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MINIMUM-WAGE LAWS OF THE UNITED STATES: CONSTRUCTION AND OPERATION

By LINDLEY D. CLARK

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BULLETIN OF THE

U. S. BUREAU OF LABOR STATISTICS.

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MINIMUM-WAGE LAWS OF THE UNITED STATES: CONSTRUCTION AND OPERATION.

INTRODUCTION.

Although the progress of minimum-wage legislation in the United States has not been so rapid as the first two years of the movement seemed to promise, there has been a certain accumulation of material since the first special study of this subject by the Bureau of Labor Statistics[1] which is of sufficient importance to warrant its presentation at this time. Furthermore, there is evidence of renewed interest in legislation on this subject, following the judicial determination of its validity.

The material presented in this bulletin comprises the laws now in force in the various jurisdictions, together with the orders issued under them, judicial determinations upholding and construing the laws, and some account of operations and of methods of administration, based on official reports and a survey made by a representative of the bureau, which may be characterized as general rather than detailed.

The enactment of laws providing for a minimum wage is but one of a series of legislative measures expressive of a purpose to regulate, as a part of the public policy of the State, the contract of employment, in the first instance in the interest of the party occupying the less advantageous economic position, but ultimately in the interest of society as a whole. Perhaps its earliest manifestation is to be found in laws forbidding the employment of children until a fixed age has been reached—laws which establish a minimum period for physical growth and educational opportunity. Restrictions on hours of labor, or the fixing of a minimum of leisure and rest, next followed, and these laws apply in many States to women as well as to children; while in hazardous or injurious employments, as in mines, smelters, and railroad work, men are largely brought within the scope of such enactments. Factory, mine, and railway regulations, fixing a minimum of safety; weekly, semimonthly, or monthly payment laws, fixing a minimum of frequency for the payment of wages; and workmen's compensation laws, fixing a minimum of benefits for industrial injuries, are other instances of the determination of boundaries of unrestricted action, or the freedom of con-

[1] Minimum Wage Legislation in the United States and Foreign Countries, Bul. No. 167 of the United States Bureau of Labor Statistics. 1915.

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tract, in accordance with the views of public policy held by the legislative bodies of our land.

As said by Mr. Justice Holmes in speaking of another phase of the general subject: "Probably the modification of this general principle by some judicial decisions and by statutes is due to an opinion that men who work with their hands have not always the freedom and equality of position assumed by the doctrine of *laissez faire* to exist."[2] And again: "Courts and legislation sometimes have recognized that the so-called freedom to contract or not may be made illusory by the economic situation of one of the parties."[3]

Laws fixing the rates of wages of persons employed on the public works of a State have been enacted in a few jurisdictions, sometimes by naming an actual rate that is to be paid, and sometimes by requiring that the workman shall receive not less than the rates current in the vicinity for like labor. These are applicable of course to adult males; but where private employment is concerned, only the wages to be paid to women and children have thus far been legislated upon in this country.

Laws as to public works are justified on the ground that the legislature speaks for the public—one of the parties to the contract—and in fixing the rate of wages it but exercises its rights as a party to the contract; and where the law is found to govern the actions of contractors, it is still but a statement of the conditions under which work for the principal shall be performed. Where private employment is affected, an entirely different situation presents itself, and the doubt raised as to the power of the legislature to intervene in this particular phase of the labor contract has only recently been set at rest.

The tables below show that minimum-wage laws have been enacted in 16 jurisdictions, 8 legislatures taking action in 1913, following the initiative of Massachusetts, whose law bears date of 1912. This enactment of eight laws in a new field in a single year looked for the moment as if there was to be a rapid acceptance of the idea, though it is observable that none of the States enacting such a law lies east of the Mississippi River except Massachusetts and Wisconsin, and that these two States, with the larger part of the Western States which took like action, are known for the favorable consideration with which new ideas in social legislation are likely to be received.

The constitutionality of the Oregon statute, enacted in 1913, was promptly challenged, the subject being passed upon by the supreme court of the State early in 1914;[4] and while the law was upheld there, these cases were carried to the Supreme Court of the United States. The validity of the laws of some of the other States was likewise challenged, so that the uncertainty of the status of this type of legislation was continued. The Oregon cases were argued December 17, 1914, restored to the docket for reargument June 12, 1916, and reargued January 18, 19, 1917. The decision rendered April 9, 1917, by an equally divided court, sustained the position of the Oregon court,[5] Mr. Justice Brandeis, who had originally appeared as

[2] Schlemmer *v.* Buffalo, etc. R. Co. (1907), 205 U. S. 1, 27 Sup. Ct. 407.
[3] Continental Wall Paper Co. *v.* Voight (1909), 212 U. S. 227, 271, 29 Sup. Ct. 280.
[4] Stettler *v.* O'Hara (Mar. 17, 1914), 69 Oreg. 519, 139 Pac. 743; Simpson *v.* O'Hara (Apr. 28, 1914), 70 Oreg. 261, 141 Pac. 158.
[5] Same cases, 243 U. S. 629, 37 Sup. Ct. 475.

