually living in the camps as shown in the preceding paragraph.

TABLE 4.—SANITARY CONDITION OF LABOR CAMPS IN CALIFORNIA.

[Source: Commission of Immigration and Housing of California, Annual Report, 1916, p 349. Number of laborers is based on capacity of housing facilities, and is not number actually living in camps.]

Industry.	Good.		Fair.		Bad.		Total.	
	Camps.	Laborers.	Camps.	Laborers.	Camps.	Laborers.	Camps.	Laborers.
Beet	17	953	26	947	25	966	68	2,866
Construction	21	1,644	10	259	12	763	43	2,666
Fruit	14	1,785	7	474	6	408	27	2,667
Grape	1	25	4	150	1	150	6	325
Highway and grading	21	962	51	2,094	88	3,518	160	6,574
Hop	27	5,067	13	1,545	9	840	49	7,452
Lumber	35	3,623	39	3,960	18	3,340	92	10,923
Mines and quarries	34	3,869	25	2,648	10	698	69	7,215
Oil	66	6,855	6	245	.....	.....	72	7,100
Railroad	3	69	12	335	21	862	36	1,266
Ranch	12	1,046	10	280	9	189	31	1,515
Miscellaneous	3	1,100	6	954	1	10	10	2,064
Total	254	26,998	209	13,891	200	11,744	663	52,633
Per cent	38.3	51.3	31.5	26.4	30.2	22.3	100.0	100.0

The above figures show conditions after the commission had been engaged in the work of camp inspection for approximately a year and represent, roughly speaking, a second series of inspections. At that time, as shown, 38 per cent of the camps with 51 per cent of the residents were rated as good, as against 30 per cent of the camps with 22 per cent of the residents rated as bad. As compared with conditions at the time of the first series of inspections a year earlier, the commission reports that, allowing for changes in standards, the good camps had increased 12 per cent and the bad camps decreased 11 per cent.[2]

As regards particular sanitary provisions, it may be noted that bathing facilities were available in only 420 of the 663 camps. "The legislature would not amend the law so as to specifically require bathing facilities, so it seems to be difficult to persuade the operators to

[1] Commission of Immigration and Housing of California. Annual Report, 1916, p. 27.

[2] Idem, p. 28.

provide them. As proof that the workers appreciate this feature, it was found that in only 2 out of the 420 camps where bathing facilities were available did the men use the facilities less frequently than once a week."[1]

In 52 of the 663 camps no toilets at all were provided, and in 159 cases the toilets were rated as filthy. Model sanitary toilets were found in 267 camps and flush toilets in 80.

As regards sleeping quarters, the commission reports that conditions "are not so good as they should be. This may be due to the very vague clause of the law with regard to this feature. At any rate 22 per cent of the camps failed to keep the sleeping quarters in every particular up to the standard set by the commission. In 34 per cent of the camps there were no floors in the bunk houses or tents. In wet weather this lack of wooden floors makes conditions unhealthful as well as uncomfortable. Moreover, in 10 camps no bunks were furnished and the men were required to sleep on the ground."[2]

[1] Commission of Immigration and Housing of California. Annual Report, 1916, pp. 29, 30.
[2] Idem, pp. 30, 31.

CHAPTER X.—ACCIDENT COMPENSATION.

The Pacific States were among the earliest of the American States to adopt the principle of accident compensation. Washington and California did so in 1911 and Oregon in 1913.[1]

The purpose of the laws then adopted was to provide a system of accident insurance for the workers in industry. In the absence of such law, the primary burden of accident falls upon the injured worker. He may sue the employer on the ground of negligence, but the occasions upon which such negligence can be established in a court of law are but a fraction of the whole number of accidents. Moreover, even where suits are successful they may be very costly.

The compensation principle abandons the doctrine of employers' liability. It regards accidents as a normal incident of industry, to be borne as one of the cost elements of production and ultimately to be paid for by society through increased prices. It offers the injured worker definite compensation benefits proportioned to the severity of his injury. It offers the employer immunity from damage suits.

All accident compensation laws are based upon this principle, but differ widely in their conceptions of what a good compensation system should be. Those of the Pacific States are of particular interest as representing radically different systems. They differ, that is to say, upon such fundamental principles as the degree in which they are compulsory, the kind of insurance permitted, and the placing of the burden of cost.

The Washington and California acts are absolutely compulsory for certain classes of work—hazardous employments in Washington and all except farming and domestic service in California. The Oregon law, on the other hand, is entirely elective in form, but in effect it is quasi compulsory for hazardous employments. Employers in such work are not required to accept the act but are presumed to do so; and if they reject it are denied important legal defenses in case of suits.

[1] The Washington law has remained in force in substantially the same form as originally enacted. The first California act proved unsatisfactory and was superseded in 1913 by a more comprehensive and stringent law, which became effective Jan. 1, 1914. The Oregon law, although enacted in the early part of 1913, did not go into full operation until July 1, 1914.

Again, as regards the question of insurance. On the one hand, Washington and Oregon not only make insurance compulsory but make it compulsory through an exclusive State insurance fund. No other form of insurance is permitted. The California act, on the other hand, does not require insurance at all. The employer is at liberty to carry his own risks or to insure in any way he sees fit. A State insurance fund is maintained, but it is not an exclusive one, and carries on a compensation insurance business in competition with other insurance carriers.

Finally, as regards the burden of cost, in Washington and California, as in almost all American States, the cost of compensation benefits is placed upon the employer. In Oregon, on the contrary, the cost is divided between the employer, the employee, and the State. The employee's contribution is 1 cent per working day, equivalent to about one-eighth of the total cost.

The three acts agree in placing the administration of the compensation system, including the management of the State fund, in the hands of a special commission of three members. The commission in Washington is known as the industrial insurance commission and in Oregon and California as the industrial accident commission.

The present chapter is concerned with the operation of the compensation acts primarily from the standpoint of the worker. This is not necessarily the same as the standpoint of the employer. To the employer compensation represents a business expense, and his immediate interest is with the subject of cost—of premium rates. To the worker the cost of compensation is of subordinate interest. Even in Oregon, where he pays part of the cost, his portion is a fixed amount—1 cent a day—irrespective of ultimate cost. His immediate interest is in being covered by the act, in having the benefits as high as possible, and in the prompt settlement of his claim.

Five features of a compensation system may thus be considered as of primary significance to the worker. These are:

(1) The scope of the system, i. e., the number of workers and the character of injuries covered.

(2) The scale of compensation, i. e., the amount and character of the benefits paid.

(3) The location of liability for the payment of benefits.

(4) The method by which claim cases are settled, this involving the questions of justice and promptness in the awarding of benefits.

(5) The effect of compensation upon accident prevention. However good the compensation system, it is more important to a worker not to be injured than it is to be compensated for the injury.

The following description of the compensation systems of the Pacific States will follow this division of subjects:

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(1) THE SCOPE OF COMPENSATION.

An accident compensation system of complete scope would be one that covered all kinds of industrial injury and all forms of employment. The California act is complete upon the first of these points—kinds of injuries covered. None of the acts of the three Pacific States is complete upon the second point.

KINDS OF INJURIES COMPENSATED.

The acts of Washington and Oregon cover only accidental injuries in the narrower sense of the word "accident"—bruises, lacerations, fractures, etc.—and do not include occupational disease. The California act covers all forms of industrial injuries, including those of disease.

The Washington act is specific in excluding occupational diseases, declaring that the word injury as used in the act is to be taken as referring only to "an injury resulting from some fortuitous event as distinguished from the contraction of disease." With this exception and with the exception of injury due to the deliberate intention of the workman, all injuries are compensable if occurring in the course of employment. If an injury results through the workman's failure to use a provided safeguard, compensation is reduced by 10 per cent.

The Oregon act does not specifically exclude occupational disease. It grants compensation to any workman sustaining "personal injury by accident arising out of and in the course of his employment," but this has been construed as not including injury due to disease. Injuries due to deliberate intention on the part of the worker are excluded, as in Washington, but there is no penalty placed upon the workman in case of injury due to his failure to use safeguards.

The California act as originally enacted in 1913 limited compensable injuries to those caused "by accident." By an amendment of 1915 the qualification "by accident" is removed and compensation becomes payable in all cases of "personal injury." The scope of this term will depend upon the interpretation placed upon it by the commission and by the courts. It was apparently the legislative intent that the term should be construed very broadly.

The conditions to which an injury must conform in order to be compensable in California are: (1) The employee must be performing service incidental to his employment and be acting within the course of his employment, (2) the injury must be proximately caused by the employment, and (3) must not be due to intoxication or willful misconduct on the part of the employee.

As regards the second of these conditions—the employment as proximate cause—the trend of the cases decided is that compensation is payable when the weight of evidence shows that the injury

might have been caused by the employment and there is no proof that it was otherwise caused.[1]

As regards "willful misconduct" the commission has uniformly held that "to constitute willful misconduct there must be a violation of a rule imposed by the employer for the protection of an employee, which rule is diligently enforced." The existence of a rule which is not regularly enforced and violations penalized, may not be cited in defense, and in every case the burden of proof is upon the person making the allegation of willful misconduct.[2] In one case where an injury arose from failure to use safeguards duly provided and the use of which was diligently enforced by the employer, the injured employee was denied compensation.[3]

EMPLOYMENTS AND EMPLOYEES COVERED.

In each of the three States the number of employees under compensation is, broadly speaking, coincident with the degree in which their employers are brought under by compulsion or quasi-compulsion. Purely voluntary election on the part of employers in classes excepted from any compulsion has taken place only to a very limited extent.

The actual number of employees covered by compensation in the Pacific States is not known with any precision. In 1915 the estimates were as follows: Washington, 175,000; Oregon, 30,000 to 40,000, and California, 500,000, the latter item being no more than a crude guess.

There is also no accurate information for any of the States regarding the percentage that the employees under compensation constitute of the total number of employees in the State. In a report of the United States Bureau of Labor Statistics the attempt is made to compute such percentages for all States having compensation acts, the United States Census of 1910 being used as a basis.[4] The computations there made indicate that the percentage of workers under compensation to the total number of workers in the State is, for each of the Pacific States, as follows: Washington, 51.5; Oregon, 44.4; California, 76.2. The computations are recognized as extremely crude but they are the only ones available.

Washington.—The law declares that its purpose is to embrace all "extrahazardous" employments. The term is not defined with any precision. Enumeration is made of a long list of employments which are to be so regarded, and it is further declared that any other work determined by the industrial insurance commission to be extrahazardous is also to be regarded as under the act.

[1] Decisions of Industrial Accident Commission, case 169 (Vol. I, No. 10, p. 12).
[2] Idem, case 300 (Vol. II, No. 1, p. 15), and case 448 (Vol. II, No. 2, p. 117).
[3] Idem, case 99 (Vol. I, No. 15, p. 9).
[4] Bulletin of U. S. Bureau of Labor Statistics, No. 203.

The enumerated list includes such highly hazardous employments as lumber operations, construction work, mining and powder works. On the other hand, it includes a number of employments with a relatively low accident hazard, such as creameries and printing. In view of this, it would appear that the commission has the authority to give the term "extrahazardous" a very comprehensive interpretation and thus very considerably broaden the scope of compensation. Thus far, the commission, by resolution, has brought three groups of employments under the act—retail stores and fuel yards, mercantile and storage warehouses, and teamsters, truck drivers, and freight handlers.[1]

The act covers all workers in extrahazardous employments, whether engaged in public or private work. Thus, employees of the State, cities, and counties are brought under the protection of compensation to the extent that their work is hazardous.

Voluntary acceptance of the compensation act by employers not brought under by compulsion has been rather rare, and the commission has not been able to offer much encouragement to such practice. This is partly because the form of election is cumbersome. Not only the employer but each of his employees must signify their assent; also the matter of rating and classification is a matter of difficulty under the Washington system of a State insurance fund composed of a number of small funds. In 1915 there were only 61 employers under the act by voluntary election.

The report of the industrial insurance department for the year ending September 30, 1915, states that there were approximately 10,000 employers, with approximately 175,000 employees, under the compensation act. An attempt by the commission to estimate the number of "standard" or full-time workers from pay roll and wage data gave 158,351 as the total number of full-time workers covered by the act.[2]

Oregon.—The Oregon act enumerates a list of employments which are to be regarded as hazardous and presumed to be subject to the act in the absence of positive rejection by individual employers. If rejection is made, the employer so doing loses three important legal defenses in case of suits for damages—fellow-servant rule, contributory negligence, and assumption of risk.

The list of employments given is similar to that of the Washington act. It includes factories, mines, construction, logging operations, and, broadly speaking, all other employments where power is used. Employees in public service are not covered. The enumer-

[1] Report of Industrial Insurance Department, 1915, pp. 38, 39. This resolution became effective June, 1915, and by the end of the year had added 510 employers to the State fund.

[2] Idem, pp. 15, 16.

ated list is exclusive, the commission not being authorized, as it is in Washington, to add other employments which it considers of special hazard.

The presumptive elective feature of the Oregon act has been successful in bringing under compensation the great majority, but not all, of the workers in the employments specified by law as hazardous. The commission estimates that the proportion so covered during the first year of the act's operation (July, 1915) was between 80 and 85 per cent.

Voluntary acceptances of compensation by employers in nonhazardous employments have been very few. At the end of the first year (July, 1915) only 169 employers had made such election. This was in part due to the fact that under the original act of 1913 all employers so electing were subject to the same contribution or premium rate. This deterred election, especially on the part of employers with low hazards. Under an amendment of 1915, the commission may fix separate rates for different employments.

The total number of employers contributing to the State insurance fund at the above date was 5,613, including the 169 who came under by voluntary acceptance. The number of workers represented is not available, but is estimated as between 30,000 and 40,000.[1]

California.—The California act brings under compensation, by compulsion, all employments of labor except (1) agriculture, (2) domestic service, and (3) such work as is casual and not in the usual course of the employer's business. Of these exceptions, agriculture is by far the most important. Agriculture includes fruit growing, dairies, and stock and poultry raising. As thus defined, it is not only one of the dominant industries of the State; it is also one of high hazard. The report of the industrial accident commission of the State for 1915 shows that of the 678 fatal accidents reported during the year 62, or 9 per cent, were in agricultural pursuits, and the reporting of agricultural accidents is recognized as less complete than for other industries.

