U. S. DEPARTMENT OF LABOR

BUREAU OF LABOR STATISTICS

ROYAL MEEKER, Commissioner

BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS } . . . . . . { No. 254

MISCELLANEOUS SERIES

INTERNATIONAL LABOR LEGISLATION AND THE SOCIETY OF NATIONS

y STEPHAN BAUER

(TRANSLATION BY MRS. ANNIE M. HANNEY AND ALFRED MAYLANDER)

MAY, 1919

WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

ADDITIONAL COPIES
OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
15 CENTS PER COPY

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CONTENTS.

Page.

Introduction ... 5, 6

Chapter I.—International labor protection programs of 1916 and 1917 ... 7–13

Chapter II.—International regulation of the right of combination, collective agreements, and protection of migratory workers ... 15–28

Equal treatment of native and foreign labor in the conclusion of labor contracts ... 16–22

Control of labor contracts of migratory workers ... 22–28

Chapter III.—International regulation of social insurance ... 29–44

Accident insurance ... 29–37

Sickness, maternity, old age, and invalidity insurance ... 38–40

Widows' and orphans' insurance ... 40, 41

Unemployment insurance ... 42–44

Chapter IV.—International regulation of the protection of children and young persons ... 47–59

Protection of children ... 47–56

Protection of young persons ... 57–59

Chapter V.—International regulation of the protection of female labor ... 61–71

Chapter VI.—International regulation of the working hours of adult males in mines, in establishments with continuous operation, and in other industries. 73–80

Chapter VII.—International protection of home workers and regulation of their wages ... 81–84

Chapter VIII.—International regulation of Sunday rest ... 85–94

Chapter IX.—International regulation of the protection of health ... 95–99

Chapter X.—International regulation of colonial contract labor ... 101–107

Chapter XI.—Preparation and enforcement of international treaties for the protection of labor ... 109–113

Chapter XII.—Internationalization of protective labor legislation ... 115–121

Appendix I.—The programs of Leeds and Bern ... 123–129

Resolutions of the international labor conference at Leeds, July, 1916 .. 123–125

Resolutions of the international trade-union conference at Bern, October 4, 1917 ... 126–129

Appendix III.—The international conventions of Bern ... 131–135

International convention relating to the prohibition of the industrial night work of women, concluded at Bern, September 26, 1906 ... 131, 132

International convention respecting the prohibition of white (yellow) phosphorus in the manufacture of matches, concluded at Bern, September 26, 1906 ... 132, 133

Final protocol of the international conference on labor legislation, 1913. 133–135

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

PREFACE.

This bulletin is a revised translation of a pamphlet on international labor legislation and the society of nations (Arbeiterschutz und Völkergemeinschaft), by Dr. Stephan Bauer, Director of the International Labor Office, Basel, Switzerland. The author of this timely and important contribution on the subject of the regulation of labor contracts through international agreements gave his full permission for the translation and publication of this pamphlet as a bulletin of the Bureau of Labor Statistics of the United States Department of Labor. The publication has been delayed because of the time necessary to translate the report accurately and to check and note references to source material. The translation, however, was completed in time to be of very considerable service to the Commission on International Labor Legislation which prepared the draft convention creating a permanent organization for the promotion of the international regulation of labor conditions, which draft has been adopted by the International Peace Conference at Paris. This bulletin will be invaluable to those interested in the first meeting of the International Labor Conference which is to be held in October, 1919, for the publication states in admirable form the origin and development of international labor regulation up to the outbreak of the great European war. The bulletin indicates in general the subjects that must be dealt with by these International Labor Conferences.

ROYAL MEEKER,
United States Commissioner of Labor Statistics.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

BULLETIN OF THE
U. S. BUREAU OF LABOR STATISTICS.

WHOLE NO. 254. WASHINGTON. MAY, 1919.

INTERNATIONAL LABOR LEGISLATION AND THE SOCIETY OF NATIONS.[1]

INTRODUCTION.

A publication on the protection of labor appearing during the war is like a voice crying in the wilderness. It can not hasten the peace of nations; it can not protest against the waste of human life. Its only aim can be to draw up the social horoscope of peace, with its national and financial tasks, and to raise the question in what way and with what results the State and society intend to treat the living productive forces that are essential for the redemption of the war debt.

After the loss of millions of workers' lives, it is imperatively necessary that something be done for the raising up of a new generation of skilled workers, and for increasing the duration of the productive life of all classes of workers. It is clear that under a system of unrestricted exploitation of the forces of labor by individual employers after the conclusion of peace, these results can not be achieved. The desire for quick profits mocks all self-restraint.

To these objective reasons for the enactment of legislation must be added the demands of the workmen themselves. While the earnings of salaried employees, teachers, officials, employees in offices, in trade, in traffic and insurance offices have remained far below the standard required by the increase in prices, and their circumstances have changed for the worse, the wages of industrial workers have in part increased. But this increase has been all too dearly bought by Sunday, night, and overtime work and by underfeeding. An English official inquiry proves that in a certain munitions factory "the prolonging of the hours of work has increased the number of cases of sickness to such an extent that in four weeks (May, 1916) only 53 per cent, in two other weeks 59.6 per cent, of the lost time could be made

[1] Stephan Bauer: Arbeiterschutz und Völkergemeinschaft. Zurich, 1918. Druck und Verlag: Art. Institut Orell Füssli.

Dedicated to the memory of late friends and advisers: Henriette Brunhes; Theodor Curti; Hector Denis; Sir Charles W. Dilke; Frederic Keeling; Maxim Kowalewsky; Henry Demarest Lloyd; Giovanni Montemartini; Rudolph Meyer; Eugen von Philippovich; Carroll D. Wright.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

up by overtime work. Both employees and foremen broke down under the strain.[1]

The combined effect of higher wages and of the physical over-strain of labor caused by the war has led to the demand from the ranks of the masses themselves, who have worked with heroic self-sacrifice, not only for restoration of prewar conditions, but for improvement in those conditions. It is the desire for conditions which produce zest for work and give some aim to life that rings through these demands, which desire is recognized in numerous statements in the report of the Commission of Inquiry into Industrial Unrest in Great Britain.[2]

These phenomena are not limited to one country. They may be perceived everywhere, and lead everywhere, of necessity, to a new self-administration of labor (*Selbstverwaltung der Arbeit*) to carry its wishes from the factory to the local and the national council. The joint standing industrial councils in England [3] and the proposed German labor boards (*Arbeitskammern*) seek to realize an aim, the misunderstanding of which has led in England, Germany, and Austria to the creation of secret workmen's councils after the Russian pattern. To these councils, which were the first to secure the right of self-determination for the workers, and later attained such great political importance, may be applied the words of Wilhelm von Humboldt: "The truths of the French Revolution remain always truths, even if 1,200 follies profane them." [4]

If elementary necessity causes the growth of a new constitution of labor in close connection with the unions of the workers in all countries, its activity can not be limited to the settlement of controversies; it must be in a position to affect the very foundations of industrial life, the creation of the new generation, and the prolonging of the duration of productive life.

For this reason the renewal and the systematic development of labor legislation is an imperative and international affair, an internal peace problem of the first importance, the solution of which alone can give to the outward form of peace its complete human and economic significance, and which is the necessary preliminary to a new order of production. To prove this step by step is the sole aim of this volume.

BASEL, MISSIONSSTRASSE 3, *April 7, 1918.*

[1] Ministry of Munitions, Interim Report on Industrial Efficiency and Fatigue (1917), Cd. 8511, p. 44.

[2] Report of the Commission of Inquiry into Industrial Unrest in Great Britain, July, 1917, pp. 57, 84, 152.

[3] Interim Report of the Reconstruction Committee on Joint Standing Industrial Councils (Whitley Report), 1916.

[4] Ed. Spranger, W. von Humboldt und die Humanitätsidee, 1909, p. 51; La situation et les lois ouvrières en Russie, Bulletin de l'Association Française pour la Lutte contre le Chômage, No. 6, Jan. 31, 1918, p. 13.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER I.

INTERNATIONAL LABOR LEGISLATION PROGRAMS OF 1916 AND 1917.

In the midst of the din of battle of the World War, organized labor in both camps is demanding that the laws for the protection of the health and the development of the wives and children of workmen, for the physical protection of labor and the income from labor, shall take into account definite, uniform, minimum demands. The harm done to labor by the war must be made good by peace, which must signify not only a cessation of hostilities but also a reconstruction of the labor laws.

These ideas were current before the war. Their importance has been emphasized by the experiences of the war. The first decade of this century has seen the partial realization of the 60 years of struggle for the unification of the labor laws. This trend toward an international common law has been in complete conformity with two fundamental phenomena. On the one hand, there has come about a greater uniformity in the technical and economic conditions of production and transportation, an increased industrialization and development of large industrial establishments from country to country. In the second place, in a much less uniform way and more by fits and starts, political and intellectual factors have influenced the assimilation of the national labor laws. The factors which have been especially influential are the increased economic and political influence, in all countries, of the working class upon legislation and the revolution in the viewpoint of educated people with regard to the attitude of the State toward class development. The result of this unequal development has been that somehow in Australia and in Denmark, for instance, the labor unions have been powerful enough to wrest particularly favorable labor legislation from the parliaments of these countries, while in many other countries the legislation has lagged far behind. The plea that national industry must be protected became in the latter cases a cloak for the lack of protection accorded to the worker. Advantages gained in the competition for sales in foreign markets by countries tardy in the enactment of protective labor legislation caused the industrial interests of countries placed at a disadvantage by liberal legislation to raise objections in their own country to a further development in labor legislation. To

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

overcome this obstacle and to subordinate the power of the individual State to the advantage of the nations as a whole was the basic motive for the movement for the international protection of labor.

The idea of the universal and higher development of labor legislation was even in the last decade of the nineteenth century rejected by some teachers of international law as an invasion of the rights of nations by socialism, and as Utopian.[1] When the international conference on labor legislation, held in Berlin in 1890, broke up without bringing about any labor agreements, Anatole Leroy-Beaulieu wrote: "Can we imagine Gen. Caprivi or the Marquis of Rudini addressing diplomatic notes to the Quai d'Orsay on the carrying out of international arrangements concerning the length of the working day? Let us not harbor ideas which are illusions or at least premature; such agreements would be more difficult to formulate and scarcely less dangerous in their application than a general disarmament treaty signed in Paris or Berlin. But in order to climb the long steep path of social progress, is it really necessary that the different States be bound by treaties? Thank God, it is not. It is sufficient if they are moved by the same spirit and follow a common inspiration."[2] The learned academician's views were entirely refuted by the history of the next 20 years. More quickly than was expected did diplomacy undertake the plebeian business of protecting by armed might the interests of concessionaries in the colonies, or the financial claims of ordinary creditors of foreign States. The parliamentary pressure of democracy compelled diplomacy in single striking instances to take cautious action where workmen's claims were in jeopardy abroad. And so, in addition to the hazardous game of war politics, it assumed new duties, for the carrying out of which it lacked both proper organs and contact with interested circles.

Switzerland, in 1876, was the first country to invoke the aid of European diplomacy for the realization of the idea of international labor legislation.[3] At the international congress for labor legislation held in Zürich in 1897 this idea was greatly strengthened by the publicity it received; it gained adherents among the competing industrial interests of northern and southern France and of the Rhine Provinces. Its realization finally came at a congress held in Paris during the exposition of 1900. It took definite form on the founding of the International Association for Labor Legislation in 1901. From this organization of the friends of labor legislation in all

[1] E. Mahaim: Le droit international ouvrier 1913, quoted from the writings of Rolin-Jacquemins and Alphonse Rivier.

[2] A. Leroy-Beaulieu: La Papauté, le socialisme et la démocratie, 3d ed., Paris, 1892, pp. 175, 176.

[3] The most complete account of the early history of international labor legislation up to 1880 is furnished by Nikolaus Krawtschenko: Ideja meschdunarodnoprawowoi reglamentazij fabritschnawo truda w jeja istoritschesskom raswitij do berlinskoi konferenzij 1890. Tomsk, 1913.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

parties and classes of society there issued the first agreement, the Fontaine-Luzzatti agreement, which France concluded with Italy on April 15, 1904. This agreement protected in the first place the Italian laborer emigrating to France against any curtailment of his claims to compensation in case of accident. The agreement granted to the worker the whole compensation due to him in case of accident on the basis of his contribution. The compensation, reckoned according to the contribution of the employer and the State, was granted to the worker on the basis of reciprocity. Also the claim to indemnity on the part of the dependents of the workman injured by accident, who had remained in their own country, was sustained in opposition to the existing laws. France engaged to attack the abuse of the traffic in children by the organization of protective commissions. Italy satisfied the complaints made by French industry concerning the faulty enforcement of the labor laws on her part by undertaking to institute an efficient factory inspection service. She promised to shorten the existing 12-hour day for women. Both countries agreed to arrange for future conferences to bring about uniformity in their protective labor laws, and arranged to give one year's notice of the cancellation of the agreement in case the latter should be violated or the national legislation should take a less favorable form.

This agreement had the importance of a program. Its normal effect was such that other countries could not hold back any longer. By the international treaties of Bern of September 26, 1906, the use of white phosphorus in the match industry was forbidden in order to do away with phosphorus necrosis. This prohibition has practically become effective in all the countries where this industry is carried on, with the exception of Japan. In the second place, a night rest of 11 hours was secured for female industrial workers, and thereby their maximum working hours were limited to 12 hours, in the countries which hitherto had fixed by law the working hours of children and young persons alone. These results were not gained without a hard struggle; it was only by the granting of long periods for the coming into force of these agreements that the cooperation of the countries that had lagged behind in the recognition of the rights of labor was made possible. A " close season " was demanded for the reorganization of industry. Thus it came about that the logical and continuous development of international labor legislation, which put a ban on the night work of young persons and fixed a 10-hour working day for young persons and for women, was not made effective until 1913 after extensive investigations.

The September, 1913, conference of Bern, which was the last before the outbreak of the war to consider the problems of international labor legislation, was convened under an unlucky star. Quite apart

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

from the political tension, which can cripple even peaceful administrative deliberations and influence their results, the success of this conference was prejudiced by the economic conditions. It is of more than retrospective interest to-day to inquire more closely into the reasons for the relative failure of the work of 1913. Two drafts of international agreements were decided upon by the September conference, one to prohibit the industrial night work of workers under 16, the other to institute a maximum industrial working day of 10 hours for women and young persons.[1] The conference had under consideration memoranda and drafts of agreements submitted by the International Association for Labor Legislation, the results of years of cooperation on the part of inspectors of labor, labor organizations, technical experts, and model employers. The conference reduced to a lower plane the minimum standards proposed in the drafts submitted by the International Association. When the International Association wished to extend the age limit to 18 years for the protection of young persons against night work and a working day of more than 10 hours, the representative of one country objected on the ground that "the raising of the age limit removed the employer's inducement to give young workers the preference over adults because their labor was cheaper."[2] This argument applies, too, of course, to the unrestricted employment of children. In direct opposition to this, the report of the conference explained that in itself the raising of the age limit to 18 was desirable but for the present impracticable. "In countries industrially developed there is everywhere a dearth of labor which is leading to an influx of countless foreign elements, which is undesirable for national reasons. The raising of the protected age limit to 18 would considerably increase the difficulties in the recruiting of labor." Therefore, the temporary unfavorableness of the economic situation and not the desire to remove permanent hygienic disadvantages was the decisive factor. The determination by international action of a maximum working day of 10 hours for female workers was opposed by other countries in which, as in Scandinavia, the socialist women themselves objected to a shorter working day for women than for men and petitioned for 120 hours of overtime work in the year. The conference at Bern increased this number to 140 hours and in certain branches of industry to 180 hours.[3]

---

[1] See also "Fortgang und Tragweite der internationalen Arbeiterschutzverträge," by Stephan Bauer, in the Annalen für soziale Politik und Gesetzgebung, 1913, vol. 3, on the problems before this conference, on the preliminary measures, and on the further aims of its promoters, the International Association for Labor Legislation. [See also Bulletins 117 and 118 of the U. S. Bureau of Labor Statistics, on "Prohibition of night work of young persons" and "Ten-hour maximum working-day for women and young persons," respectively, published in April, 1913.—Ed.]

[2] Minutes of the International Conference for the Protection of Labor, Bern, Sept. 15–25, 1913, p. 49.

[3] Idem, pp. 111, 125.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Only at the preliminary discussions of the resolutions of the International Association for Labor Legislation were the workmen and their organizations given an opportunity to express their views. Thus in 1912 the German section of the association had 6 representatives of labor organizations among 24 delegates and alternates, the French section 2 among 22 delegates, the British 4 among 11 delegates. Neither these delegates nor the factory inspectors with their technical advice were heard before the official decision of 1913 with regard to the increase in the overtime. It was only with great effort that the discontent of individual national sections of the International Association at this outcome was appeased.

In September, 1914, a conference of diplomats was to prepare the third and fourth Bern agreements on the basis of these results. The war mercilessly intervened; its work of destruction was a blow at the most important foundation that had hitherto been laid for the protection of labor, a blow struck at the very existence of labor legislation and, what is equivalent, its enforcement.

Thus the first phase of the war in almost all the belligerent countries led not only to a disregard of the labor protection agreement of 1906 with regard to night work of women, but also to a breach of the national protective labor regulations relating to Sunday work, and to the exploitation of female and juvenile labor. After the first year of war, however, a change began to make itself felt almost everywhere. Even in the war industries, where the glamour of higher wages increased so greatly the danger of bodily exhaustion from overwork, the breach of the regulations for the protection of labor was finally recognized to be an economic and technical blunder, for the overwork resulted in an obvious decrease of efficiency. Official inquiries in England made this so clear that on the basis of these experiences the Government of the United States, on the outbreak of war, expressly insisted upon the maintenance of existing labor standards.[1] Thus these war experiences, collected with great care by technical experts, physicians, and factory inspectors, became a warning for introspection on the part of war industry and State governments. At the same time it came to be realized more and more that the maintenance of a minimum wage and maximum working hours and of unemployment relief in crises would be impossible after the war, unless during the disorganization of the trade-union system precautions should be taken to prevent the overflooding of the labor market. Men of insight and judgment have long since recognized the fact that legal protection of labor and the

[1] See also Sozialpolitik im Kriege und nach Friedensschluss, by Stephan Bauer, Bern, 1917, and Monthly Review of the Bureau of Labor Statistics, Washington, June, 1917, pp. 807–809, concerning the almost complete success in preventing the lowering of standards in labor legislation in the United States; "Labor in war time," in The American Labor Legislation Review, March, 1918.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

existence of trade-unions are complementary; that without trade-unions the laws for the protection of labor are seldom carried out and are easily evaded, and that on the other hand without legal protection the difficulty of fulfilling the tasks of the labor unions is immeasurably increased. In countries with a weak organization of trade-unions the danger of disorganization after the war will be more keenly felt. What would remain here from former decades for the working class after the collapse of labor legislation?

These attacks upon labor standards led to a proposal of the American Federation of Labor, repeated since 1914, to the effect that "a labor congress should be held at the same time and in the same place as the peace congress." This proposal was discussed in Paris on May 1, 1916, by delegates of British, Italian, Belgian, and French labor organizations and Jouhaux, the secretary general of the Confédération Générale du Travail, was commissioned to draw up subjects for discussion which could be used as a basis for a congress in Leeds in July, 1916. In Leeds the proposal to hold a labor congress at the same time as the peace conference—the original proposal of the Americans—was discussed for the first time. "The British delegates did not share the view of the French. They attacked the plan as one which no Government would tolerate, as its realization would greatly embarrass the peace conference. The resolutions of the labor congress would, moreover, reach their destination too late to be considered by the diplomats."[1] The delegates next turned their attention to a discussion of the historical survey of the attempts to coordinate labor legislation through international agreement drafted by the French Confédération Générale du Travail.[2] A discussion of the demands made by the latter on the basis of proposals of the International Association for Labor Legislation was omitted. On the other hand, the conference of Leeds on July 5, 1916, "approved the proposal to call an international conference before the beginning of the peace negotiations. The date, place of meeting, and the program of the congress were to be determined later after an agreement had been arrived at with the labor unions concerned. The program was to be limited to trade-union or social questions."

"Later the conference unanimously approved the report of Jouhaux on the minimum legislative demands to be made, and made him general corresponding secretary in Paris."

The Leeds program was made known to all national trade-union federations and to all central labor organizations for the individual

[1] Monthly Review of the U. S. Bureau of Labor Statistics, Washington, February, 1917, p. 205.

[2] General Federation of Trade-Unions (Great Britain). Conference of delegates from the general federations of trade-unions of the allied countries. Historical survey of the efforts to coordinate and internationalize labor legislation. Prepared by the Confédération Générale du Travail. London, June, 1916, 15 pp.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

trades on October 31, 1916, by circulars sent out from Paris, and thus came to be published in the French, the Italian, and the international trade-union press.[1]

The Leeds demands were transmitted by a committee of the Scandinavian federations of labor in November, 1916, to the International Federation of Labor, and an expression of opinion was called for with regard to the preparation for an international conference of these national trade-union federations. On February 15, 1917, the International Federation of Labor sent a circular letter to the national federations of labor unions in which a new outline of "peace demands of the International Federation of Labor" was offered for consideration.[2] In June, 1917, in Stockholm it was decided to thoroughly discuss the points of the program at a conference to be called at Bern by the Swiss Federation of Labor on October 1, 1917.

At this conference in Bern the national federations of the labor unions of Germany, Austria, Hungary, Bohemia, Bulgaria, Denmark, Norway, Sweden, the Netherlands and Switzerland were represented. The resolutions of the committee on labor legislation, like those of Leeds, were unanimously approved by the conference on October 4, 1917.

Finally, at the thirty-seventh annual meeting of the American Federation of Labor, which took place in Buffalo, November 12 to 24, 1917,[3] it was unanimously agreed that the following declaration should be inserted in the universal peace treaty:

1. No article or commodity shall be shipped or delivered in international commerce in the production of which children under the age of 16 have been employed or permitted to work.

2. It shall be declared that the basic workday in industry and commerce shall not exceed 8 hours.

3. Involuntary servitude shall not exist except as a punishment for crime whereof the party shall have been duly convicted.

4. Establishment of trial by jury.

---

[1] Bulletin of the International Union of Woodworkers, No. 1, Feb. 14, 1917.

[2] Correspondenzblatt der Generalkommission der Gewerkschaften Deutschlands. Berlin, May 26, 1917. Vol. 27, No. 21.

[3] Samuel Gompers: "American labor convention in war time," in American Federationist, January, 1918, p. 34.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER II.

INTERNATIONAL REGULATION OF THE RIGHT OF COMBINATION, COLLECTIVE AGREEMENTS, AND PROTECTION OF MIGRATORY WORKERS.

There are two hindrances in every country to improvement in the health and training of the worker and to increased efficiency and purchasing power on his part. The first is the underbidding of the cost of labor in the foreign market, and the second is the competition at home with foreign labor working under less favorable conditions. Therefore, the political aim of national labor legislation as it affects the increase of population can only be attained by setting definite limits to international labor competition abroad, and by establishment of the principle of equal treatment of native and foreign labor at home.

The International Association for Labor Legislation has tried to realize step by step these aims: Uniform treatment of workmen abroad with regard to their right to the benefits of social insurance, the removal of the incentive for unfair competition by prohibition of night work for women, and the prohibition of the use of white phosphorus in the manufacture of matches. A systematic revision of all the conflicting provisions of the labor laws has led to an extension of the scope of the problems dealt with. Mahaim and Valentini-Persini [1] have pointed out that an international reorganization is necessary in the case not only of the questions already raised by the agreements of 1904 and 1906 touching accident insurance for aliens, reduction of working hours, hygiene and the prohibition of the use of certain poisonous substances, and the securing of factory inspection, but also of those questions that concern the equal treatment of alien migratory labor as far as the right of combination is concerned, and the protection of migratory workers. The regulation of the legal preliminary conditions, the content, and the enforcement of labor agreements is the object of both national and international labor law. It also forms the framework of the resolutions of the trade-union conference of Leeds in 1916 and of Bern in 1917.

[1] Valentini-Persini: Protezione e legislazione internazionale del lavoro, 1909–10.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

1. EQUAL TREATMENT OF NATIVE AND FOREIGN LABOR IN THE CONCLUSION OF LABOR CONTRACTS.

The first section of the Leeds program makes the following three demands:

1. Equal treatment of aliens with regard to employment.
2. Equal right of combination (interdiction of deportation in case of strikes).
3. Equal wage and working conditions.

By the first of these clauses, the prohibition of employment on the ground of allegiance to a specific nation is barred. The alien has no "legal claim to work" upon the State when there is no work; but when there is employment, he can not be excluded, not even by granting to native labor the right of preference. This principle is an extension of the usual equality of standing of aliens and natives recognized by trade and settlement agreements.[1]

The second principle is the enjoyment of equal rights by native and alien workmen as members and officers of the trade-unions. This equality by no means exists in all countries. Certain provisions of the French law on syndicates of 1884 oppose it.

This law contains in the first place (art. 4) the provision that the officers of every active trade-union in France must be Frenchmen, and in the second place (art. 10) that in the colonies alien laborers and those designated as "immigrants" can not be members of a trade-union. Of the former provision respecting the exclusion of aliens from the administration of trade-unions, Prof. Paul Pic of Lyons says:

This provision is perhaps not very logical because, on the one hand, the trade-unions may have alien members and may even be composed exclusively of aliens, since the law calls for no proportional division in this respect; while, on the other hand, foreign industrial associations can be in active unrestricted operation in France according to the law of 1857.

But this legal provision was justified by very serious political considerations. The legislature of 1884 was of the opinion that it might be dangerous to allow the administration of the trade-unions to fall into the hands of foreign agitators who might make use of them either to disturb public order or to reestablish the "International" which at that time was specially forbidden by the law of March 14, 1872. This law has been superseded, it is true, by the law of 1901, but the precautions taken in this new law to prevent the formation of dangerous centers of agitation in unions, which on account of the majority of their members or the personalities of their officers had a foreign character (articles 12 and 3 of the law of 1901), prove that the legislators wished to have a weapon against internationalist tendencies. In the light of this, even after the promulgation of the law of 1901, the provisions of article 4 of the law of 1884 with

[1] These differentiate at times between trade and production, which are on an equal footing, and professional work, for which only the advantages of the most favored nation are reserved, as, for instance, by the Franco-Japanese trade and navigation treaty of Aug., 1911, art. 1.—Th. Niemeyer und K. Strupp: Jahrbuch des Völkerrechts, 1913, I, p. 202.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

regard to the nationality of the officers of trade-unions are to be strictly construed.[1]

The German imperial law on associations of April 19, 1908, grants to German citizens only—therefore not to aliens—the freedom of association. The impossibility of explaining to the alien workman his wage interests was raised as an objection by the German labor representatives when the law was under discussion.[2] The Government declared that there was nothing to hinder aliens from taking part in the deliberations of unions composed of Germans and that, on the other hand, this toleration was conditioned on whether other States granted rights of reciprocity in this respect. The position of the native worker depends, therefore, in this case upon the liberality to or the dislike of aliens on the part of a foreign jurisprudence.

Are such restrictions on the right of combination of aliens in accordance with industrial development? Do they insure to the native workman an effective right of preference in the matter of employment? Do they protect the national character of labor?

The industrial development before the war gave clear proof that national boundaries could no longer be maintained. The export of capital was accompanied almost to an equal extent by an export of labor to countries with an untrained industrial population. This emigration of workmen brought about the foundation of branches of the labor unions. Thus Sidney and Beatrice Webb report that in 1896 the Amalgamated Society of Engineers had 82 branches outside the United Kingdom and the Amalgamated Society of Carpenters and Joiners not fewer than 87. About half of these are in the United States or Canada, and most of the remainder in the Australian Colonies or South Africa. The Amalgamated Society of Engineers had one branch in France, at Croix, and formerly one in Spain, at Bilbao, where the United Society of Boilermakers had a branch until 1894. In the years 1880 to 1882 the United Society of Boilermakers had a branch also at Constantinople. The only other English trade-union having branches overseas is the Steam-Engine Makers' Society,[3] which has opened lodges at New York, Montreal, and Brisbane. "But it is needless to say that it has not yet appeared practicable to any British trade-union even to suggest amalgamation with the trade-union of any other country. Differences in legal position, in political status, in industrial methods, and in the economic situation between French and English workers—not to mention the

[1] Paul Pic: Traité élémentaire de législation industrielle. Les lois ouvrières. 4th ed., Paris, Rousseau, 1912, art. 409, pp. 301–302. See E. Mahaim: Le droit international ouvrier, 1913, ch. 4, p. 169.

[2] Bulletin des Internationalen Arbeitsamtes, 1908, vol. 7, p. XVII.

[3] The Amalgamated Society of Carpenters and Joiners and the Amalgamated Society of Engineers in the United States may also be mentioned.—[Ed.]

97520°—19——2

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

barrier of language—easily account for the indisposition on the part of practical British workmen to consider an international amalgamated union." And it is significant that even in the British Isles the development of a national trade-union system has been greatly hampered by racial feelings and differences of opinion with regard to social and political tactics. "The English carpenter, plumber, or smith who finds himself working in a Scotch town is apt to declare the Scotch union in his trade to be little better than a friendly society and to complain that Scotch workmen are too eager for immediate gain and for personal advancement sufficiently to resist such dangerous innovations as competitive piecework, nibbling at the standard rate, or habitual overtime. The Scotchman retorts that the English trade-union is extravagant in its expenditure, especially at the head office in London or Manchester, and unduly restrictive in its regulations and methods. In some cases the impulse toward amalgamation has prevailed over this divergence as to what is socially expedient." [1]

There exists, therefore, the tendency to overcome the barriers to combination that are inherent in language and customs. The course of the development in America in this respect is instructive. The growth of the American Federation of Labor in Canada led to a conflict between the formation of "national" (Canadian) and "international" (American-Canadian) labor unions. Printers, railway employees, and workers in shoe factories joined the international camp one after the other; only those in purely French districts, particularly in Quebec, maintained their national organizations. The national workers were supported by the Canadian manufacturers, part of whom, however, belonged to international cartels. In 1903 a bill was introduced in the Canadian senate according to which every non-British subject who encouraged a Canadian worker to strike was threatened with two years' imprisonment. It is true that the bill was rejected, but it was symptomatic.[2]

On the continent of Europe prohibition clauses like those of the French law of 1884 can only increase the disinclination of Italian and Slav migratory workers to make sacrifices for a permanent organization. Alien labor is not being kept away at all by artificial barriers placed in the way of organization, but a premium is placed upon the recruiting of alien workers. Legal discrimination against alien workers is a detriment to native labor. The more recent experiences of the United States lead to the same conclusion. In the northeastern States, the majority of the textile workers are immi-

[1] Sidney and Beatrice Webb: Industrial Democracy, new ed., Longmans, London, 1902, pp. 81, 82.

[2] T. W. Glocker: The Government of American Trade-Unions, Johns Hopkins University Studies, Ser. 31, Baltimore, 1913, p. 78.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

grants who know neither the language nor the customs of the country. Educational work must first be done among them, if the foundations of permanent organization are to be laid. This needs patience and does not give immediate tangible results. In the southern States the organization of labor has been delayed by the after-effects of slavery. Old prejudices are still to be overcome here.

It is evident from what has been said that national legislation regulating the right of combination can lead to the exclusion of aliens from the labor unions either through judicial interpretation or through police orders. This danger is particularly great in Germany. Although in the German Empire the law of June 26, 1916, expressly exempts employers' and employees' organizations from the regulations applying to political societies (paragraphs 3 and 17 of the imperial law on associations), the German Society for Social Reform (*Verein für Sozialpolitik*) emphasizes the fact that "it is a remarkable mingling of the conception of the importance of the police power and of an old deep-rooted Manchester-like dislike of the union system which time and again induces guardians of the public safety to adopt a harsher attitude with regard to the manifestation of labor-union activity than is consistent with a sympathetic appreciation of all these proceedings, an attitude which can not be adopted without detriment to national interest."[1]

It can hardly be the purpose of legislation now to increase the already existing national restraints on combination.

The criminal prosecution of workmen for acts committed as members of labor unions, with deportation from the country, ought, according to the Leeds proposals, to be prohibited by international action. At all events, appeal to the courts against any order of deportation even for reasons not connected with the trade organization should be permissible. The question is one of a change in the procedure of the police against aliens on the occasion of strikes, a procedure which has been particularly unfavorable in the case of Italian workers.

That banishment in cases of strikes can play a considerable part even in democratic countries is proved by the deportation of the ringleaders in the big strike in South Africa in the summer of 1914. These nine labor leaders were deported to England on board the ship *Ungeni* without examination after proclamation of martial law. Seven of the leaders, on the outbreak of war, signed a declaration, and in October, 1914, they sailed home. The English Parliament adopted the following motion made by the Labor Party:

That in the opinion of this House the rights of British citizens as chartered in the Magna Charta, the Petition of Right, and the Habeas Corpus Act, and

[1] Das Recht der Organisationen im neuen Deutschland, Jena, Fischer, 1917, vol. 2, p. 52.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

which guarantee the personal liberty of the subject, are rights by which the House wishes that all British subjects in the whole British Empire should benefit.[1]

More than this word of warning to the independent South African Parliament and Government could not be attempted.

In truth, deportation is one of the many remnants of the town police system of the Middle Ages which has been bequeathed to the police regulations of our day, and its abolition as a punishment for participation in wage movements is to be recommended. "Banishment has always been the most characteristic punishment of city law. Since the twelfth century, the 'homo inutilis villae,' to use the expression so characteristic of contemporary documents, has been mercilessly thrust out."[2]

A starting point for remedial legislation is established by the modern international treaties which prohibit deportation without observation of the legal form and due notification of the consuls and diplomatic representatives.

From the supposition of equal rights of employment and combination for native and alien workers, equality in the terms of the labor contract would naturally follow, were it not that even then the very different standards of living of alien and native workers might give rise to a demand for alien labor. Therefore, the Leeds resolutions go further and demand for native and alien workers alike the usual wages of the locality. The wage rates fixed by collective agreements or, in the absence of such, the wage awards made by equipartisan boards should be the standard. The alien worker is to have equal rights—he is to be no social pariah; but the same duties are also binding on him as on the others—the observance of the same minimum wage rate applies to him also.

It would be a long step in the direction of the protection of the labor of a nation to give international force to the principle of the minimum wage. The possibility of enforcing it would depend upon two conditions: That collective agreements must be legally binding; that they can not be changed by individual agreement. Switzerland and the Netherlands by their laws have complied with these conditions. In the German Empire there was lacking until 1916 a legal basis for the enactment of a law on collective wage agreements; it was only by a decree of the commanding general on December 21, 1915,[3] that wage agreements were forbidden which did not conform to the agreements made by the clothing bureau and similar authorities.

---

[1] Report of the Fifteenth Annual Conference of the Labour Party, Bristol, 1916, 1 Victoria Street, Westminster, London, pp. 22, 48.

[2] "Le bannissement a toujours été le châtiment le plus caractéristique du droit urbain. Dès le XIIme siècle le homo inutilis villae, pour employer l'expression si caractéristique des documents contemporains, est impitoyablement expulsé." (Henri Pirenne: Les anciennes Démocraties des Pays-Bas, Paris, 1917, p. 65.)