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attorney for the law, not voting. Thus for a period of three years the activity of the commissions charged with the enforcement of the laws in most States was largely in abeyance, while the proponents of the idea were likewise restrained from pressing for new legislation. The result was that only two States enacted new laws in 1915 and only one in 1917. Colorado passed a law in 1917 as a substitute for its former law on the subject, other States also amending their laws in the meantime. In 1918, Congress enacted a minimum wage law for the District of Columbia; while in 1919 two new States and Porto Rico joined the group providing this form of regulation. The same year was marked by the one retrogressive action of any State having a law on the subject, Nebraska repealing its law, which, however, had remained inoperative since its enactment. The constitutional convention of the State, sitting in 1919–20, proposed an amendment authorizing legislation on the subject, and this amendment was adopted at the election of September 21, 1920. This, with two amendments to the Massachusetts law, constitutes the entire activity in this field in 1920.

An interesting fact to be noted in this connection is that an amendment to the Ohio constitution, submitted by the constitutional convention of 1912, authorizing the establishment of a minimum wage law, was ratified by the people of the State at an election in September, 1912, by a vote of 353,588 to 189,728, but no action has yet been taken by the legislature in regard to the question.

The following tables show the dates of the enactment of the laws and the progress of legislation. The year 1914 was barren except for the adoption of an amendment to the constitution of California, and an amendmnet to the law of Massachusetts; while in 1916, the only legislative action was an amendment made to the Massachusetts statute.

STATES IN WHICH LAWS WERE ENACTED, BY YEARS, 1912 TO 1919.

State.[1]	Year.	State.[1]	Year.
Arizona	1917	Nebraska	[2] 1913
Arkansas	1915	North Dakota	1919
California [3]	1913	Porto Rico	1919
Colorado	1913	Oregon	1913
District of Columbia	1918	Texas	[4] 1919
Kansas	1915	Utah	1913
Massachusetts	1912	Washington	1913
Minnesota	1913	Wisconsin	1913

[1] In this table and on the following pages the word "State" is used as including the District of Columbia and Porto Rico.
[2] Repealed, 1919.
[3] Amendment to State constitution authorizing minimum wage law, 1914.
[4] Repealed, 1921.

NUMBER OF LAWS ENACTED, BY YEARS, 1912 TO 1919.

Year.	Number of laws.	Year.	Number of laws.	Year.	Number of laws.
1912	1	1915	2	1918	1
1913	8	1917	1	1919	3

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BASIS FOR LEGISLATION.

The upholding of the minimum wage laws by the courts of the various jurisdictions is in brief a declaration of their validity as an exercise of the police power of the State, i. e., a provision to promote the general welfare. The commissions charged with the administration of the laws are designated as welfare commissions in five States; and the maintenance of health and welfare is said to be the end to be aimed at in the enactment and enforcement of the laws. Such being their declared purpose, the courts have inquired into their aptness as measures to secure the end indicated. Precedent was found in the position taken by the Supreme Court of the United States that there is a peculiar necessity for safeguarding the health of female employees because of their physical structure and their potential maternal functions, which, for the sake of posterity and the general welfare, must be conserved.[6] Investigations have made it a matter of common knowledge that inadequate wages entail detrimental consequences; and if the statute reasonably tends to accomplish the remedial purposes indicated by the legislature it should be upheld by the court.

The oldest law on the subject is that of New Zealand (1894), other British colonies following this example from time to time, the mother country taking action in 1909, chiefly as a means of combating the evils of the so-called sweated industries, which had been the subject of protracted investigations. Since that date the principle has been adopted as a remedy for less shocking conditions found in this country, and more recently in some of the Canadian Provinces. It has been applied in some important instances to the labor of adult males, but in this country not only is there no general demand for laws applicable to adult males, but the general feeling, and particularly the opinion of organized labor, is against the extension of the principle beyond its application to women and young people. Indeed, the reason assigned by our courts for upholding the laws—i. e., that of physical structure and function—would not be available in the case of a law relating to adult males, and this distinction is pointed out in the opinions. However, the principle of protection against undue exhaustion or exposure to injurious surroundings has been applied to workers in mines, smelters, compressed air, etc., on the ground of the public welfare as represented by the health of the individual male; and the interest of the public in a living wage is reflected in private and governmental agreements and awards affecting the wages of workmen in a large variety of industries, large use being made of price indexes and cost-of-living data in arriving at the determinations made.

Important investigations into the conditions of employment of women and children, especially the former, have been carried out by specially appointed commissions in a number of States; while a widely used report has been that of the United States Bureau of Labor[7] (now the Bureau of Labor Statistics) based on investigations covering the years 1907 and 1908. Three important facts were established by this investigation: (1) That the pin-money

[6] Muller *v.* State, 208 U. S. 412, 28 Sup. Ct. 324.
[7] Report on condition of woman and child wage earners in the United States, S. Doc. No. 645, 61st Cong., 2d sess.

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theory is without real foundation, many women not only being self-supporting, but also supporting dependents; (2) That wages are often inadequate for such support, thus entailing suffering and hardship or involving a parasitism of the industry or of the individual worker; and (3) that establishments which pay wages adequate for support can successfully compete with those in the same locality which pay poor wages.