The definition of casual labor as made by the commission is any labor employed for less than a week. But the mere fact of being casual, does not exclude the employment from the scope of compulsory compensation. To be so excluded, it must also be of a character clearly outside the usual business of the employer.[2]

The compulsory feature of the act applies to all public employees as well as to private employees. And the commission has repeatedly held that employees outside of the State are covered if they are resi-

[1] Report of Industrial Accident Commission, 1915, p. 6.

[2] Decisions of Industrial Accident Commission, case 625 (Vol. II, No. 1, p. 30), and case 761.

dents of the State and are acting under contracts of employment made within the State.[1]

Voluntary acceptance of the act on the part of employers in the excepted classes noted above has been made in 6,858 cases.[2] Most of these have been employers in agriculture. The number of workers thereby brought under the act is not known, but at best would constitute only a fraction of the total number of workers in those classes.

There is no record of the total number of employees under compensation. An extremely rough estimate places the number at 500,000.

(2) CHARACTER AND SCALE OF COMPENSATION BENEFITS.

To the worker a disabling injury means loss of wages during the period of his disability. In addition it means that at a time when his income is reduced, perhaps entirely eliminated, he is very possibly in need of expensive medical and surgical attention. If he dies as a result of the injury, the loss of income is suffered by his family.

None of the compensation systems in existence attempts to make full indemnity for all of the financial expenses and losses resulting from injury. The usual practice is to provide for immediate medical and surgical attention, and to make direct money payments of assumed sufficiency to support the worker and his family during the period of disability or dependence. Existing acts vary greatly in the character and amounts of the benefits offered. Those of the three Pacific States represent almost all phases of possible variation.

The Washington act makes no provision at all for medical service, this expense falling entirely on the worker. On the other hand, practically no waiting period is required, any injury causing disability of more than a day and a half being entitled to a money benefit. Under the Oregon law, medical service is allowed up to a total cost of $250 per case, and, as in Washington, there is practically no waiting period. In California medical service may be unlimited, but a waiting period of two weeks is required—no money benefit being payable for disabilities of less than two weeks duration.

As regards the scale of money benefits the acts of Washington and Oregon are unique in basing payments upon a pension system, varying with the number of dependents but not, as a rule, with the previous earnings of the injured worker. In Washington the minimum monthly pension is $20, payable in the case of an unmarried worker or of a widow without children. The maximum is $35 per month,

[1] Decisions of Industrial Accident Commission, case 29 (Vol. I, No. 11, p. 10).
[2] Report of Industrial Accident Commission, 1915.

except that under certain conditions of temporary disability this may be increased by 50 per cent. In Oregon the minimum is $30 per month and the maximum $50, with a provision similar to that of Washington, permitting a 50 per cent increase in certain cases of temporary disability. These pensions continue during the whole period of disability or dependency and apply to all kinds of injuries except those known as permanent partial disabilities—loss of foot, leg, etc.

The money benefits under the California act are based upon the percentage of wages system. The beneficiary, in all cases except permanent disability, receives continuing payments equivalent to 65 per cent of the previous earnings of the injured worker for a period not to exceed 240 weeks, with weekly limits of not less than $4.17 nor more than $20.83. This constitutes a limit of $5,000 upon the total amount payable. In the more serious cases of permanent disability a life pension is granted.

A more detailed analysis and comparison of the compensation benefits of the three States is given below under the two main divisions of the subject (a) medical benefits and (b) money benefits.

(a) MEDICAL BENEFITS.

The place of medical service in a compensation system is of an importance that can not well be exaggerated. Prompt and efficient medical attention means minimizing the seriousness of injury. This is to the interest of the worker as the physical sufferer and of the public as the ultimate bearer of the cost of compensation.

To the worker it is more important that he be cured of a hurt than that he be compensated for it; more important, for example, that his eyesight be saved than that he receive a life pension for blindness. And, from the standpoint of compensation cost, the prompt restoration of the injured worker to health means relief from further disability payments. In case of an eye injury, even the most expensive surgery is cheap compared to the heavy compensation award usually allowed for blindness. And finally, it is to be noted, that skilled medical examination is the principal deterrent against malingering.

The character of the medical service obtained by injured employees thus becomes a factor of far-reaching influence in the working out of a compensation system. This is so whether the injured worker is left to provide for his own treatment, as in Washington, or whether service is furnished as a part of compensation, as in Oregon and California. In any case, the body which administers the act is vitally interested in seeing that injuries under compensation receive efficient medical and surgical attention.

MEDICAL SERVICE IN WASHINGTON.

The compensation bill as originally debated in the legislature provided that the expenses of medical service should be borne by the State fund. This provision, however, was stricken out before the passage of the bill. As a result all of the costs of medical service fall upon the injured worker, either immediately in the form of doctors' bills or indirectly in the form of company hospital dues. The company hospital system is very prevalent in Washington, especially in the lumber industry and in railroad construction. Of the injured workers reporting to the industrial insurance commission in 1911, about 60 per cent paid some form of hospital dues, the most usual amount being $1 per month.

Inasmuch as the cost of medical attention rests upon the worker himself, he is at liberty to select his own physician and arrange for the necessary service. And he does so except in places having the hospital-fee system. The industrial insurance commission has no immediate authority in such selection. But it does have a very definite interest as regards the character of the medical service rendered.

In the first place, it is its duty, as manager of the State insurance fund, to see that the fund is protected. This involves medical examination and supervision in many cases in order that the fund may not be burdened by disabilities due to, or prolonged by, improper treatment. In the second place, it is the duty of the commission, as general administrator of the compensation act, to see that interests of the worker are properly protected. To this end, the law authorizes it "to supervise the medical, surgical, and hospital treatment to the intent that same may be in all cases suitable and wholesome."

A person in receipt of compensation must submit to medical examination when required to do so by the commission, under penalty of suspension of benefits. Also, the commission may reduce or suspend compensation if the injured worker refuses to undergo an operation agreed to as desirable by reputable physicians or persists in any practice that obstructs recovery to health.

The medical work of the commission is under the charge of a chief medical adviser. It is his duty to advise the commission upon the medical aspects of compensations, claims, and awards, and to keep in touch with the more serious and difficult cases of disability. Physicians are designated in the various counties to act as medical examiners upon request of the commission. These are paid by fee. The medical adviser may also refer difficult cases to designated specialists.

Financial importance of medical service.—As the worker himself pays for all medical attention, there is no available record of the total amount so paid. But data obtained by the commission indi-

cate roughly the importance of this burden in the case of temporary total disabilities.[1] For 1907 such cases for which full information was obtainable, the total wage loss was $143,695, and the total cost of medical treatment $32,808, making the total cost to the workers $176,503. The compensation awards granted for these cases amounted, in total, to $63,328. This would indicate that the workers' expense for medical treatment in the case of temporary disabilities was about 50 per cent of the money indemnities awarded.

MEDICAL SERVICE IN OREGON.

The law authorizes the commission to provide, out of the State insurance fund, all necessary medical and surgical attention, including transportation and hospital service, not to exceed a total cost of $250 per case. The commission reports that of the total number of claims filed during the year 1914–15, there were 12 cases in which the cost of medical treatment would have exceeded $250 if the maximum allowed by the law had not been fixed at that amount.[2]

The commission has authority to provide for medical service in any way it may see fit. It has not attempted, nor has it the equipment, to furnish direct service by means of a regular staff of physicians. It has a medical division, with a chief medical adviser, and appoints examining physicians to examine and pass upon difficult and doubtful cases.

In case of an accident, the injured worker is free to choose his own physician and method of treatment, and does so except in places where a company hospital system exists. This system is very prevalent in the State. Of the accidents reported during the year, 57 per cent represented cases in which the injured worker had been paying hospital dues, the average monthly dues being 97 cents.

Where the company hospital system exists the commission has followed the plan of arranging with the employer for the furnishing of the medical service provided for under the act, whenever it believes that such arrangement will be beneficial. A formal contract is drawn up. The employer agrees to furnish all necessary attention. The commission agrees to return to the employer the amount of the contributions of his workmen to the State fund, and reserves the right to supervise and control all medical service rendered. It is also agreed that the employer is to deduct the amount of each worker's contribution from the hospital dues charged such worker. Under the original act the worker's contribution to the State fund

[1] Report of Industrial Insurance Department, 1915, p. 94.
[2] Report of Industrial Accident Commission, 1915, p. 15.

was, on the average, about 36 cents per month.[1] Under the amendment of 1915, it is 1 cent a day, or approximately 26 cents a month. The average hospital dues, as noted above, are about 97 cents per month.

Where the contracting system does not exist, the physician renders his bill directly to the commission and is paid by voucher upon the State fund. A schedule of fees chargeable by physicians attending compensation cases was prepared by the commission after consultation with physicians and a committee of the State medical society. These fees are fixed at a lower level than those ordinarily charged in private practice.

The commission follows the work of attending physicians and the progress of the cases by means of periodical reports required of such physicians. These reports pass under the attention of the medical adviser. If it appears to him that a case is being improperly handled or there arises any question in regard to it, it is his duty to make personal examination or to refer the case to an examining physician. The commission designates such a physician in each county, payment being by fee. Any person in receipt of compensation may be required to submit to a medical examination at the direction of the commission, under penalty of having compensation payments suspended.

Financial importance of medical service.—For the year 1914–15, the total compensation payments out of the State fund, including reserves set aside for pensions, was $365,284.[2] This amount consisted of $303,419 for money payments or reserves and $61,865 for medical service. The item of medical service thus constituted 20.4 per cent of total money awards.

It is also to be noted that of the total of $61,865, $35,841, or 58 per cent, was paid directly to employers under the hospital contract system noted above.

MEDICAL SERVICE IN CALIFORNIA.

Under the original act of 1913 the employer was liable for all necessary medical services—including hospital and surgical costs—for a period of not to exceed 90 days. By an amendment of 1915 the commission is authorized, in individual cases, to extend the period of liability as much beyond 90 days as it may deem wise. Thus, at the discretion of the commission, medical service may be unlimited both as to cost and duration.

[1] Under the old law the contribution of the worker was one-half of 1 per cent of his wages. Average wages of those injured are reported by the commission as $2.78 per day. This would make the average monthly contribution approximately 36 cents on the basis of a 26-day month.

[2] Report of Industrial Accident Commission, 1915, p. 27.

The whole question of medical service is quite different under the California act, which permits all forms of insurance, from what it is in Oregon, where all compensation insurance is in an exclusive State fund.

In California the right to select the physician and arrange for treatment rests with the employer. If the employer is insured, this right may be assumed by the insurance company. The injured worker must accept the treatment offered, unless it is clearly unsatisfactory and so determined by the commission. Otherwise he forfeits his claim to compensation. Also, the worker forfeits his right to compensation if he refuses to undergo a surgical operation when, in the opinion of the commission, based upon expert advice, the risk is inconsiderable in view of the seriousness of the injury. On the other hand, if there is unreasonable delay on the part of the employer or the insurance carrier in furnishing medical treatment the worker may make his own arrangements.

The character of the medical service rendered varies greatly. Many of the larger employers maintain their own hospital service or at least retain a doctor on contract. Some of the insurance companies also have their own examining surgeons. Of the 60,241 cases of temporary disability reported to the commission in 1914, the character of the medical treatment was also reported in 59,751. Of these, 32,287, or 54 per cent, were treated by private doctors; 12,919, or 22 per cent, were treated by company doctors; and in 14,545 cases, or 24 per cent, no medical fees were reported as paid.[1]

The industrial accident commission has general supervisory authority over all medical services furnished by employers and insurance carriers, including the State compensation fund. The commission maintains a medical department, with a chief medical adviser and two assistants, as a permanent division of its staff, and has secured the services of numerous physicians throughout the State to whom cases may be referred for examination, payment being by fee.

The medical department attempts to keep in touch with all of the more difficult and long-continued cases. It is its duty to see that the worker receives all necessary treatment and attention that will aid in his rapid and complete recovery. To this end it may investigate the progress of a case, order examination by specialists, and, if it thinks desirable, direct the course of treatment.

A physician called to attend any worker injured in the course of employment must make a report of such accident to the industrial accident commission within 10 days of first attendance. This applies to all accidents, whether or not the injured worker is covered by a policy of the State compensation insurance fund.

About 12 per cent of the insured employers of the State carry their insurance under policies of the State compensation insurance fund.

[1] Report of Industrial Accident Commission, 1915, p. 91.

This fund has a similar relation toward accident cases under its policies as that of a private insurance company, except that the medical department of the accident commission also acts as medical adviser to the State fund. It is the duty of the manager of the fund to conduct its affairs in as economical manner as possible. Persons injured under its policies are permitted to choose their own physicians unless there is definite reason to the contrary. These physicians are allowed a very complete liberty in their methods of treatment. Reasonable economy is recommended, but they are urged to make all necessary expenditures which would tend to restore the injured worker as soon as possible to full earning capacity. The employer or commission at any time may demand an examination of a worker claiming or receiving compensation by a physician appointed by the employer or commission. The worker is entitled, at his own expense, to have a physician present at the time, but refusal to submit to examination bars his right to compensation. Any physician present at such examination may be required to testify as to the results thereof.

In cases not insured in the State fund the charges of physicians employed by employers, insurance companies, or employees is normally a matter of contract into which the commission does not enter. In cases insured in the State fund the attending physicians are paid according to a schedule of fees prescribed by the commission. These fees are very much lower than those charged in private practice, the theory being that the assurance of full and prompt payment compensates physicians for the lower fees.

Financial importance of medical service.—The report of the industrial accident commission states that the total compensation payments reported as paid during the year 1914 were $1,861,809, of which $1,131,630 were in the form of money awards and $730,178 for medical, surgical, and burial expenses.[1] These figures are incomplete as not including outstanding liabilities at the end of the year, but are of interest as indicating the importance of medical service as a part of the compensation system.

(b) MONEY BENEFITS.