[3] Collective agreements have now been legalized in Germany by an order of the Provisional Government of Dec. 23, 1918.—[Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

"This impossibility of evading wage agreements is to be looked upon as a deliverance."[1]

If, therefore, the wage rates of collective agreements are to be made the basis of the wages of aliens (e. g., in the building trade), their evasion must be made impossible by international law.[2] If no collective agreements exist, as in the case of home industry or of certain branches of the German iron and steel industry, wage boards with equal representation of employers and employees should be appointed.

Of the wage situation of these unorganized classes, and especially of home workers after the war, the foremost German experts say:

The large army contracts which give stability to the labor market will in a short time after the war dwindle to their usual size and thereby lose their stabilizing influence on the market as a whole; we shall see a motley working force, divided against itself, and incapable of resistance, an excessive oversupply of labor, and a critical condition in industry. This is characteristic of the situation as it has already developed and as it is likely to develop for some time to come. It goes without saying that in view of such a situation the call for State help is more imperative than ever. The complete failure of the home workers' law or at least the small extent to which it has been enforced up to the present, gives a new impetus to this movement. Although at present the movement is directed toward a strong and benevolent enforcement of the legal provisions of the existing law, the final aim, which for decades has been represented by experts in social reform of all tendencies and of all countries—namely, the creation of equipartisan boards with authority to fix legally binding wage rates—must not be forgotten. England, France, America, and Norway have followed the example first set by Australia. In Austria a similar Government bill is under consideration, and in Switzerland and Belgium the question is being very thoroughly discussed. Everywhere the same causes are calling for the same solution, which appears to be the only way out of the labyrinth, the only possibility of bringing order and stability out of chaos.

The German example of fixing legally binding wages for war workers furnishes the first proof of its legal and technical possibility. The fear of the social reformers lest the home workers in their weakness and ignorance should allow the enforcement of this fine wage agreement to be illusory, has been proved to be unfounded by the experiences of our arbitration boards. The home workers protested against underpayment, although the legal provisions could not immediately be made generally applicable and although the legally binding character of collective wage agreements was a novelty which could

---

[1] An excellent description is to be found in Die Heimarbeit im Kriege, by Käthe Gaebel and M. von Schulz, Berlin, Vahlen, 1917, pp. 81–85.

[2] "All the peculiar advantages said to belong to the making of collective agreements are of no avail if they are allowed to be surrendered by individual agreements. Whoever gives his word to a majority in the interest of all its members breaks it to them all if he merely obtains an individual agreement with a single one; the rights of the latter's comrades, the other receivers of the promise, are infringed. And if he himself belongs to a majority which has agreed upon a mutual adjustment with the opposite party, he breaks his word also to his copartners if he on his part violates the arrangement made in common by making a separate agreement. The labor contract that is contrary to the collective agreement not only prejudices solidarity, but also opens the door to underbidding, to cutting of prices, and to coercion of the individual, which the collective agreement had prevented and was intended to prevent."—Philipp Lotmar: Der Arbeitsvertrag, Leipzig, 1902, vol. 1, pp. 786, 787.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

not immediately penetrate the legal consciousness of employers and employees. The numerous disputes that were brought before the arbitration boards for settlement every week, the considerable sums in wages which were awarded to home workers who had appealed to the boards, furnish proof of the fact that the wages fixed by the military authorities exist in fact as well as on paper. Although countless cases of underpayment—conscious and unconscious—occur, the great mass of home workers are assured a decent income by the legal binding character of the wages, together with a simple, purposeful system of judicature.[1]

If such a difficult task as that of fixing a minimum wage for home workers can be so easily solved, the same result may be expected from the application of the same principle to alien labor which is principally employed in the building trades and large industries.

The proposals that were made in Leeds respecting the right of combination have been only slightly changed in the new program of Bern. In this latter program is the demand for punishment for preventing the exercise of the right of combination. The International Federation of Labor says of the Leeds demands: "They correspond to the principles represented at several of our international conferences (Christiania, 1907, Paris, 1909, and Budapest, 1911), in opposition to the trade-unions of individual countries which made the admission to their organizations very difficult or quite impossible for the immigrant worker. It is therefore gratifying that the representatives of the English trade-unions in Leeds should have taken such a decided stand in favor of the free right of combination of immigrants."

2. CONTROL OF LABOR CONTRACTS OF MIGRATORY WORKERS.

In recognition of the disadvantages connected with the unregulated migration of workers for the countries of emigration and immigration alike, the program of Leeds, because of the investigations of the International Association on Unemployment,[2] has made the regulation of the demand for alien labor from country to country the basis of its demands. Its demands are the following:

1. The establishment of special emigration and immigration commissions, composed of Government, workers', and employers' representatives, for the rendering of opinions with regard to the industrial need of migratory workers and the working conditions set forth in the labor contracts.
2. Provisions for elementary instruction of colored workers at the expense of their industrial employers.

The necessity for regulating emigration and immigration by international action was clearly recognized in the last years before the war.

[1] Gaebel und von Schulz: Die Heimarbeit im Kriege, Berlin, 1917, pp. 176–178.

[2] Bulletin trimestriel de l'Association Internationale pour la Lutte contre le Chômage, Paris, 1912, No. 4, and 1913, No. 4.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Exhaustive investigations have proved that the function of emigration, namely, the maintenance of the balance in the international labor market by supplying the demand for labor abroad by means of the surplus of unemployed labor at home, was no longer being discharged. Emigration had really become a means of throwing masses of untrained workers that were longing for better wages in countries where the land had either been divided into very small parcels or was in the hands of a few large landed proprietors on the labor market of the large manufacturing cities of America in numbers far beyond their requirements, with the result of increasing the gains of labor agents and of transportation companies, and of lowering the general wage level in the land to which the immigration took place.[1]

These facts, which have been corroborated by statistics, explain the changes in the attitude toward immigration which find expression in the following chronological table. It gives the most important data of the immigration policy of the United States and the British Colonies.

1864.—In order to supply a remedy for the prevailing dearth of labor after the Civil War, a law is passed establishing the right to sue and the validity of the labor agreements made with emigrants in Europe. The trade-unions agitate against the encouragement of the importation of such contract labor by the shipping companies, and bring about the abrogation of the law. (Consular and diplomatic act, Mar. 4, 1868.)

1868, July 28.—Burlingame agreement: The Chinese are granted the right of voluntary immigration and settlement (not of naturalization).

1876, March 20.—The Supreme Court of the United States declares the immigration laws of the individual States to be unconstitutional.

1880, November 17.—Agreement with China, which grants to the United States the right of temporarily restricting the immigration of Chinese labor.

1882, August 3.—First immigration law of the United States. Introduction of a head tax of 50 cents on every immigrant. Exclusion of criminals and insane persons. The law of March 3, 1891, adds bigamists and persons suffering from an infectious disease, and appoints a superintendent of immigration—after March 2, 1895, a Commissioner General.

1882, May 6.—Law concerning the prohibition of Chinese immigration for 10 years (reenacted and amended, July 4, 1884, Sept. 13, 1888, May 5, 1892, Nov. 3, 1893; treaty of Apr. 17, 1894; law of Apr. 29, 1902, Apr. 27, 1904, Feb. 5, 1917.)

1885, February 26 (amended Feb. 23, 1887, and Oct. 19, 1888).—The contract labor law forbids the immigration societies to subsidize contract labor. This law is being evaded.

Since 1890 the national and economic character of immigration has completely changed. Until then it was chiefly German, Irish, English, Scandinavian, and from then on South Italian, Russian, Polish, Jewish, Slovak, Croatian, Hungarian, and Grecian.

---

[1] The investigations of the Immigration Commission for the period 1907–1911 show an average weekly wage of $14.37 for native (white) workers, as opposed to $11.92 for immigrants. See also W. Oualid, in Bulletin trimestriel de l'Association pour la Lutte contre le Chômage, 1913, vol. 3, No. 4, p. 503.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

1892.—Senator H. C. Lodge brings up a proposal in Congress to exclude the illiterate from entering the country; this proposal is rejected.

1894.—Organization of the Immigration Restriction League in Boston to enforce the exclusion of illiterates from the country. This principle was first realized in the immigration laws of Natal in 1897; West Australia, 1897; New South Wales, 1898; New Zealand, 1899; the Australian Federation, 1901; Cape Colony, 1902; British Columbia, 1905; 1913 in the whole South African Union.

1897, March 2.—Immigration bill with illiteracy clause vetoed by President Grover Cleveland.

1907.—Japan agrees with the United States to refuse emigration passports to Japanese workmen (gentlemen's agreement).

1907, February 20.—The new American immigration law extends the prohibition of the immigration of contract labor beyond the sphere of unskilled labor. The head tax is increased to $4. The literacy test is rejected. Appointment of the Immigration Commission which is intrusted with investigations.

1911.—Publication of the Reports of the Immigration Commission, 42 volumes. The commission proposes the introduction of the literacy test.

1911, August 7.—The chairman of the Immigration Commission, Senator Dillingham, moves in the Senate the introduction of the literacy test.

1912, April 19.—Adoption of the Dillingham-Burnett bill.

1913, February 14.—Literacy test vetoed by President Taft.

1915, January 28.—Literacy test vetoed by President Wilson.

1917, January 29.—Literacy test again vetoed by President Wilson.

1917, February 5.—The Senate passes the law over the veto of the President: Every immigrant must be able to read one language. From this test only young persons under 16 and certain near relatives of the immigrant are exempt. The head tax is raised to $8.[1]

Besides certain immigrants that are excluded on personal grounds (paupers, anarchists, polygamists, chronic drunkards, prostitutes, persons of "constitutional psychopathic inferiority," etc.), the following three classes of immigrants are excluded for social reasons: 1. Orientals; 2. Contract workers; 3. Those unable to read. This last class includes mostly southern and eastern Europeans.

The exclusion of the eastern Asiatic was determined in 1917 according to geographic zones. In the sugar-cane islands (Hawaii), he has crowded out the white worker.[2] The exclusion of contract labor assumes no particular importance if we remember that from July 1, 1913, to June 30, 1914, not fewer than 226,407 laborers and 173,208 skilled workers entered the territory of the United States, and that only 2,793 immigrants of a total of 33,041 excluded were contract workers.[3]

It is different with the illiterate. In the United States in 1910 not fewer than 5,500,000 illiterate persons could be counted among

---

[1] "Immigration legislation effected," by Samuel Gompers, in American Federationist, March, 1917, p. 189.

[2] T. W. Glocker: The Government of American Trade-Unions, Johns Hopkins University Studies, Ser. 31, Baltimore, 1913, p. 83; and American Federationist, December, 1903, p. 1269.

[3] Commissioner General of Immigration, Annual Report, 1914, pp. 40, 41, and Annual Report, 1916, p. 84; Commons and Andrews: Principles of Labor Legislation, New York, p. 73.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

persons more than 10 years old. Of these 2,200,000 were Negroes, 1,650,000 whites born abroad, and 1,500,000 whites born in the country. The yearly influx of illiterates from foreign countries numbered on an average from 1910 to 1914, 60,000 in round numbers. The exclusion of such persons affected mostly the southern Italians (1910–1914, 194,000 each year), Poles (116,000 yearly), and Jews (99,000 yearly).[1] A determining factor in the exclusion of such a large number of immigrants was the prophecy as to post war conditions of the American Federation of Labor. The latter declared in November, 1914, that it was easy to foresee that after the war a great exodus from Europe would set in, for every one would cling to the belief in a repetition of such wars. The European Governments would prohibit the emigration of healthy persons able to work, and would set all the levers in motion in order to get rid of the financial dead weight of those needing relief and of the war cripples by allowing them to emigrate to America. To prevent this influx, the literacy test was recommended.[2] The American Federation of Labor reports that its activity in the legislative field has been opposed by the most strenuous effort on the part of the shipping companies, the railways, the mining companies, the United States Steel Corporation, and other trusts and corporations.[3] By means of the literacy test emigration has been rendered much more difficult from southern Italy and the Slav countries, i. e., from countries whose industrial development has lagged far behind that of Germany, England, and the United States, and whose birth rate is greatly in advance of that of the west of Europe and of America. For the United States the assimilation of this class of immigrants has become more and more difficult. Differences in language and ways of living make more difficult the school's task of making citizens of them; the disappearance of the available free land causes these foreigners in times of crisis to need relief; they are looked upon as a foreign element by the labor organizations, and the municipal administrations. Of the Italian emigrants in New York, Villari writes in 1907:

> The majority of the immigrants live in misery; they take the hardest and meanest work for 6 or 7 lire [$1.16 or $1.35] a day, which is hardly enough to pay for their living. But, in order to send money home, they submit to the greatest privations, including the poorest kind of food and the worst lodging; for the most part, they live three or four in a room which is often so dark that they have to burn gas all day. * * * Some of them buy and sell rags, peddle in the streets and hotels, work in the sewers, dig ditches, make shafts.

[1] Calculated from the Statistical Abstract of the United States for 1915, Washington, 1916, pp. 81, 82.

[2] Report of the Proceedings of the Thirty-fourth Annual Convention of the American Federation of Labor, held at Philadelphia, Nov. 9 to 21, 1914, p. 363.

[3] Idem, pp. 84, 85.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Thus the health level quickly sinks in the Italian quarter of New York, and anæmia, nephritis, lung diseases, and above all, tuberculosis, decimate the population.[1]

While North America, Africa, Australia, and New Zealand thus shut themselves off, the South American States, especially Brazil, have sought to entice Italian emigrants to their shores by paying their passage. But the failure to furnish protection at times permitted the Italian agricultural workers to suffer hardships, leading to prohibitions of emigration on the part of Italy (first in 1902).

The war has made this situation more serious. The emigration to the United States in 1916 was only one-third of what it was in 1913; in Argentine the number of emigrants exceeded that of the immigrants. On the other hand, the importation of African and Asiatic workers into Europe, especially into France, to fill gaps made by the war proved to be necessary; 35,000 Algerian, Tunisian, and Moroccan workers, more than 20,000 Annamites, and several thousands of Malagasies, Senegalese, and Kanakas made up this group in 1917.[2]

It is a question whether after the war emigration will be abandoned to the tender mercies of the shipping and emigration agents on the one hand, and to the policy of absolute restriction on the other, or whether it will be placed under international regulation.

Such a regulation has as its object the reciprocal determination of the need of immigrants, their distribution, the protection of the travelers from the port of embarkation to that of their destination, and their protection in the foreign country. At present such regulations are fragmentary. Thus Spain, by the emigration law of 1907, has created a special emigration bureau, special emigration committees in the ports, etc. Denmark in 1908 passed a law for the protection of the agricultural migratory workers (mostly Poles, Russians, and Swedes) which makes the employer responsible for reporting the presence of these workers four days after their arrival, and which enumerates the working conditions to be regulated by

[1] Villari: L'emigrazione e le sue conseguenze in Italia, Nuova antologia, Rome, Jan. 1, 1907; G. Valentini-Persini: Protezione e legislazione internazionale del lavaro, 1909–10, p. 150. As to the effect of southern Italian emigration on the increase in school attendance in southern Italy, see Del l'emigrazione Italiana, p. 258, by Fr. Colletti, in Cinquanta Anni di Storia Italiana, vol. 3, Milan, 1911. The harm done to European workers by the American immigration law of 1917 is at present very much exaggerated. The 50,000 illiterate European workers that are excluded (mostly Letts, southern Italians, Ruthenians) can be absorbed by the countries depopulated by the war, or their numbers may be very much reduced in a few years by school attendance. Both these things will be good for the country of the emigrant itself. The international requirement of instruction for workers would indirectly have a wholesome effect upon the development of elementary education. Among the opponents are to be mentioned G. Prato: Le Protectionnisme ouvrier, 1912; Maurice Dewawrin: La Législation américaine sur l'immigration, in Questions Diplomatiques et coloniales, Mar. 1–10, 1912, and La nouvelle loi américaine sur l'immigration (Burnett Bill), in Revue politique et parlementaire, Mar. 10, 1918, p. 323; G. B. Nicola: L'emigrazione degli analfabeti et l'anima americana, Rivista Internazionale, Mar. 31, 1917.

[2] Senator Lucien Lumbert: Le salut par les colonies, in Le Parlement et l'Opinion, Sept., 1917, p. 976.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

the labor contract (wages, hours of labor, rest days, traveling expenses, etc., prohibition of deductions), and also affords redress against poor housing conditions. It is to be expected that without such protective measures the migratory workers would fare ill, being left entirely to the tender mercies of the agricultural interests.[1]

In August, 1917, there seemed to exist an intention, caused by the renewal of the Franco-Italian labor protection agreement of 1904, to regulate the conditions of immigration and emigration. The parliamentary conference of the Entente in June, 1917, proposed therefore that a superior emigration commission be established in the French Labor Ministry, with equal representation of workers' and employers' associations, which was to inform the Italian agricultural emigration commission from time to time of the demand for labor in France. At the same time, a deputy for Italian emigration was appointed to the French Labor Ministry and a deputy for French emigration to the Italian ministry; in the labor contracts the wages of the Italian agricultural laborers were to be in no case lower than the customary wages paid in the place of their employment.[2]

Let us now consider the Leeds resolutions in the light of this development. They presuppose in the first place the determination of the demand for immigrants, and this can only be done if the total demand is determined—i. e., by the centralization of the employment bureaus. Preliminary work for such centralization has been accomplished to a certain extent during the war. Next, the resolutions recommend the control of the extent and of the conditions of the recruiting of emigrant labor by means of commissions similar to those proposed in Italy and France. There is a further demand that the recruiting of emigrant labor be placed under the control of the labor organizations of the emigrant's country, and the enforcement of the labor contracts under that of the labor unions of the country receiving the immigrants. This last demand is probably to be understood as meaning that the labor organizations shall participate in the control. Colored workers are to be subject to the same conditions; also the abolition of the literacy test will be aimed at by requiring industrial employers to provide at their own cost elementary instruction in the language of the country for immigrant laborers.

The resolutions of the International Federation of Labor on the international regulation of migratory labor (sec. 1—freedom of migration) do not go so far in their demands with regard to the aboli-

[1] As to the situation of Slavic and Hungarian laborers, see F. Ferenczi, in Bulletin de l'Association Internationale pour la Lutte contre le Chômage, 1912, p. 707.

[2] Società Umanitaria, Ufficio dell' Emigrazione. Corrispondenza settimanale July 25, 1917, No. 216.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

tion of absolute restriction of immigration and the participation of labor unions in the control of the working conditions of immigrants. They try to meet part way the demand of American labor that immigrants must comply with certain minimum educational requirements, and insist in the same way upon the prohibition of the recruiting of contract workers abroad. They thereby continue their adherence to the resolutions of the international trade-union conferences of Christiania (1907), and Budapest (1911).

In opposition to the principle laid down by the conference of Leeds of submitting the employment of emigrants to the control of the labor organizations of the emigrants' country, and the enforcement of the labor contracts to the control of the labor organizations of the country of immigration, the International Federation of Labor maintains that so far the trade-union organization is nowhere strong enough, except perhaps in Denmark, to make it practicable to require that immigrant labor be employed under the wage and working conditions required by collective agreements in force in the country of immigration. It is also hindered by division within the trade-union movement in many countries. The regulation of the employment of immigrant labor on the basis recommended at Leeds presupposes, however, a centralized trade-union organization comprising the great majority of the native workers. So long as this does not exist, it is useless to make demands, to be ratified in the peace agreement, which, were they granted, could not be carried out to the advantage of the workers because they are not sufficiently well organized.

The application of the same principles to the importation of colored workers is impossible, because these latter have no organizations in their own country.

Hence it follows that special organizations representing the administrative officials as well as the interests of labor protection must be intrusted with the regulation of emigration from Europe. The special organization of an employment service, the conclusion of labor contracts, and workmen's insurance for emigrants were subjects, before the war, of joint deliberations of the International Association for Labor Legislation, the International Association on Unemployment, and the Permanent International Committee on Social Insurance. It is to be hoped that the resumption of these deliberations will cause a speedy regulation of labor market statistics, of the limitation of contract labor, and of international control of migration.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER III.

INTERNATIONAL REGULATION OF SOCIAL INSURANCE.

1. ACCIDENT INSURANCE.

The increased risk of accident to which the wage worker in industry and transportation is exposed has during the last generation considerably increased the importance of accident prevention and accident insurance in the maintenance of the national working force. This is evident from the fact that at present in 82 States of the world there are in force special laws for the regulation of claims for compensation on the part of workers who have met with accidents, while before 1900 such provisions had been made in only 9 States. At the same time, a very great diversity in the nature and the extent of the compensation has developed from country to country. This dissimilarity leads to variations in the costs of accident insurance which are added to the fixed cost of industry in each country. They differ to a great extent even in the separate States of the American Union. Here, too, the amount of the accident compensation varies. Thus, other circumstances being the same, the compensation in case of death in the State of New York is $11,205.22, in Oregon $13,480.92, in Massachusetts $4,000, and in Pennsylvania $2,575, while in Oklahoma the survivors receive nothing.[1] Differences similar to those that affect the twenty-eight odd millions of wage workers in the United States are observable among the eighty-two odd millions of wage workers in the different countries of Europe. In general the differences are symptomatic of the degree of industrialization, of the more or less powerful development of the private insurance business, and of the social pulse of legislation and administration.

The systems which provide for accident liability are that of the Roman law, the oldest, and that of the common law—the employer being liable to pay compensation only for accidents for which he is to blame and for the particular dangers known to him. The worker, therefore, who meets with an accident or his survivors must bring

[1] Workmen's Compensation Laws of the United States and Foreign Countries, Bulletin No. 203 of the U. S. Bureau of Labor Statistics, Washington, 1917, pp. 125–127. [The table from which these figures were taken undertook to show, among other things, the possible maximum benefits accruing under specified uniform conditions, and it is in no wise an accurate showing of the average death benefits for the States named. Oklahoma should not be mentioned in this connection, since fatal accidents are not covered by its compensation law.—Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

suit and prove the fault contested by the employer; the latter is not responsible for ordinary occupational risks. By the English and American courts the negligence of the fellow worker or the foreman of the injured worker is not looked upon as an indirect fault on the part of the employer (fellow-servant rule). The injured worker loses his right of action by the slightest contributory negligence, especially by continuing to work in a dangerous establishment. Finally, the worker may contractually or tacitly assume the specific risks connected with his occupation (assumption of risk). These new exceptions have changed the legal status of labor for the worse.

This system has died out in Europe. It has been superseded by two other systems with numerous variations—compensation and insurance. In the United States it is still in force in 17 separate States (among them 10 Southern States, mostly agricultural), containing about a quarter of the actively employed industrial population of the United States. The common-law system still prevails in Central and South America, except in Argentina, Colombia, Cuba, Nuevo Leon (Mexico), Peru, San Salvador, and the mining districts of Venezuela.

Under the system of compensation, the employer, as entrepreneur of a dangerous establishment and therefore not alone when he is personally culpable, assumes the obligation of paying compensation for physical injuries received in his service. He is now also responsible for accidental injuries but not for those purposely occasioned by the worker. Thus the exceptions of the common law to the liability for damages of the negligent employer are done away with. But the claims for compensation must still be proved by the worker by legal procedure against the employer; the allegation of the fault of the worker in a boiler explosion, for example, must be disproved by the survivors of the dead fireman, and until the proceedings are concluded, the cost of the suit must be borne by them. They may become dependent on charity if in the meantime the employer becomes bankrupt.

For these reasons a stricter system of compensation has been adopted almost everywhere in Europe, even in those countries that have no compulsory system of insurance for workers. Thus Great Britain allows compensation for accidents in case of death of the worker or his permanent disability, even when due to his willful misconduct; the employer may, with the consent of the workers, conclude accident insurance contracts providing benefits equivalent to those fixed by the act; payment is secured by allowance of a prior lien in case of bankruptcy; in disputes in regard to compensation, arbitration boards take the place of the ordinary courts. The same system is in force in Portugal and Roumania. In France and Belgium the State guarantees the payment of pensions by uninsured employers through a special fund to which the latter must contribute.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

In Denmark and Sweden disputes as to awards are brought before an insurance council. Most of the British colonies, Argentina, Colombia, San Salvador, and Japan adhere to the system of definite compensation that insures certain guaranties and facilitations of legal procedure to the worker, and certain advantages to the employer who voluntarily insures. In the United States an attempt has been made to popularize the principle of compensation by allowing the employer the choice between compensation and the common-law principle of liability in cases of accident, but in case he chooses the latter without the benefits of the three exceptions of contributory negligence, assumption of risk, and fellow service. This expedient has been tried in 26 separate States; but the employer who chooses compensation must in 20 of these States be insured against indemnity claims, and in 3 States (Nevada, Oregon, Porto Rico) in a State institution. Nine States, including New York, recognize only compensation and no longer the common-law responsibility for damages. With the exception of Arizona and California, they require that the employer insure himself against compensation claims. Two of these States, Washington and Wyoming, permit these compensation insurances only through State organizations.[1]

Thus there is being accomplished in the New World also the transition to the third system—compulsory insurance, with free choice of the insurance carrier, and its offshoot, the system of compulsory organization or of State compulsory insurance which effects the elimination of private insurance profits and burdens the insurers only with the actual costs.[2] The countries in Europe that have compulsory insurance with free choice of the insurance carrier are Italy, the Netherlands, and Finland; those outside of Europe are Queensland, Victoria, Cuba, and five American States. The farthest removed in its organization from the principle of liability is the public legal system of compulsory insurance against all accidents. It was introduced in the German Empire in 1884 and was copied in Austria (1887), in Hungary (1907), Luxemburg (1910), Greece (mines, foundries, quarries, 1902), Norway (1915), Russia (1913), Serbia (1910), Switzerland (1911), British Columbia (1916), Nova Scotia (1915), Ontario (1915), and two American States, Wyoming (1911) and Washington (1915). As is evident, this system has made the greatest progress in the last decade. About 57 per cent of the wage

---

[1] For the reasons for the introduction of organized compulsory insurance in the State of Washington see John H. Wallace's report on "Compulsory State insurance from the workman's viewpoint," in American Labor Legislation Review, vol. 2, Feb. 1, 1912, pp. 15–28.

[2] "From this survey of the contemporary legislative movement the conclusion is evident that the tranditional principle of liability founded on the idea of culpability is condemned from now on. Most positive systems of legislation have given it up; but the States that have hung back are on the point of adopting the new system and from now on we shall be confronted with a well-established common European law, which will soon become a European-American law, and even a world law."—Paul Pic: Traité elémentaire de législation industrielle, Les lois ouvrières, 1912, p. 891.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

workers of Europe are covered by it. Its natural tendency is to reduce the risks by accident prevention, while private insurance leaves the least profitable and worst risks—e. g., the miners and sailors in France—to compulsory insurance.

As soon as the State took over the insurance of workers or guaranteed the payment of accident pensions, the question arose as to whether the alien worker or his relatives left behind in his own country are entitled any longer to payment of pensions; and further, whether or under what circumstances the different systems of insurance are to be regarded as of equal value. This question was first discussed on the occasion of the promulgation of the first German compulsory insurance law, when the question arose as to regulating the payment of accident insurance to survivors of alien workers who died as the result of accident in Germany. The law of 1884 granted a pension only to survivors living in Germany, and, in case they changed their place of residence back to their home country, a lump-sum settlement, for there is "no occasion to use the means of those liable to compensation and of the State for the support of aliens living in a foreign country." The alien who met with an accident and who gave up his residence in Germany was simply paid off with three times the amount of his annual pension.

Similar antialien provisions were adopted in Norway (1894) and in Finland (1895). Austria in 1887 referred the amount of the settlement of compensation claims of persons living abroad to the judgment of the insurance institutes. The severity of these regulations led to reprisals even in countries that had voluntary insurance. This is true particularly of France, Denmark (1898), Belgium, Norway, Greece (1903), and Russia (1904). Only Switzerland, England, Italy, Spain, the Netherlands, and Sweden kept out of this current.

A peculiarly striking instance of curtailment of the rights of alien workers was brought to light by a lawsuit over the insurance of a Belgian workman, one Renard, who was killed while working on the Exposition of Paris in the summer of 1900. His widow declared that she was in a position to prove the culpability of the employer according to the principles of common law. The court did not admit the evidence, since article 2 of the law of April 9, 1898, recognizes no other legal protection than that of this compensation law, and therefore not that of the common law, and this compensation law (article 3) refuses all benefits to the survivors abroad of an alien workman injured in an accident. The League for the Protection of Human Rights petitioned the legislature in vain to abolish this new right of salvage.[1]

[1] Fleury de St. Charles: Le risque professionnel de l'ouvrier étranger, in Questions pratiques de législation ouvrière, Lyons, 1901, vol. 2, p. 54.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The constituent assembly of the International Association for Labor Legislation on September 28, 1901, intrusted to the International Labor Bureau the task of making "comparative investigations of the laws of the different countries regarding accident and sickness insurance and compensation for those persons who work outside of the country in which they or their relatives have their residence" (motion of Dr. Feigenwinter). The following legal dispute was at the bottom of this motion: A German firm had sent a Swiss named Herzog as assembler to attend to the construction work of a freight station in Basel; he was run over by a train and killed in May, 1901, while in the exercise of his trade. The claims of his widow, who lived with her parents in Switzerland, were at first repudiated both in Germany and in Switzerland. It was only after an appeal had been made that a more favorable decision was made in both countries—a proof of the absolute insecurity of the legal position of alien workers.

The Italian section of the International Association raised objections to these drastic interpretations of the law, and demanded the application of the lex loci of the accident to the case of the native workman injured abroad.[1] In France, too, protest was made against the unjust and exceptional treatment of aliens.[2] The Franco-Italian labor protection agreement of April 15, 1904, article 1 d, abolished this discrimination against alien workers settled in France and reserved for a later agreement the determination of the amount of lump-sum settlements for those entitled to a pension who are resident abroad. Arrangements were made for the payment of such pensions through the Italian State Relief Funds, and the principle of reciprocity was established. Thus not only could a comparative report on the prevailing legal condition be laid before the third assembly of delegates of the International Association for Labor Legislation but also definite proposals for changes could be submitted.[3] As a result of their deliberations the following motion was made by the president of the French section, M. Millerand, and the representative of the German Empire, Herr Caspar, and unanimously adopted:

The rights granted to the worker and his survivors by the insurance and compensation laws shall be governed by the law of the place in which the establishment in which he is employed is situated. No different treatment on ac-

[1] Aless. Corsi: Application des lois territoriales sur les accidents dans le travail aux ouvrièrs étrangers (1902).

[2] Jules Uhri, in Le mouvement socialiste, Aug. 1, 1903.

[3] E. Feigenwinter: Die Behandlung der Ausländer im Haftpflicht und Versicherungsrecht, 1904, p. 31; also A. Corsi and F. Invrea: Proposition de convention internationale pour l'application des lois nationales aux ouvriers étrangers, Turin, 1904; and L. Lass: Die Stellung der Ausländer in der deutschen Arbeiterversicherung.

97520°—19——3

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

count of the citizenship, place of residence, or abode of the person entitled to compensation can be allowed.

The sections of the individual countries shall report at the next general assembly on the manner in which this principle may be applied in the national legislation of each country, as well as in international treaties, and with respect both to the organization of insurance and to liability.

The resolutions of Basel were followed by 14 bipartite reciprocal agreements in the domain of social insurance between—the German Empire and Italy (article 4, Supplement to the trade agreement), Dec. 3, 1904; the German Empire and Austria (Supplement to the trade agreement), Jan. 19, 1905; Belgium and Luxemburg, April 15, 1905; German Empire and Luxemburg, Dec. 2, 1905; Belgium and France, Feb. 21, 1906; France and Italy, June 9, 1906; France and Luxemburg, June 27, 1907; German Empire and the Netherlands, Aug. 27, 1907; Great Britain and Sweden, June 18, 1909; France and Great Britain, July 3, 1909; Italy and Hungary, Sept. 19, 1909; German Empire and Italy, July 31, 1912; German Empire and the Netherlands, May 30, 1914; German Empire and Italy, May 12–22, 1915.

In the United States, thanks to the efforts of the American section of the International Association, only one territory, Hawaii (1915), and two States, New Hampshire (1911) and New Jersey (1911), refuse any pension to the injured man or his alien survivors as soon as they leave the United States; 14 States, including New York and Pennsylvania, while they recognize the claim to benefits of those who leave the country, yet abridge it; 7 States, including California, Illinois, Massachusetts, and Michigan, make no difference between survivors living in America and aliens. Eleven States make no mention of aliens. "But even these restrictions," says the Federal official report, "open the door for injurious discrimination against American citizens, by reason of the fact that injuries to aliens whose possible beneficiaries are nonresident entail less expense on the employer of such labor."[1] Since American workmen seldom work in Europe, the conclusion of agreements analogous to those existing in Europe is not contemplated, but a note of warning is sounded against unfair discrimination.

The conclusion of international accident insurance agreements has for its object not only the obtaining of a decision on the suitability of the amount of the compensation and the elimination of factors leading to increased discrimination against alien workers in establishments in which there is danger of accidents, but also the prevention of double insurance which might occur because, according to the legislation in force in many countries, the workers employed in establishments located in one State and carrying on their activities in an-

[1] Workmen's Compensation Laws of the United States and Foreign Countries, Bulletin No. 203 of the U. S. Bureau of Labor Statistics, Washington, 1917, p. 118.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

other State (so-called interstate establishments) must be insured in each of the States. The following resolutions of the fifth meeting of delegates in Lucerne (September, 1908) were intended to prevent this double burden from falling on employers carrying on business for the time being in a foreign country, and to determine the adequacy of the legislation in cases of accident to alien workers:[1]

1. Foreigners meeting with industrial accidents, and their dependents, to be placed in the same position as subjects of a State, in respect to compensation for injuries resulting from such accidents, both as regards the amount and the conditions under which it is payable.

2. In the case of transport undertakings extending over two countries, the law of the country where the undertaking has its domicile shall apply in respect of the traveling staff, regardless of the relative extent of the business done in the two countries respectively. The traveling staff shall remain under the said law, even though occasionally employed in work which is attached to some other department of the undertaking.

3. Similarly, in the case of undertakings carried on in both countries, the law of the country where the undertaking is domiciled shall continue to apply in the case of workmen and employees who are only temporarily employed, and that for less than six months, outside the country where the undertaking is domiciled.

4. If an industrial accident occurs for which compensation is undoubtedly due, but a doubt arises as to who is liable to pay the compensation or as to which law should apply, the insurer who is first concerned with the case shall pay compensation provisionally to the person entitled to receive the same, until the incidence of the liability is finally determined. Provisional compensation so paid shall be returned by the party found liable to pay the compensation.

5. In enforcing the laws in question, the official bodies concerned shall render each other mutual assistance. They shall be bound to make the necessary inquiries for the determination of the facts of any case. The procedure for dealing with cases of accidents to foreigners should be made as simple and expeditious as possible.

6. Documents, certificates, etc., drawn up and delivered by one State to another in administering laws relating to industrial accidents shall not be subject to any fees and taxes beyond those which would have been imposed, under the circumstances, in the country of origin.