While the actual money rates paid at the time covered by this report would be much further below an existence level than at that time, the fact that of 38,000 women, 18 years of age and over, two-fifths received less than $6 per week, and nearly three-fourths (72.7 per cent) received less than $8 was sufficient evidence of underpayment to cause action. Another outstanding fact was the lack of any systematic basis for fixing rates, identical services in one establishment being much better paid for than in another in the same or an adjacent community. In other words, the value of the services rendered was not the basis for determining the amount of wages paid. The lack of organization among the women and the lack of any general knowledge of the rates actually being paid afforded an opportunity for a continuation of this condition until such investigations as that of the United States Bureau of Labor and those of the various State commissions threw light on the situation. Beginning in 1911 such investigations and reports have been made in Connecticut, District of Columbia, Kentucky, Masachusetts, Michigan, Missouri, New York, Oregon, and Texas, besides various less inclusive reports in the same field. The reports in the States named have been made mainly by State commissions specially created, but in other cases other State agencies or voluntary organizations have undertaken the work. As strongly contrasting in many ways as are the industrial conditions in New York and Oregon, the findings of the New York commission and the Oregon consumers' league are strikingly similar, and may be taken as generally representative. The director of the New York investigation summarizes the situation as developed in that State in 1913 and 1914 as follows:

> The results of the investigation have proved conclusively that half the workers in low-skilled lines do not receive sufficient wages to sustain themselves independently nor to support their families properly. Although the earning capacity of most workers is relatively high, the large numbers of young women who live at home and the constant influx of immigrants with low standards of comfort depress the rates of wages. Moreover, irregular employment entails great loss of earnings and promotion is generally slow and uncertain even for steady workers with years of experience.
>
> The rates fixed by many establishments are not based upon a consideration of the needs or efficiency of the workers, nor upon the capacity of the business to pay more, but upon the judgment of an individual manager and the custom in the trade.
>
> Because of their youth, their experience, and their timidity, most workers can not individually secure advancement; because of lack of organization they can not obtain trade agreements upon wages. Meanwhile this situation of a great multitude of underpaid working people has a direct bearing upon the growth of poverty, vice, and degeneracy throughout the community. If employer and employee will not unite to remedy conditions, the State must act in order to secure public welfare.

The findings of the survey committee of the Consumer's League of Oregon relate to conditions in 1912, and have in mind the pending measure which became a law in 1913. They set forth both principles and conclusions, as follows:

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(1) Each industry should provide for the livelihood of the workers employed in it. An industry which does not do so is parasitic. The well-being of society demands that wage-earning women shall not be required to subsidize from their earnings the industry in which they are employed.

(2) Owing to the lack of organization among women workers and the secrecy with which their wage schedules are guarded, there are absolutely no standards of wages among them. Their wages are determined, for the most part, by the will of the employer without reference to efficiency or length of service on the part of the worker. This condition is radically unjust.

(3) The wages paid to women workers in most occupations are miserably inadequate to meet the cost of living at the lowest standards consistent with the maintenance of the health and morals of the workers. Nearly three-fifths of the women employed in industries in Portland receive less than $10 a week, which is the minimum weekly wage that ought to be offered to any self-supporting woman wage earner in this city.

(4) The present conditions of labor for women in many industries are shown by this report to be gravely detrimental to their health; and since most women wage earners are potential mothers, the future health of the race is menaced by these unsanitary conditions.

For these reasons your committee believes that the passage of the proposed bill for an act creating an industrial welfare commission is most important and we strongly recommend that the Consumers' League urgently petition the legislature for its enactment.

The anticipated results of minimum-wage legislation, as formulated by the investigative commission of Massachusetts (1912), are:

1. It would promote the general welfare of the State because it would tend to protect the women workers, and particularly the younger women workers, from the economic distress that leads to impaired health and inefficiency.
2. It would bring employers to a realization of their public responsibilities, and would result in the best adjustment of the interests of the employment and of the women employees.
3. It would furnish to the women employees a means of obtaining the best minimum wages that are consistent with the ongoing of the industry without recourse to strikes or industrial disturbances. It would be the best means of insuring industrial peace, so far as this class of employees is concerned.
4. It would tend to prevent exploitation of helpless women and, so far as they are concerned, to do away with sweating in our industries.
5. It would diminish the parasitic character of some industries and lessen the burden now resting on other employments.
6. It would enable the employers in any occupation to prevent the undercutting of wages by less humane and considerate competitors.
7. It would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.
8. It would accordingly tend to induce employers to keep together their trained workers and to avoid, so far as possible, seasonal fluctuations.
9. It would tend to heal the sense of grievance in employees, who would become in this manner better informed as to the exigencies of their trade, and it would enable them to interpret more intelligently the meaning of the pay roll.
10. It would give the public assurance that these industrial abuses have an effective and available remedy.

The earlier laws enacted were felt to be experimental, and were generally vigorously opposed by employers, who were not able or not willing to see in the laws any advantage for themselves, but rather a disadvantage, particularly in regard to competition with other States in manufactured products. The estimated benefits set forth by the Massachusetts commission, quoted above, affect both employer and employee, and the question of realization is a proper

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one. It is suggestive at least to note that when the enactment of a minimum-wage law for the District of Columbia was being considered by Congress in 1918, instead of opposing the law, the Merchants and Manufacturers' Association of the District, by its board of governors, took official action in favor of it, and was represented to that effect, at a committee hearing, by the presence of the secretary of the association. This fact was referred to as evidence that "the lessons of experience have not been wasted." The advantage of the law most clearly anticipated by the employers' representative was the better morale of the employees, and a fuller cooperation with the employer in the successful conduct of the business. The committee in its report to the House says of this action of the employers:

> Their approval means that such legislation is recognized as being based on sound business principles, because it makes for a more efficient and more contented labor force. It also protects the fair and enlightened employer from underbidding competitors.