Money awards under compensation vary in amount with the severity and character of the injury. For the fixing of such awards injuries may be grouped in four main divisions, according as they result in—

(1) Death.

(2) Total permanent disability, such as blindness, which totally and forever incapacitates the injured from profitable labor.

[1] Report of Industrial Accident Commission, 1915, p. 45. Burial expenses amounted to not over $70,000.

(3) Temporary disability, such as bone fractures and burns, which incapacitate for a period but do not impair future earning capacity.

(4) Permanent partial disability, such as loss of one arm or of one eye—injuries which do not wholly incapacitate but cause a permanent impairment of faculty.[1]

FATAL INJURY—BENEFITS AND BURIAL EXPENSES.

If a fatally injured worker has no dependents, the payment of burial expenses closes the compensation account. All three of the States provide for the payment of such expenses, within the limits of $75 in Washington and of $100 in Oregon and California.[2] Thus fatal accidents, where no dependents are left, are among the cheapest of accidents from the standpoint of compensation cost. And it is of interest to note that the proportion of such cases to all fatal cases, is very large. Of the 890 fatal accidents compensated in Washington during the three years 1913 to 1915, 407 or 46 per cent were cases in which no dependents were left.[3] In Oregon, 28 of the 60 fatal cases during 1914–15 or 47 per cent were of this class;[4] and in California, while the proportion of fatally injured workers without dependents is not given, the number of those who were single, and thus for the most part without dependents, was 339 out of a total of 607.[5]

If a worker killed by accident does leave dependents, then such persons become entitled to cash benefits in accordance with a prescribed schedule. The three acts agree substantially in their definition of dependency. Wives, invalid husbands, and children are presumed to be total dependents and thus automatically entitled to full compensation. In other cases dependency must be proven. The California act is the more liberal in the case of children, full dependency being presumed for children up to 18 years, whereas in Washington and Oregon this is so only up to the age of 16 years.[6]

The benefit schedules are as follows:

Washington.—The benefits to dependents in fatal cases are entirely in the form of fixed monthly payments. To the wife or invalid husband this monthly payment is $20, with $5 additional for each child under 16, up to a total of $35 per month. These amounts

[1] Temporary partial disabilities, logically a fifth group, are too infrequent to require notice in this place.

[2] In practice the actual awards for burial expenses tend to approximate closely the maximum award available. Thus in Washington, with a $75 limit the average award for burial expenses in 1915 was $74.92. And in Oregon, with a $100 maximum, the average in 1915 was $95.08.

[3] Reports of Industrial Insurance Department: 1913, p. 94; 1914, p. 102; 1915, p. 87.

[4] Report of Industrial Accident Commission, 1915, p. 27.

[5] Idem, p. 64.

[6] California is also more liberal as regards alien beneficiaries living outside the United States. The law itself is silent on this point, but the State supreme court has ruled that beneficiaries residing abroad are to be treated the same as if resident in the United States. The Washington law allows compensation in such cases only when in the relation of father, mother, husband, wife, or child, and the Oregon act in the case of father and mother.

vary slightly to meet other conditions of dependency, but in no case may the total be greater than $35 per month. All pensions are for life or until remarriage in the case of the wife and invalid husband, and until the age of 16 years in the case of children. If the widow remarries she receives a lump sum of $240 and the pension stops.

Oregon.—Death benefits under the Oregon law are quite similar in character to those of Washington, but are larger in amount. The widow or invalid widower receives a monthly pension of $30 with $6 additional for each child under 16 up to a total of $50. As in Washington the pensions are for life or until remarriage in the case of the widow and invalid widower and until 16 years of age in the case of children. Upon remarriage of a widow she receives a lump sum payment of $300.

California.—Under the California law total dependents in fatal cases are entitled to receive continuing payments equivalent to 65 per cent of the previous weekly earnings of the worker for a period of 240 weeks ($4\frac{8}{13}$ years). The total compensation payable, however, may not be less than $1,000 or more than $5,000. The payments are thus within the limits of $4.17 and $20.83 per week.

Comparison of death benefits in the three States.

Comparison of the value of the death benefits offered by these acts may be readily made as between Washington and Oregon. The schedules of these two States are based upon the same principle. They differ only in the size of the pensions offered, the limits in Washington being from $20 to $35 per month and in Oregon from $30 to $50 per month. Under all circumstances, therefore, the dependents of fatally injured workers are better provided for in Oregon than in Washington.

In considering the sufficiency of these pensions it is of interest to compare with them the minimum wage standards as fixed for women by the industrial welfare commissions of these two States. The lowest minimum established for any woman worker by the Washington commission is $8.90 per week, the equivalent of about $38.50 per month. The lowest fixed by the Oregon commission is $8.25 per week, the equivalent of about $35.75 per month.[1]

Comparison of the value of the benefits offered by Washington and Oregon with those of California is extremely difficult, as the underlying theories of the two systems are quite different. In California the benefit may vary from $18.07 to $90.22 per month. Thus the maximum monthly payment in California ($90.22) is much higher than the maximum of Washington ($35) and of Oregon ($50). On the other hand, the minimum payment in California ($18.07) is

[1] See Chapter IV above.

lower than in either Washington ($20) or Oregon ($30). The California payments are limited in time to a period of 240 weeks and may not exceed $5,000 in total, whereas the pensions offered in Washington and Oregon are for life and may exceed $10,000 in total.

The practical working out of the death-benefit schedules of the three States may be indicated by a few representative cases. The selection of cases is difficult, and those presented in the following table are no more than illustrative of the major variations.

The table shows the benefits due to a widow, as affected by age and family in Washington and Oregon and by the amount of the husband's wages in California. The three wage groups are, respectively, $45.50 per month ($1.75 per day), $75 per month ($2.88 per day), and $156 per month ($6 per day). The $1.75 per day rate represents the very low paid worker; the $2.88 per day rate represents approximately the average income of all injured workers in these States,[1] and the $6 rate represents the small group of highly paid workers.

As the age of the widow seriously affects the value of a life pension in Washington and Oregon, computations are made at two ages—30 years (the life expectancy at this age being 35.33 years) and 40 years (the life expectancy being 28.18 years).

TABLE 5.—COMPARISON OF MONEY AWARDS FOR FATAL INJURIES IN WASHINGTON, OREGON, AND CALIFORNIA; SELECTED CASES.

[Life expectancy of widow at age 30, 35.33 years; at age 40, 28.18 years.]

	Washington.	Oregon.	California.		
			Monthly earnings, $45.50 ($1.75 per day).	Monthly earnings, $75 ($2.88 per day).	Monthly earnings, $156 ($6 per day).
Widow, with no children.	$20 per month for life. Maximum: Age 30, $8,480. Age 40, $6,763.	$30 per month for life. Maximum: Age 30, $12,719. Age 40, $10,144.	$29.58 per month for 55.4 months (240 wks.). Maximum: $1,639.	$48.75 per month for 55.4 months (240 wks.). Maximum: $2,700.	$90.22[2] per month for 55.4 months (240 wks.). Maximum: $5,000.
Widow, with 1 child aged 6 years.	$25 per month for 10 years, then $20 per month for life. Maximum: Age 30, $9,080. Age 40, $7,363.	$36 per month for 10 years, then $30 per month for life. Maximum: Age 30, $13,439. Age 40, $10,864.	.....do.....	.....do.....	Do.
Widow, with 3 children, aged 3, 6, and 9 years.	$35 per month for 7 years, then $30 per month for 3 years, then $25 per month for 3 years, then $20 per month for rest of life. Maximum: Age 30, $10,280. Age 40, $8,563.	$48 per month for 7 years, then $42 per month for 3 years, then $36 per month for 3 years, then $30 per month for rest of life. Maximum: Age 30, $14,879. Age 40, $12,305.	.....do.....	.....do.....	Do.

[1] See report of Industrial Insurance Department, Washington, 1915, p. 88; Report of Industrial Accident Commission, Oregon, 1915, p 32; Report of Industrial Accident Commission, California, 1915. pp. 61, 85.

[2] 65 per cent of $156 is $101.40, but the maximum allowed by the compensation act is $5,000 per accident, which is approximately $90.22 per month.

BENEFITS ALLOWED FOR TOTAL PERMANENT DISABILITIES.

Injuries which totally incapacitate the victim for life are very infrequent. They consist of such cases as blindness, loss of both legs or of both arms, paralysis, and insanity. In Washington for the year 1914–15 there were only 9 total permanent disabilities out of a total of 12,915 injuries reported.[1] In Oregon, for the year 1914–15, only 1 such case was reported out of a total of 3,669 injuries,[2] and in California, for the year 1914, there were only 13 cases causing as much as 95 per cent of permanent disability out of a total of 62,211 injuries reported.[3]

While instances of total permanent disability are thus not frequent, they are, economically, the most expensive of all injuries. Not only is there the same loss of income, with consequent deprivation to the worker's family, as if death had resulted; there is the additional burden incident to the support of the worker as a permanent invalid.

Most compensation acts recognize this fact in allowing higher benefits for total permanent disability than for death. The acts of Washington and Oregon do so to a very limited extent. Under each of them the monthly pension allowed a worker suffering from total permanent disability is the same as to the widow in case of fatal injury, except that the minimum amount is increased by $5 if the injured worker is married; that is to say, to $25 per month in Washington and to $35 in Oregon. The maximum pensions remain the same as in fatal cases. Thus the award to a totally disabled worker with a wife and four children is no greater than the award to his widow would have been if he had been killed instead of disabled.

Under the California law, total permanent disability is allowed a much higher benefit than is death. In case of death the widow receives 65 per cent of wages for a period of 240 weeks. In case of total permanent disability, the injured worker is given a similar benefit, but at the expiration of the 240 weeks a life pension equivalent to 40 per cent of wages is granted. The theory of this is that the 240 weeks during which 65 per cent of wages is payable constitutes a sufficient period for the family of the worker to adjust itself to the loss of its usual income, and that the 40 per cent pension thereafter paid is for the specific support of the incapacitated worker.

BENEFITS ALLOWED FOR TEMPORARY DISABILITY.

The most frequent injuries by far are those which result in temporary disability—such injuries, for example, as bruises, lacerations, and fractures, which incapacitate the worker for a period but which, after healing, leave no impairment of faculty and do not interfere with future earning capacity. At times these temporary disabilities

[1] Report of Industrial Insurance Department, 1915, p. 87.
[2] Report of Industrial Accident Commission, 1915, p. 27.
[3] Idem, p. 72.

may be only partial in character, allowing the injured person to work part of the time or at a reduced wage. But usually such disabilities cause total incapacity while they last, and the present discussion is limited to disabilities of that character.

Most of these disabilities are of very short duration. In each of the Pacific States more than 70 per cent of the temporary disabilities reported lasted less than 4 weeks and less than 5 per cent lasted as long as 20 weeks. Because of this fact, the question of a "waiting period" becomes of much significance.

Waiting Period.

The compensation acts of Washington and Oregon are among the very few that provide for no waiting period, at least none of any moment. The Washington act, in a phrase of obscure meaning, declares that no compensation shall be payable "unless the loss of earning power shall exceed 5 per cent." The commission interpreted this as meaning 5 per cent of a month and thereupon fixed a waiting period of 1½ days (5 per cent of 30 days). But such a short waiting period as this is of rather negligible importance, and practically all injuries of any importance are compensable in Washington and Oregon.

In California, on the other hand, the law fixes a two-week waiting period. Disabilities of shorter duration are not entitled to cash benefits, and for those lasting for a longer period no benefits are allowed for the first two weeks.

The effect of this two weeks' waiting period in California is to eliminate from money benefits large numbers of accidents that would be covered in Washington and Oregon. The proportionate numbers concerned are indicated in the following table, which shows for each of the States the percentage of reported disabilities terminating within specified weeks. The data of the table are based upon the accident reports as made to the several compensation commissions and are incomplete for the very short time disabilities. This is especially so in Washington.

TABLE 6.—PER CENT OF CASES OF TEMPORARY DISABILITY TERMINATING WITHIN EACH CLASSIFIED NUMBER OF WEEKS.

[Source: Report of industrial insurance department, Washington, 1915, p. 90; Report of industrial accident commission, Oregon, 1915, p. 30; Report of industrial accident commission, California, 1915, p. 101. The data in the latter report are in chart form, from which the exact figures can be only approximated.]

Time loss.	Washington.	Oregon.	Califorina.
1 week and under [1]	17.0	31.0	46.0
1 to 2 weeks	25.0	26.0	19.0
2 to 4 weeks	25.0	23.0	15.0
4 to 20 weeks	29.0	19.0	16.0
20 weeks and over	4.0	1.0	4.0
Total	100.0	100.0	100.0
Total number of disabilities reported	11,210	2,622	[2] 41,600

[1] But excluding disabilities involving no time loss.
[2] Total disabilities reported, 60,052, including 18,452 involving no time loss.

In California, therefore, approximately 65 per cent of all reported disabilities (excluding those involving no time loss) lasted less than two weeks, and these, while receiving medical service, received no cash benefits. In Washington, nearly all of these disabilities would have been entitled to cash benefits without medical service. In Oregon they would have been entitled to both cash benefits and medical service. The Industrial Accident Commission of Oregon estimates that if the act of that State had provided for a two weeks' waiting period, the compensation payments for 1914–15 would have been reduced by about $34,600, which is 46 per cent of the total of $75,130 paid out for cash benefits in cases of total temporary disability for the year mentioned.[1]

Cash Benefits.

In Washington and Oregon the benefits allowed for total temporary disability follow the same general pension plan as that described above for other disabilities, except that under certain conditions the pensions there noted may be increased very considerably in amount.

Thus under the Washington law the normal weekly pensions of $20 to $35 per month are increasable to 50 per cent for the first six months of disability, subject to the limitation that with such increase the total weekly pension does not exceed 60 per cent of previous weekly earnings. This limitation is an important one, operating, in practice, in such a way as to prevent the lower-paid workers, especially those with large families, from getting full advantage of the 50 per cent increase.