The effect of the outbreak of the war on the international insurance agreements is shown by the following occurrence. The International Labor Bureau received on October 21, 1915, the following letter from an Italian mason:

The undersigned turns to your bureau with the request that it interest itself in his case and give him advice and assistance. He was working in a mine in B. [Bohemia] on January 8, 1912, when an accident completely deprived him of his sight. The directors of the Accident Insurance Institute of Prague awarded him in December, 1912, a pension of 112.5 crowns [$22.84] a month, which was regularly received by the undersigned until March, 1915. Since then, deprived of

[1] E. Feigenwinter: Die Behandlung der ausländischen Arbeiter im Versicherungsrecht, Basel, 1912; Prof. Dr. Ludwig Lass: Die Staatsverträge über Arbeiterversicherung nebst Entwurf zu einem internationalen Abkommen über Unfallversicherung, Berlin, 1908. M. L. Wodon: Project de convention internationale relative aux accidents du travail, Liege, 1907.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

this his only means of subsistence, he has made entirely unsuccessful appeals to the local authorities, and has run into debt in order to provide a living for himself, his wife, and his two children. As, in his condition, he can find no further means of livelihood, and no one will grant him any more credit, he finds himself in a position of great want, which is increased by the high cost of living. He hopes that the bureau will take up his case at the earliest opportunity.

As no insurance agreement had been concluded between Austria and Italy, but only between Germany and Italy and between Hungary and Italy, the case in question was one of pure reciprocity. As the Italian Government had decided as a war measure that enemy claims could not be enforced in an action at law, the Austrian Government declared that it was not in a position to hold the insurance institutes to payment of insurance to Italians. According to the ambassador of the United States, who was acting as the representative of Italy in Austria, and who took steps at the request of his Government, voluntary payments would not be allowed by the military authorities to pass the frontier of the country. Under these circumstances, the Italian Government decided to vote a credit of 500,000 lire ($96,500) for the granting of refundable loans to Italian subjects having pension claims on Austria. There have been similar difficulties in the way of the enforcement of the Italian-Hungarian agreement, which was concluded on September 19, 1909, for seven years, and which still holds, as it has not been abrogated to our knowledge. All the other agreements (German-Belgian, German-Italian, and the French agreements) were maintained after the beginning of war or after the breaking off of relations. Nevertheless, the war experiences prove that a "neutralization" of the claims to accident insurance of alien workers is necessary. When, therefore, we read to-day in article 5 of the Hungarian-Italian treaty that "the proper fund in Hungary, which under Hungarian law is required to pay a pension to an Italian citizen domiciled in Italy, can relieve itself of the obligation of making payment by paying into the competent fund in Italy a sum which at the time of the payment corresponds to the pension in question according to the terms of the last-mentioned fund," it is sufficient to make this provision obligatory, and to appoint as the place of payment a neutral insurance office, possibly in Denmark, Holland, Spain, or Switzerland. By the introduction of such a neutrality clause in all international insurance agreements, the insurance claims of alien workers would also be protected against possible prohibitions of payment in peace times. That the alien worker who has helped to increase the value of the soil or of the production of a country and thereby lost his earning capacity, and who can not in most cases even take part in a war as a combatant, should also be deprived of all means of livelihood, is such a revolting social injustice that it ought to be precluded once for all.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The so-called specific occupational diseases which, like chronic benzol poisoning or chronic anilinism, are observed only among persons employed in certain chemical industries, or else in overwhelming frequence in certain occupations, are also designated as occupational risks. In this category belong the cases of chronic poisoning by lead, mercury, phosphorus, arsenic and chrome, and tar cancer, ankylostomiasis, anthrax, etc. The specific occupational risks of the occupational diseases gave occasion to treat them as industrial accidents and to make the employer liable for them. The example was set by Switzerland (law of June 25, 1881, resolution of the Federal Council of January 18, 1901), and England followed suit in 1906. Here the factory law (1895 and 1901) had bound the doctors to report certain kinds of occupational poisoning on penalty of a fine in case of neglect. The compensation law of 1906, section 8, on this basis made these and other listed occupational diseases subject to compensation and in certain circumstances even to compulsory insurance. The demand made by the insurance companies in France that occupational diseases be not considered as accidents has always been opposed by doctors and trade-unions alike. The Government introduced a bill in 1906 in which these wishes were taken into account. Finally, the German Imperial Insurance Code granted to the Federal council the right to extend the accident insurance to occupational diseases.[1] The Austrian social insurance bill makes like provision. This demand which has taken such international form has special importance for countries which possess only a voluntary system of sickness insurance. From these countries the demand has come to remove occupational diseases from the sphere of the voluntary sickness fund system which has no phophylactic facilities, and to make them subject to compulsory accident insurance or to liability.

At present Great Britain has recognized 25 such diseases as industrial accidents. The same principle has been accepted in the case of a smaller number of diseases in South Australia and Ontario, and in the case of anthrax in France and Germany. In Austria and in Switzerland at the time of the outbreak of the war, preparations were under way to include other occupational diseases. Also in the United States 10 States have attempted to make subject to the principle of compensation not only injury by accident, but every personal injury, and therefore also occupational diseases. This was successful only in Massachusetts. In the other States the courts rejected this interpretation.[2] It is clear that, if this principle becomes effective internationally, a change is also to be expected in the American adjudication.

[1] Paul Pic: Traité élémentaire des lois ouvrières, pp. 914, 968 ff.; and, especially, L. Teleky: Vorlesungen über soziale Medizin, Jena, 1914, pp. 262–271; Schriften der Internationalen Vereinigung für gesetzlichen Arbeiterschutz, No. 3, Jena, 1905, p. 155.

[2] Commons and Andrews: Principles of Labor Legislation, p. 381.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

2. SICKNESS, MATERNITY, OLD-AGE, AND INVALIDITY INSURANCE.

In the domain of sickness insurance, too, there exists the international diversity of the two systems of voluntary and compulsory insurance. The latter is in force in Germany (1883), Austria (1888), Hungary (1891), Great Britain (1911), Luxemburg (1901), the Netherlands (1913), Norway (1911), Roumania (1912), Russia (1912), and Serbia (1910).

Voluntary insurance against sickness with private aid funds exists in Belgium, Denmark, France (compulsory insurance for miners[1]), Italy (compulsory insurance for female workers from 15 to 50 years of age since 1910[2]), Spain, Portugal, Sweden, and Switzerland where, however, the Cantons and municipalities have the right to introduce compulsory insurance. But in most of these countries such funds have been given the character of legal entities, and thereby had legal protection extented to them only under the condition that they submit to State control. In many of these countries the sick funds, recognized by the State, receive State subsidies.

The danger lest the poorest classes of the population, where only voluntary insurance exists, may remain uninsured against the worst enemies of health—tuberculosis, cancer, alcoholism, and venereal diseases—and also that measures for prevention of disease and institutional care may not be shared by these classes, explains the gradual transition to the system of compulsory insurance. In Italy in 1908 Premier Luzzatti recognized that only compulsion can offer the necessary minimum, and that it is the task of the voluntary system to go further and attain the necessary maximum. This conviction arose from the fact that, in spite of the subsidizing of the free funds by the State, only 200,000 out of 12,000,000 Italians privileged to take out insurance were insured in them. Just as significant is the transition in Great Britain, the country with the oldest and most flourishing system of voluntary sick funds, with a membership in 1911 of 6,200,000 persons and a capital of £46,000,000 ($223,-859,000), to a sickness and invalidity insurance system which includes more than double that number of persons (14,000,000).

It is the subsidies paid by the State both in support of the voluntary sickness insurance (as in Switzerland[3]), and of compulsory insurance (as in England), which have caused a certain hesitancy in respect to the equal treatment of alien workers. These difficulties moved first the Austrian and Hungarian sick funds in 1909, then

---

[1] Seamen also.—[Ed.]

[2] Railroads also.—[Ed.]

[3] In Switzerland in 1916 the number of members of such sick funds who received assistance through Federal subsidies was 438,215; of all recognized funds, 530,329—somewhat less than the number of employees and workers in industry and commerce without their dependents.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

the Danish and Swedish sick funds in 1912, to secure to themselves by means of an agreement the assignment of the insurance value from the alien fund. The British law of 1911, article 32, provides the same expedient by granting the right of reciprocity to emigrants going to the colonies or to foreign countries. To aliens who have not been admitted to recognized public funds and who make their contributions to a post-office fund will be paid the contribution set aside in the post-office fund to which no State subsidy is granted. This curtailment amounts, with respect to sick benefits, invalidity pensions, and maternity benefits, to two-ninths for male and one-fourth for female insured persons.

Maternity insurance is a special branch of sickness insurance. It is founded on the idea that, in consideration of the prohibition of industrial work in the last weeks before and in the rest period after confinement, a special indemnity should be granted to make up for the loss of earnings, for the expenditure during confinement, and a nursing premium in case the mother herself nurses the child. Consequently, the woman who is insured against sickness receives a weekly benefit, as a rule for 6 weeks, in Germany since 1914 for 8 weeks. By the increase of this sick benefit infant mortality has been effectively combatted.

Old age and invalidity insurance was made obligatory in the German Empire, 1889; in Great Britain, 1908, 1911 (old age insurance); France, 1910, 1912 (old-age insurance); Luxemburg, 1911; the Netherlands, 1913; Roumania, 1912; Sweden, 1913 (old-age insurance); Glarus (Switzerland), 1916; Australian Federation, 1908, 1912, and New Zealand, 1898.[1] Besides, Belgium, France, Italy, Spain, Canada, and Massachusetts and Wisconsin in the United States grant State subsidies or allowances in the case of voluntary old-age insurance subject to State control.

The rights of aliens do not differ as a rule, according to these laws, from those of the natives, as long as reciprocity is in force. Only England demands proof of citizenship. A special exception in favor of agriculture is made by article 1233 of the German Imperial Insurance Code: "The Federal Council may decree that aliens whom the authorities have permitted to reside in the country for only a specified period are not under obligation to insure." On that account Polish and Russian migratory workers in agricultural and forestal establishments are preferred to German rural workers by the employers.

The resolutions of the International Association for Labor Legislation in 1912 were for the purpose of removing these conflicts.

[1] Also Austria (mining and salaried employees); Italy (railroads); and Russia (railroads).—[Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

They read as follows:

1. As regards the benefits paid by insurance institutions to foreigners, no difference should be made between the subjects of a State and foreign workmen in all countries and in all branches of insurance in which the State does not directly supplement either the premiums or the benefits.

2. But where grants are made out of public money, the benefits paid to insured foreigners and their dependents may be reduced in comparison with those paid to subjects of the State at most by an amount corresponding approximately to such grants.

3. The Governments should take the necessary measures by means of international agreements to render the provisions of No. 2 unnecessary.

4. It should be made possible by international agreements to settle the claims of insured persons and their dependents living outside of the country of insurance by paying a sum down or by paying the capital value of the benefit to a corresponding insurance institution in their place of residence abroad, or in any other appropriate manner.

Failure to insure foreign workmen in the case of only temporary sojourn and employment in a country is injurious both to the workmen concerned and also to their country of origin, and involves at the same time a disadvantage to the workers of the country in question in the labor market. The benefits of insurance should therefore be extended to such workmen.

The assembly of delegates then directs the attention of the national sections and participant Governments to the different methods of maternity insurance. Where possible there should be a uniform period of support of eight weeks, and as nearly as possible an equal amount of maternity benefit, in order that, in the case of difference of place of residence and insurance State, the enforcement of the freedom of travel and the assignment of the insurance by State agreement may be facilitated.

3. WIDOWS' AND ORPHANS' INSURANCE.

To mitigate the distress of workingmen's families whose breadwinner has died, voluntary life insurance, especially in the form of cheap, popular insurance (prudential, industrial insurance), has attempted to attract widely scattered groups of the people. The high cost of its administration (agents' premiums, commissions on collections, internal administration), which amounts in Germany to 22.6 per cent of the premiums and interest, in America to 38.8 per cent, and in Australia to 40 per cent,[1] has often made unprofitable the writing of such insurance, and it has in any case not gone beyond the circle of the better-salaried employees.[2] This failure of voluntary insurance has led to the taking over of the care of widows and orphans by the State in Germany, France, and Holland, and in Austria those of salaried employees.

In Germany the survivors' insurance is closely connected with the invalidity insurance. A widow receives a widow's pension after the

[1] Wendt: Die Verwaltungskosten der Volksversicherung, in Zeitschrift für die gesamte Versicherungs-Wissenschaft, 1914, vol. 14, p. 27; A. Manes: Die Arbeiterversicherung in Australien and Neuseeland, in Zacher, Die Arbeiterversicherung im Auslande, 1908, No. 18, p. 43.

[2] This does not hold good in the United States where industrial insurance is especially popular with the lower paid wage earners.—[Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

death of her insured husband. Orphans' pensions are received by legitimate children of an insured father who are under 15 years of age and by legitimate and illegitimate children under 15 of an insured mother.

The widow's pension consists of three-tenths of the invalidity pension of the deceased, and a yearly imperial subsidy of 50 marks ($11.90); the orphans' pension amounts to half of the widow's pension, with a maximum amount for all survivors of one and one-half times the invalidity pension. The advantages of this insurance accrue to all wage earners as well as to employees with a yearly salary up to 5,000 marks ($1,190). The latter receive after 120 monthly contributions a full retirement pension. The regulation of the widow's pensions and allowances for the education of children was effected on the same lines in Austria, in 1906, through the pension insurance law for private employees.

In France survivors' insurance forms a part of the legal provisions of April 5, 1910, for old-age pensions for workers and peasants. Should an insured man die before receiving his old-age pension, a monthly sum of 50 francs ($9.65) for 6 months is granted to his children under 16 years of age, if there are five or more of them, of 50 francs a month for 5 months if there are 2, or of 50 francs for 4 months if there is only one child. Childless widows are given 50 francs a month for 3 months.

With respect to aliens the German Imperial Insurance Code (article 1268) decrees that the claim of the survivors of an alien whose customary place of abode at the time of his death was not in the foreign country should be restricted to half of the pension without the imperial subsidy. The Federal Council can eliminate this restriction for foreign contiguous territories or for citizens of foreign States whose laws make corresponding provision for alien workmen.

The French old-age pension law (article 11) places alien wage workers working in France in general on the same footing as the French wage workers. But they have the advantage of the contributions of employers and the extra allowances and increases from the State funds only when agreements made with their native lands insure equal advantages to French citizens. Otherwise the contributions of the employers are assigned to a reserve fund. Widows of French descent of these alien workers receive a survivor's pension if they and their children become naturalized in the year following the death of the husband, and if the naturalization of the children takes place according to the conditions of article 9 of the Civil Code, as amended by the laws of June 26, 1889, and article 1 of the law of April 5, 1909.

It is clear that there is here a further field for international adjustment by means of agreements.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

4. UNEMPLOYMENT INSURANCE.

Within the last generation the want of employment caused by the periodic decrease in the demand for labor or by times of crises has at times attained to such proportions as to mock all the efforts of institutions for the care of the poor, the oldest means of alleviation in such crises. To escape impoverishment, the workers have insured themselves through their trade-unions against the results of unemployment, but in this case also voluntary insurance has been unable to reach the classes most in danger. In England, of 16,000,000 workers in industry, trade, and commerce, capable of being organized, only one-fourth are members of trade-unions, and in Germany of 9,000,000 only one-third are members. In Italy the same is true of one-sixth out of 3,000,000, and in the United States of one-fifth out of 12,000,000.[1] Only in Denmark are more than half of the workers in industry, trade, and commerce organized (138,000 out of a quarter of a million). Australia comes second with one-half million trade-union members (497,925) out of one and one-third million wage earners.[2] In Australia, in 1911, 48,000 unemployed men (4.35 per cent of all those in employment and only 6.41 per cent in industry) had to be supported by the organizations. There is no doubt that in the period of transition after the world war as well as in crises to be expected later this state of things must lead to the greatest unrest.

Although compulsory insurance against unemployment embracing all workers was not realized before the war, two systems of State subsidized insurance covering part of the workers have been introduced—the Ghent system and that of the British, partially compulsory.

The Ghent system, which has spread since 1901 from the place of its origin to individual German and Swiss towns, to Milan and Venice, then to Denmark, Norway, France, and the Netherlands, consists of a State or communal contribution to the costs of trade-union insurance. The application of this system to unorganized workers is sought by linking up the savings societies with a State fund for the unemployed. Finally, a fund for use in crises is provided for the times when employers avoid the dismissal of large numbers by short-time work; out of this crisis fund supported by the communes the workers are indemnified for reduction of earnings. Experience has shown that the premiums on savings have failed in their aim—the savings of the individual do not cover collective risks—and that

[1] Tenth International Report on the Trade-Union Movement, 1912, published by the International Federation of Labor, Berlin, 1913, pp. 9, 10.

[2] G. H. Knibbs: Census of the Commonwealth of Australia, April 2 and 3, 1911, vol. 1, 1917, p. 390, and also Official Year Book of the Commonwealth of Australia, No. 8, 1915, p. 904.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

the periodic unemployment in the building trade is not completely covered by voluntary insurance, even when the Government subsidizes it. The purely urban character of the subsidized unemployment insurance proved to be a further hindrance to the freedom of travel. Greater development of the occupational risk classes and closer connection with the employment exchanges proved to be indispensable as a protection against the financial misuse of the unemployment funds.

In accord with these points of view suggested by the criticism of voluntary insurance, Great Britain in 1911 adopted national compulsory insurance, first in the industries most threatened by unemployment, namely, the building and engineering trades.[1] To the number of "insured trades" of the original law (building, railway, harbor, and ship construction, with their subsidiary trades of machine building and the manufacture of arms, iron molding, carriage building, work in sawmills, and mechanical woodworking) were added in 1916 (Munition Workers' Act) factories for war equipment and explosives, the chemical industry, the metal industry, the rubber and leather industries, the manufacture of bricks, cement, and artificial stones, and the making of wooden cases. Only the best organized trades (mining, textile, and printing trades) and the trades filled with female workers (clothing and foodstuffs industries) have been exempted from this unemployment insurance. A basis for the efficient operation of the law on unemployment insurance was furnished by the law on labor exchanges of February 1, 1910, which made possible a survey of the labor market. The 400 British employment exchanges could thus satisfy in 1912 a good third of the applications for positions and fill four-fifths of the positions offered. In 1913 there were distributed to the employees of the industries insured against unemployment 2,300,000 books in which their contributions were entered. The weekly contribution amounts to 2½d. (5 cents) each for adult workers and for employers, and the State grants a subsidy in the amount of one-third of the combined contributions of employer and employee. The assistance given to those out of employment is conditioned by the length of time of their previous employment (26 weeks in the preceding 5 years), and the proof of the impossibility of finding a suitable position; an arbitration board settles disputes on these points. The first week of unemployment counts as waiting time. From the second week the unemployed receives 7 shillings ($1.70) a week. At the close of the fifteenth week the normal legal period of assistance comes to an end. Under certain

[1] W. H. Beveridge: Unemployment, a Problem of Industry, 1908; David F. Schloss: Insurance Against Unemployment, 1909; G. Gibbon: Unemployment Insurance, 1911; Reichsarbeitsblatt, 1910, pp. 38, 99, 278, 351, 424; Revue Internationale du Chômage, 1911, Vol. I, p. 1.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

conditions reimbursement of contributions is made (in case of more than 500 weekly payments or on attainment of the sixtieth year). Contributions are also returned to employers who, instead of dismissing their employees, have them work shorter hours. In cases of unemployment caused by lack of technical skill, the means for industrial training are furnished out of the State unemployment fund. The State may, on the basis of agreements made with trade-unions that pay to their members unemployment benefits in the legal amount, refund to these unions up to three-fourths of these disbursements. This clause, adapted from the Ghent system, gave to trade-unions in 1913 a claim to 26 per cent of all unemployment benefits paid by them, which amounted to one-half million pounds sterling ($2,433,250) for 1,651,229 payments. Without compulsory insurance three-quarters of the relief would not have been paid.[1]

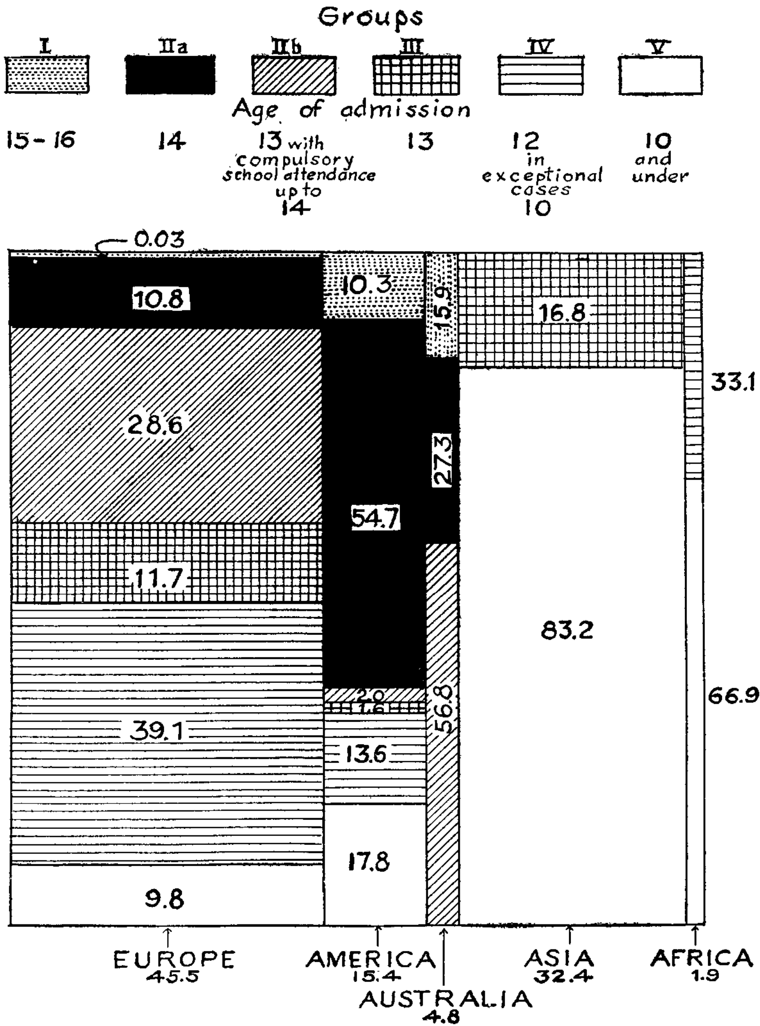
The British law makes no distinction between native and alien unemployed. Therefore, even an alien worker or his survivors abroad may claim reimbursement to an amount equal to that by which the contributions paid up to his sixtieth year exceed the unemployment benefits received by him, with compound interest at 2½ per cent. Nevertheless, this reimbursement depends upon the consent of the Board of Trade. It would be better in the future to make such reimbursements the subject of international agreement.

---

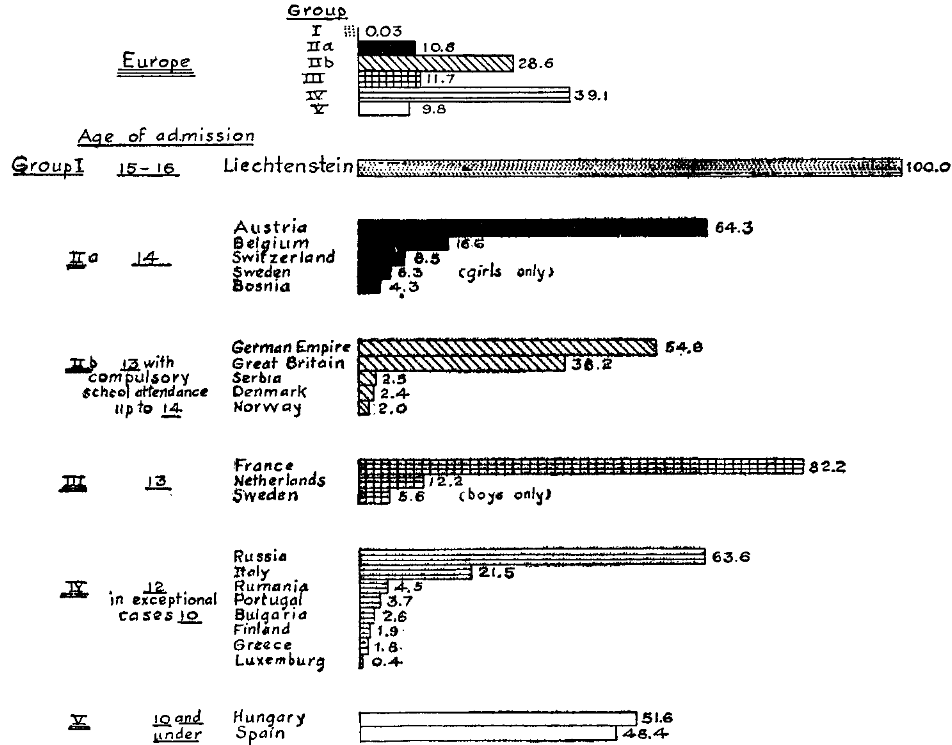
[1] Board of Trade Labour Gazette, March, 1914, p. 87.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

DISTRIBUTION OF THE AGE GROUPS OF ADMISSION TO EMPLOYMENT PER 100 OF THE POPULATION OF COUNTRIES WITH PROTECTIVE LEGISLATION.



Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis



Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER IV.

INTERNATIONAL REGULATION OF THE PROTECTION OF CHILDREN AND YOUNG PERSONS.

1. PROTECTION OF CHILDREN.

Legal prohibition of the admission of children to factories forms the introduction to the whole history of the protection of labor. The first attempts to exclude children from factories were made in Austria in 1786 by Emperor Joseph II, in England in 1796 by Dr. Perceval, in Switzerland since 1815 by the teachers, in France in 1827 by Dr. Jean Gerspach in Thann, and in Prussia in 1828 by Gen. von Horn. The reasons for the exclusion are to be found in the neglect of the health and the education of the children on account of factory work. Such regulation was opposed on the one hand by the greed of the employers and on the other hand by the poverty and, in individual cases, the ignorance and unscrupulousness of the parents.

Regulation of the age of admission of children to industrial employment is now in effect in all industrial States. The accompanying table[1] shows the countries in which it is in operation. As there are no international statistics on child labor, the importance of setting an age limit for the admission of children into industrial establishments can only be properly estimated in connection with the total population of each country.

The table shows that at present 5 different systems of regulation of the age of admission are in operation. Admission to industrial

---

[1] Legal age of admission of children to employment in various countries:

First group—15 to 16 years.

MALE WORKERS.

Europe:
Liechtenstein.

America:
California.
Ohio.
Texas.
Michigan.

FEMALE WORKERS.

Europe:
Liechtenstein.

America:
California.
Nevada (16).
Ohio (16).
Texas.
Michigan.

Canada:
British Columbia.
Manitoba (15).

Australia:
Victoria.

(Footnote continued on p. 48.)

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

employment is conditioned on: 1. The attainment of the fifteenth year; 2. The attainment of the fourteenth year; 3. The attainment of the fourteenth year or the thirteenth year after compulsory school attendance has been complied with; 4. The attainment of the twelfth year; 5. The attainment of the tenth or ninth year.

(Footnote continued from p. 47.)

Second group—14 years.

(a) *Without consideration for school attendance.*

Europe:
- Austria.
- Bosnia.
- Herzegovina.
- Belgium.
- Switzerland.
- Sweden (only for female workers).

America:
- Alabama.
- Arizona.
- Arkansas.
- Colorado.
- Connecticut.
- Delaware.
- Florida.
- Georgia.
- Illinois.
- Indiana.
- Iowa.
- Kansas.
- Kentucky.
- Louisiana.
- Maine.
- Maryland.
- Massachusetts.
- Minnesota.
- Missouri.

America:
- Montana.
- Nebraska.
- Nevada.
- New Hampshire.
- New Jersey.
- New York.
- North Dakota.
- Oklahoma.
- Oregon.
- Pennsylvania.
- Rhode Island.
- South Dakota.
- Tennessee.
- Utah.
- Vermont.
- Virginia.
- West Virginia.
- Wisconsin.

Canada:
- Quebec.
- Ontario.
- Manitoba.
- Nova Scotia.
- New Brunswick.
- British Columbia.
- Saskatchewan.

Australia:
- Victoria.
- Tasmania.
- New Zealand.

(b) *13 years, with compulsory school attendance up to 14 years; with permission of the authorities, 12 or 13 years.*

Europe:
- German Empire.
- Denmark.
- Great Britain.
- Norway (12).
- Serbia.

America:
- District of Columbia.
- Idaho.
- Porto Rico.
- Washington.

Australia:
- New South Wales.
- Queensland.
- West Australia.

Third group—13 years.

Europe:
- France (or 12 years, if school attendance is finished).
- Netherlands.
- Sweden (male workers).

America:
- North Carolina (12 for apprentices).

Africa:
- Algiers.

Fourth group—12 years (in individual States, "in exceptonal cases," 10 years).

Europe:
- Bulgaria (in exceptional cases, 10 years).
- Greece.
- Italy.
- Luxemburg.
- Portugal (with consent of the inspector, 10 years).
- Roumania.
- Russia.
- Finland.

America:
- Mississippi (for male workers).
- South Carolina.
- Buenos Aires.
- Mexico.

Asia:
- Japan.

Fifth group—10 years and under.

Europe:
- Hungary.
- Spain.

America:
- Brazil (apprentices in textile factories. 8 years).
- Argentina.

Africa:
- Egypt (9 years).

Asia:
- East Indies (9 years).

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

These differences may be attributed almost exclusively to historical and political causes, and above all to the attitude of the countries toward compulsory attendance at school. The following facts will illustrate this diversity. Before 1890 only 15 countries in all in Europe had enacted regulations concerning the protection of children. Of these 15 countries, 12 allowed children between the ages of 9 and 12 to work in factories. In 1918 there were 23 countries in Europe that had child protection laws, and of these more than one-half (13) had fixed the completed fourteenth and thirteenth year as the age of admission to factories, while 8 other countries had fixed the twelfth year, and only two, Spain and Hungary, had made the tenth year the age of admission.

If we consider the 6 countries of the fourth and fifth groups, we find that Italy alone has any progress to report. The age of admission there was raised from the ninth to the twelfth year in 1902. Only Hungary has to record a retrogression—the admission age of 12 (1840) was lowered to 10 in 1859 and has not since been changed. Also Spain, Portugal, Russia, Finland, and Luxemburg have not changed their former legislation. On the other hand, since 1903 four Balkan States and Liechtenstein have been added to the number of the States possessing child protection laws. Liechtenstein, Bosnia, and Serbia belong to groups 1 and 2, Bulgaria and Roumania to group 4.

In the United States before 1890 only 18 States possessed laws for the protection of children, while in 1918 such laws were in force in 48 States. Four States have fixed the age of admission at 15, and 41 States at 14. Only 3 States have made the required age lower than 14 years. Likewise, in Australia before 1890 there were in all 3 States that had child protection laws, while in 1918 it was established in all 7 States, of which 6 States had fixed 14 years as the age of admission to employment. Even in the East Indies, in which since 1881 the age of admission of children to factory work had been 7 years, the age limit was raised to 9 years in 1891. From these facts the following conclusions are drawn:

1. Since 1890 within these continents and countries there has been a progressive movement in legislation with regard to the age of admission of children.

2. The higher age limit of 14 years for the admission of children proposed by Switzerland and Austria to the Berlin conference on labor legislation has become the prevailing one in Europe, America, Canada, and Australia.

3. The argument brought against this age limit, that "the southern countries whose population matures earlier would suffer more from

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

these restrictions than the northern countries," can not be maintained. For since 1902 Italy, too, has raised the age of admission from 9 to 12 years, and in the United States the southern States, situated in the semitropic zone, have for the most part raised the age from 12 to 14.

4. The course of further development leads to a higher admission age for female workers on the one hand, and to the fixing of the 15th year as the age of admission for male workers on the other. At present, there are 9 states in the world that are on record as having adopted this age limit, namely, Lichtenstein, California, Ohio, Texas, Michigan, Nevada, Manitoba, British Columbia, and Victoria. For such a step beyond the demands of the International Association for Labor Legislation, the International Congress for Protective Labor Legislation had already made its pronouncement in 1897 (protocol, p. 164). The industrial hygienist, Jules Amar, is of the same opinion.[1]

> In regard to age we can assume that the power of resistance of the human body is at its highest point between the ages of 25 and 40 years. It must be kept in mind that skeletal solidification, bone formation, and suture are not completed until the twentieth year; 16 to 18 years are required for the development of the shoulder blade, which affords a broad surface for the attachment of the muscles; 18 years for the humerus, 20 to 25 for the cubitus, the iliac bone, and the femur, and 25 to 30 years for the spinal column. The bones of the hand even are not fully developed before the age of 12 or 13. The need for confining exertion within narrow limits is therefore easily understood, in order that certain organs may not be forced into an abnormal development and deformity. In truth, science should always oppose the industrial practice of allowing children to work before they have attained their fifteenth year. It produces a badly developed, weakly race, a stunted humanity. Where are there legislators who would be interested in putting an end to such a reprehensible social organization?

In certain States the legal age of admission to the most dangerous of all trades, mining, is higher than that in industry. In this trade an amount of carefulness is required which can not be looked for among children who have just left school; even the work above ground is fatiguing.

The age of admission to work below ground is as follows: Eighteen years in Arizona, Wisconsin (also above ground); 17 years in Texas (also above ground); 16 years in Spain, Luxemburg (also above ground), Norway, Netherlands, Alabama (also above ground), Alaska, Arkansas, California (also above ground), Colorado (also above ground), Connecticut, Illinois (also above ground), Iowa (14 years in the school holidays—both also above ground), Kentucky (also

---

[1] J. Amar: Le Moteur humain et les bases scientifiques du travail professionnel, Paris, 1914, p. 143.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

above ground), Maryland (also above ground), Montana (14 years above ground), Nevada (also above ground), Oklahoma, Pennsylvania (also above ground), Tennessee (also above ground), Washington (14 years above ground); 15 years in Bulgaria, Russia, Sweden, Delaware and Michigan (also above ground), South Dakota (during the school year, otherwise 14 years), British Columbia, Ontario, Quebec; 14 years with a lower age of admission above ground in Great Britain for coal mines (13 for iron mines), Portugal, Italy in mines with mechanical extraction, and Sicily in sulphur pits, otherwise 13 years.

The age of admission to work above ground is 13 years in Great Britain and 12 years in Portugal and Italy. The age of admission is 13 years both above and below ground in France and Newfoundland, 13 years below ground and 12 years above ground in Roumania, 12 years below ground and 10 years above ground in Greece, and 12 years above and below ground in Alberta, Nova Scotia, and Saskatchewan.

A tendency to gradually exclude children from work underground up to the sixteenth year is clearly seen in the course of development.

But the existing regulations refer, so far as the 14th year is fixed for entering gainful employment, almost exclusively to industry, and here again in part only to work in factories (Austria, Hungary, Bosnia, Russia); in Switzerland to factories with more than 10 employees; in Germany and Sweden to factories with at least 10 employees; in Belgium, Denmark, and Italy to factories with at least 6 employees, and in Norway to factories with at least 5 male employees. In all the other countries of Europe no such limit is drawn. It may be concluded from this that the existing factory inspection is not able to control the protection of children employed in small establishments with fewer than 6 employees.

In the United States the completed fourteenth year is the admission age for establishments of every size except in five States, of which only three Southern States have important textile industries. In Queensland and New Zealand establishments with two or more employees, and in Victoria, New South Wales, and Tasmania those with four or more employees are included in the regulations. South Australia includes establishments of all sizes.

A survey of the provisions in force in 93 States shows that regulations for the protection of children are not confined to establishments of a certain size in 64 States—i. e., in a full two-thirds of all these States. Among these States, 4 European and 45 American States belong to groups 1 and 2 of the age of admission—that is to say, only

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

one-sixth of the European countries and almost all the States of the American Union.