No one appeared in opposition to the measure. The effect of this legislation in producing such a state of affairs as was anticipated will be touched upon when the operation of the laws is under consideration. However, it may be noted here that the laws have been pronounced by employers as most beneficial in their stabilizing effect as furnishing a standard for both employers and employees to reckon from, and as desirable from the employers' standpoint on this account; so that grounds for enactment of laws of this type may even be found in the employers' interest, though they were, of course, conceived on behalf of the worker.

The basis of legislation of this class is largely statistical. Tables showing actual rates of earnings and budgets of expenses are incontrovertible, if thoroughly worked out. Yet there is always a considerable variation in budgets, even when made up from actual experience; and it is generally recognized that estimates vary according to the stress laid by the persons submitting them on different classes of expenditure. An inescapable item of "sundries," or "incidentals," is almost uniformly found to be too low in estimates. On the other hand, employers have too generally sought to avoid the resultant sum of admittedly proper separate items; as in one State, when it became evident that accepted individual items would total approximately $9 as a minimum cost of living, the employers' representatives offered a minimum wage of $7.50, which was, however, rejected, and a higher rate fixed.

No attempt will be made here to reproduce the statistical data, partly because of its volume, and partly because of its familiarity to students of the question, at least in a general way. A chief reason is because of the industrial changes which have so rapidly advanced wage rates that, even if not keeping up with the increase in cost of living, they are now quite different from any of the rates shown in any of the commission reports. The value of such reports as were made by the investigative commissions and other agencies is at best transitory, and of more or less local import. Fortunately, the field is continuously covered and the results promptly made public by the price indexes and cost-of-living studies of the United States Bureau of Labor Statistics, of which constant use is made in wage adjustments in many lines of industry.

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With the exception of the States of Arizona, Arkansas, and Utah, the laws apply to minors (specially defined) as well as to women. Little dispute has arisen over the inclusion of minors, who are "wards of the State," though there is an obvious difference of basis for their inclusion, at least in so far as males are concerned. Some of the laws use different terms in defining the wage for minors, as that it shall be "suitable," or "not unreasonably low." The position taken by some commissions is that the minors covered by the act are not presumed to be self-supporting, but are being trained for industrial positions as a part of their education, so that the question of a living wage does not enter into the calculation, at least during the earlier part of their employment.

Use has been made of this difference of status between the minor and the adult female to secure an injunction from a county court against the Minnesota commission, to prevent its enforcing an order fixing equal rates for women and for minors. In view of the material difference in their requirements, the court held that separate determinations must be made. (Reversed on appeal, see p. 50.) In most States a minor is a person under 18 years of age, though in one (Texas) the limit is fixed at 15 years. Since employment of persons under 16 years of age is restricted in practically all States having minimum-wage laws, it is evident that the application of such laws to women is the matter of actual interest.

The first law enacted in the United States, that of Massachusetts, contains a saving clause, evidently looking toward placing a check on the fixing of a living wage as a minimum if the industry is financially unable to bear the cost. Wage boards are directed to consider not only "the needs of the employees," but also "the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid." This introduces a new factor into the situation and raises the question of whether a new or unprofitable industry should be subsidized by the workers, or whether, if new, capital should bear the organization costs, and if unprofitable, it is entitled to an economic status as an employing industry. In practice, the employers have relieved the situation by refusing to submit data by which the question of financial condition and probable effects could be determined. Two other States (Colorado and Nebraska) copied this provision, but no action has been taken under the law of either State, while in Colorado, a later law omits it.

The facts that this provision is not found elsewhere, and that it was omitted from the Colorado statute of 1917, fairly support the conclusion that the element of the employer's profit is not generally regarded as properly involved in the question of a living wage. Indeed, it would seem from one point of view, at least, that its consideration would stultify the general proposition, since the justification for interference with the freedom of contract is the protection of the female employee from the hardships consequent upon the payment of inadequate wages; and if unprofitable or parasitic industries are to be the objects of special concessions, an official sanction is thereby given to a necessarily insufficient wage.

However, there is a general recognition of the propriety of paying a wage less than the cost of living, thus relieving the employer of the burden of unprofitable employees, in two classes of cases. One has

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been referred to, that of the minor who is learning his trade; and the laws of most States also provide for action by the wage boards and commissions by which inexperienced workers of whatever age shall be paid a lower rate during fixed periods, reaching the statutory minimum for skilled workers by prescribed advances. Substandard or defective workers may also be employed in most States at a rate below the normal minimum, a license being required from the commission before such an arrangement can be completed. Both these provisions, for learners and for substandard workers, contemplate wages less than the self-support that is supposed to be provided by the normal rate, and imply a subsidy from other members of the family; or perhaps, in the case of learners, the accruing of a deficit to be wiped out when the full rate can be earned.