This may be best shown by means of an illustration. An unmarried worker earning $40 a month meets with an injury of temporary nature. The permissible monthly pension in such case would be $30—i. e., the normal $20 pension increased by 50 per cent. But as 60 per cent of his previous monthly earnings ($40) is only $24, the pension allowed him is limited to that amount. Again, take the case of a disabled worker, earning $58 per month, with a wife and three children. The permissible pension in such case would be $35 plus 50 per cent, or $52.50. But as 60 per cent of his previous monthly earnings is only $34.50, the pension allowed him would be limited to the normal one of $35. He would receive no benefit from the 50 per cent increase provision of the law.

The Oregon law contains precisely the same provision in regard to benefits for total temporary disabilities as that just described for Washington—namely, that benefits for such disabilities are to be the normal monthly pensions ($30 to $50 in Oregon) increased by 50

[1] Report of Industrial Accident Commission, Oregon, pp. 27, 30.

per cent, provided that with this increase the total monthly pension does not exceed 60 per cent of previous monthly earnings. This 60 per cent limitation works out, as it does in Washington, to the disadvantage of the lower paid worker.

The California law applies the same principle of percentage of wage loss to temporary total disabilities as to other forms of disability. The temporarily disabled worker is entitled to a benefit equal to 65 per cent of his previous weekly earnings for a period not to exceed 240 weeks, provided that the weekly payments may not be less than $4.17 nor more than $20.83 (the equivalent monthly limits would be $18.07 and $90.22).

Comparison of benefits for temporary disability in the three States.

The table below shows, for certain selected cases, the cash benefits for total temporary disabilities offered by the compensation acts of the three States. The selection of cases offers similar difficulties to those noted in connection with the comparative table given above for fatal injuries, with the added complication that in all three States benefits for temporary disabilities vary with the earnings of the worker. The cases presented are, therefore, no more than a rough illustration of certain of the more important variations. The wage grouping is the same as that used in the table on fatal injuries, and the grouping by size of family is also substantially the same.

The table shows the monthly benefits for disabilities subject to compensation. It does not take into consideration the question of waiting period. Also it may be noted that in the preparation of this table, in order to bring all data upon a comparable monthly basis, it was necessary to make certain assumptions which may not be entirely accurate.

TABLE 7.—COMPARISON OF MONEY AWARDS FOR TOTAL TEMPORARY DISABILITIES IN WASHINGTON, OREGON, AND CALIFORNIA. SELECTED CASES.

[For explanation of amounts in parentheses see text following.]

Size of family.	Previous monthly earnings.	Compensation allowed per month.		
		Washington.	Oregon.	California.
Worker, unmarried	$45.50	$27.30 ($30.00)	$30.00 ($45.00)	$29.58
	75.00	30.00	45.00	48.75
	156.00	30.00	45.00	[1] 90.22
Worker, married, with no children	45.50	27.30 (37.50)	36.00 (54.00)	29.58
	75.00	37.50	45.00 (54.00)	48.75
	156.00	37.50	54.00	[1] 90.22
Worker, married, with 1 child	45.50	30.00 (45.00)	42.00 (63.00)	29.58
	75.00	45.00	45.00 (63.00)	48.75
	156.00	45.00	63.00	[1] 90.22
Worker, married, with 3 children	45.50	35.00 (52.50)	50.00 (75.00)	29.58
	75.00	45.00 (52.50)	50.00 (75.00)	48.75
	156.00	52.50	75.00	[1] 90.22

[1] 65 per cent of $156 would be $101.40, but the maximum allowed by the compensation act is $90.22 per month.

In the columns for Washington and Oregon certain items have opposite them larger items inclosed in parentheses. The larger items are the monthly payment permissible to a worker of the family group under the 50 per cent increase provision. The smaller item shows the amount to which the actual payment is reduced as a result of the proviso that the total payment may in no case exceed 60 per cent of previous earnings.

Comparing the benefits in the individual cases by States, it will be noted that those of Oregon are higher than those of Washington by from $3.30 to $22.50, except in one case—that of a married worker with one child and a wage of $75. In this case the benefits of the two acts are the same—$45—the 60 per cent limitation operating in Oregon but not in Washington.

Comparing Oregon with California, it appears that the benefits of the two States are quite similar for the two lower-wage groups—$45.50 and $75—but with the highest wage group—$156—the California benefits much exceed those of Oregon, but decreasingly so as the dependent family increases in size.

BENEFITS ALLOWED FOR PERMANENT PARTIAL DISABILITIES.

By permanent partial disabilities are meant such disabilities as result from the loss of an arm, a hand, or a finger—injuries which do not incapacitate the sufferer from future labor but which reduce his earning capacity or handicap him in his efforts to get work.

In no respect do the compensation acts of the Pacific States differ more markedly than in their attitude toward the size and character of the indemnities for this kind of disability. Washington departs from its usual monthly payment plan and employs a system of lump-sum awards, the maximum being $1,500. Oregon retains the monthly payment plan in a modified form, awards for all the more serious injuries being payable in installments of $25 a month, with 96 months ($2,400) as the maximum. In each of these States the same award is made for the same injury, irrespective of the age, occupation, or earnings of the injured worker. California, on the other hand, in evaluating permanent disabilities takes into consideration the occupation, age, and previous earnings of the worker.

Washington scale for permanent partial disabilities.

The law provides that all permanent partial disabilities shall be compensated in lump-sum payments, according to the degree of disability, the maximum in no case to exceed $1,500 and the loss of the major arm at or above the elbow to be entitled to this maximum. The commission is to determine and pay for any other injury in proportion thereto.

Acting upon this direction the commission prepared a disability scale. This scale accepts, as directed by law, the loss of the major arm as the maximum disability, and rates this as a 60 per cent injury. Total deafness and loss of leg at or above the knee are also valued at 60 per cent. All three of these injuries thus receive the maximum of $1,500. From these, the other more frequent injuries are graduated downward, one degree being equivalent to $25. The scale is quite detailed, all arm and hand injuries being separately rated according to whether the member affected is major or minor.

Oregon scale for permanent partial disabilities.

The law contemplates that awards for permanent partial disabilities are to be paid in monthly installments of $25 per month with 96 months ($2,400) as the maximum. The number of months for which such payments are to continue is specified for a list of representative injuries. For certain minor injuries in this list, where the award is not more than 50 per cent of the maximum, the monthly payments may be commuted, at the option of the worker, into lump-sum payments of specified amount. All intermediate injuries not named in the law are evaluated by the commission, which may permit commutation only when the award is not more than one-eighth of the maximum. During the year 1914–15 about two-thirds of all injured workers having the option of election elected to take payments in lump sums.[1]

The scale as given in the law is very brief. No distinction is made between major and minor hands and arms. Loss of arm at or above elbow and complete loss of hearing are rated at the maximum, and thereby entitled to $25 for 96 months, a total of $2,400. From these the other injuries are graded downward.

The California system of rating permanent disabilities.

In its treatment of the subject of permanent disabilities the California compensation system carries out, with considerable fullness, what may be called the rehabilitation theory. This theory is that the amount and period of compensation should be, as nearly as possible, such as to permit the injured worker to adjust himself to his injuries. When complete adjustment is never possible a permanent pension is desirable. Where adjustment is possible, compensation is to be for the period necessary for such adjustment. In determining the length of this period the law provides, and this is a distinctive feature of the California law, that the age and occupation of the injured worker shall be taken into account.

[1] Report of Industrial Accident Commission, 1915, p. 14.

In other words, permanent disabilities are not given a uniform rating. It is regarded that the loss, say, of a finger to a man of 50 is more serious than to a man of 20, inasmuch as the younger man can more readily adapt himself to the loss. For the man of 20, therefore, adjustment being easier, compensation should be less. Or, again, it is regarded that the loss of a finger to a common laborer means less to him than to a machinist, whose skill is so largely represented in his fingers, and therefore that compensation should be less.

The scheme of compensation awards is outlined in the law. It is there provided that all permanent disabilities are to be rated in terms of percentages, from 1 to 100. For each 1 per cent of disability up to 70 the compensation allowance is to be 65 per cent of previous weekly earnings for a period of 4 weeks. Thus a 10 per cent disability is to receive 65 per cent of earnings for 40 weeks, a 50 per cent disability similar payments for 200 weeks, and so on. For disabilities rated at 70 per cent or over, 65 per cent of wages is allowed for 240 weeks, and thereafter a life pension. This pension is equivalent to 10 per cent of earnings for 70 per cent disabilities, and to increase 1 per cent for each percentage of disability up to the maximum disability of 100 per cent for which the pension is 40 per cent of earnings. At this point, of course, permanent partial disability merges into permanent total disability.

The law thus fixes the amount of the award for each disability percentage. The classification of disabilities and their placing in particular percentage groups, however, is left entirely to the industrial accident commission. In other words, the law states that a 10 per cent disability is to receive compensation for 40 weeks, but it is left to the commission to determine what particular disabilities are to be put in the 10 per cent group.

The commission, as one of its earliest tasks, undertook the preparation of a rating table to cover the various disabilities. Inasmuch as the factors of age and occupations had to be taken into account, the preparation of such a table involved many difficulties. A division known as the permanent-disability rating department was created for the study of the subject. This department sought to make a comprehensive study of the subject of permanent disabilities as affecting the earning capacity of persons of different ages in different lines of work. The existing material was examined, and in addition a force of investigators were assigned to a field study of occupations.

As a basis for computation a standard worker was assumed—an unskilled laborer, 39 years of age, unskilled labor representing work on which physical requirements and functional adjustments were simplest. Using this as a basis the effort was to ascertain the rela-

tionship of all other occupations as regards physical requirements and specialization of functions. The age factor was less difficult to handle, an empirical formula being easily tested.

As a result of this series of investigations and studies there was drawn up a rating schedule covering (1) the nature of injury, (2) the occupation of the worker, and (3) the age at time of injury. The schedule is necessarily very voluminous, but by an ingenious index system is easy of consultation.

A rating schedule, however well prepared, could not be entirely complete. Nor could it dispense entirely with human interpretation. The rating department was, therefore, continued for the purpose of collecting further information regarding permanent disabilities and also of approving ratings agreed on by the parties concerned and submitted to the commission for approval. The aim is to have all cases of permanent injury not in the rating schedule as prepared come to this department for grading and standardization. Reports are kept of all such ratings with the object of establishing precedents for use in subsequent cases of approximately the same character.

Private insurance companies must follow the disability rating schedule of the commission. Disabilities not in the schedule may have the rating fixed by the company, but appeal may be made to the commission.

Comparisons of the benefits allowed for permanent partial disabilities in the three States.

The table below compares the awards made under the acts of Washington, Oregon, and California for certain selected cases of permanent partial disability. The injuries selected constitute the more important forms of dismemberment—loss of arm, leg, hand, foot, eye, and index finger—and may be taken as entirely typical. For California it was necessary to use selected examples of workers injured, as in that State the awards vary with occupation, age, and earnings. The four examples chosen are believed to be fairly representative—an unskilled laborer of low wage ($10.50 a week) and a skilled machinist at the approximate average wage of all injured workers ($17.31 a week), with separate computations for the two classes of workers at ages 21 and 49.

In those cases where the schedule recognizes differences in severity for substantially the same injury the largest awards are used in the table. Thus in Washington and California, but not in Oregon, distinction is made between major and minor arm and major and minor hand, the award being slightly less in the case of the minor member.

TABLE 8.—COMPARISON OF MONEY AWARDS FOR SELECTED CASES OF PERMANENT PARTIAL DISABILITY IN WASHINGTON, OREGON, AND CALIFORNIA.

Loss of—	Washington (lump-sum payment).	Oregon (monthly payment of $25).	California.			
			Unskilled laborer (wages $10.50 a week).		Machinist (wages $17.31 a week).	
			Age 21.	Age 49.	Age 21.	Age 49.
Arm (major) above elbow.	$1,500	$2,400	$1,507 ($6.82 for 221 wks.).	$1,705 ($6.82 for 250 wks.).	$2,598 ($11.25 for 231 wks.).	$5,961 ($11.25 for 240 wks., then $2.90 per wk. for life).
Leg, at or above knee.	1,500	2,200	$1,234 ($6.82 for 181 wks.).	$1,439 ($6.82 for 211 wks.).	$2,002 ($11.25 for 178 wks.).	$2,238 ($11.25 for 199 wks.).
Hand (major), at wrist joint.	1,250	1,900	$1,098 ($6.82 for 161 wks.).	$1,302 ($6.82 for 191 wks.).	$1,923 ($11.25 for 171 wks.).	$2,778 ($11.25 for 247 wks.).
Foot	1,000	1,600	$586 ($6.82 for 86 wks.).	$736 ($6.82 for 108 wks.).	$945 ($11.25 for 84 wks.).	$1,091 ($11.25 for 97 wks.).
Eye	1,000	1,000	$709 ($6.82 for 104 wks.).	$879 ($6.82 for 129 wks.).	$1,260 ($11.25 for 112 wks.).	$1,957 ($11.25 for 174 wks.).
First finger (major hand), at proximal joint.	225	400	$184 ($6.82 for 27 wks.).	$238 ($6.82 for 35 wks.).	$371 ($11.25 for 33 wks.).	$776 ($11.25 for 69 wks.).

Reference to the table shows how differently the same injury may be compensated in the different States. Thus, if a worker loses an arm in Washington he receives a flat lump sum indemnity of $1,500. In Oregon for the same injury he would receive $2,400 in a series of 96 monthly payments of $25 each. In California this compensation would be dependent upon the worker's age, occupation, and wage. An unskilled laborer of 21 years, at a wage of $10.50 a week, would receive $6.82 per week for 221 weeks, the equivalent of $1,507 in total. If his age was 49 years, he would receive the same weekly payment for 250 weeks, equivalent to $1,705 in total, the theory being that the older the worker the harder it is for him to adjust himself to the loss of an arm. But in either case the unskilled laborer of low wage would receive less than in Oregon and only slightly more than in Washington. On the other hand, as his wage increases his award increases; and a machinist, aged 21, wage $17.31 a week, would receive $11.25 per week for 231 weeks, a total of $2,598. And if the same machinist was 49 years of age he would receive $11.25 for 240 weeks and thereafter a small life pension. This would make his total award (upon life expectancy) some $5,961.