From these facts we may draw the conclusion that the admission age of 14 as the international limit, with equal provision for education and factory inspection, such as exists for instance in Denmark and Norway, could be made to apply to smaller establishments—i. e., to those with at least five workers. This would mean a small advance for Belgium, Denmark, and Italy (reduction of the limit from six to five workers), and an important advance for Austria, Hungary, Bosnia, and Russia; for Germany and Sweden a reduction from 10 to 5 workers, and for Switzerland from 11 to 5 workers.

For all work of children outside of industrial work, there have hitherto existed only the provisions of the German law and the British child-labor law of 1903.[1] The German law does not include agriculture. The enforcement of both laws leaves much to be desired where the school authorities do not cooperate. The German law fixes the completion of the twelfth year as the age of admission for children not belonging to the family of the employer. The raising of this age of admission to 14 presupposes a period of transition as well as comprehensive care for that class of the population which is to be protected.

The peace demands of the International Federation of Labor ask that "all industrial activity be forbidden to children under 15." The preamble to this demand says:

> The fixing of the age of admission of children to industrial work, and at the same time for their leaving school, at 14 years would be a change for the worse under existing conditions in those countries in which the age for leaving school is at present 15. The International Congress for Protective Labor Legislation convened in Zurich in 1897 by social reformers had already demanded the raising of the age of child protection to 15 as well as the extension of the age for leaving school to the completed fifteenth year. In many of the belligerent countries, as is proved by their illiteracy statistics, the school conditions are still so primitive that this question is more of a political one, and therefore does not come within the actual sphere of tasks of the trade-unions. The demand will therefore have to be made for a minimum age of 15 for the admission of children to industrial and other activities without regard to the age limit for leaving school.

These demands of German trade-unions are supported by the results of an official British investigation. The necessity for the active protection of children and young people after the war, for their vocational guidance, for their technical training in continuation schools, and for husbanding their physical strength is clear. An investigation made by the British education office has proved the inadequacy

[1] Frederic Keeling: Child Labour in the United Kingdom, London, King, 1914.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

of the system of training for workers before the war.[1] It is sufficient to give an extract from the school statistics 1911–12:[2]

Age.	Per cent of—			Total.
	Full-time pupils.	Half-time pupils.	Children not attending school.	
12 to 13 years	91	4	5	100
13 to 14 years	66	9	25	100
14 to 15 years	12	16	72	100
15 to 16 years	4	14	82	100

[1] Great Britain: Departmental Committee on Juvenile Education in Relation to Employment after the War. Final Report, Vols. I and II. London, 1917.

For the present status of legislation on continuation instruction the following enactments are authoritative:

The German Industrial Code, article 120, says: "The industrial employer is bound to grant his workers under 18 years of age who attend an educational institution recognized by the municipal authorities or by the State as a continuation school the necessary time, to be fixed, if need be, by the competent authorities."

According to the Austrian Code, article 75a: "The factory owners are bound, without prejudice to the duties specially imposed upon them by article 100 with respect to apprentices, to grant to their employees who have not completed their eighteenth year the necessary time fixed by the State and the curriculum of the schools in question for attending the common industrial continuation schools (and preparatory courses), as well as the technical continuation schools."

The Swiss factory law, article 76, says: "The factory owner shall grant to those persons who are in their seventeenth or eighteenth year and who are not apprentices up to five hours weekly for occupational instruction during factory hours."

The Norwegian law for the protection of labor of Sept. 18, 1915, article 35, reads: "If the school authorities consider it necessary, in order that a school child acquire the necessary knowledge, to restrict the working time of the child beyond the limit set down in the law, they are empowered to take the necessary measures. For children and young persons who attend technical evening schools or other schools of a similar kind, the working time is to be so regulated that they are not prevented from attending these schools."

The labor law of the Netherlands of 1911, article 11, reads: "The chief or manager of a business is bound to give to the young persons (up to 17 years of age) who work in or for his business, in factories or workshops, an opportunity to attend religious, continuation, review, or technical classes, after 5 o'clock in the afternoon." However, exemptions are granted by ministerial order.

The Danish factory law of April 29, 1913, article 21, contains analogous regulations for technical or special school instruction after 6 o'clock.

The Swedish protective labor law of June 29, 1912, article 10, contains a general regulation for the granting of the free time necessary to attend special or continuation schools maintained by the State or community.

Russia, in the Code of Nov. 15 (28), 1906, decreed that "workers in manufacturing establishments who have not yet attained their seventeenth year shall be granted three hours a day on week days to attend school, apart from the time granted by article 1 for meals, the time to be fixed on the basis of the obligatory resolutions of article 5. The chiefs of the minor workers in question have the right to see to it that the latter attend school in the time so set apart. The obligation to grant to the minors designated three hours' free time for attending school does not apply to the owners of those manufacturing establishments in which the period of employment is less than 8 hours within a period of 24 hours, inclusive of the interval for meals, if the minors in question are dismissed at the same hour at which the minor workers of other manufacturing establishments of a like nature or situated in the same place are dismissed to attend school (art. 5, par. 4e)."

The law of Ontario of April 16, 1912, introduced the principle of local option; it grants to the educational authorities the power to determine by a local statute the obligation of 14 to 17 year old persons to attend a continuation school. In such cases, employers have to inform the school authorities of the hours of employment of the young persons.

[2] Great Britain: Departmental Committee on Juvenile Education in Relation to Employment after the War. Final Report, Vol. I, p. 3.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Of the 2,700,000 children between the ages of 14 and 18, 81.5 per cent did not go to school. This large number of children had to find employment as apprentices, as street venders, as day laborers. As a result of the war, parental influence has been weakened, and the organism of the young has been undermined by long working hours.

The Royal Commission on the Poor Laws (1905–1909) had already recognized these weaknesses in the system of education and proposed to increase the obligatory school age to 15 and to make exceptions only for boys who take up a skilled trade. The minority report demanded that the age of admission to factories and workshops should also be raised to 15, and that the working hours of young persons 15 to 18 years should be 30 hours a week, and that an equal number of hours be devoted to attending continuation schools. While Minister Runciman in 1911 proposed to leave the raising of the compulsory school age to local option, it was agreed in 1917 that the education of children should not be left to such local competition. Even the representatives of agriculture recognize that reconstruction of agriculture depends upon better education, and they demand that in town and country alike 14 years be made the legal age for leaving the elementary schools, as is already the case in Scotland and in Cornwall. Hence the proposal of the commission of 1917 to abolish all exceptions to compulsory school attendance up to the fourteenth year, and to compel attendance at continuation classes in the daytime of at least 8 hours per week (320 per year) up to the eighteenth year; also to abolish the half-time system. This leads to a reduction of the working hours to a maximum of 48 hours per week. At the same time medical inspection by school doctors (instead of by approved doctors as heretofore) in the sixteenth and shortly before the eighteenth year is recommended.[1]

---

[1] Great Britain: Departmental Committee on Juvenile Education in Relation to Employment after the War. Final Report, Vol. I. London, 1917.

Page 14.—A. M. Fleming, of the British Westinghouse Electric and Manufacturing Co.: "At 15 the youth is more physically fit to take up industrial work than he is at 14; his bent for a particular vocation is likely to be more marked, and he is less likely slavishly to imitate the often unsatisfactory characteristics of older workers."

Page 17.—W. J. Renshaw, of the Atlas Works: "Such a change [the raising of the age for leaving school to 15] would bring the following advantages: (1) Increased proficiency in general education and more intelligent absorption of it; (2) greater opportunity of giving an industrial or commercial bias to the training during the last two years of schooling; (3) increased physical ability to stand the strain of work in shop or factory."

Page 78.—J. M. Mactavish, secretary of the Workers' Educational Association: "Not only all children under the age of 14, but also all children under the age of 15 who are not employed, should be compelled to attend full time at an elementary or other school. * * * No child under the age of 16 ought to attend a school or course of instruction which concentrates solely on special training for employment without provision for the general training of the faculties." (Technical education versus technical instruction.)

[The new British Education Act was passed Aug. 8, 1918, and embodies some of these demands.—Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The cost in Great Britain of raising the admission age to 14 and of introducing continuation classes is estimated at from one to one and one-fourth million pounds sterling ($4,866,500 to $6,083,125) a year; besides six to eight million pounds ($29,199,000 to $38,932,000) for teachers, and one million ($4,866,500) for evening classes, and governmental aid to the local authorities is considered necessary. It is considered necessary, also, to transfer the authority to enforce the child-labor law of 1903 to the school authorities. A departmental committee proposed in May, 1910, to prohibit street vending for boys under 17 and girls under 18. For the children whom the war has taken from school at the age of 12 years preparatory classes in connection with continuation schools are to be formed.

The proposal to relieve the labor market after the war by raising the school age to 15 should be adopted only in the most extreme cases, as the schools are not equipped for it. On the other hand, employment exchanges for juvenile workers are enthusiastically recommended.

A demand for the restriction of the industrial employment of children and young people was repeatedly made even before the war in those circles in Germany that favor continuation classes. The Central National Welfare Bureau (*Zentralstelle für Volkswohlfahrt*) declared in 1909 that the general introduction of the continuation school for all young people up to the end of the seventeenth year at least, and with at least 6 hours' instruction a week, was exceedingly desirable. The task of the continuation school is to round out and to promote vocational training; it has, besides, important duties in connection with the general, historical, and civic training of youth. The well-known educator of Munich, Dr. Kerschensteiner, called attention to an English bill which provided for the compulsory continuation school system, and expressed the opinion that the moral basis of such a continuation school system had been recognized there better than in Germany.[1]

Since then the reasons for the international protection of children have been nowhere more clearly recognized than in the United States. For a decade the cotton goods manufacturers of the States of Virginia, the two Carolinas, and Alabama had energetically opposed the demand for child protection and had injured the Northern States by their competition. To break up this opposition on the part of these individual States without affecting the constitutional control of individual States in the domain of factory inspection, Senator Beveridge had already suggested in a bill in 1907 the ex-

[1] Fürsorge für die schulentlassene männliche Jugend, namentlich im Anschluss an die Fortbildungsschule. Vorbericht und Verhandlungen der dritten Konferenz der Zentralstelle für Volkswohlfahrt, Berlin, 1909, pp. 272, 284.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

clusion of all goods produced by the work of children from interstate commerce, the regulation of which comes within Federal jurisdiction. In the Sixty-fourth Congress a similar bill was introduced by Representative Keating, which was supported by the Farmers' Educational and Cooperative Union and the American Federation of Labor, and also by President Woodrow Wilson, and passed by both Houses. This Federal law concerning child labor of September 1, 1916, went into force on September 1, 1917.[1]

The law directs that there shall be excluded from interstate commerce: (1) Products of mines and stone quarries in which children under 16 have worked within 30 days before the shipping of the products; (2) products of factories in which within 30 days before shipment (a) children under 14 have worked or in which (b) children between the ages of 14 and 16 have worked longer than 8 hours a day or longer than 6 days in the week or between 7 o'clock in the evening and 6 o'clock in the morning.

The enforcement of the law devolves upon the Department of Labor, which cooperates with the officials of the individual States. The Attorney General, the Secretary of Commerce, and the Secretary of Labor form a committee of three to draw up the regulations for the practical application of the law. The agents of the Department of Labor are empowered to undertake the necessary inspection everywhere. The district attorneys are commissioned to bring suit immediately before the competent Federal court because of infringements which are reported to them, either by the Secretary of Labor, or by accredited inspectors, labor commissioners, medical inspectors, or school attendance inspectors. The enforcement of the law is made easier by a guaranty system, according to which dealers may not be convicted if they have protected themselves by obtaining a guaranty from the producer that the goods have not been made by illegal child labor.

It is this law which the resolutions of the convention of the American Federation of Labor of Buffalo (1917) would make internationally effective. In any case, the American Federal child-labor law facilitates the conclusion of international agreements with the United States; it increases also for political and commercial reasons the interest of all countries in the enforcement of their child-labor laws.[2]

---

[1] This law was declared unconstitutional by the United States Supreme Court on June 3, 1918. A taxing measure, likely to effect the same purpose, is embodied in the revenue act of Feb. 24, 1919. Administration devolves upon the Secretary of the Treasury, the Commissioner of Internal Revenue, and the Secretary of Labor.—[Ed.]

[2] Ueber das Bundesgesetz für Kinderarbeit: Bulletin des Internationalen Arbeitsamtes, vol. 15, 1916, pp. 48*–50*, 249; United States Department of Labor, Children's Bureau, Child Labor Division, Circular No. 1, Aug. 14, 1917; The Child Labor Bulletin, published by National Child Labor Committee, vol. 2, p. 71.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

2. PROTECTION OF YOUNG PERSONS.

If the protection of children has primarily the purpose of preventing injuries from a premature entry into industrial life, so also the physical development of young persons immediately after the school period should not be stunted and their education restricted by the excessive drudgery of the night and day work of the adult. The realization of this moved English doctors even in 1833 to demand the prohibition of night work and a maximum working day of 10 hours for young persons up to the eighteenth year. They argued that night work endangered the health through bad ventilation of the factory rooms, the increased danger of taking cold, and insufficient sleep on account of the noise during the day. The law of 1833 forbade the night work of young persons, but, from fear of foreign competition, it allowed them to work 12 hours. It was not till 1847 that a 10-hour day was obtained for them.

In the majority of countries the protection of male and of female young persons with regard to working hours and prohibition of night work has progressed along parallel lines. External circumstances, however, brought about an unequal regulation both of hours of labor and rest periods, and of the age limit for the protection of young persons. The inadequate enforcement of the English law of 1833, which at the same time introduced factory inspection, induced Prussia in its regulations of 1839 to decree a lower age limit than the 18 years prescribed by the British law, namely, 16 years. Austria followed this example in its Industrial Code of 1859, and in Belgium in 1889 this age limit was forced in parliament by the contention that a 16-year-old youth is a grown man. Before the World War, the regulation of the working day for young persons in factories in Europe was as follows:

AGE LIMIT FOR ADMISSION TO WORK, LEGAL PERIOD OF NIGHT REST, AND MAXIMUM HOURS OF LABOR, FOR YOUNG PERSONS IN SPECIFIED EUROPEAN COUNTRIES BEFORE THE OUTBREAK OF THE WAR.

Country.	Age limit (years).	Night rest (hours).	Maximum hours of labor.
Denmark	18	10	10
France	18	8	10
Great Britain	18	12	10
Finland	18	10	12
Greece	18	11	10
Norway	18	11	[1] 10
Serbia	18	[2] 9	10
Sweden	18	11	10
Switzerland	18	11	10
Netherlands	17	11	10
Germany	16	11	10
Austria	16	9	11
Bosnia	16	9	11
Belgium	16	8	12
Luxemburg	16	8	10
Portugal	16	8	10
Russia	15	8	8
Italy	15	8	11
Bulgaria	15	9	8
Roumania	15	8	8

[1] 54 hours per week. [2] In winter, 10 hours.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

This inequality could be justified neither by climatic nor by hygienic considerations. In the United States in 34 separate States night work was forbidden only up to the sixteenth year, in California up to the eighteenth year, and in Massachusetts up to the twenty-first year. The working day was regulated in 6 States up to the eighteenth year, in New Hampshire up to the twenty-first year, in 29 other States up to the sixteenth year. It amounted to 8 hours in 18 States, 9 hours in 7 States, and 10 hours in 13 States. The duration of the legal night rest was 12 to 15 hours in 14 States, 11 hours in 10 States, 10 hours in 3 States, 9 hours in 6 States, and 8 hours in 1 State.

Again, the prohibition of night work of young persons is subject to countless exceptions, especially in the dangerous and strenuous industries, such as iron and steel works and glass factories, and in some States, in order to reduce the cost of production, in paper, sugar, canning, and enamel-ware factories, but not in others. The reasons given for many of these exceptions are the necessity of team work (*Zusammenarbeiten*), and of the training of a skilled rising generation through apprenticeship. But persons over 16 years of age can be found for team work at night, and a trade can also be learned in the daytime. The real problem is, therefore, one of competition, costs, and wages. Should the 14 to 16 year old workers in blast furnaces in Austria be replaced by 16 to 18 year old workers, then, according to the calculations of Factory Inspector Hauck, the price of a metric centner of pig iron would be raised on account of the higher wages by approximately 0.13 to 0.27 of a heller [0.27 to 0.54 cent per long ton]. The same thing is true of steel works. These children, immediately after leaving school, are employed from 11 to 12 hours daily, and deprived of their night's sleep. They are exposed to serious risk of accident and used, as machine tenders and door pullers, for tasks that elsewhere are being performed more and more by automatic contrivances. For their vocational training this employment has not the slightest value.

The International Association for Labor Legislation has now proposed the raising of the protected age to 18, the prohibition of night work for a period of 11 hours, the abolition of unjustified exceptions, and the 10-hour day for young persons (with free Saturday afternoons) by means of international regulation. These proposals, as was mentioned in the introduction to the present volume, were considerably cut down by an official international conference of experts in 1913. The trade-union program of Leeds has again taken up the demands of the International Association. The International Federation of Labor demands the 8-hour day for young people up to the eighteenth year. The 8-hour day is at present in force in 15

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

separate States in the American Union (up to 16 years), in south Australia (up to 18 years), in Queensland, Tasmania, and most recently in the States having a general 8-hour day: Finland, Mexico, Ecuador, and Uruguay. Some States (Coahuila, Porto Rico) have even shortened the working day of young people to 6 and 7 hours, in order to provide the necessary time for continuation studies. It can not be denied that successful results from instruction after a 10-hour working day are not to be obtained, and that in view of the great shortage of skilled labor after the war for industries which employ expert workers, a maximum working day of 8 hours is to be recommended for juvenile workers. It is moreover clear that with the prospective general introduction of an 8-hour day for adult workers, the full efficiency of industry can only be maintained by thoroughly training the rising generation. Further development of the protection of young persons is therefore from now on one of the most pressing reform problems.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER V.

INTERNATIONAL REGULATION OF THE PROTECTION OF FEMALE LABOR.

Is the special protection of female labor of international interest? In order to answer this question a short survey of the history of the national protection of female industrial workers is necessary.

During the first 30 years of the nineteenth century an industrial revolution took place on the continent of Europe. In the weaving industry home work was ruined by the textile factory; children and women streamed into factories and mines; the wages of adults decreased under the influence of the first crises. The earnings of women became a necessary part of the family income.

The results of this first mobilization of female labor are well known. In 1840 the investigation of woman and child labor in mines initiated by Lord Shaftesbury revealed the fact that 3 to 5 year old children were working with their mothers underground. The brutal treatment of these women roused the horror of all other trade workers. On August 7, 1842, the work of women underground was forbidden by law. It was only after this prohibition that trade-unions could be formed among the miners who were able to obtain increased wages for adult male workers and thereby to make up for the decrease in the family income.

In the textile industry night work led to drunkenness on the part of women and to acts of violence in the textile centers. An investigation shows that in this trade the women workers must traverse 17 to 30 English miles in a working day or night of 12 hours. "How can such workers fulfill their duties as wives and mothers?" asks Lord Shaftesbury. The law of May 3, 1847, prohibited the night work of women in textile factories and limited their daily working hours after July, 1848, to 10 hours on the first 5 week days and to 8 hours on Saturdays. A compromise led after 1850 to a 10½-hour working day and a 5½-hour day on Saturdays. Since the number of women employed in the textile industry has nevertheless not decreased since that time, but remained the same till the World War, it is clear that protective labor laws have exercised no harmful influence on the employment of women.[1]

[1] G. Wood, quoted by Bauer in Die gewerbliche Nachtarbeit der Frauen, Jena, 1903. p. 246.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

A measure in favor of working mothers—the prohibition of factory work before and after confinement during a specified number of weeks—is due to the initiative of the Factory Workers' Union of Glarus, which with the help of the medical fraternity carried this demand at the meeting of the local assembly (*Landsgemeinde*) of 1864. The period of obligatory leave to be granted to mothers before and after confinement was increased by the Swiss Federal factory law of 1877 to 8 weeks in all.

The Portuguese law of 1891 supplemented a similar protective measure by the provision that factory nurseries should be established by factory owners who employ more than 50 women, and that the mothers should be allowed to go every day to the nursery during working hours to nurse their children.

Thus the object of the special protection of female labor is the rescue of the woman and the mother from the clutches of unscrupulous greed, and in consequence the protection of unborn generations. Since the largest number of female workers was concentrated in the original household industries—textile, clothing, and food industries—the reduction of their working hours reacted automatically upon the men who worked with them. With the increase of industrial processes injurious to health, a number of occupations have been harmful to the organism of woman, which is less capable of resistance than that of man. Where these limits have been overstepped, and the working woman excluded from work by trade-unions or by legislation, the women have successfully opposed such a monopolistic policy. The international protection of female labor consists at present in (1) The prohibition of work underground; (2) The prohibition of industrial night work; (3) The attempt to fix a 10-hour working day; (4) The prohibition of the employment of pregnant women, and compensation for their loss of wages during the lying-in period.

The first measure, the prohibition of work underground, has found its way from England into the codes of almost all the mining countries of the world without international arrangement. An international agreement would add a few backward mining countries, Hungary, Russia, Portugal (which makes such a prohibition effective only up to 21 years), eastern Asia, and Central and South America. In South and Central America, Venezuela and Nicaragua have led the way with the prohibition of all female labor in mines, even above ground. Such a comprehensive prohibition of employment is to be found in Europe only in Luxemburg and the Netherlands; in the German Empire certain tasks that are entirely too heavy for women workers (working up, separation, transportation, loading) are forbidden to them. Eleven American States (among them Illinois, Ohio, Colorado, Pennsylvania), as well as four Canadian Provinces, and

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

New South Wales, Victoria, Tasmania, and New Zealand, prohibit all mining work to women. A prohibition by international agreement would afford an opportunity of inducing individual States that have held aloof to adopt prohibition of mining work, and to forbid certain hygienically harmful occupations above ground.

A number of other prohibitions affecting the employment of women have for their aim the prevention of accidents, poisoning, premature and still births, and drunkenness. In connection with the issuing of such prohibitions[1] it will always be a question whether, on the basis of exhaustive inquiries, the employments described as harmful are to be reckoned as a greater menace to the female organism. When the proof of this could not be produced for certain printing processes in England and France, the International Association for Labor Legislation, for instance, refused to recommend such a measure for general acceptance.

The second and third groups of protective measures, the prohibition of night work and the determination of the length of the working day for women, have been made the subject of an international agreement, and of a draft of such an agreement.

By the Bern agreement of September 26, 1906, industrial night work in establishments in which more than 10 male and female workers are employed is prohibited for a continuous period of 11 hours (in seasonal industries, 10 hours for 60 days in the year). The effect of this agreement in Europe was as follows:

LEGAL NIGHT REST FOR WOMEN BEFORE AND AFTER THE ENFORCEMENT OF THE AGREEMENT.

	Legal night rest for women.	
	Before agreement.	After agreement.
German Empire	9 hours	11 hours.
Austria	9 hours	11 hours.
Hungary	No regulation	11 hours.
Bosnia	No regulation	9 hours.
Belgium	No regulation	11 hours.
Denmark	No regulation	No regulation.
Spain	No regulation	11 hours.
France	8 hours	11 hours.
Great Britain	12 hours	12 hours.
Italy	8 hours, summer; 10 hours, winter.	11 hours.
Luxemburg	No regulation	11 hours.
Portugal	No regulation	11 hours.
Netherlands	10 hours	11 hours.
Norway	No regulation	9 hours.
Russia	8 hours (in textile factories)	8 hours.
Finland	No regulation	No regulation (8-hour shift).
Sweden	No regulation	11 hours.
Switzerland	9 hours, summer; 10 hours, winter.	11 hours.
Greece	No regulation	11 hours.
Liechtenstein	No regulation	9 hours.
Bulgaria	No regulation	9 hours, summer; 12 hours, winter.
Serbia	No regulation	9 hours, summer; 10 hours, winter.
Roumania	No regulation	No regulation.

[1] An enumeration is given by W. Schiff in Die Beschränkung der Frauenarbeit, Annalen für Soziale Politik und Gesetzgebung, vol. 3, 1917, p. 345.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The immediate effect in Europe is, therefore, that 7 countries that had no legally prescribed night rest and 6 that had a night rest shorter than 11 hours adopted an 11-hour night rest. Besides Denmark, Norway, and Russia, only 6 industrially undeveloped countries do not comply with these demands. Great Britain exceeds them.

Of the colonies, Algiers, Tunis, Trinidad, Tobago, Ceylon, the Gold Coast, North Nigeria, and Uganda acceded to the Bern convention; in the 4 last-named colonies this is the only protective labor regulation. The 11-hour limit for the night rest is exceeded by Ontario (12½ hours), New South Wales (12 hours), Western Australia, and New Zealand (14 hours).

In the United States international agreements with regard to the protection of labor could not be concluded on account of the constitutional rights of the individual States, and the prohibition of night work for women has remained far behind the degree of progress attained in Europe. Up to 1908 attempts to prolong the rest period, which in 5 States, including New York and Pennsylvania, amounts to 8 hours, failed to overcome the objections of the courts. In this year the Supreme Court of the United States decided in favor of the prohibition of night work in the State of Oregon. The same thing happened in New York. In 1907 the Court of Appeals of New York declared the prohibition of night work to be unconstitutional, because the full freedom of contract between employer and employee is the right of both sexes. In a legal opinion which sustained the principles of the Bern agreement and pronounced night work for women to be unhygienic, the Court of Appeals of New York in 1915 reversed its former decision and declared the provisions of the law of 1913, which merely provides a night rest of 8 hours for women, to be constitutional.[1]

In addition, lengthening the night rest by international action has had two indirect results. In the first place, the working day in States which permit the employment of adult female labor without limitation of the hours of labor can actually be at most 12 hours (theoretically 13). This result has come about in Belgium, Hungary, Luxemburg, and Sweden. In the second place, working women in Germany, after the conclusion of the agreement of Bern, were granted a 10-hour working day in accordance with the declaration of State Secretary Count Posadowsky. The workers had tried in vain to gain these concessions by a nation-wide effort and by the strike of Crimitzschau in 1903. After the conclusion of the agreement of Bern the Netherlands, Norway, Switzerland, Greece, and Portugal adopted the 10-hour day for women. England, France, Bulgaria, and Serbia had adopted a 10-hour day before 1906. These results

[1] Commons and Andrews: Principles of Labor Legislation, 1917, p. 251; and New York State Labor Law and Industrial Code, p. 80.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

were decisive in bringing about the acceptance of a new proposal of the International Association for the determination of a 10-hour day for working women. The official conference of experts of 1913 found the following longer legal hours still in existence: 11 hours in Austria, Hungary, Bosnia, Liechtenstein, Spain (in the textile industry 60 hours a week), and Roumania; 11½ hours in Russia; 12 hours in Italy and Finland; 10 hours in Sweden and Denmark up to the eighteenth year, and in Luxemburg up to the sixteenth year; 12 hours in Belgium up to the sixteenth year. Of these countries, Austria, Hungary, Russia, Belgium, and Luxemburg signed the draft of a 10-hour agreement. In spite of the criticism expressed in the introduction to the provisions of the agreement, there is no doubt of the effectiveness of the agreement as a means of propaganda.

It was the intention of the International Association, in accordance with its resolutions of 1912 for supplementing this agreement, to follow it up with another agreement providing for the reduction of the hours of labor on Saturdays and holidays. For it is only the Saturday half holiday that makes it possible for the working woman to do her housekeeping and to rest on Sundays. In Europe, Saturday work is curtailed in Great Britain, Germany, the Netherlands, Switzerland, Norway, and Serbia. The weekly working hours of female workers in countries in Europe with and without the Saturday half holiday are as follows: Fifty-four hours in Norway; 52½ hours in British textile establishments; 58 hours in the German Empire, the Netherlands, and Serbia; 59 hours in Switzerland; 60 hours in British nontextile establishments, Spanish textile factories, France, Greece, Bulgaria, and Portugal; 66 hours in Austria, Hungary, Bosnia, Liechtenstein, in Spain (nontextile factories), and Roumania; 67½ hours in Russia; 72 hours in Finland and Italy, and in Belgium and Luxemburg, as a result of the prohibition of night work.

In the United States 38 States have regulated the hours of labor of women of every age and for the most part in such a way that, in addition to a maximum working day of 10 hours, a weekly working period of 54 to 48 hours has been fixed. The real daily average is as follows: In 6 States,[1] 8 hours; in 17 States, 9 hours; in 3 States, 9⅙ to 9⅓ hours; in 2 States, 9½ to 9⅔ hours, and in 12 States, 10 hours.

Only four States, among them no leading industrial State, protect women up to the sixteenth year and one State up to the eighteenth year. The census of 1909 proved that as a matter of fact in American industry, exclusive of mining, of 6,600,000 wage earners, 8 per cent worked more than 60 hours; 31 per cent worked fully 60

[1] California, Colorado, District of Columbia, Montana, Nevada, and Washington.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

hours—total, 39 per cent; 30 per cent worked over 54 to 59 hours; 23 per cent worked over 48 to 54 hours; 8 per cent worked 48 hours and less—total, 61 per cent.

In Canada the old colonies (Quebec, Ontario, and New Brunswick) have retained the 10-hour day for women. Manitoba and Nova Scotia have a 9-hour day, and British Columbia an 8-hour day. Saskatchewan has the shortest working week for women (45 hours).

Argentina has introduced the 10-hour working day for Buenos Aires (in winter 8 hours) and Uruguay the 8-hour day. The continent with the most uniform regulation of working hours is Australia; the 48-hour week prevails in the 7 colonies of the Federal union; the working day can be at most 10 hours, or in Western Australia 8¾ hours. The 45-hour week (at most 8¼ hours a day) prevails in New Zealand.

In Africa the same regulation of working hours applies to women as to men. The 12-hour day is in force in Japan, as well as in the textile factories of the East Indies (in the other factories 11 hours). A 9-hour day for women up to 18 years has been introduced on the tea plantations of Assam.

Therefore, it can almost be said that Asia and Africa are the home of the 11 and 12 hour day, Europe of the 9½ and 10 hour day, America of the 9-hour day, and Australia of the 8-hour day; and this shortening of the hours has been materially helped by the Saturday afternoon holiday.

In order that the existing diversity in the legally permissible working time of women be understood, the number of the legal rest days must be deducted from the number of days in the year, and to the remainder, which indicates the working hours, must be added the maximum of the hours of overtime. As a result, we find that the Italian female textile worker may work one-third more hours in the year than her British fellow worker.[1]

---

[1] The maximum legal total working period in the year amounts to 2,777 hours in Norway, up to 18 years; 2,840 hours in Great Britain (textile factories) for female workers, up to the sixteenth year for male workers; 2,948 hours in the German Empire (Prussia), female workers up to 16 years; 2,972 hours in Norway, above 18 years (male and female workers); 3,000 hours in Spain in textile factories; 3,028 hours in the German Empire, female workers over 16 years; 3,030 hours in Sweden up to 18 years; 3,035 hours in Denmark up to 18 years; 3,037 hours in Greece for female workers, for male workers up to 18 years; 3,050 hours in the German Empire, male workers up to 16 years; 3,070 hours in Great Britain (nontextile factories), male workers up to 16 years; 3,080 hours in Switzerland (also for male workers above 18 years); 3,090 hours in Hungary up to 16 years (male and female workers); 3,110 hours in Great Britain (nontextile factories), female workers; 3,130 hours in Portugal up to 16 years for males, up to 18 for females; 3,130 hours in Bulgaria for female workers over 15 years of age; 3,170 hours in France, male and female workers up to 18 years; 3,234 hours in Portugal for male workers over 16, for female workers over 18 years; 3,266 hours in the Netherlands, female workers, for

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Since the outbreak of the World War, the industrial work of women has undergone an unexpected revolution. In England between July, 1914, and April, 1916, the increase in number of women in industry was five times that of a corresponding peace period. The metal industry, the chemical industry, commerce, and transportation show the greatest increase. In all branches of industry, 933,000 women have replaced the former male working force, or have taken the place of young people who in turn have undertaken adult labor.[1] In general, it has been proved that women are not fitted for the burden of heavy work and of night work. Occupations that require a long apprenticeship set limits to their employment. For this reason, there has been a strong tendency to make work automatic, which demands from the women workers nothing but attention, patience, and regularity. Further, since after the war the female worker will in many cases take the place made vacant by the war cripple, a permanent increase in number of women in industry is to be counted upon, even after the special munition workers are all discharged, and they will be in better paid but more strenuous occupations than before the war. Hence, there will be a pressing necessity for more effective protection.

Should the resolutions of the International Association for Labor Legislation be put into effect, the 10-hour day and the Saturday afternoon holiday would shorten the working week of women to 54 hours. This is an approach to the working hours already fixed by law for the textile industry in Great Britain, and is equivalent to those legally in force in Norway in all industries. The resolutions of the trade-unions of the entente countries at Leeds in 1916 require for male as well as female labor a weekly maximum of 55 hours. On the other hand, the demands of the International Federation of Labor and the resolutions of Bern (1917) provide a 55-hour week for men only during a transition period to be fixed internationally, after the expiration of which a 48-hour week would come into force, and the introduction, on the other hand, of a 44-hour week for women. Thus at one stroke the same hours of labor per week would be introduced for women from Russia to Italy and Spain as had hitherto been in force only in Saskatchewan and New Zealand (45 hours). Since the socialist women of Scandinavia had already in 1913 raised objections to the 10-hour day, and in general to any

male workers up to 17; 3,382 hours in Liechtenstein (also over 16-year-old male workers); 3,443 hours in Spain, female workers, juveniles up to 16 years, males; 3,443 hours in Italy, juveniles up to 15 years; 3,530 hours in Austria (also over 16 years, male workers); 3,708 hours in Hungary, female workers over 16 years; 3,756 hours in Belgium, male juveniles up to 16, female juveniles to 21; 3,756 hours in Italy, female workers over 15 years. (Luxemburg and Russia have no legal restriction of overtime work.)

[1] A. W. Kirkaldy: Labour, Finance and the War, 1916, p. 65.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

difference being made in hours of labor as between men and women, a much stronger protest may be expected in this direction after the war.

The experiments made in the British munitions industry have established the fact that "not only are women unsuited to the heavier types of work, but that even when engaged on the moderate and light types, they are unable to stand such long hours as the men."[1] Further, the welfare inspector of the munitions industry, B. Seebohm Rowntree, says: "Broadly speaking, I think that the demand of the workers for a 48-hour week is based upon reason. The advantage of going below it is doubtful, and I am pretty sure that, as a rule, there is little, if any, use in going much above it, except for short periods. Generally speaking, then, I should say the employer is wise who works his women and girls for 8½ hours per day from Monday to Friday, and for 5 hours on Saturday. I question whether it ever pays to keep on working girls for more than 54 hours a week. As for the 60-hour week, it is most unsatisfactory."[2] These facts could be taken into account internationally by differentiating between strenuous and dangerous and easy occupations. In the same way, certain transition periods could be agreed upon along the lines of the agreement of 1906 for countries which, like Austria and Italy, have a working day of more than 10 hours or those which, like Belgium and northern France, have suffered industrial loss from the war.