The safeguarding of the employment of learners and substandard workers by the use of permits or by restrictions of other sorts has been quite generally regarded as necessary in order to prevent employers from making use of these classes, especially learners, as a means of evading the law. The issue of licenses to alleged aged or otherwise handicapped workers calls for careful scrutiny to avoid the bearing down of wages by undue pressure or by an unwarranted construction of the term "substandard." As to learners, the situation is more varied. Some employments may be carried on fairly successfully by persons of slight experience, so that the discharge of a worker just completing the learning period may seem to avoid unnecessary labor costs by replacing such workers by new ones at beginners' rates. If there is a full labor supply the law can thus be in effect evaded unless the number of learners permitted is restricted. But the situation may be met in general by reducing or eliminating the learning period at reduced pay in employments where experience is not valued by the employer. The widespread demand for better individual output and the increasing recognition of the cost of labor turnover operate as a check on this mode of attempting to avoid compliance with the spirit of the law, a mode which is certainly economically wasteful in its general effects and quite probably in its particular consequences. Still, some complaint on this score continues to be made.

On the basis of modes of securing compliance therewith two types of laws exist. Massachusetts led off with a law based on the influence of public opinion only, no actual legal enforcement of rates being provided for. Names of recalcitrant employers might be published in the newspapers, and a penalty attached in case a newspaper refused to publish names furnished by the commission. This provision was copied by Nebraska, but by no other State. All other jurisdictions provide fine or imprisonment, or both, in case the prescribed rate is not paid.

PROVISIONS OF THE LAWS.

SCOPE.

Two factors are involved under this heading, persons and industries.

Persons.—Of the 15 laws now in existence, 11 apply to male minors as well as to females, while 4 (Arizona, Arkansas, Porto Rico, and

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Utah) refer to females only. The law of Arizona contains no allusion to age, and the $10 weekly rate is therefore applicable to all employable females covered by the act, the minimum age being 14 years. That of Arkansas fixes wages for "female workers" only, experienced and inexperienced, and makes no reference to age. In Porto Rico and Utah separate provisions are made for female minors under 18 and for adult females.

While all other laws on the subject embrace minor males as well as females, there is some variety of definition. All but three of these define minors as persons under 18 years of age. In the Texas law the limit was 15 years, while in Minnesota the law applies to male minors under 21 and females under 18. The Wisconsin statute uses the term "minor" without definition.

Industries.—Nearly all the laws are very general in their enumeration of industries, covering "any trade, occupation, or industry in which women and minors are employed" or "any occupation within the State."

The law of the District of Columbia excepts domestic service, and that of Texas nursing and agricultural and domestic service. In Arkansas, manufacturing, mechanical, and mercantile establishments, laundries, and express and transportation companies are named. However, the law is also applicable to "any industry wherein females are employed," excepting work in cotton factories or in the gathering of fruits and farm products. The law of Arizona applies to stores, offices, shops, restaurants, dining rooms, hotels, rooming houses, laundries, and manufacturing establishments. That of Porto Rico is restricted to industrial, commercial, and public-service undertakings. The law of Arizona expressly, and that of Arkansas apparently, agree with that of the District of Columbia and that of Texas in not applying to domestic service, which can hardly be classed as an industry. In the other jurisdictions the common procedure of an investigation and the making of orders leaves untouched such industries and occupations as have not yet been taken up by the commissions, and none has as yet fixed a rate for private domestic service or for farm labor.

ADMINISTRATIVE BODIES.

Administrative bodies are of two kinds—permanent and general, concerned with both the determination and the enforcement of rates in all industries covered; and advisory and special, concerned only with the determination of rates in a specific industry, being often also transitory, their existence terminating with their action in a particular case.

Permanent bodies.—The first law in this field, that of Massachusetts, provided a special commission for its administration, and this provision was adopted by nine other States.[8] However, in 1919 the Legislature of Massachusetts placed the work of administration in the hands of the newly established department of labor and industries, which has general charge of labor matters. This agrees with the laws of Colorado and Wisconsin, and with the law of Utah since 1917, though in these States the office is known as an industrial

[8] Arkansas, California, District of Columbia, Kansas, Minnesota, Nebraska (repealed), Oregon, Texas, and Washington.

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commission. In Porto Rico and originally in Utah, also, the minimum-wage laws were intrusted to the bureau of labor, while in North Dakota the workmen's compensation bureau administers the law. A number of the laws require a representation of employers and of employees on the commission.

In Arizona there is no administrative provision whatever, the supervision resting in the hands of the ordinary law enforcement officials.

In but two jurisdictions [9] are the commissions restricted to the subject of minimum wages only, the question of hours being also in their hands in Arkansas, while in five States [10] they have general powers as to conditions of employment of women and minors. In the States in which a general commission administers the law their powers of course are much broader than the question of minimum wages alone.

Advisory bodies.—With duties limited to the investigation of conditions and the making of recommendations, advisory bodies are provided for in the laws of most minimum-wage States. In Arizona, Porto Rico, and Utah, where the rate is fixed by law, no occasion for such agencies exists. In Arkansas, though there is a fixed rate, there is also authority to raise or lower the rate if the results of investigation show the need of such procedure. However, the commission is to do this after public hearing, without having recourse to an advisory board, and no such board is provided for by the act. In Texas, also, though all rates must be fixed by the commission, no provision is made for investigations or other preliminaries to be carried on by anyone other than the commission or its investigators.

The laws of the other 10 States [11] provide for wage boards, conferences, or advisory boards, as they are variously designated, made up of representatives of employers, employees, and (except in California) of the public. Employer and employee representatives are nominated by the respective groups and appointed by the commission; public representatives, if any, are appointed by the commission directly. In five States [12] one or more members of the commission participate either in lieu of or in addition to other public representatives. The appointment of these boards is mandatory in four States [13] only, being optional in the others. However, boards have been made use of wherever provided for if the commission has functioned. Separate boards are contemplated for each industry acted upon, their powers being to make investigations and recommend rates. The rules governing their procedure are formulated by the commissions.