Again, as an example of interesting differences in the systems used, it may be noted that, while the leg is given a higher valuation than the hand in Washington and Oregon, this relation is variable in California. In the case of the unskilled worker the leg is estimated to be the more valuable of the two members, but in certain occupations at certain ages, as a machinist aged 49, it is considered that the loss of an arm constitutes the greater handicap, and is compensated for at a higher rate.

(3) LIABILITY FOR COMPENSATION PAYMENTS.

Each of the compensation acts gives every worker under the act a legal claim to compensation benefits in case of injury. But in no case does the State guarantee the payment of claims. Thus the validity of the worker's claim rests ultimately upon the solvency of the party made liable for payment. In Washington and in Oregon this liability is placed solely upon a State-managed accident insurance fund. In California it rests directly upon the employer, unless taken over by an insurance carrier. If for any reason the State fund, or the employer, or the insurance carrier fail to make payment, the loss falls upon the worker. The worker thus has an immediate interest in the method according to which the compensation liability is carried.

THE WASHINGTON STATE ACCIDENT FUND.

Under the Washington law all employers subject to compensation, whether by compulsion or election, are required to contribute to the State accident fund, which thereupon becomes liable for all compensation payments. No other form of compensation insurance is recognized. The fund is under the management of the industrial insurance commission.

CONTRIBUTIONS OR PREMIUM RATES.

All employers affected by the act are compelled to contribute in proportion to the respective hazards of the work in which they are engaged. The original act evaluated the relative hazards of the different industries in a series of what may be called "basic" rates. These rates varied from $10 per $100 of annual pay roll in the case of powder works to $1.50 per $100 for such industries as textiles, creameries, and printing.

In this manner each of the several industries and employments enumerated by the law as extra hazardous was given a basic rate based upon presumed risk. In addition, classification was made of industries according to the general character of the work. Thus class 1 included all employers engaged in underground work, such as sewers, tunnels, drilling wells, etc.

Each of these classes constitutes a separate unit with its own accident fund. Each class fund is credited with all contributions from employers in that class, is to meet all claims made by the industries of that class, and may not be called upon to meet a deficiency in any other class fund. Thus the accident fund consists really of several practically independent class funds.

The method of hazard rating and also the classification of industries were laid down in detail in the original law and were practically inflexible. After operation certain weaknesses developed. In the first place, some of the funds covered so few employers and such a small total pay roll as to be unsafe and perhaps unfair. Thus class 20, steamboats, included in 1915 only 9 employers and 44 workers. Also the larger the number of separate funds the larger must be the total sum set aside for reserve balances in the several class funds. Finally, it was clear that with accumulated accident experience, the system of differential hazard rating might be made more accurate. With these points in mind the legislature of 1915 adopted an amendment authorizing the commission to make changes in both rates and classification when experience should show such changes to be desirable.

The "basic" rates, it is to be noted, have no importance as absolute amounts. Inasmuch as each class fund is to be self-supporting and no more, the actual contributions demanded of an industry may be greater or less than the basic rate. If, in other words, each industry carried its own fund, or if only industries of the same basic rate were grouped in the same class fund, there would be no significance in the establishment of a rate in advance. As, however, the system of classification adopted brings industries with different basic rates in the same class, those rates become of importance as indicating the relative proportions in the contributions of the several industries in the class. Thus, one class is composed of garbage works, with a basic rate of 2 per cent, and fertilizer works, with a rate of 2½ per cent. The contributions demanded to support the fund of this class might be greater or less than the percentages named, but the fertilizer works would have to pay the larger proportions—as 2½ is to 2.

SECURITY OF PAYMENT.

Each of the class funds, as described above, is responsible for the accidents in its own class. The State assumes no responsibility. The ultimate security of payment, therefore, depends upon the solvency of the employers in the class. The law provides that if at any time a class fund is insufficient to meet a warrant drawn upon it, the employer on whose account it was that the warrant was drawn shall pay the same and be credited with such amount upon his next contribution.

This question came to acute issue during the first year of the law's operation as a result of a powder work's explosion in which eight female employees were killed. The class embraced only five plants—a very large plant of the DuPont Powder Co., three small powder plants, and one fireworks factory. The eight deaths required the set-

ting aside of pension reserves and the payment of burial expenses to the extent of $8,259.35. The fund was insufficient to bear the amount. It would have been more than sufficient if the assessments of the class had been paid, but the DuPont Co., whose pay roll constituted over 90 per cent of the total pay roll of the class, refused to pay any of its assessment. Pending decision of the supreme court as regards the act's constitutionality, the commission has taken no legal action in the matter. Warrants are issued against the class fund, but are marked as not yet payable.

CONTINUING PAYMENTS IN THE CASE OF DEATH.

Under the scale of compensation provided for, death or permanent total disability involves monthly payments during the life of the beneficiary. To meet a continuing payment of this kind the law provides for the segregation in the accident fund of a sum of money estimated to carry the series of payments, but the maximum sum so to be set aside is limited to $4,000. The sum of $4,000 is sufficient to cover the life expectancy of a person 30 years of age. For persons under that age, therefore, the maximum amount that can be set aside is not sufficient to cover life expectancy. To meet such contingency, it is provided that any deficiency is to be paid out of the regular accident fund.

METHOD OF COLLECTING CONTRIBUTIONS FROM EMPLOYERS.

Payments by employers are in the form of monthly calls or assessments—each call representing one-twelfth of the basic rate of the industry for the year. Thus, if the basic rate is 6 per cent ($6 per $100 of annual pay roll) the monthly call would be for one-half of 1 per cent. The size of the monthly call is thus fixed in advance, but not the number of monthly calls. The number depends upon the condition of the class fund. If the class fund is sufficient to meet payments and maintain a satisfactory reserve, assessments may be made for only a few months of the year.

Assessments upon employers are payable within 30 days after demand. An amendment of 1915 provides that delinquent payments are to bear interest at the high rate of 12 per cent.

The examination and auditing of the employers' pay rolls is done by the force of field auditors maintained by the department. This work is difficult because of the fact that industry is widely scattered, distances great, and traveling facilities very poor in certain large districts.

A further difficulty under the original act was that the department had to locate plants and make demands for payment before any

obligation was created. This was particularly serious in the case of casual employers, such as are many engaged in construction work and the operation of small sawmills. To meet this difficulty in part, an amendment of 1915 provides that an employer engaging in or resuming business during the course of the year must report the fact to the commission with an estimate of his pay roll and must make payment on such estimated pay roll for the first three months of operation. This is to be done under penalty of three times the amount due.

FINANCIAL CONDITION OF THE FUND.

The following statement shows the condition of the State fund on September 30, 1915. The statement is from the annual report of the industrial insurance commission for 1915 (p. 18).

Accident fund.

Balance in fund Oct. 1, 1914		$487,035.56
Total contributions year ending Sept. 30, 1915	$1,217,687.67	
Interest on daily balances	7,468.91	
Return to accident fund from reserve fund account remarriages or cessation of dependency	58,639.91	
Total	1,283,796.49	
Less refund of excess contribution	19,090.66	
		1,264,705.83
Total receipts		1,751,741.39
Claims paid—year ending Sept. 30, 1915	883,542.46	
Reserve set aside to secure pensions	393,365.83	
Total disbursements		1,276,908.29
Balance		474,833.10

Reserve fund.

Balance in fund Oct. 1, 1914		$1,084,329.49
Total awards—year ending Sept. 30, 1915	$393,365.83	
Interest received	63,913.47	
		457,279.30
Total		1,541,608.79
Pensions paid—year ending Sept. 30, 1915	167,500.16	

Return to accident fund account remarriages or cessation of dependency	$58,639.91	
		$228,140.07
Balance in fund Sept. 30, 1915		1,315,468.72

Cash fund.

Accident fund balance	$474,833.10	
Reserve fund balance	1,315,468.72	
		$1,790,301.82
Invested in bonds to secure reserve		1,336,800.00
Net cash balance		453,501.82

THE OREGON STATE ACCIDENT FUND.

As in Washington, the only form of compensation insurance recognized by the Oregon law is that offered through the State accident fund. All employees under the act are required to contribute to the State fund, which thereupon becomes liable for all compensation payments.

The industrial accident fund consists of contributions from employers, employees, and the State. The employer contributes according to a specified percentage of his pay roll; the employee contributes 1 cent per working day; the State contributes one-seventh of the combined amounts contributed by employers and workmen.

All employers under the scope of the compensation act are required to contribute to this fund. Such contribution relieves them of all other liability. The failure of an employer to contribute, however, does not affect the right of an injured employee to receive compensation from the State fund.

All compensation costs, including money awards, medical service, and administrative expenses, are payable out of the fund. The management of the fund is in the hands of the industrial accident commission.

CONTRIBUTIONS OR PREMIUM RATES.

The pay-roll percentages to be contributed by employers are specified in the act for employments enumerated by law as hazardous, the percentages varying for different employments according to their presumed hazards. For any other employment the rate is fixed by the commission on the application of any employer therein.

The percentages of pay-roll contributions, or premium rates, were based in substance upon the rates of the Washington law, but the system of rating in the two States is quite different. The Wash-

ington law groups the employments by similarity of work, sometimes placing employments with very different premium rates in the same class and establishing for each group or class a separate fund against which are charged all losses in that group. In Oregon there is no class-fund system. All contributions go into a single fund, against which all losses are charged. Provision is made in the law against the possibility of the fund becoming unnecessarily large by providing that when the commission determines that the fund is sufficient to meet all payments, with a 30 per cent surplus, temporary exemption shall be granted employers who shall have been contributors for the preceding six months.

SECURITY OF PAYMENT.

The accident fund as a whole is responsible for all accidental injuries to the employees of any employer under the compensation act. If an employer defaults in his contributions, a workman injured during such period of default may bring suit or elect compensation out of the State fund, but in any case is protected by such fund. If, however, the accident fund itself should prove insufficient to meet its charges, there is apparently no means provided by which the deficiency may be made up, inasmuch as the maximum premium rates are fixed by law. The State itself assumes no obligation.

CONTINUING PAYMENTS IN CASE OF DEATH.

Under the compensation scale death or total permanent disability involves monthly payments during the life of the beneficiary, and the more serious partial disabilities involve similar payments for specified periods. To meet a continuing payment of this kind the law provides for the segregation in the accident fund of a sum of money sufficient to carry the series of deferred payments. In the case of death or permanent total disability the full amount necessary to carry the charge, as computed according to life expectancy, is to be set aside. In the case of partial disability such segregation is made when the period of payment exceeds two years.

The money thus set aside is separately invested as a distinct fund known as the segregated accident fund. Any deficiency in the segregated accident fund is to be made good out of and any surplus is to revert to the regular accident fund. By this means it was intended that all compensation for accidents should be charged against the period of occurrence, while at the same time guaranteeing the security of future payments by making a chance deficiency payable out of future income.

METHOD OF COLLECTING CONTRIBUTIONS TO THE FUND.

The workman's contribution of 1 cent per working day is retained from his wages by his employer and paid by him to the State fund.

The contributions demanded of employers are payable by them monthly, the assessment being, as noted, a fixed percentage of the monthly pay roll.

These payments are obligatory, and penalties are provided for default or for misstatement. Nevertheless, prompt and accurate payment can not always be secured, and the commission employs a staff of auditors who visit periodically the various establishments and employers and audit and adjust their pay rolls. A most serious difficulty has been the locating of employers. The law provides that all employers in the specified hazardous industries are automatically under the act, with obligation to contribute to the fund unless written notice to the contrary is given. An employer may thus be under the act, but unless an accident occurs and is reported may escape his obligation to contribute. This is possible, of course, chiefly in the case of small, casual employers, such as those engaged in construction work lasting a short period. The locating and listing of such employers has been a most serious difficulty. The difficulty has been accentuated in Oregon, as in Washington, because of the extent and, in large part, sparsely settled character of the State.

FINANCIAL CONDITION OF THE FUND.

The following statement shows the financial condition of the State fund on June 30, 1915. The statement is from the annual report of the industrial-accident commission for 1915 (p. 8):

Receipts.

Contributed by State	$90,345.22	
Employers' contributions	450,932.49	
Workmen's contributions	78,754.33	
		$620,032.04

Disbursements.

Set aside in reserve to guarantee pensions	$174,843.99	
Compensation for time loss	121,638.27	
First aid to injured workmen	61,438.70	
Burial expense	5,219.23	
Pensions paid	7,060.27	
Cost of administration to date	70,129.22	
		$440,329.68
		$179,702.36

It should be noted that while the above payments for compensation benefits represented a period of one year, the receipts from employers and workmen were for 11 months only. The law requires employers to make payments to the fund between the 1st and 15th of each month on account of the preceding month's pay roll. Payments for June pay rolls were therefore not due until after the date of this report.

The law provides for a payment to the industrial accident fund by the State of an amount equal to one-seventh of the total payments made by employers and workmen. From this fund are made all payments authorized by the act, including the cost of administration. The item of $90,345.22 appearing in the statement includes the original appropriation of $50,000 made by the legislature and $40,345.22 as the State's contribution from July 1, 1914, to December 31, 1914. On June 30, 1915, the Secretary of State credited to the fund $40,910.38 to cover the State's contribution for the preceding six months, although the actual transfer was not made until a later date.

LIABILITY FOR COMPENSATION PAYMENTS IN CALIFORNIA.

The California act does not make insurance compulsory. The employer may carry his own risks, or he may insure with private insurance companies, in mutual associations, or with the State compensation fund. Many of the larger companies, especially the lumber companies, carry their own risks, and some small employers do the same. The great majority of employers, however, insure with the private companies or with the State fund.

SECURITY OF PAYMENTS.

In those cases where the employer is not insured the security of compensation payment is dependent entirely upon the solvency of the employer. A claim for compensation is given the same legal preference over the other unsecured debts of the employer as is given to wage claims.

If the employer is insured, and the insurance company has agreed to assume all compensation payments, the employer is relieved of further liability, and the security of claims rests upon the solvency of the insurance company.

The liability of the State compensation insurance to its policyholders is limited to the fund's own resources. The State itself assumes no liability.