The reasons for the specific protection of mothers are to be found particularly in anxiety for the new generation. "Only a worker," says Dr. Pinard, "who has not worked in the factory for 3 months before her confinement will bring into the world a child of more than 3,000 grams (6.6 pounds) in weight. Forty per cent of the newly-born infants of working mothers in the Baudeloque Hospital in Paris are below the normal weight." Dr. Reid finds that in the towns of Staffordshire, in which more than 12 per cent of the population consists of workers, 15 in every 1,000 births are abnormal or still births, while that is true of only 6 in every 1,000 births in places where less than 6 per cent of the workers are industrially employed before confinement. According to the statistics of the Leipzig Local Sick Fund, those women are six or seven times better off who have left their work before confinement. No less harmful is an early return to work after confinement. It necessitates the artificial feeding of the infants,

---

[1] Ministry of Munitions, Health of Munition Workers Committee, Interim Report, Industrial Efficiency and Fatigue, 1917, Cd. 811, p. 23.

[2] Monthly Review of the United States Bureau of Labor Statistics, December, 1916, p. 76.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

and that leads to an increase in infant mortality.[1] The sick relief, the maternity benefit, amounts in most towns only to half of the average earnings, and this at a time when mother and child are the cause of increased expense to the family. Attention has been rightly called to the fact that the payment of the full earnings as weekly benefits, as is at present the rule in the Netherlands, is justified, because the danger of simulation which in other cases has led to the sick benefits being made less than the wage earned, does not exist in this case.[2]

Hitherto the employment of women about to be confined has been prohibited in all the European countries, with the exception of Hungary and Finland. The period of protection of pregnant women varies between 12 weeks in Serbia, 10 weeks in the German Empire, 8 weeks in Greece, 6 weeks in Switzerland or 8 weeks on the request of the mother, 6 weeks in Austria, Sweden, Norway, Spain, Roumania, and one month or 4 weeks in the other European countries.

In four countries the number of weeks of obligatory rest after confinement may be reduced to three by presenting a doctor's certificate. Five countries have likewise placed the period before confinement under legal protection in spite of the difficulty of determining the time of the confinement. In these cases the total number of weeks of obligatory rest before and after the birth, known as the lying-in period, is 8 weeks. Only in one country (France) is the leaving of a position on account of pregnancy considered equivalent to giving notice. In 6 countries it is expressly forbidden to give notice when absence is on account of pregnancy or confinement.

In the United States only four States, led by Massachusetts in 1911, have introduced the protection of motherhood—Massachusetts, Vermont, Connecticut, New York. Connecticut allows a lying-in period of 4 weeks before and 4 weeks after confinement, Massachusetts and Vermont 2 weeks before and 4 weeks after confinement, and New

[1] The infant mortality in Bavaria during a specified average nursing period is shown by the following table:

	Under 2 months.	2 to 4 months.	4 to 6 months.	6 months and over.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
In the immediate towns	27.1	26.2	16.1	15.3
In the country	28.9	26.6	21.3	15.9

A. Groth and M. Hahn: Die Säuglingsverhältnisse in Bayern. Zeitschrift des K. bayrischen statistische Landesamtes, 1910, p. 144.

In Chemnitz the percentage of infant mortality to the total number of deaths in 1904–5 in all occupations was 45.4 per cent; in case of female workers in factories, 71 per cent: in 1906–7, in all occupations, 44.3 per cent; in case of female workers in factories, 70.1 per cent: Zeitschrift des K. sächsischen Landesamtes, 1915, p. 78.

[2] Walter Schiff: Die Beschränkung der Frauenarbeit. Annalen für Sozialpolitik und Gesetzgebung 5, 1917, p. 354.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

York only 4 weeks after confinement. No such lying-in period is to be found in the Canadian legislation. On the rest of the American continent, only Buenos Aires in Argentina has introduced a lying-in period of 30 days. In Australasia, only New South Wales, New Zealand, and Western Australia allow a lying-in period of 4 weeks after confinement.

In Africa, the legislature of Tunis has been anxious to introduce the protection of motherhood for 4 weeks before and 4 weeks after confinement. In Natal employers are not entitled to demand work from a pregnant woman after the seventh month of pregnancy, and so long as she is the mother of a child of less than 3 months. During the time when no work may be required of such a woman, the employer is required to provide her with food and daily rations equal to the minimum rate of the labor contract. No prohibitions of employment of women about to be confined are to be found in the legislation of India.

The obligation of employers to grant rest periods to women with newly born children and to provide nursing rooms for them, as provided in Portugal, has been adopted in the legislation of Denmark, Spain, Roumania, Argentina, and Tunis, and in part also in Sweden,

Nothing justifies the international extension of these measures more than the demands formulated by the Committee on Woman's Labor in France on December, 19, 1916, and recommended to the French manufacturers by the minister of munitions in a circular letter of January 4, 1917.[1] These demands are formulated as follows:

1. Pregnancy shall justify a change of occupation in case the former kind of work does not satisfy the above-mentioned hygienic requirements.

2. Overtime work and night work shall be prohibited.

3. Of the regulations of the hours of labor hitherto in force the 8-hour day is the most favorable. Half-time work during the daytime would be most suitable.

4. Work that requires a standing position and a motionless posture shall be prohibited. Pregnant women shall be employed at work that requires a sitting position or that requires a sitting position most of the time.

5. Occupations that require the following shall be prohibited. (a) Heavy work that demands strenuous physical exertion; (b) positions of the limbs or of the body which are injurious to pregnancy; (c) the jarring of the whole body and especially of the lower part of the body through pushing, jerking, or by vibration.

6. The legal lying-in period of 4 weeks before confinement shall be compulsory for female workers in munition works. It may be granted to them on a medical certificate before the ninth month of pregnancy. In the same way, the lying-in rest may be prolonged beyond the 4 weeks after confinement.

7. All measures for the improvement of working conditions of women in a condition of pregnancy shall not entail any reduction or withholding of wages.

[1] Bulletin du Ministere du Travail, Jan., Feb., Mar., 1917, pp. 71 and 16*.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

8. From time to time investigations touching female hygiene shall be undertaken by a doctor or by a midwife under medical control in all establishments devoted to the making of munitions.

In factories working for the national defense which employ women the installation of a nursing room with cradles shall be made compulsory, and it shall be reserved exclusively for infants. These shall be allowed to remain there during the rest periods assigned for nursing, and the mother shall have the right to leave her work for half an hour in the morning and in the afternoon to nurse her child. No reduction of wages shall be entailed thereby. In case the worker has her wage lowered on that account, she is to be recompensed by means of a nursing premium. During the period of wet nursing, the mother shall do only day work, and shall be employed only at sedentary occupations. Besides the nursing room, which shall be separated from the other rooms, a crèche for bottle babies and a day nursery for children in their second, third, and fourth years shall be established in State industrial establishments and in other large establishments.

A thorough inspection is to be made every day on the arrival of the children, to prevent the spreading of infectious diseases; in suspicious cases, precautionary measures shall be taken and the children in question isolated.

A nursing room in a bomb factory! Do not the interests of international defense require an equally strong protection for motherhood after the war? Shall the protection of mothers give way to mere business interests?

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER VI.

INTERNATIONAL REGULATION OF THE WORKING HOURS OF ADULT MALES IN MINES, IN ESTABLISHMENTS WITH CONTINUOUS OPERATION, AND IN OTHER INDUSTRIES.

The earliest regulation of the working hours of adult males was made in connection with mining. In nearly all mining countries, the 8-hour working shift, including the time of descent and exit,[1] was in force in the sixteenth century. At the beginning of the nineteenth century, this working period was prolonged to 12 hours by means of extra shifts. During the era of industrial freedom, legislation left the regulation of the hours of labor to the discretion of the mine owners. The demand for a return to the 8-hour shift was made by the British Miners' Federation in 1887. Since then, mostly under the pressure of strikes, partly on hygienic grounds, the 8, 9, and 10 hour shifts have been established by law. The regulation at present is as follows: In Europe the maximum working day underground is 12 hours in Bosnia, 11½ hours in Russia, 10 hours in Roumania and Sweden, 9 hours in Austria (1901),[2] Belgium in coal mines, and Spain,[3] 8½ hours in the Netherlands (1908), and 8 hours in France in coal mines (1905),[4] Great Britain in coal mines,[5] Greece, Norway (48 hours per week), Finland (1917), and Portugal.

The Federal States of the German Empire possess no legal regulation of the length of the shift. Their mining laws and codes merely require a maximum working period of 6 hours in high temperatures. Hungary, Bulgaria, Italy, Luxemburg, and Serbia still maintain the system of freedom of regulation by the mine owner. Were the legal provisions alone authoritative, of the 550,000,000 metric tons (541,-315,500 long tons) of mineral coal which was the output of Europe in 1911, 58 per cent would have been mined in 8 and 8½ hour shifts, 8 per cent in 9-hour shifts, and a full third in longer shifts. But since as a matter of fact the 8-hour shift prevails in western Germany,

[1] Otto Hue: Die Bergarbeiter, 1910, vol. 1, pp. 266, 395, 402, 410.
[2] Only coal mines.
[3] Six hours in quicksilver mines.
[4] In other mines, 10 hours.
[5] In other mines, 54 hours per week up to the sixteenth year.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

it would not be difficult to restore the 8-hour shift by international action.

In the United States 14 States (Alaska, Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming) have legally introduced the 8-hour shift in the mining industry; Pennsylvania grants it only to hoisting engineers; Maryland allows the reckoning of overtime to begin only after 10 hours. The legal 8-hour shift prevails, further, on the American continent in Alberta, Saskatchewan, British Columbia, Mexico, Uruguay, and Venezuela. An investigation into the actual[1] hours of labor in the United States was made by the Census Office in 1909 (Mines and Quarries, Washington, 1913, Vol. XI, p. 31). The percentage distribution of establishments weighted according to the number of wage earners shows that in 44.5 per cent of all the mines 8-hour and shorter shifts are the rule, while in about 27 per cent the 9-hour shift prevails and in a like percentage the 10-hour shift. The relative figures for the 8-hour shift are 95.4 per cent in deep mines of precious metal production and 69.5 per cent in bituminous coal mines. In anthracite coal mines, on the other hand, only 1.7 per cent of the miners work in 8-hour shifts and 97.9 per cent in 9-hour shifts.

By a collective agreement of May 5, 1916, the 8-hour shift was introduced in all American anthracite coal mines. With a working force reduced about 10.3 per cent, the number of working days increased from 230 to 253, and the daily output per miner from 4.08 to 4.20 tons. The complete output rose from 27,800,000 tons in 1916 to 30,600,000 tons in 1917.[2]

There is no more effective means of checking the exodus from the mines in Europe and preventing the flooding of the coal mines of Pennsylvania and Illinois with alien miners, who easily adjust themselves to longer working hours, than the conclusion of an international 8-hour-shift agreement in Europe, in which the South African Union and Australia could immediately take part, since they already have an 8-hour-shift law (Australia—in Victoria, New South Wales, Queensland, and Western Australia). A decline in the coal production of the world is not to be feared from such a step. During the period of introduction of the 8-hour shift, extending from 1908 to 1913, the coal production increased in Great Britain from 261,529,000 long tons to 287,430,000; in France from 31,126,000 to 39,410,000 long tons; in Australia from 6,881,000 to 12,445,000 long tons.

[1] Not an investigation of actual hours of labor but a statement of prevailing hours.—[Ed.]

[2] Paul F. Brissenden: Productivity of labor in the anthracite mines; in U. S. Bureau of Labor Statistics' Monthly Review, August, 1917, p. 37.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

A special point in the regulation of the hours of labor in mines is raised by the length of the time spent in entering and leaving the mine. On that depends the calculation of the beginning and the end of the shift. The International Association for Labor Legislation in 1908 expressed itself as in favor of an 8-hour maximum working day for the workers in coal mines employed underground, and set up a commission to define the term "8-hour shift." Its proposals were accepted in 1910. The time of the shift is counted from the beginning of the descent of the first man until the exit of the last man of a crew.

Apart from the dangers which hourly threaten the life of the miner in the coal mine, it is the exertion, which quickly affects his health, and the heat in the increasing depth which call for an 8-hour shift. The same arguments—danger of accident, intense heat, and exertion—make the same limitation necessary in the iron and steel and glass industries. The interference of national legislation in the iron and steel industry has hitherto been extremely slight. These industries exercise the strongest economic and political power and employ in a large measure masses of unorganized alien workers. Hence the impotence of individual State legislation is nowhere so evident as in the iron and steel industry. The working hours in this industry are regulated as follows:

German Empire: At the shift change, by which the transition is made from the day to the night shift, the shift may be 24 hours. The regular shift inclusive of rests and overtime may have a duration of 16 hours. A continuous rest period of 12 hours is prescribed before and after shift change, and one of 10 hours after each regular shift in excess of 8 hours. The total duration of the rest periods during shifts is 2 hours.

Austria: At the shift change, the shift may last 18 hours. The duration of the regular shift, inclusive of rest periods, may be 12 hours. The total duration of the rest periods is 1½ hours, or in case of an 8-hour shift, ½ hour.

France: No limitation is set for the duration of the shift at the shift change. The regular shift, inclusive of overtime, may have a duration of 14 hours.

Norway: In smelting works the hours of labor are 48 hours per week, in other establishments 54 hours, and in addition 10 hours overtime are permissible.

Portugal: Maximum duration of day shifts 10 hours, of night shifts 8 hours.

Switzerland: The daily hours of labor are 8 hours; with permission of the Federal Council, the maximum duration of the shift may be 12 hours. Rest periods: One-half hour during the 8-hour shift;

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

1 hour during 8 to 10 hour shifts; 2 hours during 10 to 12 hour shifts.

Finland: Working period 8 hours per day—96 hours in 2 weeks; further, overtime work, with 50 to 100 per cent extra pay, at most 250 hours in the year with permission of the factory inspectors.

In the United States there is a legal 8-hour shift for blast furnaces and reduction works in 8 States (Alaska, Arizona, California, Colorado, Idaho, Nevada, Utah, and Wyoming). The same is true of Mexico, Uruguay, and New Zealand.

In the largest European countries the double 12-hour shift is therefore usual. In Austria it exists in iron and steel works, brick kilns, paper factories, flour mills, sugar factories, and chemical factories. For smelters, glass blowers, and their helpers in glass factories a maximum working period of 84 hours in 7 days has been fixed in Austria. Therefore, it may exceed 12 hours on individual days. Finally, it is permitted that each shift may work 18 hours once a week, in order to provide the weekly relief of the day and night shift. Thereby, the 24-hour shift at shift change, formerly in general use and now in contravention of the law still employed in flour mills, is prohibited. In the enforcement of these provisions considerable difficulty is encountered in connection with the Sunday rest, a difficulty which is increased in Galicia and Bukowina by the fact that there, especially in sawmills, Jews and Christians work together; the former are only allowed to work on Sundays when they work alone. Efforts are being made everywhere to put an end to this irrational overfatigue by the introduction of three 8-hour shifts. Experiments of this kind have been made with partial success in England and Belgium. In the zinc smelters of the Nouvelle Montagne a number of experiments of this kind have been initiated. Until 1888 the 24-hour shift prevailed, followed by a 24-hour rest. Carelessness in work and alcoholism were the result. In 1888 the 12-hour shift with one rest period of one hour and two of half an hour was introduced. A new and more complicated blast furnace system demanded the whole attention of the workers. The roasting of 1,000 kilograms (2,204.6 pounds) in place of 583 kilograms (1,285.3 pounds) of sulphide of zinc had now to be done in 12 hours, but in the new shift of 24 hours at shift changes only 1,000 kilograms (2,204.6 pounds) instead of 2,000 kilograms (4,409.2 pounds) were roasted. Notwithstanding the changes the establishment sick fund had a deficit. The exhaustion during the heat of summer caused the applications for relief to increase. In 1893 the system of three 8-hour shifts was adopted, in all of which combined a rest period of only 1½ hours was allowed, making a gain in time of 10 per cent. One hundred and ten kilograms (242.5 pounds) were produced per hour instead of 100 kilograms (220.5 pounds). Six months after the

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

beginning of this experiment the worker produced in 7½ hours of actual working time as much as he formerly produced in 10 hours; his earnings for 8 hours were the same as for 12 hours under the old conditions. The establishment sick fund, which showed a deficit in 1892, had assets. Alcoholism disappeared, while self-respect and discipline increased.[1]

In the ranks of the iron and steel industry, too, it gradually became evident that the prevailing regulations could not be maintained. Thus, in the United States, the finance committee of the United States Steel Corporation decided in 1907 to replace the seven working days per week, the long shifts at shift change, and the usual 12-hour shift by a better arrangement. This decision was put partly into force after the big strike in the Bethlehem Steel Works in the middle of 1910. Out of 33,000 blast-furnace workers, 42.5 per cent were granted a 24-hour weekly rest. The Cambria Steel Works successfully introduced the 8-hour shift. The model copied was the shift division in England, where in 1906 about one-fifth of the workers in blast furnaces, one-tenth of those in the iron and steel works, and more than half of the rolling-mill workers had 8-hour shifts. This arrangement of the shifts has made such progress in recent years that in ten years without international action, and much quicker with it, a universal transition to the 8-hour shift is possible.

These facts explain the resolutions of the International Association for Labor Legislation to make provision at the proper time for the internationalization of the 8-hour shift in establishments with continuous operation in the iron and steel industries. The reform would affect about 79,000 workers in England and 280,000 in the United States, as against 240,000 in Germany.[2]

This regulation seemed to the International Association to be most pressingly needed in blast furnaces, iron and steel works, and rolling mills. For the glass industry an international agreement on the basis at least of an average of 56 hours a week, with a continuous 24-hour rest period, was to be concluded.

As far as the other industries are concerned, the sections representing the different countries were to prepare reports on the application of an 8-hour day or of a corresponding week (*a*) in establishments with continuous operation where the daily hours of labor necessitate the presence of the worker in the establishment

---

[1] Fromont, L. G. Une experiénce industrielle de réduction de la journée de travail. (Institut Solvay.) Brussels, Leipzig, etc. 1906.—[Ed.]

[2] See also Stephan Bauer: Fortgang and Tragweite der internationalen Arbeiterschutzverträge, in Annalen für soziale Politik and Gesetzgebung, vol. 3, pp. 1 and 2, Berlin, Springer, 1913, and Spezialbericht über die Arbeit in ununterbrochenen Betrieben, Schriften der Internationalen Vereinigung für gesetzlichen Arbeiterschutz, No. 8.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

during more than 10 hours within a period of 24 hours, as well as where the shifts work for more than 6 days in the week; (*b*) and also in those industries (for example paper, wood pulp, and chemical industries) in which conditions seem ripe in many countries for the introduction of the three-shift system.

As far as the "other establishments dangerous to health" are concerned—we refer especially to chemical and rubber factories, stone quarries, potteries, brick works, gas works, sugar mills, laundries, rabbit-hair cutting establishments, to firemen and engineers on land and sea—after an investigation made by the International Labor Office, a special committee of the International Association was appointed in 1912 to make, in conjunction with the national sections and the permanent advisory council on hygiene, a survey of the "present state of legislation, of the hours of labor actually prevailing, of the accident frequency, morbidity, and mortality in the occupations known as dangerous and detrimental to health, and to submit proposals for the prohibition of the employment of children, young persons, and women, and limitation of their working hours as well as of those of adult males." This work was interrupted by the war.

If, therefore, in all dangerous establishments which are detrimental to health, the 8-hour shift is also the most advantageous economic arrangement, the question arises, What working period is to be recommended in the other industries for adult males?

In the building trades and in machine factories in England the workers succeeded in 1834 and 1836 by means of strikes in having a 10-hour day established through collective agreement. The building trades in 1847 gained an early closing on Saturdays at 4 o'clock, and in 1861 at 2 o'clock. In Australia the 8-hour day was gained in the same way in the building trades on April 21, 1856. In the United States the first legal limitation of the hours of labor of male workers took place in 1840, when President Van Buren prohibited a working day longer than 10 hours in the Government shipbuilding yards. It is thus the skilled iron and steel workers who by the power of their organizations in the Anglo-Saxon and later in the Scandinavian countries have succeeded in obtaining an effective maximum working day.

But if in these countries the legal protection of the labor of children and women in the textile industry was sufficient to compel the men working with them to the observance of the same working hours and to facilitate their organization, yet on the rest of the Continent the preliminary conditions for an equally strong trade-union formation were lacking. Legislation stepped into the breach, and in France in 1848 introduced the 12-hour day in large estab-

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

lishments, and after 1904 the 10-hour day in all establishments in which workers of both sexes were employed in the same room. In Switzerland, likewise, the Canton of Glarus introduced through the cantonal assembly a maximum working day for men of 12 hours in 1864 and of 11 hours in 1872. This regulation was incorporated later in the factory law of Switzerland of 1877. How readily production has adapted itself to the new regulations is proved by the 43 years' experience of a Glarus spinning mill. During this period the working hours were curtailed 12 per cent; the production increased 23.4 per cent; the costs of labor decreased about 100 per cent; the motive power, because of its substitution for labor, had been increased by 138 per cent.[1] The 11-hour day was introduced in Austria in 1885; an 11½-hour day (10 hours on Saturdays) was introduced in Russia in 1897.

The legal reduction of the hours of labor has led in all these countries to still shorter actual working hours. Thus Switzerland in 1914, also by the way of factory legislation, passed to a week of 59 hours. The 10-hour day was introduced in Portugal in 1915 for all industrial workers. In the silk industry of Italy an actual working day of 10 to 11 hours prevailed. In Russia the revolution of 1905 attempted to introduce the 8-hour day into the factories of Petrograd, an attempt which ended in failure.[2] In New Zealand, according to law, adults of both sexes may not be employed longer than 8¾ hours per day and 48 hours per week. In the Americas, Mississippi (1912) and Oregon (1913) introduced the 10-hour day with certain overtime limits; Uruguay and Mexico introduced the 8-hour day.

In the belligerent countries the munitions industry has far overstepped these limits. But all official investigations have proved that the point of exhaustion and efficiency limits have also been exceeded. In Switzerland even in war time the actual working day in the building trades was nine hours; in the machinery industry 55 hours per

---

[1] A. Jenni-Trümpy: Handel und Industrie des Kantons Glarus, Historisches Jahrbuch des Kantons Glarus, vol. 34, 1900.

[2] In Russia, after the October strike of 1905, the 8-hour working day became the "program of programs." It was first enforced by revolutionary methods in the metal factories of Petrograd on Nov. 10. The workers stopped for only one-half hour at midday in the factory, which they entered as usual at 6.45 and left at 3.30 in the afternoon. The Government retaliated by a lockout in the imperial factories; 13 private factories followed suit. On Nov. 15 the workmen's council found itself obliged to capitulate. In 1909 one of the leaders of the movement confessed to this self-deception: "The normal working day in Petrograd alone is certainly something unthinkable. But the Petrograd experiment, according to the plans of the workmen's council, was meant to stir up the whole proletariat. The 8-hour day can certainly only be established with the help of the Government. But the proletariat was in the midst of a struggle for the governmental power. Had it conquered politically at that time, the introduction of the 8-hour day would only have been the natural development of the 'fantastic experiment.' But it was not victorious—and that is in truth its worst fault."—N. Trotzki: Russia in the Revolution, 1910, Dresden, Kaden, pp. 159–163.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

week (nine and one-half hours on five days); in the chemical industry 52 hours (on five days, nine hours). The conclusion may be drawn that internationally a uniform fixing of the normal maximum working hours at 54 hours per week for both sexes, for adult males with limited overtime, and for women, as in England, without overtime, might be aimed at as an important international measure. It will be the task of national legislation and of the trade-unions in socially progressive States to prepare effectively the way for later revisions of the international working day.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER VII.

INTERNATIONAL PROTECTION OF HOME WORKERS AND REGULATION OF THEIR WAGES.

In modern life home industry has, to a large extent, ceased to supplement the inadequate family income realized from farm work. In the manufacture of ready-made clothing in the cities or as a principal occupation in the country, which is only occasionally interrupted by agricultural pursuits, home work is employed in production for large industrial establishments or for the export trade. If home work turns the dwelling into a workshop, by its declining technical productiveness, its remuneration takes a downward trend. Thus it loses on the one hand the advantage which the maintenance of family life brings, and on the other it swells the ranks of underpaid labor.

Only a few specialized home industries, particularly those manufacturing articles of luxury, have escaped this fate. The decadence of family life under the influence of the downward trend of wages is most noticeable in the home industry of hand weaving. The inspector of the Department du Nord, M. Boulin, made the following statement on this subject:

The family workshops of Flanders, even when they employ motive power, are under ordinary circumstances seldom visited by the inspectors, as the latter in the performance of their official duties are specially urged to inspect such workshops and factories as employ workers not members of the employer's family. Nevertheless, certain investigations which were called forth by complaints revealed a number of abuses which are the indirect result of home work and which have not yet been quoted in any report on home workers. Thus there exists in Bailleul among almost all the hand weavers, most of whom with their large families struggle to compete with the mechanical loom, a deplorable custom of giving the children poppy extract to make them sleep in spite of the noise of the loom which rattles from early morning till late in the evening. An investigation made by Nathalis Dumez reveals the fact that in Bailleul every year 12,000 poppies are sold for this purpose. In the households of the workers this concoction is always on the stove in order that it may become thicker toward evening. Many children to whom this poison is administered sleep from two to three days. It is reported of one child of two months that it slept four days without waking up. What are the earnings of the handworker of Bailleul? Out of a population of 7,128 inhabitants, there are 900 families, comprising about 5,000 persons, i. e., 70 per cent of the population—who are registered at the poor relief bureau. This does not prevent there being in this town one tavern for every 42 persons. Hence, Raoul Blanchard, who has made the best

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

study of the population of Flanders, is right when he says that the Flemings' love of drink is probably to be assigned to misery.[1]

Besides the struggle to compete with factory work, lack of organization, as well as incapacity for organization, prevents any increase in the wages of home workers. The large supply of unskilled labor also has this effect, that quantity production of poorly paid articles and the employment of these workers may be completely discontinued when times are bad. Home work in tailoring in large cities forms the focal point of this underpayment. Tailoring, which up to the middle of the seventeenth century had been done at home in a manner similar to the work of the modern seamstress, owing to the appearance of the merchant tailor was transformed into shopwork in London and later on, through the influence of the wage cartels of the masters and the piecework system, it became a home industry. In 1844 the trade-union of tailors set on foot an investigation which revealed the fact that in the west end of London 676 men, women, and children worked in 92 small rooms under "sweaters," or, as the new expression has it, in the domestic system. By the influx of political refugees (especially from Poland) in 1848[2] the number of these workers increased.

Nevertheless, even English legislation has hesitated to touch home industry. Revelations with regard to the indigence of weavers in the Erzgebirge and of tailors in London called forth for the first time after the regulation of factory labor the demand that home work be also made subject to factory legislation. The report to the House of Lords of 1888 on the sweating system led to the provision in the factory law of 1891 requiring the reporting of addresses of home workers, and their inspection by factory inspectors and health officers. The factory law of 1895 in addition prohibited the taking home of work by factory workers, and the giving out of home work into insanitary dwellings. The child labor law of 1903 also prohibited the night work of children in home work. These measures were chiefly copied in the United States in Massachusetts in 1891, New York in 1892, New Jersey and Illinois in 1893, Pennsylvania in 1895, Ohio and Maryland in 1896, Indiana in 1897, Missouri and Connecticut in 1899, and Michigan and Wisconsin in 1901. An attempt was made, especially through the provision that all products of home industry must bear a mark designating them as such, to undermine home industry and to turn it into a licensed industry. But following the example first set by Australia a decided tendency was evident after 1896 to combat the sweating system by no longer leaving the determination of the minimum wage for home work to free

[1] Ministère du Travail, Rapports sur l'application des lois réglementant le travail en 1910, Paris, 1911, pp. 133, 134.

[2] F. W. Galton: Select Documents Illustrating the History of Trade-unionism, vol. 1, The Tailoring Trade, 1896. "Labour and the poor," report of the speech of Henry Mayhew * * * on the sweating or domestic system. London, 1850.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

agreement but by transferring it to special equipartisan boards. An anti-sweating league after the Australian model was founded in 1906 on the occasion of the London Home Work Exhibition. The Trade Boards Act of 1909 was the result of this movement, which was supported by organizers and statesmen of all parties on the initiative of Sir Charles W. Dilke. Under this law, minimum wage boards have been established for chain making, the lace industry, paper-box making, tailoring, linen and cotton embroidery in Ireland, the making of metal hollow ware, shirt making, the making of confectionery and preserves, and of tin cans—that is to say, in the most important branches of underpaid home, shop, and factory work. Minimum wage boards for agricultural workers have also been established as a war measure by the Corn Production Act of 1917 in all agricultural districts, a measure which had already been proposed in the spring of 1914, and which is the first step in protective labor legislation for that class of workers and in combating the labor shortage in agriculture.

The example of England was followed in France, Norway, and Belgium. By the wage-board law of 1915, France was the first country on the Continent to recognize as actionable a claim to minimum wages on the part of home workers in the clothing industry. In Belgium, on account of the outbreak of the war, the bills of Huysman and Verhaegen failed of enactment; the same thing is true of the bill of the Home Work Committee in Austria. In Norway, by the law of February 18, 1918, minimum-wage boards were established in the clothing industry. In the German Empire the trade boards provided by the home-work law of 1911, article 18, for the regulation of wage problems are yet to be appointed. We read in the "Social political labor demands of the German trade-unions" of 1918, pages 23, 24: "In wartime home industry, on account of confusion in the placing of army orders through lack of regulation, as well as on account of the distress of many soldiers' families, has experienced an enormous expansion, and again the home workers have been exposed to unrestricted cutting down of wages in so far as they did not succeed with the help of the trade-unions and discerning military officials in protecting their wages by means of binding wage schedules and decisions of arbitration courts. Even after the war the tendency toward home work will persist, for the war pensions are as a rule insufficient for subsistence. Thus, all its dangers appear in an increased measure. An energetic protection of home industry is, therefore, a necessity and can not be postponed. The law of 1912, however, is not sufficient for that; it needs to be supplemented by the creation of wage boards after the English model, which have been thoroughly tested."[1]

[1] See further Käthe Gaebel, Die Heimarbeit, 1913.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Switzerland, on the other hand, has introduced in the embroidery industry minimum stitch rates and minimum hourly wages by a decree of the Federal Council of March 2, 1917. In the United States 11 States have recognized the principle of the minimum wage, though only for women and children.[1] The fact that about 400,000 workers are subject to the British minimum wage boards (not to mention the coal miners and the farm laborers), that in the tailoring trade the wages of female workers have been raised, and that during the war the boards have proved to be thoroughly efficient, is the clearest proof of the success of the minimum wage boards.

The preparatory work done by the International Association for Labor Legislation with respect to home work goes back to the resolutions of Geneva of 1906, which dealt primarily with the matter of the employment of home workers, the keeping of wage books, and the extension of industrial and factory inspection as well as of social insurance and of the inspection of dwellings. In 1908 at its meeting at Lucerne the national sections were called upon to request their Governments, by a possible adaptation of the British bills, to attempt the enforcement of minimum wages in such a way that equipartisan wage boards should determine wage schedules.

These resolutions were made more definite by the meeting at Lugano in 1910 after the enactment of the British minimum wage law of 1909. As far as direct prohibitions of home work are concerned, further investigations have demonstrated the dangers which threaten, for example, the children of home workers, in the making of thermometers and in other industries involving danger of poisoning.[2]

The introduction of the principle of the minimum wage, which in most countries has been or is on the point of being carried out, is of international interest in so far as it concerns export industries. Even if the first attempts at international agreements in this domain have been unsuccessful so long as they merely sought to bring about the subjection of home industry to the protective labor regulations for factories—as is the case chiefly with respect to the Swiss and Austrian embroidery industry—yet the situation would be far more favorable if reciprocal obligations were imposed for the maintenance of minimum wages. Such agreements, if kept from any connection with commercial agreements and tariff questions, would also effectually dispel the distrust of commercial lust for conquest at the expense of the better paid labor of competing countries.

---

[1] Massachusetts (1912), California, Colorado, Minnesota, Nebraska, Oregon, Utah, Washington, Wisconsin (1913), Arkansas, Kansas (1915). See also Andrews, Irene Osgood, "Minimum wage legislation," Albany, 1914 (reprinted from Appendix III of the Third Report of the New York State Factory Investigating Commission).

[2] Käthe Gaebel and M. von Schulz: Die Heimarbeit im Kriege.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER VIII.

INTERNATIONAL REGULATION OF SUNDAY REST.

The commandment that gainful work shall be interrupted on a general weekly day of rest is the oldest constituent part of protective labor legislation. That "on the holy day of the sun all courts, all municipal assemblies, and all trades shall observe a day of rest" is the decree of Emperor Constantine of March 7, 321. Emperor Theodosius prohibited theatrical performances on Sunday (386).[1] It is above all the desire for religious uplift which gives to these regulations their ecclesiastical and dogmatic character. On the other hand, the question of allowing Sunday work during hours not given over to religious service has led since the Reformation, and especially since the age of commercialism, to dissensions in the religious world, and finally, in France, even to the abrogation of the Sunday rest laws. It was modern protective labor legislation which restored the Sabbath to its former position.

The typical changes in the significance of the Sabbath are specially marked in England, France, and Germany. In England, after special prohibition of Sunday work in the case of shoemakers (1603), teamsters and butchers (1628), the Lord's Day Act of 1677 stated the principle of the Sunday rest as follows: "No tradesman, artificer, workman or laborer or any other person whatsoever shall exercise any worldly labor, business, or work of his ordinary calling upon the Lord's Day"; exception is made in favor of works of necessity and mercy, and of the selling of milk and food in inns from 9 to 4 p. m. A fine of 5 shillings ($1.22) for infractions, confiscation of goods in favor of the poor fund, with possible award of one-third of the proceeds to the informer, after summary proceedings before a justice of the peace, is provided for in the act.

[1] S. Augustine, in De Civitate Dei, book 6, chapter 11, quotes the following criticism of the Sabbath rest from Seneca's De Superstitutione, since lost: "[Seneca] criticises the sacraments of the Jews and especially the Sabbath, which is, he says, a useless institution, because, by the granting of a rest day between every period of seven days a seventh of a lifetime almost is lost, and many pressing matters of business are prejudiced by this stoppage of work. * * * Meanwhile, this custom has taken such a hold on this reprobate people that it has been accepted on all sides; the conquered imposed their laws on the conquerors (*victi victoribus leges dederunt*). That surprised him, as he did not know their divine origin." The law of Constantine confirmed the new custom of observing a rest day.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The law of 1677 is still formally in force, but has actually become a dead letter. The law can no longer be invoked in a court of justice. The rise of home industry and of industrial establishments with continuous operation in the large industries led to breaches in the observance of Sunday in industrial life; there remained only the prohibition of Sunday amusements. This was made more rigorous by the law of 1780, 21 George III, chapter 49, according to which every house to which the public is admitted, on the payment of an admission fee, for the purpose of entertainment, diversion, or discussion is regarded as a " house of disorder." The organizers of such amusements are likewise punishable. In fact, the Sunday Lecture Society, founded in 1869, was punished in 1894 for instituting lectures in opposition to this resolution. The jury, however, declared that a revision of the law was desirable. Hence, a commission was appointed by the House of Lords on April 2, 1895, but it reached no conclusion. In April, 1896, for the first time in London, the museums were opened (free) to the public on Sunday.

Protective labor legislation is the modern Magna Charta of the Sunday rest. In 1836 bakers were forbidden by law to bake on Sundays. In 1878 the Sunday rest was introduced into factory legislation. The law, which has been in force for 30 years, reads as follows: "A woman, young person, or child shall not (save as is in this act specially excepted) be employed on Sunday in a factory or workshop." (Art. 34, Factory and Workshop Act, 1901; and for mines the law of Sept. 6, 1887.)