FIXING THE WAGE RATE.

(*a*) *Basis.*—Where the legislature fixes the rate there may be a legislative finding that a less amount is inadequate to supply the necessary cost of living,[14] or the rate may be fixed merely as an act of legislative determination, without explanation.[15] In Arkansas

[9] District of Columbia and Minnesota.
[10] California, Kansas, Oregon, Texas, and Washington.
[11] California, Colorado, District of Columbia, Kansas, Massachusetts, Minnesota, North Dakota, Oregon, Washington, and Wisconsin.
[12] California, Colorado, District of Columbia, Oregon, and Washington.
[13] Kansas, Massachusetts, Washington, and Wisconsin.
[14] Arizona.
[15] Porto Rico and Utah.

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no reason is given for the rate fixed, but the commission, in its future determinations, is to have regard to the amount necessary to cover the "cost of proper living" and "to maintain the health and welfare" of employed women. A living wage for women, or one that will provide the necessary cost of a proper living and maintain health, is the test in the other jurisdictions, with slight changes in phraseology. The law of Minnesota speaks of the necessary comforts of a reasonable life, while that of Wisconsin evidently regards the term "welfare" as inclusive of all factors. In the District of Columbia wages must also be adequate to protect morals.

In prescribing rates for minors the same test may be laid down as for female workers generally;[16] or the judgment of the commission may be exercised to determine whether the wages are suitable[17] or unreasonably low,[18] the laws evidently not contemplating that minor employees must necessarily be self-supporting.

(*b*) *Procedure.*—This is a matter that, of course, concerns only those States in which a rate must be fixed by the commission, either alone or in conjunction with wage boards or conferences. The first step in this group of States is to determine what occupation or employment shall be considered, and this may be done in any State at the option of the commission, and also on petition or request of persons engaged in the occupation[19] or "on the filing of a verified complaint of any person."[20]

A preliminary investigation discloses the desirability or otherwise of the fixing of a minimum wage. If action is decided upon, the commission may proceed to a determination of the rate by itself, except in the four States in which the use of an advisory board is mandatory. In so far as the fixing of rates for minors is concerned, action by the commission alone is specifically provided for in the laws of six States.[21]

After a wage board has been organized, employer and employee witnesses are called and employers' records examined, in an effort to disclose current rates and to establish a standard of living. Public hearings give opportunity for interested persons to appear voluntarily. After such hearings and investigations, the board makes recommendations to the commission. If it approves, a preliminary publication is made of the rates and notice given of a public hearing, after which the rates may be promulgated, to be effective at a date fixed. If it disapproves, the matter may be referred back to the wage board, or a new board organized.

The laws generally provide that the commission may approve of any or all or disapprove any or all the findings of the board. In California the commission is to fix a wage after receiving the report of the board, the function of the latter being regarded as advisory only; and a similar construction has been given some other laws, so that findings may be modified as well as being either approved or rejected. Promulgation may be by publication or by mailing to employers affected, or both. The laws generally provide that a copy or copies of

[16] Arkansas, California, Kansas, Minnesota, Texas, and Wisconsin.
[17] Massachusetts and Washington.
[18] Colorado, District of Columbia, North Dakota, and Oregon.
[19] Arkansas, California, Colorado Kansas, Minnesota, and Texas.
[20] Wisconsin.
[21] Colorado, District of Columbia, Massachusetts, North Dakota, Oregon, and Washington.

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the orders shall be posted in accessible places for the information of employees.

(*c*) *Reconsideration.*—Orders issued may be reconsidered by the commission on petition of the parties affected;[22] in other States either on such petition or its own initiative.[23] Either the same or a new board may be used, though in California, Minnesota, and Wisconsin action by the commission alone is contemplated. Reconsideration is in the discretion of the commission, though the law of Minnesota makes it obligatory if approximately one-fourth of the employers or employees in the occupation request it. In Wisconsin rehearings are granted only if the points submitted appear not to have been adequately considered in the first instance.

APPEALS TO COURTS.

Appeals to courts from the determinations of the commissions are permitted in most jurisdictions. This of course does not apply where the rate is fixed by the statute,[24] nor are appeals provided for in Arkansas even when the commission fixes rates. The law of Minnesota contains no provision for appeals, while that of Colorado allows appeals only in case of fraud. Appeals may be allowed on questions of law only;[25] where the commission exceeded its powers or a determination was procured through fraud;[26] where the action of the commission is unauthorized, confiscatory, or unreasonable;[27] or where it is unlawful or unreasonable.[28] In one State[29] any employer may show that his business would be rendered unprofitable by paying the rates fixed and secure an order against the publication of his name as not complying with the law.

SPECIAL PROVISIONS.

Persons incompetent to earn the standard wage by reason of age or disability due to physical or mental defect may be issued licenses permitting employment at lower rates in all States except those in which the rate is statutory. Similar provisions are made for learners in every jurisdiction except Arizona. The law of California authorizes the commission to restrict the number of licenses for learners as well as for substandard workers. In three other States[30] the number of licenses that may be issued to substandard workers may not exceed one-tenth of the number of persons employed in the industry, occupation, or establishment. The law of Texas may apparently be construed to apply the same rule to learners; while that of Kansas, in general terms, gives the commission authority to establish restrictions of numbers for both learners and substandard workers.