PREMIUM RATES.

An act of the 1915 legislature provided that after October, 1915, there should be uniform minimum rates for all compensation insurance. Before that time the possibility of rate cutting existed. Most of the private companies, together with the State fund, agreed to observe the same schedule of rates, but a few companies remained outside this agreement.

Under the act referred to the State insurance commissioner is directed to prepare a schedule of minimum rates and classifications,

which all insurance writers must observe. In carrying out this plan there was organized an association composed of the representatives of the insurance companies and the State fund to act in an advisory capacity to the insurance commissioner in establishing a merit-rating system.

STATE COMPENSATION INSURANCE FUND.

The State compensation insurance fund is organized and conducted as an insurance enterprise in a manner similar to that of a private insurance company and in competition with numerous private companies. The chief points of distinction are that it maintains no staff of salaried agents and is not conducted for profit. All policies issued are participating policies.

ORGANIZATION AND MANAGEMENT OF THE FUND.

The management of the State fund is entirely under the jurisdiction of the industrial accident commission. It is organized as a distinct department of the commission, with a separate staff of employees and under the immediate direction of an official known as the manager. The office of the manager is a statutory one, but the appointment is by and at the discretion of the commission.

The fund is required to be entirely self-supporting, and all operating expenses to be met out of income and rates to be based upon the reserve plan. In order that it might be able to establish itself safely at the start, the State made an appropriation of $100,000, which sum, however, it has not been necessary to use.

All public corporations (city, counties, etc.), if they insure at all, are required to insure with the State fund, but in all other respects the business is carried on in competition with private companies.

As the fund is not required by law to accept all applicants for insurance it has declined risks which it considered unsafe, and during the formative period it accepted risks with an undue catastrophe hazard, such as mining, only for limited policies.

The State fund employs no special staff of solicitors to secure business. The law authorizes and directs certain city and county officers to receive applications and premiums, and an amendment of 1915 permits the commission to grant compensation for such work. So far, however, compensation for obtaining business has been paid in only a very few instances. Business is obtained primarily by the regular employees of the commission as incidental to their other work.

DIVIDENDS TO POLICYHOLDERS.

At the end of its first year of business, December 31, 1914, the fund showed a sufficient surplus to warrant, in the commission's judg-

ment, a dividend of 15 per cent on net premiums received. The distribution of this amount was made pro rata among the policyholders. At the end of the second year, December 31, 1915, a second dividend was declared and the attempt made to apportion it according to a merit plan based on loss experience during the previous year. This dividend return averaged about 15 per cent.

In addition to the above dividends, the management of the fund believes that a further dividend of approximately 28 per cent will be available for distribution to policyholders of each of the two years when the legal reserves have been held the statutory period of 5 years.

FINANCIAL CONDITION OF THE FUND.

The State fund at present carries about 12 per cent of the compensation business of the State and is the largest single carrier of such insurance. The following is a statement of the condition of the fund at the end of the second year of operation, December 31, 1915.[1]

STATEMENT OF STATE COMPENSATION INSURANCE FUND, COVERING PERIOD JANUARY 1, 1914, TO DECEMBER 31, 1915.

Appropriation (ch. 176, laws 1913)	$100,000.00	
Premiums written, less premiums returned	1,202,837.79	
Interest received, due, and accrued	39,952.76	
		$1,342,790.55
Expenses and salaries (including adjustment expenses)	156,318.77	
Compensation and statutory medical payments	269,847.44	
Unearned premium reserve	101,712.30	
Statutory reserve for outstanding losses (75 per cent of earned premiums less losses and loss expenses paid)	498,898.02	
All other disbursements and liabilities	1,893.56	
		1,028,670.09
Total surplus		314,120.46
Less dividends to policyholders		74,475.88
Net surplus		[2] 239,644.58

[1] Compensation News Bulletin of the State compensation insurance fund, April, 1916.

[2] As regards this surplus, the management of the State fund explains: The above statement is based on the statutory reserve of $498,898.02, to cover outstanding liabilities. If the indicated amount of such liabilities ($176,159.11, including liberal estimates for all undetermined cases) were used, the surplus would be $562,383.49 instead of $239,644.58, an increase of $322,738.91 available for dividends.

(4) SETTLEMENT OF COMPENSATION CASES.

The position of the injured worker as claimant for compensation benefits is quite different in Washington and Oregon, with their system of a single State-managed insurance fund, from what it is in California, where the single State-fund system is not in use.

In Washington, as also in Oregon, the claim of the injured worker is made directly to the commission, which decides upon the validity of the claim and, if decision is favorable, orders payment to be made out of the State fund. All claims thus come before and are disposed of by the commission itself. If the claimant is dissatisfied with the decision, he may appeal to the courts for review. The employer is interested in the disposition of claims as the amount of his contributions to the State fund are affected thereby, but his interest is not immediate and seldom leads him to contest a claim.

In California the worker makes his claim for compensation upon his employer, and settlement is made between the worker, on the one hand, and the employer or his insurance carrier, on the other. In case of disagreement either party may appeal to the industrial accident commission. If still dissatisfied, appeal may be made to the courts. Inasmuch as the employer or, if insured, his insurance carrier must pay all compensation awards, there is a direct conflict of interest between the worker as claimant and the employer or insurance carrier as payer of claims. The great majority of cases are amicably settled between the two parties and do not come before the commission.

SETTLEMENT OF CLAIMS IN WASHINGTON.

As claims for compensation lie solely against the State accident fund, all such claims must be made to the industrial accident commission. On the occurrence of an accident it is the duty of the injured worker to give notice of such accident immediately to his employer, and of the employer to report immediately to the commission. Failure or delay in giving such notice, however, does not affect the right of compensation.

The claim application itself must be made by the injured worker or his beneficiary direct to the commission and must be made within a year of the date of injury. The application must be certified to by the attending physician. The law makes it the duty of the physician to make the necessary certification and report and also to inform the worker of his rights and to lend him all necessary assistance in making his application.

The procedure incident to the settlement of accident claims was developed with the aim of making settlements in minor cases as far as possible by mail and without the intervention of other parties than those immediately concerned. The procedure in the settlement

of the average nonfatal case is as follows: At least three prepared forms must be filed with the department—(1) workman's claim for compensation, (2) employer's report of accident, and (3) report of attending physician. In the case of a death claim the first of these three is, of course, not necessary, but there must be filed a claim on the part of the dependent, and a burial certificate from the undertaker must be submitted. If the various reports harmonize in their details, and there are no suspicious or complicating circumstances of any kind, the claim may be advanced for immediate settlement. The majority of claims are settled in this way.

If, however, reports do not harmonize, or if there are any doubtful or disputed points, or the case is of a serious character, further investigation may be necessary or desirable. If the point in doubt concerns the character of the injury, an examination of the injured person is made by an examining physician employed by the commission. If the doubt concerns the nature of the employment or similar matters, the case is investigated by an adjuster or other representative of the commission. Moreover, in all cases of serious or semiserious injury, it is the policy of the commission to get in touch with the injured worker, either at home or at the hospital or at the commission's office.

In the case of a continuing disability a follow-up system is employed. The form used for the report of attending physician contains two detachable stubs, one to be sent in 30 days after the first report, and the second to be returned when the patient is able to resume work, or is discharged from treatment. In addition, follow-up requests for information are made of physicians when necessary.

The employer, although his liability has been transferred to the State fund, is not without financial interest in the awards made by the commission. Not only are the contribution rates of employers grouped in a class fund determined ultimately by the amount of the payments made out of that fund, but a mistake in charging a payment against a class fund unduly increases the burden of the employers therein and decreases the burden of those against whom the charge really lies. In practice, however, employers, for the most part, seem to display little interest as regards the payment of awards.

APPEALS TO COURT.

Decisions of the commission may be appealed to the superior court of the county, provided notice that such appeal is to be made is given the commission within 20 days of date of decision. In all cases of appeal the decisions of the commission are regarded as prima facie correct, and the burden of proof is placed upon the plaintiff.

The fee of an attorney engaged in an appeal case must be reasonable, and the court may determine the amount of such fee. If in any appeal case the decision of the commission is overruled by the court, the attorney's fee, as also all other fees and costs, are payable by the commission out of the accident fund.

During the first three years of the act's operation there were 78 appeals taken by injured workers. Of these 38 were appeals on the ground that the awards made were insufficient and 40 were in cases of rejected claims.[1]

LUMP-SUM PAYMENTS.

It is the theory of the Washington system that compensation for death and total disability should be on the pension or continuing payment principle. The law, however, permits the commission to convert a monthly payment into a lump sum when the beneficiary resides out of the State or when the circumstances of the case would make such conversion to the distinct interest of the beneficiary.

The commission has approved of lump-sum conversions on but very few occasions, none at all being granted until 1915, when three lump-sum settlements were made. Cash advances to pensioners, with resulting reduction in the amount of the pension, have been fairly frequent, there being 31 cases in 1915, the advances varying from $20 to $1,000.

NUMBER OF CLAIMS SETTLED.

The following table shows the disposition of all claims made to the commission for the year ending September 30, 1915, and also for the four-year period ending at that date, the latter period representing the full life of the compensation act.

TABLE 9.—ACCIDENTS REPORTED AND DISPOSITION OF CLAIMS.

[Source: Report of industrial insurance department, 1915, pp. 71, 72.]

	Year ending Sept. 30, 1915.	Total for 4 years ending Sept. 30, 1915.
Accident cases reported (files complete)	13,210	55,871
Claims suspended (unable to locate claimant, etc.)	1,483	9,511
Claims allowed (final settlement)	11,409	43,680
Claims rejected	570	2,502
Total	13,462	55,693
Less reopened during previous year	550	550
Total disposed of	12,912	56,143
Monthly and partial payments continued	232	232
Claims in process of adjustment	496	496

[1] Report of Industrial Insurance Department, 1914, p. 14.

SETTLEMENT OF CLAIMS IN OREGON.

The whole procedure incident to the settlement of compensation claims in Oregon is quite similar to that just described for Washington.

All claims for compensation must be made to the industrial accident commission. This commission passes upon the validity of claims and, subject to the right of appeal to the courts, its decisions are final.

The workmen's application for compensation must be certified to by the attending physician. The law makes it the duty of all physicians to inform an injured worker of his rights and to lend him all necessary assistance in making his application and putting through his claim. An application is not valid unless made within a year of the date the injury occurred or the right to compensation accrued.

The procedure in the case of the average nonfatal case is as follows: At least three prepared forms must be filed with the commission (1) Workman's claim for compensation; (2) employer's report of accident; and (3) report of attending physician. In the case of death there is necessary the employer's report of accident and the report of attending physician, as above, and also a formal claim from the dependent and a formal proof of death from the undertaker. In special cases reports of eyewitnesses may be required.

All these reports are assembled and examined by the claims department. If the reports harmonize and there are no suspicious or complicating circumstances, the claim may be advanced for immediate settlement by the commission. If the reports do not harmonize, or there are doubtful or disputed points, or the case is of a serious character, further investigation may be necessary or desirable, such as an examination by the medical adviser or by a designated surgeon. In the case of serious and continuing disabilities each case is followed by means of formal reports from and correspondence with physician and employer. The form used for the report of attending physician contains two detachable stubs, one to be sent to the commission 30 days after the first report of accident is sent in and the second to be returned when the patient is able to resume work. The employer is also asked as to the time the injured party returned to work, etc.

In the settlement of claims the two parties immediately concerned are the commission, as administrator of the State fund, and the injured worker. The employer, having transferred his liability to the State, usually feels only a remote interest in the amount of individual settlements. His interest is concerned, inasmuch as the law provides that an employer may receive a reduction in premium rates if the accident loss of his establishment does not exceed a certain

yearly minimum. But, as a rule, the employer pays comparatively little attention to this fact.

APPEALS TO COURT.

Any decision of the commission may be appealed to the circuit court of the county in which the accident occurred or the claimant resides, provided that notice that appeal is to be taken is given the commission within 30 days of the rendering of the decision complained of. The appeal may be upon questions of either law or fact, but the decision of the commission is regarded as prima facie correct and the burden of proof placed upon the person appealing. If the decision of the commission is reversed or modified, the fees and cost are chargeable against the accident fund if such fund is affected by the appeal. During the first year (ending June 30, 1915) there were four cases of appeal.

LUMP-SUM PAYMENT.

A basic theory of the Oregon law is that compensation should be in the form of continuing payments. Lump-sum conversion is permissible only in a few instances. If the beneficiary in fatal cases ceases to be a resident of the State, the commission may make a lump-sum settlement. Otherwise, such conversion is never allowed in case of death or total disability. In the case of certain minor permanent partial disabilities—such as loss of one eye, of finger, of toe—the injured worker has the option of taking his compensation in monthly payments or in a lump sum. But in the more serious permanent disabilities—such as loss of arm, leg, hand, or foot—lump-sum conversion is prohibited.

During the first year of the act (ending June 30, 1915) 66 per cent of those suffering minor partial disabilities chose to take their compensation in the form of lump-sum payments. No applications were received for lump-sum conversion on the part of beneficiaries who had moved outside the State.

In any case of compensation, the commission is authorized to make cash advances, not to exceed one-fourth the present value of the monthly installments payable.

NUMBER OF CLAIMS SETTLED.

The following table shows the disposition of all accident cases reported during the year ending June 30, 1915:[1]

Accident cases reported	4,546
No claims made (237) or no record of dependency (20) or settled by third party (1)	258

[1] From Report of Industrial Accident Commission, 1915, p. 17.

Claims in process of adjustment	343	
		601
Total cases passed upon		3,945
No time lost but first aid paid		876
Total money awards made		3,069
Claims rejected		158
Total claims allowed		2,911
Monthly payments continuing at end of year	152	
Awards made and amounts set aside	43	
Final settlement made	2,714	
Cases (fatal) finaled by expiration or remarriage	2	

SETTLEMENT OF CLAIMS IN CALIFORNIA.

In order to create a claim for compensation, it is incumbent upon the injured worker to notify his employer within 30 days of the occurrence of injury. But such notice is not necessary if the employer has actual knowledge of the injury, and in no case does failure to give notice debar recovery if such failure did not result from any intention to prejudice the employer and did not prejudice him in fact.