The English legislation recognizes only three exceptions to this legal Sunday rest in factories and workshops:

1. When the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions: (*a*) The factory or workshop must be closed on Saturday, and must not be open for business on Sunday; (*b*) the occupier must not avail himself of the exceptions authorizing the employment of women and young persons on Saturday evening, or for an additional hour during any other day of the week.

2. Male young persons in blast furnaces and paper mills may be employed seven nights within two weeks.

3. Women and young persons employed in creameries may be employed by special order for a maximum of three hours on Sundays and holidays.

The Sunday rest of the factory workers has in part resulted in the Sunday rest for the unprotected transport industries. As regards tradespeople with small businesses, the religious views of their patrons have a considerable effect on the observance of the Sunday rest, but this is not the case as regards home work. Furthermore, the

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

trade-unions by demanding double time for Sunday work are in effect making the observance of Sunday rest, as well as the Saturday half holiday of concern to the employer. Only the adherence of the " dull Sunday " has caused a movement in many places among the workers themselves in favor of the Monday rest and against the Sunday rest. As the result of an investigation undertaken by the Lord's Day Observance Society, in 1892, it was discovered that in 2,200 establishments with about 500,000 workers, only 13,000 workers—i. e., 2.4 per cent—worked on Sunday. The licensing acts apply to inns, taverns, etc.; they have prohibited since 1839 the sale of liquor after certain hours, except to bona fide travelers. The law in force (the law of July 30, 1874) requires Saturday night closing at 11 o'clock in London; the Sunday rest may be interrupted only from 1 to 3 and from 6 to 11. Outside of London, inns, taverns, etc., must close on Saturday evenings at 10 o'clock, and may be opened on Sundays only from 12.30 till 2.30 and from 6 to 10. The complete prohibition of the opening of inns, taverns, etc., on Sunday is enforced in Wales. Within a radius of 10 miles from the Stock Exchange in London no baker or baker's assistant may make or bake bread or pastry on Sunday; after 1.30 in the afternoon it is also forbidden to sell bread or pastry or to cause them to be sold, and to make or to deliver sugar cakes, tarts, or other food.

Hunting on Sunday was forbidden in England by the law of October 5, 1831. In Scotland fishing was forbidden by the law of July 26, 1889. Even burials may be put off till the next day by the law of September 7, 1880, in case the clergyman raises objections to Sunday burials. Transportation is not regulated. It is, however, well known that in England fewer trains run on Sundays than on week days (except on the main lines no trains at all run on Sundays in Scotland). It was not till 1831 that a law allowed carriages in London on Sundays. About 15 years ago companies that wanted to institute excursions on river steamers in Scotland had to give the plan up on account of the hostile attitude of the public.

The Sunday rest was bitterly opposed in France. Colbertism first opposed the increase in the number of church holidays. The commercial spirit of Colbertism was followed by the rationalist belief, which prevailed from the time of Abbé St.-Pierre (1721) to that of the father of the economic world war, Napoleon I, and which taught that the loss of Sunday work is an economic loss and a limitation of personal liberty. Napoleon, it is true, was obliged to reestablish the Sabbath in 1802 in the place of the tenth day (Décadi) of the constitution of 1793. But not until the period of the restoration was Sunday restored to its character as a day of rest. Until the enactment of the law of November 18, 1814, industrial work on Sundays was forbidden only to public employees, and the closing of schools and public shops

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

was ordered. The law of 1814, on the other hand, also prohibited to private persons all work and all public trading on Sundays and on legal holidays. The enforcement of the law became more and more lax. A Government decree of 1838 ordered judicious enforcement of the Sunday rest, in order not to hamper trade and industry. A decree of 1844 declared that the Sunday rest should leave the citizen free to follow or not to follow the example of the State establishments. Completely riddled, the Sunday law of 1814 was finally definitely repealed by the law of July 12, 1880. At the labor legislation conference in Berlin in 1890 the French representative, Senator Tolain, declared that a rest-day law, if not a Sunday law, would be possible in France for all workers and a Sunday rest law for the establishments with legally protected employees. The protective labor law of November 2, 1892, article 5, granted to young male workers (under 18) and to female workers of any age the right to a weekly rest day; but this protection had reference only to factory workers. The trade-unions and the Sunday leagues then took up the matter of a week-day rest. In Parliament in 1891, 1896, and 1897 proposals were made for Sunday or week-day rests, but they were not adopted. The enforcement of the 10-hour-day law in 1900 (Millerand-Colliard law) showed more and more that even in protected establishments the loss of working time during the week was often made up by the Sunday work of male adults. Thus there arose the necessity for a collective rest-day law even for protected establishments.[1] When the initiative was taken by the Socialists (motion of Zévaès, Apr. 6, 1900), the other parties woke up to the necessity of the reintroduction of the legal Sunday rest. This was restored, 26 years after its abolition, by the law of July 10, 1906, after a vigorous campaign organized by the Consumers' League, founded by Henriette Brunhes.

The defects of the law are ascribed by a commentator, L. Armbruster,[2] to the excessive haste with which the law was rushed through the two Houses of Parliament. Its outlines are as follows:

1. The Sunday rest is legally binding on all industrial and mercantile establishments, secular and ecclesiastic, public and private.

2. Its duration is to be at least 24 hours.

3. On principle, the weekly rest is to be a Sunday rest; however, in the interest of an establishment or of the customers, temporarily or permanently (*a*), a weekday may be allowed as a substitute rest day, or (*b*) a half day Sunday and a substitute week day every fortnight, or (*c*) from Sunday noon to Monday noon, or (*d*) the rest day may be granted in shifts, either for the whole or for part of the personnel.

---

[1] Rapport sur l'application des lois réglementant le travail en 1904, p. 49.
[2] Le repos Hebdomadaire, Paris, 1907, p. 2.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The law also makes other exceptions to this restricted Sunday rest: In State military workshops, as well as in industries carried on in the open air, 15 rest days a year may be canceled.

After the promulgation of the law, a strong counter agitation was set on foot, especially on the part of the restaurant keepers and small dealers in foodstuffs. On the other hand, the labor unions made it their business to make the principle of the collective Sunday victorious over that of the alternating substitute rest shifts.

In the German Empire the Industrial Code of 1878 recognized the principle of the Sunday rest, but its provisions as well as those of the Federal States proved to be so inadequate that it was not till June 1, 1891, that an amendment to the code (Lex Berlepsch) made the protection of the workers' rest effective. The state of affairs with respect to Sunday rest is made clear in the following statement of the Government in support of the above amendment:

The provisions of paragraph 2 of article 105 of the Industrial Code hitherto in force do not sufficiently secure to the worker the opportunity of devoting Sundays and holidays to the necessary rest from the week's work, to mental composure, to invigoration and refreshing for new work, and to the cultivation of family life. The fact that agreements by which workers bind themselves to work on Sundays and holidays are ineffective under the civil law is not sufficient, on account of the dependence of most laborers and the temptation presented by the possibility of increased earnings, to prevent actual employment on Sundays and holidays. Neither have State laws supplied the deficiencies of the imperial legislation in this respect. The majority of the legal provisions of the Federal States, as the summaries communicated to the Federal Council prove (Reichstags-Drucksachen No. 71, p. 6, Legislatur-Periode 2, session 1885/86), do not aim primarily at securing for the worker the Sunday rest, but are rather intended to protect public worship from disturbances, or to maintain the sanctity of Sundays and holidays. Therefore the cessation of all work for the whole day is not required so much as the abstinence from noisy or otherwise disturbing work. On the other hand, in granting exceptions to the prohibition of Sunday work many State laws, especially those of more ancient origin, do not take sufficiently into account the imperative needs of economic life which have grown out of the development of modern specialized industry, and the fact that they make demands, the fulfillment of which is actually impossible under present-day conditions, necessitates their lax enforcement, a proceeding which has its natural effect upon those laws which should be strictly enforced. The State laws of more recent origin, like those of the Kingdom of Saxony and others, take into account the viewpoints of labor protection and the requirements of modern industry. But these laws, also, in spite of their common origin and the similarity of many of their provisions, present so many differences in detail, that not even in the territories to which the laws are applicable have the conditions of production in the same branches of an industry been equalized in the measure that seems to be required within a uniform economic territory. There is still less uniformity in the conditions of production between these territories and those whose legislation is of earlier origin.

Hence, imperial legislation will have to undertake a new regulation of the employment of industrial workers on Sundays and holidays.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The process by which the leveling of the conditions of production was thus accomplished in the German Federal State is not the only one of its kind. Switzerland, too, by her Federal factory law of 1887 found it necessary to advance far beyond the unequal cantonal regulation of the Sunday rest (in operation in Zurich since 1832 and 1859, in Glarus since 1858). Only by the stoppage of freight traffic on Sundays (1890) by Federal legislation was the Sunday rest for employees on transportation systems secured. Thus is given a basis for the further natural development toward international protection of Sunday rest which, as a mater of course, must also embrace office and mercantile employees and the personnel of the communication and news services (*Nachrichtenwesen*). In this direction, the International Society for the Observance of the Sabbath Rest, founded by Alexander Lombard in 1876, a propagandist society for the spread of ethicoreligious views, has been particularly active.

Germany's example was followed by Austria in 1895 and 1905, by Denmark and Spain in 1904, and by Belgium in 1905, while the example of France was followed by Italy in 1907 by means of new Sunday regulations. Paraguay (1902) and Argentina (1905) initiated their labor legislation with new Sunday rest laws. Thus here, too, an international movement was carried out—from the legally unregulated or purely ecclesiastically protected observance of Sunday to protected rest from work. We may observe its progress, note the unequal duration of the Sunday rest from country to country, and investigate the causes of tardiness in individual countries. The removal of party politics or economic hindrances which obstruct the regulation of the rest day in individual countries is thus only to be attained by international protection of labor through treaties. Faced by this task, we find the following diversity in the rest-day regulations:

1. Remnants of the purely ecclesiastical conception, which only inflicts punishment for Sunday disturbances, are to be found in Sweden and in 26 of the States of the American Union.

2. In the following countries of Europe only young persons and women, not adult males, have their Sunday rest protected:

Belgium and Luxemburg, males under 16; females under 21.

France, males under 18; females under 21.

Bulgaria and Roumania, males under 15; females, all ages.

Netherlands, males under 17; females, all ages.

Spain and Great Britain, males under 18; females, all ages.

In America, in Delaware, New Jersey, Virginia, and Wisconsin, up to the sixteenth year. Brazil and Japan grant protection of the Sunday rest to workers up to the fifteenth year.

In certain American States the rest-day protection of women is not Sunday protection; the number of working days in the week is

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

simply limited to six (District of Columbia, New Jersey, New York, Massachusetts, and Pennsylvania).

3. Further, the duration of the weekly rest period varies. It is longest in those countries which have introduced a shorter working period on Saturday for young people and for women. In this connection England comes first by granting to young men and to women a Sunday rest of 34½ hours in textile factories and 30 in nontextile factories. The general Sunday rest in Finland is 30 hours, in Norway 28 hours. In the German Empire, in the Netherlands, and in Switzerland, it is longer than 24 hours for women on account of the free Saturday afternoon. In all other countries of Europe its duration is 24 hours, except in Sweden, where it is 15 hours. In the German Empire, in the case of consecutive holidays, it is 36 hours; at Christmas, Easter, and Pentecost, 48 hours.

4. The exceptions to the Sunday rest are numerous and dissimilar. In Europe the following hold good: (1) Prevention of loss that can not be foreseen; (2) cases of emergency, vis major, public interest, pressing reasons; (3) necessity for keeping establishments open owing to the nature of the work; (4) use of wind and irregular water power as motive power; (5) prevention of spoiling of raw materials (e. g., milk); (6) inspection of the establishment; (7) cleaning and upkeep of the establishment; (8) supplying persons with food for their daily need and with medicines; (9) restaurants and saloons, amusements, theaters, transportation; (10) the legally prescribed inventory; (11) non-Christian establishments.

It is of international interest to limit these exceptions to the utmost and to regulate the compensation for the lost Sunday rest.

In Germany, as well as in Austria and in Bosnia, when Sunday work is done in cases of emergency, vis major, etc., supplementary leave is given as compensation for more than 3 hours' Sunday work, in Germany of 12 hours every second Sunday, in Bosnia of 24 hours on a day of the following week, in some States a week-day rest period corresponding to the Sunday work.

In establishments with continuous operation the most favorable compensatory conditions are found in Norway, which grants every second Sunday or a week day; in Italy, which allows only an 8-hour shift on Sunday in establishments with continuous operation, and prescribes a compensatory rest of 36 hours every 14 days; and in Luxemburg, which for more than 3 hours of Sunday work prescribes a compensatory rest of 24 hours every 2 weeks; while Denmark in three-shift establishments gives only every third Sunday off. The shortest compensatory rest is granted in Hungary, which, in the case of regular Sunday work in establishments with continuous operation, grants only one Sunday in the month or a half Sunday every fortnight. The German Empire allows, for more than

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

3 hours of Sunday work, 36 hours every third Sunday, or 12 hours every second Sunday.

This survey shows that for establishments with continuous operation the 8-hour shift offers the most favorable compensation for the loss of the Sunday rest, namely, 36 hours every fortnight, as in Norway. In accordance with the new Swiss factory law, article 54, the 8-hour shift has been introduced in Switzerland into establishments with continuous operation. With permission of the Federal Council, an 8-hour or at most a 10-hour working period may be granted. In case of Sunday work, however, every worker must have every second Sunday off, and for every Sunday on which he has worked a workday in the preceding or following week, both of 24 hours. Holidays are not to be considered as Sundays. In three-shift establishments the uninterrupted rest period may be limited to 20 hours on the 52 free days. Among these there must be at least 26 Sundays. The same thing applies to those shift arrangements in which the total number of hours of one shift does not amount to more than 56 on a weekly average.

In Europe the Norwegian and Swiss regulation of the compensation for Sunday work in establishments with continuous operation is the most advantageous system. The regulation of the other exceptions to the Sunday rest depends partly on local requirements, and is therefore extremely varied.

In the United States establishments with continuous operation without compensatory rest are excepted from the Sunday regulation in Alabama, Arkansas, and New York (8-hour shift establishments with continuous operation). Newspaper printing offices (Florida, Hawaii, and Massachusetts) are frequently exempted from observance of the Sunday rest. Twenty States grant as compensation for the loss of Sunday rest a whole Saturday or Sunday or another week day. In New York the legislature has granted exemption from the Sunday rest to 3-shift establishments with continuous operation, conditioned upon the approval of the commissioner of labor (Laws of 1914, ch. 396). These exemptions, however, have been declared unconstitutional by the court of appeal, on the ground that the granting of them is based on a nonpermissible transfer of authority. Thus, establishments with continuous operation are also made completely subject to the observance of the Sunday rest laws. In Massachusetts, also, no exemption is granted from the Sunday rest to establishments with continuous operation (Laws of 1913, ch. 619).

Japan grants only to young persons and to women two rest days in the month; where there is night work and continuous operation four extra rest days must be granted.

Tasmania and Queensland, in Australia, and New Zealand, have enacted regulations with regard to Sunday rest. These three States

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

grant in addition to the Sunday rest 52 half holidays (New Zealand, to men also), beginning on Saturday afternoon at 1 o'clock. The duration of the Sunday rest proper is 24 hours. The only exception is to be found in New Zealand in the case of newspaper printing offices and newspaper distribution, for which a complete substitute rest day is to be granted. Exemption from the Sunday rest on the ground of difference of religious belief is known only in England, the Netherlands (on the request of workers who belong to a religious sect which does not observe the weekly rest day on Sunday), the East Indies (in case the worker has had or is to have a whole holiday on one of the three days before or after the Sunday), Cameroon and German East Africa, which grant a weekly rest of 24 hours, and in 15 States of the American Union out of consideration for the Sabbatarians. These exemptions are valid only for productive industries, not for trade and traffic.

5. Finally, the number of legal rest and holidays and of Sundays falling on these days differs. The maximum of these rest and holidays is attained in Russia (69 for orthodox and 63 for Catholic workers) and in Saxony (in certain Catholic districts 69 days) the minimum is 52 rest days. This minimum prevails in 9 countries (Bosnia, Belgium, Bulgaria, Spain, Italy, Luxemburg, the Netherlands, Portugal, and Rumania).

Outside of Russia, over 60 holidays are to be found only in the Catholic districts of Alsace-Lorraine, Bavaria, and Saxony. In general, the legal rest days in the large industrial sections of Europe, in Prussia, France, England, and Switzerland, are quite uniformly regulated, for these countries recognize only 8 to 9 legal holidays in addition to Sundays.

It is unnecessary to speak of the effect of the Sunday rest on the family life, recreation, and spiritual life of millions of workers' families. The experiences with Sunday work during the World War prove its trifling productiveness and profitableness. The investigations of the British Ministry of Munitions show, for example, that after the stoppage of Sunday work in one munitions factory more shells were produced by half of the former working personnel. One foreman said he did not believe "in a holiday on double pay"; another remarked that Sunday work gave "6 days' output for 7 days' work and 8 days' pay." The supervision becomes lax on Sunday, the cost of labor is higher, and religious and social obstacles make the output less.[1]

Freedom from housework on Sunday, however, is only to be attained by early closing on Saturday. This also allows the young worker to satisfy his need of recreation, gives the adult the chance to

[1] Ministry of Munitions, Interim Report, Industrial Efficiency and Fatigue, Cd. 8511, 1917, p. 15; Report on Sunday Labour, Cd. 8132, 1915, p. 3.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

work in his garden, and counteracts alcoholism on Sundays and the danger of accidents on Mondays.[1]

The Sunday rest, together with the Saturday afternoon closing, would mean an interruption of work for from 41 to 42 hours. From such a regulation the present legislation is still far removed. As has been shown in the chapter on the protection of female labor, the early closing on Saturday is legally, if not actually, a reduction of work granted in the main only to women and young persons. A 41-hour weekly rest for men also exists in New Zealand. This colony, and Tasmania and Queensland grant, for women and young persons, besides the Sunday rest, 52 half holidays on Saturdays, beginning at 1 o'clock p. m.

An international agreement as to the Sunday rest, extended by the early Saturday closing, would in many countries lead to the discarding of various legal or locally customary holidays, wherever popular custom does not oppose it. The gain in hours of rest on 52 Saturdays and the abrogation of superfluous exceptions would offset the sacrifice in this case too.

---

[1] L. Heyde: Der Samstag-Frühschluss in Industrie und Handel, Schriften der Gesellschaft für Soziale Reform, Jena, 1914, vol. 53, p. 53; R. Martinat: Le repos de l'après-midi du samedi dans l'industrie, Paris, 1911, Office du Travail, Enquête sur la réduction du travail le samedi, 1913; Raoul Jay: La semaine anglaise, Association nationale française pour la Protection légale des Travailleurs, 1914.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER IX.

INTERNATIONAL REGULATION OF THE PROTECTION OF HEALTH.

"Morality and health" were designated by Sir Robert Peel in the child-labor law of 1802 as the aims of protective labor legislation. The demands made as to factory hygiene at that time were limited to cleanliness and ventilation; with the increased use of machinery in factories and the consequent increase of accidents, the order to inclose dangerous machines was added. Finally, the attention of legislation was directed to the danger to health, in the large establishments, caused by the use of poisonous substances and by the generation of poisonous gases and of dusts. The prevention of accidents and poisoning was initiated by the English law of 1864, which, on Lord Shaftesbury's motion, made subject to the factory acts those factories in particular which made matches with poisonous phosphorus and the potteries that used lead, and prescribed the posting of officially approved safety rules for workers engaged in work with poisons. The fight waged in France since 1849 against the lead poisoning of painters led in 1874 to the legal exclusion of children from white-lead factories. Following this example, the British Factory and Workshop Act of 1878 excluded children and young persons from white-lead factories and from silvering with mercury. It was not till 1895, however, that the law gave to the Home Secretary the power to order the introduction in dangerous industries of shorter working periods even for adult males, and to prescribe the precautionary measures proved to be necessary (suction apparatus, etc.). Protective laws after these patterns were enacted in 1869 in Germany, in 1877 in Switzerland, in 1882 in Russia, in 1884 in Belgium, in 1885 in Austria, and in 1886 in Italy; also the International Conference for the Protection of Labor in Berlin in 1890 expressed a wish for the general introduction of such laws.

There are, however, poisonous industrial substances which defy most of the preventive measures and for which nonpoisonous substitutes exist. This is particularly the case with white phosphorus in the match industry, for which nonpoisonous red phosphorus began to be used as a substitute in Sweden in 1854. In 1856 prohibition of the use of poisonous phosphorus was asked for by the French

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

advisory council on public hygiene. Like prohibitions were issued by Finland in 1872 and by Denmark in 1874. These first prohibitions of the use of white phosphorus were followed by those of Switzerland in 1879 and 1898 and those issued in the State establishments of France in 1898 and in the Netherlands in 1901. At this time the interest created by these measures seemed to be at an end. In the chief export countries—England, Sweden, Belgium, Italy, and Austria—the protection of health was considered secondary to the interest of the export trade in maintaining a low cost of production. At this point the International Association for Labor Legislation stepped into the breach. It instituted an international investigation into industries that are detrimental to health,[1] and in 1903 it submitted a memorandum on the international prohibition of the use of white phosphorus in the match industry to the Swiss Federal Council, with the request that an international conference be convened. In that year a law prohibiting the use of white phosphorus was issued for the German Empire. The time had now arrived when even the largest export countries were inclined to protect the workers against industrial poisons by an international agreement. Such an agreement was first signed in Bern on September 26, 1906, by only 7 countries, of which 5, the German Empire, Denmark, France, the Netherlands, and Switzerland, were already prohibiting the use of white phosphorus, while Luxemburg and Italy were won over to prohibiting its use for the first time. In 1908 Great Britain and the South African Union joined in, and the Australian Commonwealth prohibited the importation of matches made with poisonous phosphorus. In 1909 Austria followed with a prohibition of production, and Spain and seven French colonies entered into the agreement. In 1910 Tunis followed suit, as well as the Dutch Indies and 15 British colonies; in 1911 Hungary and New Zealand; in 1912 Mexico and the East Indies; in 1913 Norway; and in 1914 Canada. By a differential tax to the disadvantage of white phosphorus matches, the manufacture of white phosphorus matches has been made impossible in Russia since 1906 and in the United States since 1912. The issuance of a decree of prohibition in Belgium and the enforcement of the agreement in Italy and Canada were pending when the war broke out.[2] Thus phosphorus necrosis can be looked

[1] Gesundheitsgefährliche Industrien. Published at the request of the International Association for Labor Legislation, by Prof. Stephan Bauer, Jena, 1903.

[2] E. Francke: Die gewerblichen Metallvergiftungen in Preussen, Zentralblatt für gewerbehygiene, 1913, p. 393. The number of cases is declared by L. Teleky to be far too small; in Vorlesungen über Soziale Medizin, Jena, 1914, p. 272. In the United States 358 cases in 23 white lead factories are quoted by Dr. Alice Hamilton in an article on the "White lead industry in the United States," Bulletin of the U. S. Bureau of Labor, No. 95, July, 1911, p. 189.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

upon as stamped out, and that, as far as the large export States are concerned, is wholly due to international agreement.

The fight against lead poisoning was started next, in 1904, on the initiative of the International Association, along the whole line of dangerous lead industries, and first of all by the demand for a non-poisonous substitute for white lead in the painting trade. This demand was satisfied for inside painting in Austria in 1908 and for outside painting in France in 1909 (in effect from July 20, 1914). If we remember that in Prussia alone in 1912 there were not fewer than 1,119 cases of lead poisoning, of which 254 were among painters and 276 among workers with lead colors [1]—all cases, that is to say, that could have been avoided—the industrial opposition to this measure can only be deeply regretted. In England an attempt was made to substitute for lead glazes in the earthenware industry glazes that are free from lead, or in which the lead is, at least in part, changed to an insoluble silicate. The requisite regulations, as soon as they necessitated higher costs, met invariably with opposition from the export interests.[2] Therefore progress in the protection of health could only be made by an international guaranty of equal protection and by its equal enforcement. A committee of the International Association for Labor Legislation had been convened to investigate and make proposals when the war broke out.

In a number of other occupations in which there is danger of lead poisoning, in lead smelters, printing offices, factories for the manufacture of chromate of lead and storage batteries, etc., in which the use of a substitute for lead is not practicable, the experiences of all

[1] As is evident from the contents of this chapter, the following statements in H. Herkner's Die Arbeiterfrage, 6th ed., 1916, vol. 1, p. 391, are completely out of date and misleading: "As has so often happened in the case of problems of international legislation, here too those very nations for which the acceptance of the agreement would have meant a real advance have again balked. The agreement on the use of phosphorus was only signed by Denmark, Germany, France, Italy, Luxemburg, the Netherlands, and Switzerland, that is to say, by those countries that, with the exception of Italy and Luxemburg, already had phosphorus prohibitions. Japan, Austria, Hungary, Belgium, Great Britain, Portugal, and Sweden, on the other hand, refused to sign it. However, the United States, Austria, Hungary, Australia, Victoria, Mexico and Finland have adopted a phosphorus prohibition."

[2] "It is difficult to form a wholly correct judgment as to how far these fears have been justified. In any case it can not be denied that in many countries such protective measures have existed for years without any retrogression in industry having been noticeable. The best way to allay such a fear is naturally by an international regulation of the whole labor legislation, and this therefore is to be striven for as much as possible. On the other hand, it is not permissible to leave further steps in that direction out of consideration, for in view of an undoubted increase in the risks run by workers all other considerations must give way, especially since in the end it is to the greatest advantage of industry itself to maintain and improve the health of workers, quite apart from the indirect advantages accruing from the decrease in contributions to the sick funds and invalidity and accident pensions. Experience constantly proves anew that a healthy, strong body of workers content with their occupation accomplishes most and is the surest support of the establishment."—Dr. Leymann: Die Bekämpfung der Bleigefahr in der Industrie, Jena, 1908, p. 95.

97520°—19——7

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

countries were to be collected by medical and technical experts. To promote such studies, the International Labor Bureau offered prizes for essays, the results of which have contributed since 1908 to the increase and the spread of protective regulations in Europe as well as in America.[1]

The resolutions of the International Association aimed to promote the protection of the workers with poisonous materials by imposing upon physicians the duty of giving notice of industrial poisonings, and by demanding the reduction of the hours of labor of the workers in accordance with the seriousness of the danger. A committee of experts was commissioned in 1904 to draw up a "list of industrial poisons." The drafts of the experts, Prof. Sommerfeld and Industrial Councilor (*Gewerberat*) Dr. R. Fischer, were edited by the permanent advisory council on hygiene of the International Association (Prof. Devoto, Industrial Councilor Dr. Fischer, Prof. Langlois, Prof. Sir Thomas Oliver, Dr. Teleky, the Institute for Industrial Hygiene), and after many conferences published early in 1912. The list has been translated into the languages of almost all industrial countries.[2]

The international fight against the anthrax peril led, in 1914, to an agreement of the subcommittee of the association, the adoption of which was only delayed because the meeting of the delegates was made impossible by the outbreak of the war.

Memoranda on the combating of the compressed-air peril in caisson work, and suggestions for the protection of workers in mines, in the building of tunnels, and in stone quarries were also under consideration. The association has aimed at protection against accidents of railroad workers since 1908, and of dock hands since 1912. The proposal for the international adoption of the automatic coupling of railway cars was made by the French section. The enforcement of this measure was first carried out in the United States by the Federal law of March 2, 1893. Between 1898 and 1908 the number of accidents in the coupling of cars was only a fourth of what it was before, although there was an increase in the total number of accidents from all causes. In Argentina on September 27, 1909, a law was passed decreeing that after 1919 no car should be allowed to go without automatic coupling. Similar systems are in force in India and the Soudan. France voted credits in 1911 for the purchase of such apparatus; in Persia before the war experiments were under way. It is neither technical questions nor questions of traffic or cost but simply

---

[1] Suggestions made in the prize essays caused the founder of the Institut für Gemeinwohl in Frankfort on the Main, Wilhelm Merton, to found the Institut für Gewerbehygiene in 1909.

[2] Internationales Arbeitsamt. Liste der gewerblichen Gifte und anderer gesundheitsschädlicher Stoffe, die in der Industrie Verwendung finden, Jena, 1912; also, Bulletin of the U. S. Bureau of Labor, No. 100, May, 1912.—[Ed.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

questions of joint cooperation (agreement of the traffic administrations with regard to the common use of cars) which have delayed these useful reforms.[1]

The protection of seamen has made progress during the World War through the American seamen's law of March 4, 1915, both with regard to their legal status and the safety of their occupation. This ought to become a matter of general concern after the war.[2]

If we remember that because of the loss of millions in the war any neglect of rehabilitation would bring a double penalty, we can not lay too strong emphasis upon the fact that it is only by an international pooling of the experiences of all countries that the national protection of health is to be furthered.

---

[1] J. Cavaille: Le Charbon Professionel, 1911; Borgmann and Fischer: Die Bekämpfung der Milzbrandgefahr in gewerblichen Betrieben, 1914, in Schriften aus dem Gesamtgebiet der Gewerbehygiene, Institut für Gewerbehygiene, Neue Folge, pt. 4; Bulletin No. 205 of the U. S. Bureau of Labor Statistics, Anthrax as an Occupational Disease, by John B. Andrews.

[2] Publications of the International Association, No. 8, Verhandlungen, Zürich, p. 101, No. 7, p. 13.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER X.

INTERNATIONAL REGULATION OF COLONIAL CONTRACT LABOR.

In the preceding chapters the demands made by the workers of Europe, America, Australia, and Japan have been exclusively discussed. But in comparison with these one hundred and forty odd million human beings, there are in Africa and Asia, it is estimated, at least twice as many workers whose legal and economic status still shows strong traces of enslavement. To their labor Europe and America are indebted for a number of the most important raw materials and foodstuffs.

In the treatment of natives by European countries with colonial possessions, four stages are clearly to be distinguished. First there is the unscrupulous policy of slave trading, in which since the middle of the fifteenth century the interests of the African slave dealers have coincided with those of the European trading companies. The slave trade further served as a means of preventing the emigration of industrial workers into the colonies and the competition with the market of the mother country. (The emigration of the men of the Palatinate to Pennsylvania served as a warning example.) It was one of the tasks of the diplomacy of that epoch (1444–1750) to secure for its country the monopoly of the slave trade between Africa and America. In the proceeds from this monopoly even crowned heads shared. The most insane waste of human life by the transportation of slaves occurred at this period of the rigid colonial system.

A policy of idealism and humanity successfully combated this unscrupulous policy of interest, and sought first to do away with the slave trade and then to drive slavery itself out of its lurking places. The representatives of this law of human rights were, in the sixteenth and seventeenth centuries the Catholic Church, especially Bishop Las Casas; in the eighteenth century the Quakers, the English abolitionists under the leadership of Wilberforce, and the intellectual leaders of the French Revolution. The fear of the Jacobins, it is

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

true, led at the same time in England (1783–1804) to the victory of the opponents of the abolition of the slave trade. Napoleon ordered the reintroduction of slavery in the French colonies in 1802. But in 1807 England abolished the British slave trade and declared it to be a felony. This example was followed by North America, Venezuela, Chile, and Sweden. A third stage is marked by the attempt to bring about an international abolition of the slave trade in order to prevent any new flaring up of, and competition in, this piratical industry. Pitt, Wilberforce, Cardinal Consalvi, Alexander Humboldt, Sismondi, and Emperor Alexander were the promoters of this movement.

The following incidents are characteristic of the attitude of diplomacy in regard to the abolition of the slave trade:

When in 1814 the ambassador of Napoleon, M. de Caulaincourt, rejected the peace proposals of the allies at Castillon on account of the unacceptable form in which they were made, Lord Aberdeen made a report on the subject to Lord Castlereagh on February 23, 1814, in the following words:

> M. de Caulaincourt said: "In the article, for instance, which applies most to England, there is a clause which compels us to do away with the slave trade; such a clause would perhaps be very suitable in an agreement with Denmark, but not in one made with us. If you wish us to abolish the slave trade, we can come halfway to meet you for the purpose of making an agreement; but a compulsory clause, such as England intended to insert, can never be tolerated by a great nation which is not yet compelled to accept insults without retaliation."[1]

In order to prevent any disposition to yield on the part of the diplomats in this respect, the champion of abolition, W. Wilberforce, on March 28, 1814, insisted to Lord Castlereagh that "if France should not agree unconditionally and in a general way to the abolition of the slave trade, it should at least be a prerequisite to the eventual return of her colonies that no slaves should be taken into them from Africa."[2]

On June 12, 1814, Wilberforce had an audience with Czar Alexander to complain about the neglect of the slave-trade problem. The emperor said to him: "What could we do when your own ambassador left us in the lurch?"[3] A lively agitation preliminary to the Vienna Congress, in the form of 800 petitions, with a million signatures, now compelled Castlereagh to take his stand against the African slave trade. Johann Ludwig Klüber in his "Uebersicht der diplomatischen Verhandlungen des Wiener Congresses, überhaupt

[1] Correspondence, Dispatches, and Other Papers of Viscount Castlereagh, 1852, third series, vol. 9, p. 288.
[2] Idem, p. 401.
[3] Life of Wilberforce, vol. 4, p. 191.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

und insonderheit über witchtige Angelegenheiten des deutschen Bundes, Frankfort, 1916, page 53," gives the best information on the part which this problem played at this time. The slave trade, as a social and political problem, played the part of a stopgap at a time when diplomacy had not come to an agreement about the fate of Poland and Saxony:

At this stage of affairs it was desirable to find in the long interval of consideration and irresolution subjects the handling of which would fill the void to a certain extent usefully, and give to the congress at least an outward appearance of activity. * * * Among the more important subjects only one could be found for the future settlement of which, for the time being at least, a firm basis could be laid without serious opposition. Its determination could stand all the more for a general significant sign of life on the part of the congress, since its great importance for the whole of civilized humanity was generally recognized. It was the abolition of the trade in Negroes, that shameful trade which for so long a time put Africa in mourning, debased Europe, and filled humanity with sorrow. At the instigation of Lord Castlereagh, who had to hasten away to attend the approaching session of the English Parliament, and who wished to appear there at least with proof agreeable to the liberal-minded British Nation of the activity of the congress, a declaration was made on the subject by the eight powers on February 7. Even if we do not find in this declaration a firm agreement as to the immediate and general abolition of the slave trade, yet we are justified in considering it as a just and sound foundation for such a general abolition at no distant date.

The powers unanimously declare therein their abhorrence of the monstrous cruelty of the slave trade; they declare in the face of all Europe that its extermination is a measure which deserves their particular attention; they solemnly assert their sincere desire to use every means in their power to carry it out as quickly and effectively as possible, and to show therein the zeal and perseverance which they owe to so great and splendid a cause; they express their regret that consideration for the just interests, customs, and even of the prejudices of their subjects does not allow them at this time to fix a definite time for complete and general abolition of this trade, but say that they must leave that to every individual power and for the time being set it aside as a subject of negotiation among the powers; however, they assure one another that no means will be left untried which might secure and hasten the course of these negotiations, and that the mutual obligation which they hereby recognize shall not be considered to be fulfilled until the moment when complete success shall have crowned their united efforts. Have ever words been spoken by a congress of nations that went from heart to heart like these? May the sacred zeal which inspired them never grow cold! May they reecho more and more all over Europe until their promise is completely fulfilled!