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[22] Colorado, Kansas, and Wisconsin.
[23] California, Massachusetts, Minnesota, Texas, and Washington.
[24] Arizona, Arkansas, Porto Rico, and Utah.
[25] District of Columbia, North Dakota, Oregon, and Washington.
[26] California and Texas.
[27] Kansas.
[28] Wisconsin.
[29] Massachusetts.
[30] Colorado, Minnesota, and Texas.

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PROVISIONS IN CASE OF VIOLATIONS.

(*a*) *Civil.*—Where the employer has failed to pay the rate fixed, it would seem that there would be a civil liability for the balance; and specific provisions to this effect, including also costs and attorneys' fees, are found in the laws of nine States.[31] In three of these [32] the commission is formally authorized to take action to secure such recovery; while in Minnesota, and no doubt in other States, the general enforcement powers are sufficiently broad to permit action to be taken in this direction. Massachusetts is of course an exception.

(*b*) *Penal.*—Noncompliance with the law subjects the employer to fine or imprisonment in every minimum-wage jurisdiction but one;[33] in this the names of recalcitrant employers may be printed in the newspapers. In the States having commissions and boards before which employees are expected to testify, or to which complaints of employees may be submitted (all except four),[34] the protection of such employees is sought by penalizing their discharge or other disadvantageous treatment.

The foregoing provisions are set forth in comparable form for each State in the analysis found on the following pages.

COMPARATIVE ANALYSIS OF PRINCIPAL FEATURES.

ARIZONA.

Date of enactment.—March 8, 1917. Chapter 38, Acts of 1917.

Scope of law:

(*a*) Industries: Stores, offices, shops, restaurants, dining rooms, hotels, rooming houses, laundries, and manufacturing establishments.

(*b*) Classes of employees: Females.

Administrative bodies:

(*a*) Permanent: None specified. Violation constitutes a misdemeanor, to be prosecuted by the ordinary law enforcement officials.

(*b*) Advisory: None provided for.

Method of fixing wages.—Fixed by legislative action; $10 weekly minimum.

(*a*) Basis: A less amount is inadequate to supply the necessary cost of living to maintain health, and provide the common necessaries of life.

(*b*) Procedure: No provision.

(*c*) Reconsideration: No provision.

Appeals to courts.—No provision.

Special provisions:

(*a*) For learners: None.

(*b*) For substandard workers: None.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Fine of $50 to $300 or 10 to 60 days' imprisonment, or both, for each offense.

ARKANSAS.

Date of enactment.—March 20, 1915. Act 191, Acts of 1915; amended, Act No. 275, Acts of 1919.

Scope of law:

(*a*) Industries: Specifically—Manufacturing, mechanical, and mercantile establishments, laundries, and express and transportation companies; in general, any industry employing females. Excepted are cotton factories and the gathering of fruits and farm products.

(*b*) Classes of employees: Females.

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[31] California, Colorado, District of Columbia, Kansas, Minnesota, North Dakota, Oregon, Texas, and Washington.

[32] California, Colorado, and Texas.

[33] Massachusetts.

[34] Arizona, Arkansas, Porto Rico, and Utah.

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Administrative bodies:

(*a*) Permanent: Minimum wage commission, composed of three persons—the commissioner of labor and statistics, a woman to be appointed by the commissioner, and a woman appointed by the governor. No term, expenses, or compensation provided for. Has power to hold public hearings; to enter establishments and inspect books; to fix wages and hours; to increase or decrease the minimum wage established by law except for hotels and restaurants, where the minimum may not be exceeded; to exercise full police powers; to enforce act.

(*b*) Advisory bodies: No provision.

Method of fixing wages.—Fixed by legislative action for industries specifically designated: Less than six months' experience, $1 per day; experienced females $1.25. May be increased or decreased by commission, which also fixes rates for other industries included within scope of law. Action initiated on complaint.

(*a*) Basis: Wages must be adequate to supply a woman or minor female worker with the necessary cost of proper living and to maintain her health and welfare.

(*b*) Procedure: Public hearings are held and interested parties present arguments; commission determines what shall be the minimum rate; order is issued by commission fixing the rate, which then becomes the legal rate.

(*c*) Reconsideration: No provision.

Appeal to courts.—No provision.

Special provisions:

(*a*) For learners: Females of less than six months' aggregate experience, $1 per day.

(*b*) For substandard workers: No provision.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Fine of $25 to $100, each day of noncompliance to constitute a separate offense.

CALIFORNIA.

Date of enactment.—Amendment to constitution, article 20, section 17½, November 3, 1914. Law enacted May 26, 1913, chapter 324, Acts of 1913; amended chapter 571, Acts of 1915.

Scope of law:

(*a*) Industries: "Any trade, occupation, or industry in which women and minors are employed."

(*b*) Classes of employees: Women, and minors under 18 years of age.

Administrative bodies:

(*a*) Permanent: Industrial welfare commission, composed of five members, one a woman, appointed by the governor; term four years, at compensation of $10 per day and expenses when engaged in the performance of official duties. Has power to hold public hearings; to subpœna witnesses; to administer oaths; to compel the production of evidence; to secure punishment for contempt; to examine books, etc.; to enter premises; to establish wage boards; to make rules and regulations for itself and for wage boards; to fix wages, hours, and conditions of labor; to issue special licenses; to reconsider orders; and to enforce the act.