A claim for disability compensation must be filed within six months of injury. A death claim must be filed within one year of death, and in any event within 240 weeks of day of injury.

The great majority of compensation claims are settled directly between the injured employee on the one hand and the employer or insurance carrier on the other. Misunderstandings between the parties are frequently settled by informal action or advice on the part of the industrial accident commission. And either party to a dispute may appeal to the commission for a formal hearing.

The formal hearings before the commission have usually been concerned with the extent of disability. During the fiscal year ending June 30, 1915, the commission heard and decided 939 cases out of 1,269 before it, this number not including a large number of informal hearings and opinions. The disposition of the 939 decided cases was as follows:

Awarded compensation	598
Denied compensation	231
Settled and dismissed	74
Dismissed	28
Stayed by injunction	8
Total	939

In 436 of these cases the only question involved was that of the extent of the award and was necessarily in favor of the employee.

Of the remaining cases, which could have been decided in favor of either party, the division was almost exactly in half.[1]

In the hearings before the commission the effort is made to keep them as simple and untechnical as possible. "Its hearings are inquiries and not trials. It is in the long run more important to the State that what may be called 'average justice' shall in such cases be inexpensively and expeditiously attained than that a more exact or hairsplitting justice shall be striven for at a cost in money that eats up the substance involved." [2]

The commission attempts to discourage the use of attorneys, but the employers and insurance companies are usually represented by attorneys, and very often the employees are so represented. In the latter case the commission may fix the attorneys' fees. In one case the commission annulled an agreement between an injured employee and his attorney, providing for a contingent fee of 20 per cent, and allowed a fee of only $20. At the same time it stated that even this sum was unduly high and that normally it would allow a fee of not over $10.[3]

REHEARINGS AND COURT REVIEW.

Any person dissatisfied with a ruling or decision of the commission has the right to appeal to the courts, but before such appeal is permissible application must be made to the commission for a rehearing on the points in dispute. An application for rehearing must be made within 20 days of the issue of the order or decision complained of.

If a rehearing is denied by the commission or the results of the hearings are unsatisfactory to any party, such party may within 30 days thereof apply for a court review. Such application may be made only to the State supreme court or to the district court of appeal, and the review by the court may not include findings of facts, the commission's findings of facts being considered conclusive.

Of the 939 cases heard by the commission during the fiscal year ending June 30, 1915, rehearings were asked in 57 cases and court review in 31.

During the same year, five appeal cases before the courts were disposed of. The action of the commission was affirmed in three of these five cases, was overruled in one case, and in one case was settled and dismissed.

LUMP-SUM PAYMENTS.

Compensation awards may not be commuted into lump-sum payments without the approval of the commission. The commission

[1] Report of Industrial Accident Commission, 1915, p. 15.
[2] Decisions of Industrial Accident Commission, case 812 (Vol. II, No. 3, p. 217).
[3] Idem, case 209 (Vol. I, No. 12, p. 9).

may give such approval, or on its own initiative may order commutation, if it is satisfied that such procedure will be in the interest of the parties concerned. The lump-sum payment may be ordered paid directly to the beneficiary or deposited in a bank, or with the State compensation insurance fund, as a trust to be administered as the commission may direct.

It has been the practice of the commission not to approve of lump-sum payments except when it was clearly established that a definite benefit would result, such, for instance, as the paying off of an incumbrance on a home. On several occasions it has refused the requests of applicants for computation because no satisfactory reasons were shown why the granting of the request would be beneficial.

(5) COMPENSATION AND SAFETY.

One of the most important motives leading to the adoption of the compensation acts was the belief that they would lead to the reduction of accidents; that the employer would find it cheaper to prevent accidents than to pay for them. In the preceding chapter on safety it was noted that as yet there is no definite information upon this point; no data to show to what extent, if any, accident rates have decreased.

Also in that chapter it was pointed out that the subject of safety was emphasized in the California act, but received little attention in the acts of Washington and Oregon. The California act vests the industrial accident commission with the authority and equipment to carry on extensive safety work, and the commission has been very active along this line. In Washington and Oregon, on the other hand, the compensation commissions are given no special authority or resources for safety work, this subject being left within the jurisdiction of the State bureaus of labor.

To some extent, however, both the Washington and Oregon acts attempt to encourage safety through penalties in the fixing of contribution rates to the State fund and in the payment of compensation benefits. The Washington law has three provisions upon this subject:

(1) It is directed that if a workman is injured because of the absence of safeguards required by, or in accordance with, law or is of less than legal age, the employer is to pay into the accident fund a sum equal to 50 per cent of the amount of compensation paid the injured workman. In effect, however, this provision is nothing more than a penalty for the violation of the State laws.

(2) The commission is authorized to increase the premium rate of any establishment which, "because of poor or careless management * * * is unduly dangerous." This authority has been

availed of in a very few instances but, of necessity, cannot be used with any wide effect. Whether a plant is "unduly dangerous" and if so, whether it is due to "poor and careless management" is a question of fact very difficult to determine.

(3) To discourage carelessness on the part of the worker it is provided that if a worker is injured as a result of the removal of a safeguard or protective device by himself, or by a fellow-worker with his consent, the compensation award shall be reduced by 10 per cent. No case of this kind has as yet arisen.

The Oregon law offers a 10 per cent reduction in premium rate to the individual employer during each of the second and third years he is subject to the act, when the State fund pays out on account of accidents in his plant not to exceed 50 per cent of his own contributions to the fund during the preceding year. About 85 per cent of the employers subject to the act during the first year received this reduction in premium rates during the second year, beginning July 1, 1915.

The law provides that the benefit of the 10 per cent reduction is to be withdrawn as soon as the conditions noted cease to exist. Also it is to be withheld from any employer who " willfully fails to install or maintain any safety devices required by statute." This latter provision is intended as an added penalty for failure to observe the safety laws. It has not been invoked, and in practice is not very workable, particularly as the failure must be " willful."

In addition to the 10 per cent reduction in rates to the employer with a good safety record, the Oregon act also provides that when the accident fund is of sufficient size to be safe the commission may grant a month's exemption in contribution payments to all employers who have contributed to the fund for the preceding six months. Such an exemption was granted by the commission for the month of July, 1915.[1] An exemption of this kind is, to a certain extent, an incentive to employers as a whole to reduce accidents, but does not bear directly on the individual employers as does the 10 per cent reduction mentioned above.

[1] Report of Industrial Accident Commission, 1915, p. 22.

CHAPTER XI.—ORGANIZATION AND RESOURCES OF ADMINISTRATIVE AGENCIES.

The preceding chapters have described the activities of the Pacific States with regard to the more important of the subjects affecting labor. In the course of that description the work of the principal administrative agencies was noted in connection with the subject then under consideration. The present chapter brings together these several agencies in a brief comparative statement of their duties and of their equipment for the performance of such duties.

Table 10 gives, for each of the three States, a list of the principal State agencies concerned with the administration of the labor laws. The upper portion of the table presents a very brief statement of the duties and functions of each of these agencies. The lower portion gives a similarly brief statement of their equipment and resources.

Reference to the table shows that in each of the States there are four administrative agencies of major importance. In three instances these agencies, in both title and duties, are closely similar for all three States. Thus, in each of them there is a bureau of labor, an industrial welfare commission, and a compensation commission (known as the industrial insurance or industrial accident commission). In addition, Washington has a special coal-mine inspection department, Oregon a special board for the issue of child-labor permits, and California a special commission concerned, as one of its chief functions, with the welfare of immigrant labor.[1]

The several agencies within each State constitute independent governmental departments. The commissioner of labor in Washington is ex officio a member of the industrial welfare commission of that State. With this exception, none of the States makes any important provision for definite correlation in the work of the sev-

[1] In addition to the agencies listed or mentioned in the table, a few other State departments are incidentally concerned in the administration of laws affecting labor. These are:

Washington: The public-service commission has jurisdiction over laws regarding hours of labor, safety, etc., on railroads and other public-service companies; and the department of agriculture administers a bakery-inspection law, which until recently was under the bureau of labor.

Oregon: The public-service commission has general jurisdiction over public-service companies, including a few provisions regarding railroad labor.

California: The State board of health and local health offices enforce laws regarding sanitation in food-producing establishments, including canneries; and the railroad commission administers an act for the protection of electrical workers.

TABLE 10.—PRINCIPAL STATE AGENCIES CONCERNED WITH LABOR.

PART I.—FUNCTIONS AND DUTIES.

Washington.	Oregon.	California.
1. Bureau of Labor.	**1. Bureau of Labor Statistics.**	**1. Bureau of Labor Statistics.**
To enforce laws upon— Safety, sanitation, and ventilation in factories. Woman labor. Child labor (except permits). To compile labor statistics. To mediate in labor disputes. (No private employment offices.) (No State employment offices.)	To enforce laws upon— Safety, sanitation, and ventilation in factories. Woman labor. Child labor (except permits). To compile labor statistics. (No mediation duties.) To supervise private employment offices. (No State employment offices.)	To enforce laws upon— Sanitation and ventilation (but not safety. See 3 below.) Woman labor. Child labor (except permits). To compile labor statistics. (No mediation duties.) To supervise private employment offices. To conduct State employment offices.
2. Industrial Welfare Commission.	**2. Industrial Welfare Commission.**	**2. Industrial Welfare Commission.**
To make and enforce rulings— For women and minors. On wages and work conditions (not hours).	To make and enforce rulings— For women and minors. On wages, hours, and work conditions.	To make and enforce rulings— For women and minors. On wages, hours, and work conditions.
3. Industrial Insurance Commission.	**3. Industrial Accident Commission.**	**3. Industrial Accident Commission.**
To administer compensation act. (No jurisdiction in safety matters.)	To administer compensation act. (No jurisdiction in safety matters.)	To administer compensation act. To frame safety rules and carry on safety work.
4. Coal Mine Inspection Department.	(No mine inspection or mine legislation.)	(Mine safety under jurisdiction of industrial accident commission.)
To enforce mine safety laws.		
(Work permits to children issuable by judges of county courts.)	**4. Board of Inspectors of Child Labor.**	(Work permits to children issuable by local school officials.)
	To issue work permits to children. To supervise employment of children.	
(No special protection for immigrant labor and no provision for sanitation in labor camps.)	(No special protection for immigrant labor and no provision for sanitation in labor camps.)	**4. Immigration and Housing Commission.**
		To protect immigrant labor. To enforce labor camp sanitation.

PART II.—EQUIPMENT. (Salaries and resources are for one year.)

1. Bureau of Labor.	**1. Bureau of Labor Statistics.**	**1. Bureau of Labor Statistics.**
1 commissioner, $2,400. 1 woman assistant, $1,200. 5 deputy inspectors, $4 per day. (Approximately $1,200 per year.)	1 commissioner, $3,000. 4 deputy inspectors, $5 per day. (Approximately $1,500 per year).	1 commissioner, $4,000. 5 deputies and assistants, $1,800–$2,400. 1 attorney, $2,400. 1 statistician and 1 assistant, $1,500, $2,100. 8 male field agents, $1,500–$1,800. 2 female field agents, $1,500.
Resources: Appropriation..... $7,700 From fees..... 13,800	Resources: Appropriation..... $5,750 From fees..... 12,600	Resources: Appropriation..... $41,400 From fines, etc..... 10,000 For employment offices 25,000
Total..... 21,500	Total..... 18,350	Total..... 76,400
2. Industrial Welfare Commission.	**2. Industrial Welfare Commission.**	**2. Industrial Welfare Commission.**
5 members, no salary. Appropriation, $5,000.	3 members, no salary. Appropriation, $3,500.	5 members, $10 per day of service. Appropriation, $15,000.
3. Industrial Insurance Commission.	**3. Industrial Accident Commission.**	**3. Industrial Accident Commission.**
3 members, $3,600. Appropriation, $110,650.	3 members, $3,600. Appropriation, $81,255.	3 members, $5,000. Appropriation, $188,120.
4. Coal Mine Inspection Department.	**4. Board of Inspectors of Child Labor.**	**4. Immigration and Housing Commission.**
1 chief inspector, $2,400. 1 deputy inspector, $1,800. Appropriation, $7,250.	5 members, no salary except secretary, $1,500. Appropriation, $2,500.	5 members, no salary. Staff of investigators, etc. Appropriation, $35,000.

eral agencies. In practice there has been some measure of cooperation, but this has been largely the result of informal arrangement.

The data presented in the table are in very abbreviated form, but are of sufficient fullness to give a fairly complete idea of the general character of the several agencies and to permit of comparison between States. The more significant features of the organization of these agencies are commented upon below in somewhat greater detail than can be given in tabular form.

Preliminary note may be made of the fact that neither Washington nor Oregon has a merit system of appointment for State employees. All appointments and removals are entirely personal. In California a civil-service law was enacted in 1913. It provides for competitive examinations and tenure of office on good behavior. It applies to most employees of the State government except heads of departments.

BUREAUS OF LABOR.

DUTIES AND FUNCTIONS.

The bureau of labor (or labor statistics) in each of the States is primarily an inspection and law enforcing body. With a few exceptions later noted, it is its duty to see that all of the various labor laws are observed and, to that end, to make inspections and to investigate complaints. This work covers such subjects as safety and health conditions in factories, the employment of women and children, wage-payment laws and laws regarding hours of labor on public works. The most important exception to this general statement is that in California the subject of safety is placed not under the bureau of labor but under the industrial accident commission in the effort to coordinate accident prevention and accident compensation.

In addition to their law-enforcing duties, each of these bureaus is, by law, a statistical agency, charged with the collection and compilation of labor and industrial statistics. In practice, none of them has attempted any very extensive work along this line. The Washington and Oregon bureaus have no special equipment for such work. The California bureau has a special statistical division and while most of its time is occupied with routine bureau work, some important original investigations have been made; such, for instance, as the studies of the lumber and cement industries in 1914.

Mediation in labor disputes is made a duty of the commissioner of the bureau of labor in Washington. Oregon makes no provision upon this subject. In California an old law of 1891 provides for a State board of arbitration and conciliation, but no appointments thereto have been made in recent years.