The pious wishes of the German publicist were not fulfilled. "With an eye to the influence of interested circles, neither France nor Spain nor Portugal took any serious step; neither did any efforts on the part of England further matters to any great extent. * * * It was the secession of Brazil, which put an end to Portugal's interest in the supplying of the former country with

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Negroes, and the termination of the disturbances of the Berbers by the French conquest of Algiers that first brought about a change."[1]

But even this change had been spiritually prepared. The efforts of Buxton and his friends were successful in obtaining through abolition of colonial slavery what could not be gained by way of agreements for the combating of the slave trade. Buxton proved that the slave traders in the Spanish colonies had so often promised to set the slaves free and then had circumvented the agreements that the latter had become, to use Lord Palmerston's words, "mere waste paper."[2]

Although all the countries under England's sphere of influence had granted her ships the right of search with regard to the slave trade, the smuggling of slaves continued to flourish unchecked during the years from 1816 to 1833. For this reason the aim of the political idealist was only to be attained by the abolition of slavery itself. And so to that end new associations were set on foot in England and France which, after 1834 and 1839, in spite of the political rivalry between the two countries, aimed at the freeing of slaves first by international agreements between two or more countries, and secondly by the punishment of slave trading by court martial and by abolition by independent action. Most of the colonies followed their example.

At this point the fourth period begins, introduced by the partition of Africa and the colonial policy of the last generation. In some tropical colonies (Cuba, Mauritius), Asiatic contract labor took the place of Negro labor. The trade in Negroes ceased to provide workers; it became an African trade for providing Egypt, Persia, and Turkey with women and eunuchs. Slaves were provided by it for Zanzibar for the cultivation of carnations and as carriers in the ivory trade. The polygamy of the Mussulmans led to polyandry among the Negroes in Africa. Cameron computed that Africa was depopulated every year by the slave trade to the extent of half a million.

The European period of high tariff protection led to the partition of Africa. The financial exploitation of the Congo State disclosed new horrors. The campaign of Cardinal Lavigerie and of Buxton brought about in 1890 the systematic combating of the slave trade by the resolutions of Brussels. These demanded:

---

[1] Alfred Zimmermann: Kolonialpolitik, Leipzig, 1905, p. 160.

[2] Thomas Fowell Buxton: The African Slave Trade and Its Remedy, 1840, p. 216; and the address of Lord Palmerston to the Antislavery Society on Oct. 18, 1842: "We must not be stopped by clamor raised against us by those who are interested in enormities which we are seeking to put down."—Sir Henry Bulwer Lytton: The Life of Viscount Palmerston, 1874, vol. 3, appendix 4.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

1. The suppression of the slave trade in the country of its origin: (a) By organization of administrative, judicial, and transportation systems, the building of roads (avoidance of the use of human carriers of burdens), the building of ships, and the telegraph. Special stations are to serve as temporary refuges for natives. Restriction of the importation of firearms. (b) Training of the tribes to avoid internal wars by means of courts of arbitration, and agricultural and industrial work; suppression of cannibalism. (c) Sanitary service—support of the efforts of merchants, travelers, and missionaries. (d) Punitive provisions of the same rigor as existing penalties for crimes against the person, etc. Obligatory extradition.

2. Suppression of the slave trade on sea. The ships that fly the flag of a country that does not recognize the right of search are simply to be made subject to control of the ship's papers on board. Limitation of the zone of the right of search and its restriction to ships up to 500 tons. Foundation of an international bureau for the combating of the slave trade in Zanzibar.

3. The combating of the slave trade in the country of destination. Prohibition of the importation, conveyance through the country, or exportation of slaves. The repatriation of freed slaves. Cooperation of the diplomatic and consular agents. Periodic exchange of statistics with regard to seized and liberated slaves and on the measures taken. Prohibition of the importation of spirits within a fixed African zone.

The secretary general of the League for the Protection of Natives, the Rev. Mr. Harris, lately expressed himself with regard to the effect of the Brussels conference on the abolition of the slave trade as follows:

It is deeply affecting to think that the hecatombs of the present great war will perhaps be not so far removed from causing the same decimation of the population that has been brought about by the forcible methods used among the natives since the Berlin Congress of 1884. No one who is versed in colonial matters can deny that since that time Central Africa alone has been depopulated to the extent of more than ten million men. The voice of Herr Dernburg was one of the first to be raised with authority against the colossal destruction of human life in the German colonies, and he estimated it at certainly more than half a million in German Southeast Africa and at a like amount for Togoland. In the Pacific Ocean the terrible period of the Franco-British condominium in the New Hebrides during the same period caused a reduction of the population of 650,000 souls to less than 65,000. What would Germany give to restore the capable Hereros to industrial life? What would the copra dealers in Europe give at present to recall to life the Polynesians that were snatched away so prematurely? * * * The delegates to the Berlin and Brussels conferences of 1884 and 1890 believed that they had by their efforts reduced slavery as well as the slave trade and wars of destruction to a minimum, but the subsequent period was one of the most horrible in the long martyrdom of the natives.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Contract labor in the colonies—the successor of slavery—is designated by all persons familiar with conditions as one of the chief causes of this reign of terror. The proceedings both at the time of the hiring of native labor and of the renewal of labor contracts lead to forms of labor similar to slavery. Thus Walter Rathenau writes in 1907 in his "Erwägungen über die Erschliessung des deutsch-ostafrikanischen Schutzgebietes":

As is evident from the acts of the Government in Tabora, even at the beginning of this year natives were forcibly carried off by employment agents and their huts burned down. To what extent such acts occurred is a matter of conjecture; they are on the same plane with the compulsory buying of cattle which led a few years ago to the closing of Ruanda and Urundi to European travelers.

In Usambara the normal labor contract does not refer to a definite working period but to working days. Should a working day be missed—which according to the habits of the Negro happens frequently enough—or should not enough be accomplished on a working day according to the judgment of the employer, this day, apart from the legal right of punishment, is added to the duration of the contract which, without consideration for the wish of the Negro to return home to the cultivation of his fields, can be extended in this way at will, perhaps for a lifetime. Should the worker fail to comply with his contractual obligation, and he frequently does so and thereby loses the wages due him, then he who has to bear all the disadvantages of inferior legal status is not only punished for breach of contract, of course with the lash, but is also forcibly restored to his employer. As a counterpart to this practice the fact may be mentioned that a German plantation company, financed by well-known people in favor of a colonial system, which made use of the right to declare itself insolvent, still owes the blacks their wages."[1]

Attempts to introduce compulsory labor temporarily were also made on the British Gold Coast from 1895 to 1897 in violation of the Act of Liberation of 1834.[2]

Further, the conflicts are well known which broke out after 1907 as a result of the contract labor in the Portuguese cocoa colonies of Sao Thomé, Principe, and Angola and which led to the boycotting of the Portuguese cocoa planters by the three large British cocoa firms of Cadbury, Fry, and Rowntree, and the German firm of Stollwerck.[3] This boycott, which has now lasted for eight years, seems to have led to such important reforms that the consul general of Loanda describes them in a report of October 30, 1916, to Lord Grey as a complete revolution, and Mr. Balfour on February 27, 1917, expressed to the British ambassador in Portugal his hope that the boycott would be lifted. As late as the year 1915 the vice consul of Sao Thomé gave

[1] W. Rathenau: Reflexionen, Leipzig, Hirzel, 1908, pp. 161, 162.
[2] H. R. Fox Bourne: Blacks and Whites in West Africa, p. 63.
[3] Bulletin des Internationalen Arbeitsamtes, 1911, vol. 9, pp. 138–141.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

descriptions of the renewal of the contracts for five years and of the falsification of wage lists, which were anything but edifying.[1]

Besides the long duration of the contracts which are concluded—in agriculture for 5 to 10 years—and which in underground mining lead to an enormous increase in tuberculosis, the punishments of natives for breach of contract reach an enormous number. "In British Guiana out of a population of 9,785 contract workers, there were not fewer than 3,835 suits brought against coolies in the name of the labor laws. In Trinidad, out of 11,500 coolies bound by contract, 1,869 were condemned, and in Fiji out of 11,689 persons 2,291 were summoned before the criminal court." Under these circumstances, the League for the Protection of Natives demands that the following reforms be introduced by an international congress:

(*a*) Limitation of the duration of the contract to a maximum in mining of six months, in agriculture of three years;

(*b*) Purely civil law punishments for breach of contract;

(*c*) No worker to be punished without a sentence;

(*d*) The employer himself in no case to carry out the punishment.

Finally, in accordance with the example of Portugal, the appointment of a protector of the contract workers familiar with the language of the natives is proposed.[2]

As may be seen, international agreements are certainly an exceedingly important means of giving legal sanction to the reforms felt to be necessary by expert and unprejudiced judgment; but they remain a "scrap of paper" if no vigorous organization imbued with ideal political aims watches over their enforcement.

---

[1] "Further correspondence respecting contract labor in Portuguese Southwest Africa," Africa No. 1, 1917, Cd. 8479, pp. 69–70, 13, 25, 46.

[2] J. H. Harris: La Question des Indigènes et le prochain Congres de la paix. Bureau International des Ligues de Défense des Indigènes, Geneva, 1917.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER XI.

PREPARATION AND ENFORCEMENT OF INTERNATIONAL TREATIES FOR THE PROTECTION OF LABOR.

International treaties for the protection of labor become effective by the incorporation of their contents into the legislation of each country. The manner and the degree in which the laws of each country are enforced or evaded are also of great importance in the protection of labor. In view of the powerful economic interests that obstruct the execution of these laws, a simple conclusion of an agreement would be of questionable value, even in countries with a reliable administration, unless the countries were to bind themselves mutually to an unbiased and strict enforcement of it. Such international agreements, overstepping the limits of the jealous maintenance of sovereignty, have repeatedly been made. The Berlin International Conference for the Protection of Labor of 1890 in the first place demanded the appointment "of a sufficient number of specially qualified officials to be nominated by the national Governments, and to be independent both of the employers and the employees," and recommended the interchange of their yearly reports and the institution of statistical investigations in the most uniform manner possible. By the Franco-Italian labor agreement of April 14, 1904, the Italian Government assumed the obligation of establishing a factory inspection service throughout the kingdom which should be especially developed in the industrial districts, and should be vested with authority to offer guaranties for the enforcement of the agreement similar to those offered by the French labor inspection service. Further, both countries bound themselves to publish accurate yearly reports on the practical application of the laws and regulations relating to woman and child labor. This bipartite obligation was placed in the form of a request before all the signatory powers by the International Conference of Bern on May 16, 1905.

At this time 17 European Governments possessed special State supervisory officers for the enforcement of labor laws. It was not until the year 1912 that Italy, Roumania, Spain, Bosnia, Herzegovina, Serbia, and Greece joined the group of countries having a special service for the enforcement of the protective labor laws.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Then the question arose as to whether the number of these officers was sufficient to exercise a satisfactory control; whether their authority extended also to home work and commerce and transportation; what preliminary training was required of these officials; in what manner they reported on their activities. Finally, in the last decade the co-operation of women, of workers, and of trade-unions in the enforcement of the protective labor laws has been requested and partly effected.

After the conclusion at Bern (1906) of the international treaty for the protection of labor, relating to the prohibition of industrial night work of women, the International Association for Labor Legislation, at the request of the British section, authorized the International Labor Office to make a comparative report on the measures taken for the enforcement of the protective labor laws. It was published in 1910. As a result of the conditions described therein, the sixth general assembly of the International Association in 1910 decided to request the Governments, in order to make comparison of the contents of their inspectors' reports possible, to provide accurate information as to the kind and number of the establishments and workers to be inspected and of those actually inspected, the number of visits of inspection, especially at night, the number of informations filed and convictions, and as to the cooperation of the workers and the workers' trade-unions with the factory inspection service. To facilitate the use of the reports, it was requested that a translation of the text of the statistical tables be made in one of the principal languages. Certain countries, such as England, have improved the statistics of factory inspection. On the other hand, the attempt at an international agreement on these statistics remained unsuccessful before the war.[1]

By means of this scientific and unprejudiced description of the enforcement of protective labor legislation, by showing the co-operation of the trade-unions in this task, by rousing the international conscience, the International Association sought to build up a more and more solid and secure structure around the international agreements. The question of the interpretation of these agreements remained to be solved. That had hitherto become acute in only one case. English artificial-silk manufacturers and Belgian glassworks owners tried to justify the introduction of night work for women on the ground that it was permitted by the international treaty of 1906, by way of exception, "for the working up of raw materials or the manufacture of objects that are liable to spoil quickly, if it is necessary to prevent an otherwise unavoidable loss

[1] "Principles of an international agreement touching the periodic reports on the enforcement of the international treaties for the protection of labor," in Publications of the International Association for Labor Legislation, No. 8, Jena, 1913, p. 238.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

of these materials." An opinion rendered by the International Labor Bureau made it plain that existing legislation recognized among such exceptions no organic materials except foodstuffs and flowers. This declaration was inserted in the minutes by the president of the International Association, Heinrich Scherer, with the consent of the international conference, on September 24, 1913.[1]

Another method had been proposed by a group of States in 1906, namely, the appointment of an international commission to render opinions on the questions arising out of international treaties for the protection of labor. This proposal was made on September 26, 1906, at the close of the deliberations on the international treaties for the protection of labor, by the representatives of France, with whom the representatives of Denmark, Spain, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland associated themselves. In this commission each signatory power of the treaty was to be represented by one delegate. The commission was to possess purely advisory functions and was not to undertake any kind of investigations of acts of administration in other countries. The commission would be required not only to make a report on the questions submitted to it, but also to formulate an opinion on the admission of non-European countries to international treaties for the protection of labor whenever climatic conditions or the living conditions of the natives required special amendments to be made in the treaties. Further, without prejudice to the initiative of any country that was a party to the treaty, this international commission was to take charge of the interchange of opinions of the various States preceding the convocation of new conferences for the protection of labor. Every country in cases of conflict would retain the right of appeal to the court of arbitration according to article 16 of The Hague Convention, even after an expression of opinion on the part of the international commission. These proposals of 1906 were incorporated in the resolutions of Leeds.

Hitherto the functions proposed to be given to this commission, the interpretation of the international treaties for the protection of labor, the negotiations preliminary to the convening of international conferences for the protection of labor, were exercised by the Swiss Federal Council. Considerable information has been laid before the latter by the International Labor Bureau, and the presidents of the national sections of the International Association have also obtained from their Governments confidential information with regard to the willingness of those Governments to send delegates to international conferences. This inclination was especially encouraged when, as in

[1] Minutes of the International Conference for the Protection of Labor, Bern, Sept. 15-25, 1913, pp. 134, 135.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

the case of the Franco-Italian agreement of 1904, two countries bound themselves in advance to send representatives to all international conferences for the protection of labor to be convened in the future and to provide them with instructions. This obligation to send instructed representatives to a meeting may be suggested as an example for international imitation.

Whether the method hitherto in practice be adhered to, or whether the appointment of a commission meet with international approval, there is no doubt that an unbiased international central office for the preparation of treaties for the protection of labor is just as necessary as an organization familiar with the requirements of labor in every country. The protection of labor needs the alert watchfulness and the active care of its legal advisers. Since 1901 the International Labor Bureau in Basel has been active as the headquarters for the compilation and publication of the protective labor laws and regulations in the three principal languages, for the distribution of information on these questions, for the initiation of comparative international investigations, and for the editing of memoranda to be used in the preparation of international treaties. Its activity is based upon the by-laws of the International Association for Labor Legislation of 1901 and the regulations of 1902. According to these regulations the International Labor Bureau is a scientific institution.[1] It has to fulfill the tasks intrusted to it by the by-laws of the International Association as well as those assigned to it on the basis of these by-laws by the committee of the association. It will maintain the strictest political neutrality.

The following list of publications gives a concise account of the activity of the International Labor Bureau since 1901:

1. Bulletin of the International Labor Bureau, 16 volumes, 1902–1917 (text of the protective labor and workmen's insurance laws, analyses, parliamentary procedings, resolutions of congresses, bibliography).

2. Memoranda and monographs:

(*a*) Two memoranda prepared for an international conference for the protection of labor—memorandum on the prohibition of the use of white phosphorus in the match industry; memorandum on the prohibition of industrial night work for women (publications of the International Association No. 4).

---

[1] The credit of having demanded that such a central office shall have a scientific character is due to Theodor Curti, Internationales Arbeiterschutzamt, in Internationaler Kongress für Arbeiterschutz in Zürich, 1897, pp. 137, 242, and to Hector Denis, L'institution d'un bureau international de législation et de statistique du travail, in Congrès international du Travail tenu a Bruxelles du 27 au 30 Septembre, 1897. Brussels, 1898, p. 465. Its development into a central bureau of official labor and social statistics as desired by both men is still to be realized.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

(*b*) Two memoranda prepared for the second international conference for the protection of labor held in Bern in 1913—memorandum on the international prohibition of industrial night work of young persons; memorandum on the international determination of a maximum 10-hour working day for women in industry and young persons (publications of the International Association No. 9).

(*c*) Industries detrimental to health.

(*d*) Industrial night work of women.

(*e*) First comparative report on the measures taken for the enforcement of the protective labor laws. Factory inspection in Europe.

(*f*) List of industrial poisons.

3. Prize essays:

(*a*) The Combating of the Lead Peril in Lead Works (*Die Bekämpfung der Bleigefahr in Bleihütten*), by Richard Müller.

(*b*) The Combating of the Lead Peril in Industry (*Die Bekämpfung der Bleigefahr in der Industrie*), by Dr. Leymann.

(*c*) Lead Works (*Les fonderies de plomb*), by M. Boulin.

(*d*) Lead Poisoning in the Printing Trades (*Le saturnisme dans la typographie*), by M. Ducrot.

4. Information given and opinions rendered—452, of which 121 were addressed to Governments.

The war has not interrupted the publication of protective labor laws and the giving of information or international communication between labor bureaus. The organizations for the carrying on of the work in common have, however, been disturbed. These are:

1. The commissions appointed by the International Association.
2. The international advisory council on hygiene.
3. The work done in cooperation with the Permanent International Committee on Social Insurance and the International Association on Unemployment. For in all the belligerent countries the leading men of these institutions are doing war work.

The International Labor Office owes to its strict neutrality its recognition by the trade-unions of the Entente, the Central Powers, and the neutral countries during the World War. The resolutions of Leeds, as well as those of Bern, express the wish that this institution may be recognized in the peace treaty as the agent of international protection of labor.[1]

---

[1] See, also, pp. 125 and 129.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

CHAPTER XII.

INTERNATIONALIZATION OF PROTECTIVE LABOR LEGISLATION.

A nation's success in war depends upon its technical and financial superiority. On the other hand, peaceful intercommunication among nations, their reciprocal development and maintenance of strength, depend in the deepest sense upon their social efficiency. The question of to-day is whether the time is at hand for the establishment of a society of nations founded on peace and social justice (*Friedensgemeinschaft*) and what effective legal form such an organization ought to take.

As we have seen, the first steps in the direction of a system of protective labor agreements have been taken in our generation. From a bipartite agreement of 1904 have arisen the polypartite agreements of 1906 and 1913. This is an important advance when we remember that according to experience consideration for the industrially weaker State weighs far more heavily in the balance in the case of a bipartite agreement than when a general agreement is concluded. The systematic development of these agreements is the next fundamental task. The following questions are involved:

1. The regulation of the labor contract forms the foundation of the whole social order. The guaranty of the inviolability of collective agreements, the introduction of minimum-wage boards for underpaid occupations, and the protection of immigrants and of colonial contract labor come within its sphere.

2. The agreements of 1913 with regard to the protection of young persons can be supplemented and strengthened by provisions regarding the protection of children, and in the same way—

3. The agreements of 1906 and 1913 with regard to the protection of female workers can be supplemented by provisions as to early closing on Saturdays and the protection of mothers.

4. The introduction of the 8-hour shift in the mining industry and in establishments with continuous operation is now to be an international aim.

5. The protection of the Sunday rest is to be regulated and extended.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

6. For protection against industrial poisoning, an international prohibition of the use of white lead may follow, on the lines of the white phosphorus agreement of 1906.

7. For transport workers common safety regulations may be issued.

8. The development of social insurance and the protection of the claims of aliens to pensions even in case of war require regulation.

9. Finally, a special agreement may serve to secure the international protection of labor.

The significance of such a program lies in the fact that it does not serve the occupational interests of labor alone. The demands of statesmen and publicists of both enemy camps to-day, when urgently supporting the incorporation of social and political demands in the peace treaty, are based on the following considerations:

First, no encouragement should be given to particular nations, by means of longer hours of labor and lower wages, in the intensive post-war competition of the various nations for trade. It is a known fact that in certain industries, particularly in home work, the costs of production can be reduced through a reduction of wages, and that this would bring about a policy of underselling and dumping. Such a state of affairs would cause an economic war of the producers, which without doubt would be followed by a war of the consumers against producers. If, therefore, industry wishes to avoid reprisals it must prefer an international régime of self-restriction to unrestricted exploitation of the working classes.[1]

Second, international protective labor legislation will prevent the class strife which threatens after the war; for this reason it should be extensively developed simultaneously with the peace treaty. In this connection Senator Henry Cheron on June 5, 1917, when reporting the Saturday rest bill for the clothing industry, said:

> We must resolutely reenter this road so that we may not sacrifice the industry and commerce of the most democratic countries to those whose social legislation is less developed. In the peace treaty which will end the present war the employers' representatives must set aside a special place for labor legislation. This not only is required by a sense of justice but will be one of the surest means to avoid disputes on working conditions which is of such great importance to both wage earners and their employers.[2]

Third, uniformity of labor legislation is one of the democratic bases of the coming international democratic régime. " Democracy,"

[1] Lysis: Vers la démocratie nouvelle, 1917; H. Lammasch: Das Völkerrecht nach dem Kriege, 1917, p. 58.

[2] Doc. parl. Sénat annexe No. 188, p. 260. The quotation in French is as follows: " C'est dans cette voie qu'il faut rentrer résolument, afin de ne pas sacrifier l'industrie et le commerce des pays les plus démocrates à ceux dont la législation sociale est moins développée. Dans le traité de paix qui mettra fin a la grande guerre actuelle, les représentants des patrons devront faire une place toute spéciale aux législations du travail. Il n'y a pas là seulement une idée de justice. Ce sera un des plus sûrs moyens d'éviter entre les contractants le conflit des conditions du travail, si redoutable pour les salariés et leurs employeurs."

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

declares Prof. Rowe, secretary general of the Pan American Commission, "means something more than a governmental system; something far deeper than the election of public officials; something far more significant than a particular type of written constitution. It means, in the last analysis, the solution of certain basic industrial and social problems, such as the elimination of peonage, the governmental guaranty of a minimum standard of life to the masses, a well-organized system of protective labor legislation, an agrarian system based on a numerous land-holding class, an educational system open to all on terms that are really and not nominally equal."[1]

The peace-assuring, although not peace-promoting, character ascribed to international protective labor legislation is therefore due not only to economic but also to internal and foreign political reasons.

It is clear that a mere armed peace (*Rüstungsfriede*) can not contain any such demands for the protection of labor as the equalization of the labor laws. The sacrifices which such a peace must impose anew upon the great mass of the working classes do not compare with the moral and physical strengthening to be achieved by the protection of labor. Ten years with the eight-hour working day can not make up for four years of woman labor underground, the compulsory labor of war prisoners, and the hunger and exhaustion which a war brings with it. An armed peace means the continuation of the war with the same means, and its supporters have at all times been the most pronounced opponents of the national protection of labor.

Only when a profound change of spirit has removed domination by the military interests, when the allurements of profits based on force and monopolies have lost their effectiveness, and when a democratic peace (*Arbeitsfriede*) intended to be permanent has been concluded, may one think of a renaissance of the working classes of all countries. Whether and when the conclusion of such a peace can be brought about can not be predicted in the fourth year of the World War.

If fate should will it that a democratic peace be realized, a program aiming at the speedy conclusion of a system of protective labor agreements would form a part of the peace instrument no less essential than the announcement of a new adjustment of trade regulations and financial obligations.

Just as modern constitutions, like that of Switzerland and the more recent one of Mexico, have charged the legislatures with the enactment of specific forms of social legislation, so can the rudiments of a world constitution, which a world peace treaty represents, lay down specific principles for world legislation, and by the fixing of definite

---

[1] L. S. Rowe: "Bringing the Americas together," in The Foreign Relations of the United States, Proceedings of the American Academy of Political Science, vol. 7, No. 2, New York, 1917, p. 273.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

periods of transition prevent obstruction in the realization of these principles.

The guaranties for the development and enforcement of social international law lie in the permanent cooperation and watchfulness of international organizations, in the promotion of comparative research in the field of social and administrative science and hygiene, and in the cultivation of an international spirit. Only a new reign of reason, experimental research, self-denial, public spiritedness, and a belief in higher aims than the material tendencies of subjugation can give to these guaranties the power which we grievously miss to-day. Above all there must be no doubt as to the indispensability of the cooperation of international organizations in this work. The international protection of labor is not a legal phantom hovering above the world of material interests. It requires steady supervision and continuous contact with industrial life, constant exchange of experiences, and scientific and parliamentary control of conflicts and interests. An international laissez faire, a merely recording activity in this sphere, is inconsistent with its vital requirements. Just as the antislavery societies stepped into the breach, when diplomatic action failed, and secured protection for native colonial labor, so in our time we have the international social organizations which are bound together by purely ideal interests for the promotion and enforcement of protective labor treaties. The German insurance laws of 1884 gave rise to a wish for international study of the new principles of sickness and accident insurance and led to the forming in 1889 of an international permanent committee on social insurance. A strike in the Ruhr district during the same year led to the convocation in 1890 of the Berlin Conference on Protective Labor Legislation. Discerning the fact that the care of the healthy workman, of the growing generation, and of the mothers, which, owing to circumstances of international competition has been neglected, is no less urgent than the care of those injured by accidents, of the sick, and of the infirm, the International Association for Labor Legislation in 1901 adopted these ideas. The endeavor to centralize the procuring of employment in times of great unemployment and to organize the insurance of the unemployed either through State or municipal subsidies to the trade-unions and other insurance funds led in 1910 to the organization of the International Association on Unemployment. Strengthened internally by a common purpose, and by a consciousness of essential work to be done, these associations have weathered the storms of the present war. " It is solely the experimental method and not a special doctrine which has created them and bound them together." [1]

The scientific study of labor problems—the demand for labor, industrial fatigue, the limits of efficiency, the minimum wage, occu-

[1] Léon Bourgeois: L'organisation internationale de la prévoyance sociale, 1913, p. 15.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

pational morbidity and mortality, unemployment, social hygiene, social insurance, labor administration, and comparative protective labor legislation—forms the second basis of the international protection of labor. The study of these problems requires comparable bases. In several States this requirement has given rise to interest in the study of the labor factor, necessitated administrative activity, and increased the consciousness of membership in the family of nations.

At a time when an international bond unites the labor legislation of the various countries this comparative study becomes more indispensable than ever. The international miracle does not take place by putting a universal driving belt on all the working machinery of social legislation and by transferring to it the motive power. Such a simple process may be employed in transportation and for the postal systems which possess inherently an international character, but it fails to work wherever the national machinery must be adapted to international tasks.

The comparative study of these international problems, and the study of the efficiency, technical development, and administrative results achieved in the field of social hygiene and social insurance led to the perception of their international possibilities. This study has also led to the knowledge that smaller countries such as Finland, Denmark, Greece, Norway, Portugal, Switzerland, Australia, and Mexico may under certain conditions accomplish much more for the protection and conservation of human labor than large States such as the former empires of Russia and Brazil—a proof that in this field there can exist no supremacy or dominion by compulsion, but only a working community which achieves results not by forcible interference but by imitation and education.

The resolutions of the International Association for Labor Legislation are the result of these experiences. They have been incorporated with slight changes and additions, comprehensible on account of the present state of war, in the labor programs of Leeds and Bern to which American labor has given the impetus. If the contents of these programs should become internationally binding, these acts would be as incomplete as the Magna Charta was as a constitutional instrument on the date of its signature. A large number of the protective labor laws of our time are not applicable to workers in small establishments, to home workers, or to transportation and agricultural workers, even if this is not explicitly stated in the law. Only a protracted state of peace will make clear the occupational changes in these groups. How much the numerical strength of these groups will be increased through war pensioners and persons added to the proletariat by the war can not be estimated. It is clear that this new field can be opened up only step by step through common social reforms.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The international regulation of the rights of salaried employees, a class which constantly assumes greater importance as public and cooperative establishments take the place of individual employers of labor (entrepreneurs), forms another virgin field of activity. A world-wide study of the standards affecting this class, and of its demands for participation in profits and administration, has hardly begun.

The end of the war may be expected to bring a violent flaring up of strikes. If the inflation of prices recedes with the end of the gigantic loans and of the demand caused by building operations and ship construction, a period of unemployment will set in. Formed into national and perhaps international federations, employers and workmen will oppose each other. But up to the present the principles according to which disputes over hours of labor and wages are settled have not been developed beyond the suggestions of well-meaning persons skilled in conciliation. Wherever powerful strikes have stopped the production of necessities, as in December, 1916, in the coal mines of Wales, England has had recourse to State operation.[1] One of the international tasks of the future is to collect the prewar and war experience of the systems of conciliation and arbitration, and to profit by it, and to elucidate the great problems of the purchasing power of minimum wages.[2]

Finally, the extension of protective labor legislation in Asia, Africa, Central America, and South America is of great importance also for the European working classes. As labor reserves and as countries producing raw materials of which European and American capital will make greater use than ever, these unprotected territories are marked for a repetition of exploitation and as breeding places of cheap colored labor, the prevention of all of which is of international interest.[3] The voices of humanity, and the efforts of the missionaries will hardly find their influence in the Dark Continent and in Asia strengthened by the evidences of a World War.

Especially to be recommended is the organization in the colonial territories of centers of social research and social reform for the strengthening of the existing institutions for the protection of the natives, and for reporting concerning their management. Thus only will international duty be realized.

Although the preliminary work of the conventions of Bern and of the International Association for Labor Legislation and the new

---

[1] C. H. Northcott: "Organization of labor for war," in Political Science Quarterly, New York, June, 1917, vol. 32, No. 2, p. 216.

[2] For the prewar period see "Wage theories in industrial arbitration," by Wilson Compton, in The American Economic Review, vol. 6, No. 2, June, 1916, p. 324.

[3] The Life of Sir Charles W. Dilke, by St. Gwynn and Gertrude Tuckwell, 1918, vol. 2, p. 368, contains a glowing description of the efforts of this great statesman to penetrate the secrets of the dark chambers of colonial politics.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

labor programs of the trade-unions have created promising bases for the international legal regulation of labor, the task is not finished but merely begun. The spirit and energy with which the task is completed are far more important than the way in which this completion takes place. International protective labor legislation which at one time it was thought might serve the purposes of obstructionism has proved to be a warning sign and a lever in securing national reforms. It should not be deprived of this task of accelerating the most necessary of all transitions.

The importance of international labor legislation can not be belittled on the ground that it lacks power of enforcement. Hardly any serious violation of international protective labor treaties had occurred before the World War. Hence, their sanction after the war must lie essentially in the restoration of that international sense of honor and shame which existed in prewar times, and in breaking away from the conventional doctrine "Staat ist Macht," the dreary echo of Proudhon's "La force crée le droit."[1] For entirely apart from the fact that, as a thoughtful economist has said, "power merely restricts but does not regulate,"[2] one thing is certain, and that is, that the impotence of the individual States in securing social reforms on their own initiative has opened the doors of international law to labor legislation. Who shall dare to lock them again?

After the collapse of the old policy of interests the newer ideals of the interests of the masses require scope for development and nurture. A new and strenuous life full of duties necessitates greater educational facilities, more vital activity, and more trust in the future. The assurance of health, a minimum rest period, and a minimum income as guaranteed by the systematic development of international labor legislation form the matrix for the building up of a generation which will stand above monopolistic profits, business egotism, and class interests.

---

[1] Emile Olliver, L'Empire libéral, vol. 5, 1900, pp. 447, 448.

[2] Boehm-Bawerk, E. Von, Macht oder ökonomisches Gesetz? in Oesterr. Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung, 1914.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

APPENDIXES.

APPENDIX I.—THE PROGRAMS OF LEEDS AND BERN.

1. RESOLUTIONS OF THE INTERNATIONAL LABOR CONFERENCE AT LEEDS, JULY, 1916.

The conference declares that the peace treaty which will terminate the present war and will give to the nations political and economic independence should also insure to the working class of all countries a minimum of guaranties of a moral as well as of a material kind concerning the right of coalition, emigration, social insurance, hours of labor, hygiene, and protection of labor, in order to secure them against the attacks of international capitalistic competition.

These guaranties must be based upon the following principles:

RIGHT TO WORK: RIGHT OF COALITION.

Every workman, no matter to which nationality he may belong, ought to have the right to work wherever he can find employment.

Every workman, wherever he is employed, should enjoy all the trade-union rights which the native workman enjoys, particularly the right to participate in the administration of his union.

No workman should be expelled on account of his trade-unionist activities.

Appeals to the ordinary courts of justice should be allowed against all expulsion orders.

No alien workman should be paid a lower rate of wages than the normal or prevailing rate of wages, or be made to work under worse conditions than those prevailing in the same locality or district for workers of the same trade or the same specialty.

These conditions of work and rate of wages are those that are fixed in the agreements between the organizations of the employers and the employed. Failing such agreements, the conditions of work and the rate of wages are to be fixed by joint committees of representatives of employers' and workers' organizations.

EMIGRATION AND IMMIGRATION.

The migrations of workmen shall be organized and based on national labor exchanges.

There should be in every country a special commission on emigration and immigration, consisting of representatives of the Government and of the organizations of employers and workers of the country.

The recruiting of workmen in a foreign country should only be permitted if the commissions of the interested countries, whose duty it is to examine into

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

the question as to whether the demand for, and the extent of, such a recruiting really correspond with the needs of an industry or a district, and whether the labor contracts are in full conformity with the above-mentioned conditions of labor and the rate of wages, have favorably reported.

The recruiting of emigrants should be under the control of the labor organizations of the country of emigration.

The execution of the labor contracts should be under the control of the labor organizations of the country of immigration.

Should the need arise to employ colored labor, the recruiting must proceed under the same conditions as apply to European workmen. And the same guaranties must be secured for colored labor.

Moreover, the employers who engage such labor shall arrange at their own expense and under the control of the school authorities the necessary courses of instruction, in order to teach the colored workmen to speak, read, and write the language of the country in which they are employed.

SOCIAL INSURANCE.

(*a*) In case of accidents, workmen and their relatives, without distinction of nationality and domicile, shall be legally entitled to the same compensation as the native workmen.

The legal position of workmen who are temporarily employed outside the country in which the establishment employing them is located, or of transport workers engaged intermittently and habitually within the territories of several States, shall depend upon the laws of that country in which the establishment employing them is located.

The authorities of the various States should mutually assist one another in facilitating in every respect the execution of the laws concerning industrial accidents.

All acts, certificates, and documents which are made and published or rendered necessary in one country for the purposes of the enforcement of the accident and compensation laws of another country, should be granted exemption from dues, stamps, and postage charges as the laws of that country provide in which the execution or the delivery takes place.