The State employment offices of California, established in 1916, were placed under the management of the commissioner of labor. This constitutes a separate division of the bureau's work, with a special appropriation and special staff. No such offices have been established in Washington or Oregon.

In each of the States the bureau of labor, in addition to its duty of enforcing the statutory labor law as noted above, also cooperates with the industrial-welfare commission in enforcing the rulings of that commission regarding employment standards for women and minors. In Oregon the bureau of labor also acts, to some extent, in cooperation with the board of child-labor inspectors in the enforcement of the child-labor laws.

EQUIPMENT.

Each of the bureaus of labor is under the charge of a single executive, known as the commissioner. In Washington and California the commissioner is appointed by the governor. In Oregon, however, this office is elective. The term of office is four years. The present commissioner has been in office since its creation, having been elected three times.

The staff of the commissioner of labor in Washington, exclusive of clerical help, consists of 6 persons—a woman assistant commissioner and five male deputy factory inspectors. In Oregon there are four deputy inspectors, all males. The staff of the California bureau is much larger. There are five deputy commissioners and assistants, who have general direction of the work of the bureau's four offices in as many cities. These are all males. There are 10 inspectors and field agents, two of whom are women. Also, the bureau has its own attorney and a statistical division with a statistician in charge. Entirely additional to this regular staff of the bureau, there is a special force employed for the management of the State employment offices.

The salaries paid by the several bureaus of labor are lowest in Washington. Thus, the salary of commissioner, in each case fixed by law, is $2,400 per year in Washington, $3,000 in Oregon, and $4,000 in California. The Washington law fixes the salary of the woman assistant at $1,200. It also limits the salary of deputy inspectors to not more than $4 per working day. The present deputies are paid this full amount, which is equivalent to approximately $1,200 per year. The Oregon law, in similar fashion, fixes the salary of deputies at $5 per working day, the equivalent of about $1,500 per year. In California, five of the staff officers are statutory with salaries fixed by law—three of the deputy commissioners, the attorney, and the statistician. The other salaries are established by the commissioner. They vary from $1,500 to $2,100, and thus permit of promotion

among employees, a thing which is not possible under the Washington and Oregon systems.

The resources of the several bureaus, as shown in the chart, are the approximate yearly incomes, averaged from the biennial appropriations of 1915 and the estimated fees and fines. The yearly totals are, respectively: Washington, $21,500; Oregon, $18,350; and California, $76,400, made up of $51,400 for the regular work of the bureau and $25,000 for the conduct of the State employment offices.

Of especial interest, in connection with the fiscal resources of these bureaus, is the fact that in Washington and Oregon the bureau of labor's income is derived in major part from a system of factory inspection fees. The fees are levied upon all factories. The amount varies, with the size of the factory, from $5 to $10 per year in Washington and from $2 to $20 per year in Oregon. In theory this fee is a payment by the employer for definite service rendered him by the bureau. The employer may demand an inspection of his plant and if conditions are found satisfactory is entitled to a certificate containing a statement to that effect. Such certificate constitutes *prima facie* evidence of compliance with the provisions of the law. The bureau, however, is required to make such inspection whether or not demand is made by the employer, and the fee is payable even though a certificate is withheld. Moreover, such certificate is in no way equivalent to a license. That is to say, the possession of a certificate is not a preliminary condition for commencing or carrying on business. Washington and Oregon are among the very few American States to retain this inspection fee system. It does not exist in California.

INDUSTRIAL WELFARE COMMISSIONS.

DUTIES AND FUNCTIONS.

The duties of the industrial welfare commissions are substantially the same in all three States. Their primary duty is to determine, according to a prescribed procedure, the conditions under which women and minors may be employed. In Washington the authority of the commission covers wages and working conditions but not hours of labor. In Oregon and California it covers all three subjects.

The location of responsibility for the enforcement of commission rulings is not entirely clear in any of the States. Responsibility would seem to rest upon both the commission itself and the bureau of labor and, in practice, the effort has been to secure enforcement through cooperation on the part of these two agencies.

EQUIPMENT.

The welfare commissions of the three States are composed of from three to five members, unsalaried except that in California $10 per

day is allowed for time actively devoted to commission work. In each case the appointments are made by the governor and the terms of office (4 years in Washington and California, 3 years in Oregon) are so arranged that the terms of different members expire in different years, thus making the commission a continuing body.

In each of the States the welfare commission was intended as an entirely nonpolitical body. But the laws differ as regards the extent to which the membership is to be representative of the three interests immediately concerned in the results of the commission's work—the employer, the employee, and the public.

The Washington law seeks to obtain an entirely neutral body. It makes the State commissioner of labor ex officio a member and specifically directs that none of the other four members shall have been, within five years prior to appointment, a member of an employers' association or of a labor union. One of the original appointees was disqualified because of this provision. The Oregon law, on the contrary, is specific in declaring that the membership shall represent, as far as possible, employers, employees, and the public. The California law is silent on this point, the only qualification of membership being that at least one of the members must be a woman. The commission as appointed contains representatives of the three interests mentioned.

The present commission of Washington, in addition to the commissioner of labor, consists of three women and one man; the Oregon commission of one woman and two men; the California commission of one woman and four men.

The commission members in all three States are supposed to devote only such time to the work as necessary for the framing of employment standards and directing their administration. Each of the commissions is authorized to employ assistants for the active, routine part of the work and to fix their salaries. In Washington and also in Oregon there is only one such assistant regularly employed—a secretary, who, in each case, is a woman. The California commission, with a much larger appropriation, employs an office staff and also a force of field investigators.

The annual income (average of two years' appropriation) for the support of the welfare commissions is: Washington, $5,000; Oregon, $3,500; California, $15,000.

COMPENSATION COMMISSIONS.

DUTIES AND FUNCTIONS.

The primary duty of the industrial insurance commission in Washington and of the industrial accident commissions in Oregon and California, respectively, is to administer the workmen's accident com-

pensation law. This includes the management of a State insurance fund. In California the industrial accident commission is also given charge of all accident prevention work. This is not the case in Washington and Oregon, where, as earlier noted, all safety activities are under the jurisdiction of the State bureau of labor.

EQUIPMENT.

Membership on the compensation commissions of all three States is a salaried office, requiring full-time service on the part of the incumbent. The salary is $3,600 per year in Washington and Oregon and $5,000 per year in California.

Each of the commissions is composed of three members appointed by the governor and subject to removal by him. The Washington law fixes the term of appointment at six years, with the terms of the members so arranged as to expire in different years. Since the creation of the commission in 1911 changes in personnel have been frequent. In 1916 the whole membership was changed by the governor. No qualifications are prescribed for appointment to the commission. The present membership includes a representative of organized labor.

In Oregon the original act fixed the term of office at four years, the terms expiring in different years. This provision was repealed in 1915, and the period of service left indefinite. The only qualification upon appointment is the requirement that not more than two members shall be members of the same political party. One of the present commissioners is a labor representative.

Members of the California commission are appointed for four-year terms, expiring in different years. No qualifications are prescribed for membership. The present commission contains one labor representative.

All of the members of all three commissions are males. It is of interest to note that one of the earlier members of the Oregon commission, serving for a brief period, was a woman.

All three commissions are given very full authority to employ and fix the salaries of necessary assistants. This authority, in Washington, is subject to a statutory limitation that the total expenditure for assistants is not to exceed $60,000 a year, the salaries of auditors not to exceed $6 per day, and the fees of county medical examiners not to exceed $5 per examination. In Oregon there is a limitation of $25,000 placed upon the total expenditure for the employment of assistants. In both of these States the limitations placed upon salary expenditure are inflexible.

In California there is no such limitation placed upon expenditures by statute. The offices of secretary, assistant secretary, manager of the insurance fund, and superintendent of safety are specifically pro-

vided for by law. The appointment of all other employees and the fixing of all salaries are at the discretion of the commission, subject to the provisions of the appropriation act. Under arrangement with the United States Bureau of Mines, the chief mine inspector of the commission is detailed by the Federal bureau and his salary paid half by the State and half by the United States.

The appropriations for the support of the compensation commissions are not of the same nature in all three States. Under the Washington law the State pays all the expenses of administering the compensation act, including the management of the State insurance fund. But it makes no contribution to that fund. The appropriation for the two years 1915 and 1916 was $221,300, an average of $110,650 per year.

In Oregon the administrative expenses of the commission (amounting to $49,528 for the year 1914–15) are paid out of the State insurance fund. To this fund the State contributes a certain proportion of its receipts. This contribution for the year 1914–15 amounted to $81,255, not including a preliminary donation of $50,000 made to the fund at the start.

In California the State pays for all expenses of the commission except those incident to the management of the State insurance fund. This fund, as conducted in California, is a competitive insurance carrier and is to be self-supporting. The State appropriation for the commission's expenses for the two years 1915 and 1916 was $376,240, an average of $188,120 per year.

WASHINGTON COAL MINE INSPECTION DEPARTMENT.

DUTIES AND FUNCTIONS.

In none of the States do mines come under the inspection jurisdiction of the bureau of labor. Washington possesses a special coal-mine inspection department which devotes its whole attention to the subject of safety in coal mines. This department is by law associated with the bureau of labor, but in practice constitutes an independent agency. Oregon makes no provisions for mine inspection and has very little legislation regarding mine safety. In California the safety jurisdiction of the industrial accident commission covers mines as well as other work places.

EQUIPMENT.

The coal-mine inspection department of Washington has only two employees—a chief mine inspector and one deputy. The mine inspector is appointed by the governor for a term of four years, upon the recommendation of an examining board consisting of a

miner, an operator, and a mining engineer. The salaries of both inspector and deputy are fixed by law—$2,400 and $1,800, respectively. The law also requires, as qualification for either office, at least five years' practical experience in coal mining.

OREGON BOARD OF INSPECTORS OF CHILD LABOR.

DUTIES AND FUNCTIONS.

The three States differ markedly in their provision for the issue of work permits to children. Washington gives this authority to the judges of the county courts. California gives it to the school authorities of the various localities. Oregon is the only one of these States to centralize this work. For this purpose a special State agency was created, known as the board of child labor inspectors. This board has sole jurisdiction over permit issue for the whole State. Also, in cooperation with the State bureau of labor, it has general supervision over all matters involving the employment of children.

EQUIPMENT.

The board consists of five members, appointed by the governor for terms of five years, the term of one member expiring each year. Service is unpaid, except that one member is chosen as secretary and allowed a salary of $1,500 per year, this amount being fixed by law as a maximum. The secretary is a woman. She devotes her whole time to the work of the office. There are no other regular employees. The full board decides general policies and passes upon different points. For this purpose only periodic meetings are necessary.

No qualifications are prescribed for membership on the board except that three members must be women. The present board is composed of three women and two men.

From 1903, the year in which the board was created, until 1911 no appropriation was made for the support of its work. The board organized, however, and the active work of the office was carried on by the secretary without pay. Beginning in 1911 there has been a biennial appropriation of $5,000, an average of $2,500 per year.

THE CALIFORNIA IMMIGRATION AND HOUSING COMMISSION.

DUTIES AND FUNCTIONS.

This commission, as created in 1913, was primarily an investigative body to study the problems of the immigrant alien, with the aim of devising means for his better education, housing, and protection, and for his more rapid assimilation into the life of the State. Also

it was to investigate the administration of the laws affecting the immigrant and to see that they were duly enforced. In practice such a study was equivalent to a study of labor conditions, as the immigrant constitutes such a large portion of the unskilled labor of the State and his problems are in large part the problems of labor.

Moreover, the commission's work tended to develop important administrative features. Thus, one of its earliest activities was the establishment of a complaint division for hearing and settling complaints, a large part of which involved labor matters. Later, in 1915, the legislature placed upon the commission the very important duty of administering the law regarding sanitation in labor camps.

The immigration and housing commission thus becomes an agency of very great importance in a broad field of labor activities. Neither Washington nor Oregon has an agency of similar character.

EQUIPMENT.

The commission consists of five members appointed by the governor for indefinite terms. The members receive no compensation and are not expected to devote their whole time to the work. The commission may appoint and fix the salaries of such experts and other assistants as it may deem necessary.

The present commission consists of one woman member and four men. The male members represent various interests—the church, the medical profession, labor, and business.

The commission employs an attorney as executive officer, and a staff of sanitary experts, housing experts, translators, and investigators to carry on the numerous branches of its work. These activities cover such subjects as housing, education, and legal protection of immigrants, as well as purely labor subjects, and are so combined that it is impracticable to distinguish the services chargeable to labor subjects proper.

The appropriation for the commission's support for the two years 1915 and 1916 was $70,000, an average of $35,000 per year. Of the total of $70,000, $10,000 was for the specific purpose of administering the law regarding sanitation in labor camps.

COMPARISON OF APPROPRIATIONS BY STATES.

The appropriations for the support of the four principal labor agencies in each State, as noted in the preceding chart, represent approximately the total expenditures of the several States for the direct benefit of labor.[1] The following table brings the total annual expenditures for these agencies in each State into comparison with the population of the State in 1914.[2] This shows an average annual

expenditure of 10 cents per head of population in Washington, 14 cents in Oregon, and 11 cents in California.

TABLE 11.—APPROPRIATIONS FOR SUPPORT OF PRINCIPAL STATE AGENCIES CONCERNED WITH LABOR, FOR ONE YEAR.

	Washington.	Oregon.	California.
Bureau of labor	$21,500	$18,350	$76,400
Industrial welfare commission	5,000	3,500	15,000
Industrial insurance (or accident) commission	110,650	81,255	188,120
Coal mine inspection department	7,250	.....	.....
Board of child labor inspectors	.....	2,500	.....
Immigration and housing commission	.....	.....	35,000
Total	144,400	105,605	314,520
Population of State (1914)	1,407,865	783,239	2,757,895
Per capita appropriation	$0.10	$0.14	$0.11

[1] The expenditures as here used constitute, as nearly as can be calculated, the annual average of the two years 1915 and 1916.

[2] U. S. Bureau of the Census. Bulletin 122. Estimates for population, July 1, 1914.