(*b*) Countries which have not yet enacted insurance laws regarding sickness, invalidity, old age, and unemployment should pledge themselves to do so within the shortest period.

After the lapse of that period, all workmen, without distinction of nationality, participate in all countries in the insurance arrangements in the same manner as the native workmen.

All necessary measures should be taken for securing the uninterrupted payment of insurance benefits to the workmen forced to change their domicile; likewise for the control and payment of the benefits in the respective foreign countries.

(*c*) Pending the introduction of sickness insurance, diseases caused by the exercise of a trade should be regarded as accidents entitled to compensation.

LIMITATION OF HOURS OF LABOR.

Children under 14 years of age should not be permitted to leave school and engage as wageworkers in industrial, commercial, and agricultural labor.

Female persons and juveniles under 18 years of age shall be prohibited from working at night work or in factories of continuous operation.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

A weekly rest, i. e., complete cessation of work, of one and a half days shall be compulsory. It shall be fixed for Sundays and Saturday afternoons, unless there exist for special industries exceptional regulations which transfer the rest or cessation of work to other days of the week.

For all workers a day's work must not exceed 10 hours.

In mines, factories of continuous operation, and unhealthy industries the maximum workday shall be eight hours.

HYGIENE AND LABOR PROTECTION.

(*a*) It is the duty of the various countries to develop their laws concerning hygiene and labor protection.

These laws must extend to all branches of industry. The various countries should conclude a lasting agreement with regard to common efforts in combating industrial poisons, dangerous labor processes, and trade diseases.

(*b*) The railways of all countries should within the period of two to five years be provided with a uniform system of automatic coupling, applicable to all cars.

INSPECTION AND STATISTICS.

(*a*) It shall be the duty of the various countries to create or extend factory inspection for the purpose of having proper enforcement of all laws concerning hours of labor, hygiene, and protection of workmen; particularly those laws which are established by international treaties.

The Governments shall make known to each other the laws and regulations concerning these matters which by virtue of the international labor clauses have been introduced or are going to be introduced in their respective countries; likewise the annual reports on the working of those laws and regulations.

The labor organizations shall have active participation in the inspection and control of the application of those laws.

(*b*) An international commission shall be established for the purpose of supervising the application of the laws concerning social insurance, labor migrations, hours of labor, hygiene, and accident prevention. This commission shall be instructed to report upon all questions and grievances submitted to it on the matters within its purview, and its opinions shall be communicated to all concerned. On the demand of one of the parties, any point of conflict shall be submitted to an international court of arbitration.

It shall likewise be the duty of this commission to help on the preparations for the organization of future conferences which the Governments of the various countries may convoke for the purpose of amending and developing labor legislation.

(*c*) There shall be established an international labor office which shall coordinate and consolidate the various inquiries, studies, statistics, and national reports on the application of the labor laws; it shall make an effort to create uniform methods of statistics, secure comparative reports of international conventions, prepare international inquiries, and study all those questions which refer to the development and application of the laws concerning accident prevention, hygiene, and safety work.

The office established by the International Association for Labor Legislation may be put into use for the carrying out of this program, in which work the international labor secretary will cooperate.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

2. RESOLUTIONS OF THE INTERNATIONAL TRADE-UNION CONFERENCE AT BERN, OCTOBER 4, 1917.

I. FREEDOM OF MIGRATION.

(*a*) The enactment of prohibitions of emigration shall not be permissible.

(*b*) The enactment of general prohibitions of immigration shall not be permissible.

This provision shall not affect—

1. The right of each State to order temporary restrictions of immigration in times of economic depression in order to protect native labor as well as alien immigrant labor.

2. The right of each State to control and restrict immigration temporarily in order to protect the national health.

3. The right of each State to stipulate minimum requirements as to the ability of immigrants to read and write their mother tongue in order to protect its national culture and in the interest of efficient enforcement of the protective labor laws relating to industries in the branches of which immigrant labor is being prevailingly employed.

(*c*) The signatory States shall obligate themselves to incorporate in their legislation at the earliest possible date provisions which prohibit the hiring of contract labor from abroad and the activities for the same purpose of employment bureaus operated for profit.

(*d*) The signatory States shall obligate themselves to compile labor-market statistics from organized public employment offices and to interchange these statistics at the shortest possible intervals through an international central bureau, in order to prevent migration of labor to countries in which the chances for employment are small. These statistical reports shall be made accessible to labor organizations in particular.

II. RIGHT OF COALITION.

(*a*) The right of free coalition shall be granted in all countries to workmen. Laws and decrees (domestic-servant laws, prohibitions of coalition, etc.) which differentiate between individual classes of workmen or deprive them of the right of coalition and of representation of their economic interests shall be abrogated. Immigrant labor shall enjoy the same rights as native labor with respect to participation and activity in trade-union organizations, including the right to strike.

(*b*) Interference with workmen in the exercise of the right of coalition shall be made punishable.

(*c*) Alien workmen shall have the benefit of those wage and labor conditions which have been agreed upon by trade-union organizations with the employers of their trade. Where such agreements do not exist, the prevailing wage rate of their trade in the locality shall be applicable to alien workmen.

III. SOCIAL INSURANCE.

(*a*) Countries which so far have not introduced insurance against sickness, industrial accidents, invalidity, old age, and unemployment shall obligate themselves to introduce such insurance at the earliest possible date.

(*b*) Immigrant workmen shall without consideration of the probable duration of their sojourn in the foreign country have the same status as to rights and duties in all branches of social insurance as native workmen.

(*c*) Workmen temporarily employed outside of their country (on assembling of machinery, etc.), as well as transportation workers (seamen, etc.), who

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

usually work within the territory of several States, shall be subject to insurance in that State in which the enterprise employing them is located.

(*d*) All documents and certificates relating to social insurance shall be executed without charge and be exempt from fiscal dues.

(*e*) Alien workmen who have departed from the country in which they have a legal claim to pension shall not lose their claims, provided their own country has acknowledged the principle of reciprocity. Detailed provisions as to this question as well as to the mode of payment of the pensions and the regulation of the control of the pensioners shall be made in international treaties.

(*f*) These treaties shall also regulate whether trade diseases shall be considered as industrial accidents.

(*g*) Claims on the unemployment insurance of a country become extinct on departure from the country in which the claims have been acquired. Whether claimants shall be granted a travel subsidy is to be regulated by treaty.

IV. HOURS OF LABOR.

(*a*) The daily hours of labor for all workmen may not exceed 10 hours. The signatory States shall obligate themselves to issue legal regulations, according to which the daily hours of labor shall at fixed intervals be reduced in such a manner that after a time limit, to be fixed by agreement, the 8-hour workday shall generally become the maximum legal workday.

(*b*) The hours of labor in mines, establishments with continuous operation, and in industries especially injurious to the health of the workmen shall be reduced to a maximum of 8 hours per day.

(*c*) Night work between 8 p. m. and 6 a. m. shall be legally prohibited for all establishments in which night work is not made necessary by the nature of their operation or for technical reasons. In establishments in which night work is permitted the hours of labor shall not exceed 8 hours per shift.

(*d*) All workmen shall be granted by law a weekly continuous rest period of at least 36 hours during the period from Saturday to Monday. Exceptions from this Sunday rest may be made only for the performance of labor required for the resumption of operation on Monday, for establishments which for technical reasons must be operated continuously, and for those activities which serve for the recreation and education of the people on Sunday. In all of these cases a 36-hour continuous rest period must be granted on week days. Exceptions are to be designated precisely in the law. In order to assure a 36-hour continuous weekly rest period, establishments with continuous operation shall organize reserve shifts. The changing of shifts is to be so regulated that each workman is off duty at least every third Sunday.

(*e*) Those establishments whose processes are especially injurious to the health of workmen shall in each country be precisely designated by decree or law.

V. HYGIENE.

(*a*) The signatory Governments shall obligate themselves to promote in their countries the development of legislation on industrial hygiene. In particular, endeavor shall be made to achieve uniformity of hygiene regulations for the individual industries, and to further a continuous common effort against the use of industrial poisons and particularly dangerous methods of production.

(*b*) In the work in the field of occupational hygiene designated under (*a*), the list of industrial poisons compiled by the International Association for Labor Legislation shall be used. Such poisons as can be replaced by less dangerous substances or materials shall be excluded from use in industrial establishments.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

(*c*) Special regulations as to maximum hours of labor shall be agreed upon for the establishments designated under IV (*e*), having regard to the extent of occupational danger connected with the individual branches of industry.

VI. HOME WORK.

(*a*) All laws and decrees relating to the protection of labor shall be applicable to home work.

(*b*) Social insurance shall be extended to home workers.

(*c*) Home work shall be prohibited—

1. In the case of all work which may involve serious injuries to the health of the workmen, or their poisoning.

2. In the food, beverage, tobacco, etc., industries.

(*d*) It shall be made obligatory for home workers to notify the authorities whenever they are afflicted with an infectious disease.

(*e*) Medical inspection of juvenile home workers, analogous to inspection of school children, is to be introduced in all countries.

(*f*) The keeping and inspection of lists of all workers and intermediary undertakers (subcontractors) in home industry, as well as the keeping of wage books for all home workers, shall be made obligatory.

(*g*) Equipartisan wage boards shall be established in all districts having home industries and shall determine legally binding wage rates. Lists showing the wage rates shall be posted in the workrooms.

VII. PROTECTION OF CHILD AND JUVENILE LABOR.

(*a*) Children under 15 years of age shall be prohibited from exercising any gainful occupation.

(*b*) Juvenile workers 15 to 18 years of age may not be employed longer than 8 hours per day and must be granted 1½ hours' rest after 4 hours of continuous labor. Provision shall be made for the instruction of male and female juvenile workers in continuation and trade schools, the hours of instruction to fall between 8 a. m. and 6 p. m. Juvenile workers must be granted time to attend these schools.

(*c*) The employment of juvenile workers shall be prohibited—

Between 8 p. m. and 6 a. m., and on Sundays and holidays; in establishments particularly injurious to the health; in mines on underground labor.

VIII. PROTECTION OF FEMALE LABOR.

(*a*) The hours of labor of all female workers and salaried employees in large and small industrial establishments, trades, commerce, transportation, and public traffic, as well as in home industries, shall be limited to 8 hours per day and 44 hours per week. On Saturdays the hours of labor shall terminate at noon (12 o'clock) so that such female workers and salaried employees shall be assured a continuous rest of at least 42 hours until Monday morning. Employment of female workers during the time between 8 p. m. and 6 a. m. shall be prohibited.

(*b*) Undertakers (entrepreneurs) shall be prohibited from giving female workers and employees work to take home to be done after termination of the hours of labor.

(*c*) The employment of female workers in industries particularly injurious to the health (IV (*e*)) and in mines, both above and below ground, shall be generally prohibited.

(*d*) Before and after confinement women may not be employed in industry for a total period of 10 weeks, of which at least 6 weeks must fall in the time

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

after confinement. The introduction of maternity insurance with a minimum benefit equivalent to the legal sick benefit shall be made obligatory for all States.

IX. SEAMEN'S CODE AND PROTECTION OF SEAMEN.

A special international seamen's code and protective legislation for seamen shall be created with the cooperation of seamen's organizations for the international trade of the seamen.

X. ENFORCEMENT OF PROTECTIVE LABOR LEGISLATION.

(*a*) An efficient industrial inspection service for large and small industrial establishments, trades, home industries, commerce, and transportation, as well as for agricultural establishments using machinery, shall be organized and developed in all countries.

(*b*) The officers of the inspection service shall be appointed from among technical experts, as well as from among workmen and salaried employees. Their number shall be sufficiently large to insure the inspection of each establishment at least once every half year. The officers of the inspection service shall be granted executive power and be compensated adequately so as to insure their independence. Women shall be employed as inspection officers for the enforcement of the provisions relating to female labor.

(*c*) Trade-unions organized by virtue of the right of coalition, which is to be granted in all countries, shall cooperate in the efficient enforcement of protective labor legislation. Trade-unions shall in particular be obligated to aid the industrial inspection officers through their committees, secretariats, etc.

(*d*) In order to assure enforcement of protective labor legislation, owners of establishments with at least five workmen speaking only a foreign language shall be legally obligated to establish at their own expense and under supervision of the educational authorities courses of instruction in which the immigrant workmen may learn the language of the country.

(*e*) The International Association for Labor Legislation shall explicitly be recognized in the peace treaty as the medium for the promotion and enforcement of international protective labor legislation. The International Labor Office maintained by this association shall collect and publish in the three principal languages all sociopolitical material, such as statistics, social insurance and labor laws, important decrees and orders, etc., supervise the enforcement of sociopolitical agreements incorporated in international treaties, remain in constant communication with the central labor offices or Government departments charged with the duties of labor offices, prepare on request opinions on various matters relating to sociopolitical legislation, undertake the preparation and direction of international investigations in this field, and make studies of everything relating to the development and application of social legislation. The International Labor Office shall in particular act as intermediary in the quick exchange of labor market statistics (I (*d*)) among the various countries.

(*f*) The International Federation of Trade-Unions shall be granted representation in the International Labor Office.

(*g*) The International Labor Office shall periodically convoke international congresses for the promotion of labor and social legislation to which the signatory States shall send official representatives. The signatory Governments shall bind themselves to aid in the realization of the resolutions of these congresses.

(*h*) The costs of maintenance of this office shall be borne by the signatory States.

97520°—19——9

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

APPENDIX II.—CHRONOLOGICAL TABLE OF THE HISTORY OF THE SLAVE TRADE.

[This appendix is omitted in the present translation.]

APPENDIX III.—THE INTERNATIONAL CONVENTIONS OF BERN.

1. INTERNATIONAL CONVENTION RELATING TO THE PROHIBITION OF THE INDUSTRIAL NIGHT WORK OF WOMEN, CONCLUDED AT BERN, SEPTEMBER 26, 1906.

ARTICLE 1. Night work in industrial employment shall be prohibited for all women without distinction of age, with the exceptions hereinafter provided for.

The present convention shall apply to all industrial undertakings in which more than 10 men or women are employed; it shall not in any case apply to undertakings in which only the members of the family are employed.

It is incumbent upon each contracting State to define the term "industrial undertakings." The definition shall in every case include mines and quarries and also industries in which articles are manufactured and materials transformed; as regards the latter, the laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

ART. 2. The night rest provided for in the preceding article shall be a period of at least 11 consecutive hours; within these 11 hours shall be comprised the interval between 10 in the evening and 5 in the morning.

In those States, however, where the night work of adult women employed in industrial occupations is not as yet regulated, the period of uninterrupted rest may provisionally, and for a maximum period of three years, be limited to 10 hours.

ART. 3. The prohibition of night work may be suspended (1) in cases of "force majeure," when in any undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a periodic character; (2) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

ART. 4. In those industries which are influenced by the seasons, and in all undertakings in the case of exceptional circumstances, the period of the uninterrupted night rest may be reduced to 10 hours on 60 days of the year.

ART. 5. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention, as well as the periodical reports on the manner in which the said laws and regulations are applied.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

ART. 6. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

Such Government, when notifying the adhesion of a colony, possession, or protectorate, shall have the power to declare that the convention shall not apply to such categories of native labor as it would be impossible to supervise.

ART. 7. In extra-European States, as well as in colonies, possessions, or protectorates, when the climate or the condition of the native population shall require it, the period of the uninterrupted night rest may be shorter than the minima laid down in the present convention, provided that compensatory rests are accorded during the day.

ART. 8. The present convention shall be ratified and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of this deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for the coming into operation of the present convention is extended from 2 to 10 years in the case of (1) manufactories of raw sugar from beet; (2) wool combing and weaving; (3) open mining operations, when climatic conditions stop operations for at least four months every year.

ART. 9. The States nonsignatories to the present convention shall be allowed to declare their adhesion to it by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

ART. 10. The time limits laid down in article 8 for the coming into force of the present convention shall be calculated in the case of nonsignatory States, as well as of colonies, possessions, or protectorates, from the date of their adhesion.

ART. 11. It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present convention before the expiration of 12 years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country. The Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present convention.

Done at Bern this 26th day of September, 1906, in a single copy, which shall be kept in the archives of the Swiss Confederation, and one copy of which, duly certified, shall be delivered to each of the contracting States through the diplomatic channel.

2. INTERNATIONAL CONVENTION RESPECTING THE PROHIBITION OF WHITE (YELLOW) PHOSPHORUS IN THE MANUFACTURE OF MATCHES, CONCLUDED AT BERN, SEPTEMBER 26, 1906.

ARTICLE 1. The high contracting parties bind themselves to prohibit in their respective territories the manufacture, importation, and sale of matches which contain white (yellow) phosphorus.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

ART. 2. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention, as well as the reports on the manner in which the said laws and regulations are applied.

ART. 3. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

ART. 4. The present convention shall be ratified, and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force three years after the date on which the record of the deposit is closed.

ART. 5. The States nonsignatories to the present convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

The time limit laid down in article 4 for the coming into force of the present convention is extended in the case of the nonsignatory States, as well as of their colonies, possessions, or protectorates, to five years, counting from the date of the notification of their adhesion.

ART. 6. It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present convention before the expiration of five years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or in the case of a colony, possession, or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Government of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present convention.

Done at Bern this 26th day of September, 1906, in a single copy, which shall be kept in the archives of the Swiss Federation, and one copy of which, duly certified, shall be delivered to each of the contracting powers through the diplomatic channel.

3. FINAL PROTOCOL OF THE INTERNATIONAL CONFERENCE ON LABOR LEGISLATION, 1913.

The delegates of the Governments of Germany, Austria, Hungary, Belgium, Spain, France, the United Kingdom, Italy, Norway, the Netherlands, Portugal, Sweden, and Switzerland met in Bern on September 15, 1913, at a conference to consider the regulation of the two questions of labor legislation contemplated in the circular note of the Swiss Federal Council, dated January 31, 1913. The undersigned delegates have agreed to request the Swiss Federal Council to present to the Governments concerned—with a view to such diplomatic negotiations as may seem good to them—the following proposals for the conclusion of international conventions, being the result of the deliberations of the conference:

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

I. PRINCIPLES FOR AN INTERNATIONAL CONVENTION RESPECTING THE PROHIBITION OF NIGHT WORK FOR YOUNG PERSONS EMPLOYED IN INDUSTRIAL OCCUPATIONS.

1. Night work in industrial occupations shall be prohibited for young persons under the age of 16 years.

The prohibition shall be absolute in all cases up to the age of 14 years.

The present convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall, in all cases, be included in this definition; as regards the latter point, the limit between industry on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

2. The night's rest contemplated in article 1 shall have a duration of at least 11 consecutive hours. In all the contracting States, these 11 hours must include the period between 10 p. m. and 5 a. m.

In coal and lignite mines it shall be permissible to vary the hours of rest contemplated in the first paragraph, provided that the interval between two periods of work habitually lasts 15 hours, and in all cases 13 hours at least.

The period from 10 p. m. to 5 a. m. contemplated in the first paragraph may, in the case of the bakery industry, be replaced by the period from 9 p. m. to 4 a. m. in those States where night work is prohibited by national legislation for all workers engaged in this industry.

3. The prohibition of night work may be suspended for young workers over 14 years of age (*a*) if the interest of the State or any other public interest absolutely demands it; (*b*) in case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character.

4. The provisions of this convention shall apply to girls under 16 years of age wherever these provisions afford more extensive protection than those of the convention of September 26, 1906.

5. In extra-European States, as well as in colonies, possessions, or protectorates, when the climate or the condition of the native population shall require it, the period of the uninterrupted night's rest may be shorter than the minimum of 11 hours laid down in the present convention, provided that compensatory rests are accorded during the day.

6. The present convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing into force the prohibition of the night work of young persons over 14 years of age in industrial occupations shall be increased to 10 years (*a*) in glass works, for persons employed before the melting, annealing, and reheating furnaces; (*b*) in rolling mills and forges where iron and steel are worked up with continuous furnaces, for the workers engaged in occupations directly connected with the furnaces; in both cases, however, on condition that the night employment shall only be permitted in work of a kind to promote the industrial development of the young workers and which presents no particular danger to their life or health.

II. PRINCIPLES FOR AN INTERNATIONAL CONVENTION TO FIX THE WORKING DAY FOR WOMEN AND YOUNG PERSONS EMPLOYED IN INDUSTRIAL OCCUPATIONS.

1. The maximum period of employment in industrial occupations of women without distinction of age and of young persons up to the age of 16 years shall, subject to the exceptions hereafter mentioned, be 10 hours a day.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

The working day may also be limited by fixing a maximum of 60 hours per working week, with a daily maximum of 10½ hours.

The present convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall in all cases be included in this definition; as regards the latter point, the limit between industry, on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

2. The hours of work shall be interrupted by one or more breaks, the regulation of which shall be left to national legislation, subject to two conditions, namely: Where the daily period of employment does not exceed six hours, no break shall be compulsory; where the daily period of employment exceeds this limit, a break of at least half an hour shall be prescribed during or immediately after the first six hours' work.

3. Subject to the reservations specified in article 4, the maximum period of employment may be extended by overtime (*a*) if the interest of the State or any other public interest absolutely demands it; (*b*) in case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character; (*c*) in cases where the work is concerned either with raw materials or materials in course of treatment which are susceptible to very rapid deterioration when such overtime is necessary to preserve these materials from certain loss; (*d*) in industries subject to seasonal influences; (*e*) in exceptional circumstances, for all undertakings.

4. The total hours of work, including overtime, shall not exceed 12 hours a day, except in factories for the preserving of fish, vegetables, and fruit.

Overtime shall not exceed a total of 140 hours per calendar year. It may extend to 180 hours in the manufacture of bricks, tiles, men's, women's, and children's clothing, articles of fashion, feather articles, and artificial flowers, and in factories for the preserving of fish, vegetables, and fruit.

It shall not be permissible, in any case, to extend the working day for young workers of either sex under 16 years of age.

This article shall not apply in the cases contemplated in (*a*) and (*b*) of article 3.

5. This convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing it into force shall be extended (*a*) from two to seven years in the manufacture of raw sugar from beet root, and of machine-made embroidery, and in the spinning and weaving of textile materials; (*b*) from two to seven years in States where the legal duration of the working day for women without distinction of age and for young persons employed in industrial occupations still amounts to 11 hours, provided that, except as regards the exemptions contemplated in the preceding articles, the period of employment shall not exceed 11 hours a day and 63 hours a week.

Drawn up at Bern on September 25, 1913, in one copy, which shall be deposited in the Swiss Federal Archives and a certified copy of which shall be presented through the diplomatic channel to each of the Governments represented at the conference.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

SERIES OF BULLETINS PUBLISHED BY THE BUREAU OF LABOR STATISTICS.

[The publication of the annual and special reports and of the bimonthly bulletin was discontinued in July, 1912, and since that time a bulletin has been published at irregular intervals. Each number contains matter devoted to one of a series of general subjects. These bulletins are numbered consecutively beginning with No. 101, and up to No. 236 they also carry consecutive numbers under each series. Beginning with No. 237 the serial numbering has been discontinued. A list of the series is given below. Under each are grouped all the bulletins which contain material relating to the subject matter of that series. A list of the reports and bulletins of the bureau issued prior to July 1, 1912, will be furnished on application.]

Wholesale Prices.

Bul. 114. Wholesale prices, 1890 to 1912.
Bul. 149. Wholesale prices, 1890 to 1913.
Bul. 173. Index numbers of wholesale prices in the United States and foreign countries.
Bul. 181. Wholesale prices, 1890 to 1914.
Bul. 200. Wholesale prices, 1890 to 1915.
Bul. 226. Wholesale prices, 1890 to 1916.

Retail Prices and Cost of Living.

Bul. 105. Retail prices, 1890 to 1911: Part I.
Retail prices, 1890 to 1911: Part II—General tables.
Bul. 106. Retail prices, 1890 to June, 1912: Part I.
Retail prices, 1890 to 1911: Part II—General tables.
Bul. 108. Retail prices, 1890 to August. 1912.
Bul. 110. Retail prices, 1890 to October, 1912.
Bul. 113. Retail prices, 1890 to December, 1912.
Bul. 115. Retail prices, 1890 to February, 1913.
Bul. 121. Sugar prices, from refiner to consumer.
Bul. 125. Retail prices, 1890 to April, 1913.
But. 130. Wheat and flour prices, from farmer to consumer.
Bul. 132. Retail prices, 1890 to June, 1913.
Bul. 136. Retail prices, 1890 to August, 1913.
Bul. 138. Retail prices, 1890 to October, 1913.
Bul. 140. Retail prices, 1890 to December, 1913.
Bul. 156. Retail prices, 1907 to December, 1914.
Bul. 164. Butter prices, from producer to consumer.
Bul. 170. Foreign food prices as affected by the war.
Bul. 184. Retail prices, 1907 to June, 1915.
Bul. 197. Retail prices, 1907 to December, 1915.
Bul. 228. Retail prices, 1907 to December, 1916.

Wages and Hours of Labor.

Bul. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia.
Bul. 118. Ten-hour maximum working day for women and young persons.
Bul. 119. Working hours of women in the pea canneries of Wisconsin.
Bul. 128. Wages and hours of labor in the cotton, woolen, and silk industries, 1890 to 1912.
Bul. 129. Wages and hours of labor in the lumber, millwork, and furniture industries, 1890 to 1912.
Bul. 131. Union scale of wages and hours of labor, 1907 to 1912.
Bul. 134. Wages and hours of labor in the boot and shoe and hosiery and knit goods industries, 1890 to 1912.
Bul. 135. Wages and hours of labor in the cigar and clothing industries, 1911 and 1912.
Bul. 137. Wages and hours of labor in the building and repairing of steam railroad cars, 1890 to 1912.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Wages and Hours of Labor—Concluded.

Bul. 143. Union scale of wages and hours of labor, May 15, 1913.
Bul. 146. Wages and regularity of employment in the dress and waist industry of New York City.
Bul. 147. Wages and regularity of employment in the cloak, suit, and skirt industry,
Bul. 150. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1913.
Bul. 151. Wages and hours of labor in the iron and steel industry in the United States, 1907 to 1912.
Bul. 153. Wages and hours of labor in the lumber, millwork, and furniture industries, 1907 to 1913.
Bul. 154. Wages and hours of labor in the boot and shoe and hosiery and underwear industries, 1907 to 1913.
Bul. 160. Hours, earnings, and conditions of labor of women in Indiana mercantile establishments and garment factories.
Bul. 161. Wages and hours of labor in the clothing and cigar industries, 1911 to 1913.
Bul. 163. Wages and hours of labor in the building and repairing of steam railroad cars, 1907 to 1913.
Bul. 168. Wages and hours of labor in the iron and steel industry in the United States, 1907 to 1913.
Bul. 171. Union scale of wages and hours of labor, May 1, 1914.
Bul. 177. Wages and hours of labor in the hosiery and underwear industry, 1907 to 1914.
Bul. 178. Wages and hours of labor in the boot and shoe industry, 1907 to 1914.
Bul. 187. Wages and hours of labor in the men's clothing industry, 1911 to 1914.
Bul. 190. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1914.
Bul. 194. Union scale of wages and hours of labor, May 1, 1915.
Bul. 204. Street railway employment in the United States.
Bul. 214. Union scale of wages and hours of labor, May 15, 1916.
Bul. 218. Wages and hours of labor in the iron and steel industry, 1907 to 1915.
Bul. 225. Wages and hours of labor in the lumber, millwork, and furniture industries, 1915.
Bul. 232. Wages and hours of labor in the boot and shoe industry, 1907 to 1916.
Bul. 238. Wages and hours of labor in woolen and worsted goods manufacturing, 1916.
Bul. 239. Wages and hours of labor in cotton goods manufacturing and finishing, 1916.
Bul. 245. Union scale of wages and hours of labor, May 15, 1917.
Bul. 252. Wages and hours of labor in the slaughtering and meat-packing industry. [In press.]

Employment and Unemployment.

Bul. 109. Statistics of unemployment and the work of employment offices in the United States.
Bul. 172. Unemployment in New York City, N. Y.
Bul. 182. Unemployment among women in department and other retail stores of Boston, Mass.
Bul. 183. Regularity of employment in the women's ready-to-wear garment industries.
Bul. 192. Proceedings of the American Association of Public Employment Offices.
Bul. 195. Unemployment in the United States.
Bul. 196. Proceedings of the Employment Managers' Conference held at Minneapolis, January, 1916.
Bul. 202. Proceedings of the conference of the Employment Managers' Association of Boston, Mass., held May 10, 1916.
Bul. 206. The British system of labor exchanges.
Bul. 220. Proceedings of the Fourth Annual Meeting of the American Association of Public Employment Offices, Buffalo, N. Y., July 20 and 21, 1916.
Bul. 223. Employment of women and juveniles in Great Britain during the war.
Bul. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
Bul. 235. Employment system of the Lake Carriers' Association.
Bul. 241. Public employment offices in the United States.
Bul. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9–11, 1918.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Women in Industry.

Bul. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia.
Bul. 117. Prohibition of night work of young persons.
Bul. 118. Ten-hour maximum working-day for women and young persons.
Bul. 119. Working hours of women in the pea canneries of Wisconsin.
Bul. 122. Employment of women in power laundries in Milwaukee.
Bul. 160. Hours, earnings, and conditions of labor of women in Indiana mercantile establishments and garment factories.
Bul. 167. Minimum-wage legislation in the United States and foreign countries.
Bul. 175. Summary of the report on condition of woman and child wage earners in the United States.
Bul. 176. Effect of minimum-wage determinations in Oregon.
Bul. 180. The boot and shoe industry in Massachusetts as a vocation for women.
Bul. 182. Unemployment among women in department and other retail stores of Boston, Mass.
Bul. 193. Dressmaking as a trade for women in Massachusetts.
Bul. 215. Industrial experience of trade-school girls in Massachusetts.
Bul. 223. Employment of women and juveniles in Great Britain during the war.

Workmen's Insurance and Compensation (including laws relating thereto).

Bul. 101. Care of tuberculous wage earners in Germany.
Bul. 102. British National Insurance Act, 1911.
Bul. 103. Sickness and accident insurance law of Switzerland.
Bul. 107. Law relating to insurance of salaried employees in Germany.
Bul. 126. Workmen's compensation laws of the United States and foreign countries.
Bul. 155. Compensation for accidents to employees of the United States.
Bul. 185. Compensation legislation of 1914 and 1915.
Bul. 203. Workmen's compensation laws of the United States and foreign countries.
Bul. 210. Proceedings of the Third Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
Bul. 212. Proceedings of the conference on social insurance called by the International Association of Industrial Accident Boards and Commissions.
Bul. 217. Effect of workmen's compensation laws in diminishing the necessity of industrial employment of women and children.
Bul. 240. Comparison of workmen's compensation laws of the United States.
Bul. 243. Workmen's compensation legislation in the United States and foreign countries.
Bul. 248. Proceedings of the Fourth Annual Meeting of the International Association of Industrial Accident Boards and Commissions.

Industrial Accidents and Hygiene.

Bul. 104. Lead poisoning in potteries, tile works, and porcelain enameled sanitary ware factories.
Bul. 120. Hygiene of the painters' trade.
Bul. 127. Dangers to workers from dusts and fumes, and methods of protection.
Bul. 141. Lead poisoning in the smelting and refining of lead.
Bul. 157. Industrial accident statistics.
Bul. 165. Lead poisoning in the manufacture of storage batteries.
Bul. 179. Industrial poisons used in the rubber industry.
Bul. 188. Report of British departmental committee on danger in the use of lead in the painting of buildings.
Bul. 201. Report of committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. [Limited edition.]
Bul. 205. Anthrax as an occupational disease.
Bul. 207. Causes of death by occupation.
Bul. 209. Hygiene of the printing trades.
Bul. 216. Accidents and accident prevention in machine building.
Bul. 219. Industrial poisons used or produced in the manufacture of explosives.
Bul. 221. Hours, fatigue, and health in British munition factories.
Bul. 230. Industrial efficiency and fatigue in British munition factories.
Bul. 231. Mortality from respiratory diseases in dusty trades.
Bul. 234. Safety movement in the iron and steel industry, 1907 to 1917.
Bul. 236. Effect of the air hammer on the hands of stonecutters.
Bul. 251. Preventable deaths in the cotton manufacturing industry. [In press.]

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis

Conciliation and Arbitration (including strikes and lockouts).

Bul. 124. Conciliation and arbitration in the building trades of Greater New York.
Bul. 133. Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements.
Bul. 139. Michigan copper district strike.
Bul. 144. Industrial court of the cloak, suit, and skirt industry of New York City.
Bul. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City.
Bul. 191. Collective bargaining in the anthracite coal industry.
Bul. 198. Collective agreements in the men's clothing industry.
Bul. 233. Operation of the Industrial Disputes Investigation Act of Canada.

Labor Laws of the United States (including decisions of courts relating to labor).

Bul. 111. Labor legislation of 1912.
Bul. 112. Decisions of courts and opinions affecting labor, 1912.
Bul. 148. Labor laws of the United States, with decisions of courts relating thereto.
Bul. 152. Decisions of courts and opinions affecting labor, 1913.
Bul. 166. Labor legislation of 1914.
Bul. 169. Decisions of courts affecting labor, 1914.
Bul. 186. Labor legislation of 1915.
Bul. 189. Decisions of courts affecting labor, 1915.
Bul. 211. Labor laws and their administration in the Pacific States.
Bul. 213. Labor legislation of 1916.
Bul. 224. Decisions of courts affecting labor, 1916.
Bul. 229. Wage-payment legislation in the United States.
Bul. 244. Labor legislation of 1917.
Bul. 246. Decisions of courts affecting labor, 1917.

Foreign Labor Laws.

Bul. 142. Administration of labor laws and factory inspection in certain European countries.

Vocational Education.

Bul. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City.
Bul. 147. Wages and regularity of employment in the cloak, suit, and skirt industry.
Bul. 159. Short-unit courses for wage earners, and a factory school experiment.
Bul. 162. Vocational education survey of Richmond, Va.
Bul. 199. Vocational education survey of Minneapolis.

Labor as Affected by the War.

Bul. 170. Foreign food prices as affected by the war.
Bul. 219. Industrial poisons used or produced in the manufacture of explosives.
Bul. 221. Hours, fatigue, and health in British munition factories.
Bul. 222. Welfare work in British munition factories.
Bul. 223. Employment of women and juveniles in Great Britain during the war.
Bul. 230. Industrial efficiency and fatigue in British munition factories.
Bul. 237. Industrial unrest in Great Britain.
Bul. 249. Industrial health and efficiency. Final report of British Health of Munition Workers Committee. [In press.]

Miscellaneous Series.

Bul. 117. Prohibition of night work of young persons.
Bul. 118. Ten-hour maximum working day for women and young persons.
Bul. 123. Employers' welfare work.
Bul. 158. Government aid to home owning and housing of working people in foreign countries.
Bul. 159. Short-unit courses for wage earners, and a factory school experiment.
Bul. 167. Minimum-wage legislation in the United States and foreign countries.
Bul. 170. Foreign food prices as affected by the war.
Bul. 174. Subject index of the publications of the United States Bureau of Labor Statistics up to May 1, 1915.
Bul. 208. Profit sharing in the United States.
Bul. 222. Welfare work in British munition factories.
Bul. 242. Food situation in Central Europe, 1917.
Bul. 250. Welfare work for employees in industrial establishments in the United States.

Digitized for FRASER
http://fraser.stlouisfed.org/
Federal Reserve Bank of St. Louis