(*b*) Advisory: Wage boards, composed of an equal number of representatives of employers and employees, number fixed by the commission. Compensation $5 per day and expenses. Have power to hear testimony and consider cases submitted to them by the commission; to make findings to the commission on wages, hours, and conditions of labor.

Method of fixing wages.—Wage is fixed by the commission after hearings, or on recommendations of wage board.

(*a*) Basis: Wages should be adequate to supply women and minors the necessary cost of proper living, and maintain their health and welfare.

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Method of fixing wages—Concluded.

(*b*) Procedure: Commission on its own motion or on petition, holds public hearings and fixes the minimum wage, etc.; or calls a conference or wage board, which makes findings on which the commission acts; public hearing is held after notice; orders effective after 60 days.

(*c*) Reconsideration: Reconsideration of an order may be had on motion of the commission or on petition of either employers or employees.

Appeal to courts.—Appeals are allowed on grounds that the commission acted without or in excess of its powers, or that the determination was procured by fraud.

Special provisions:

(*a*) For learners: Special licenses may be issued by the commission fixing learning period, wage, and conditions of labor, the number being subject to regulation by the commission.

(*b*) For substandard workers: Special licenses fixing wage may be issued by the commission, good for 6-month periods, the number being subject to regulation by the commission.

Provisions in case of violations:

(*a*) Civil: Employee may recover wage balance and costs, and the commission may take all proceedings necessary to that end.

(*b*) Penal: Minimum fine of $50 or 30 days' imprisonment, or both, for violation, or for discrimination against employee testifying at an investigation.

COLORADO.

Date of enactment.—Apr. 20, 1917. Chapter 98, Acts of 1917.

Scope of law:

(*a*) Industries: "Any occupation within the State of Colorado."

(*b*) Classes of employees: Women, and minors under 18 years of age.

Administrative bodies:

(*a*) Permanent: Industrial commission, composed of three persons appointed by the governor, not more than two from the same political party, one to represent employers and one to represent employees, for terms of six years, at $4,000 annually and expenses. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to compel the production of evidence; to secure punishment for contempt; to examine books, etc.; to enter premises; to establish wage boards; to make rules and regulations for itself and the wage boards; to fix hours, wages or conditions of labor directly, or with advice; to issue special licenses; to reconsider orders; and to enforce act.

(*b*) Advisory: Wage boards, composed of not more than three representatives of employers, three of employees, and three of the public (at least one of each to be a woman), and one representative of the commission. Compensation same as allowed jurors of the second-class counties ($2 per day) and expenses. Has power same as commission to subpœna witnesses; to administer oaths; to compel the production of evidence; to make reports to commission as to wages, hours, and conditions of labor.

Method of fixing wages.—Fixed by industrial commission either with or without the advice of a wage board.

(*a*) Basis: Unlawful to employ women at wages which are inadequate to supply the necessary costs of living and to maintain health, or minors at unreasonably low wages.

(*b*) Procedure: Commission makes investigation on its own initiative or on petition of 25 persons engaged in the occupation; may fix hours, wages, and conditions of labor, or call a wage board to make recommendations; commission may approve, disapprove, or recommit; public hearing is held after notice; order made by commission; effective after 30 days.

(*c*) Reconsideration: Orders may be reconsidered at the discretion of the commission on petition of employers or employees; wage board is reconvened or a new one established.

Appeal to courts.—No specific provision. "The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive and the determination made by the commission shall be subject to review only in the manner" prescribed for reconsiderations.

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Special provisions:

(*a*) For learners: Rates to be graded on a rising scale.

(*b*) For substandard workers: Special licenses may be issued by commission, fixing the wage. Such licenses may not be given to more than one-tenth of the workers of any establishment.

Provisions in case of violations:

(*a*) Civil: Employee may recover wage balance and costs, and the commission may take all proceedings necessary to that end.

(*b*) Penal: Minimum fine of $100 or 30 days' imprisonment, or both. Discrimination against an employee testifying at an investigation is a misdemeanor. Fine of $200 to $1,000 for each offense.

DISTRICT OF COLUMBIA.

Date of enactment.—September 19, 1918. Chapter 174, 40 Stat. 960.

Scope of law:

(*a*) Industries: "Any occupation in the District of Columbia" except domestic service.

(*b*) Classes of workers: Women, and minors under 18 years of age.

Administrative bodies:

(*a*) Permanent: Minimum wage board, composed of three members, appointed by the Commissioners of the District of Columbia, one to be a representative of employers, one of employees, and one of the public, for terms of three years. No provision for compensation. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to compel the production of evidence; to secure punishment for contempt; to examine books, etc.; to establish conferences; to make rules and regulations for carrying out act and for selecting members of conferences; to ascertain and declare a standard wage; to issue special licenses; to investigate compliance or noncompliance with orders.

(*b*) Advisory: Conferences, composed of not more than three representatives of employers, three of employees, and three of the public, and one or more of the board. No compensation or expenses provided for. Has power to examine and inquire into cases submitted to it by the board and report findings.

Method of fixing wages.—Fixed by minimum wage board with advice of conference, except for minors, where no conference is contemplated.

(*a*) Basis: Wages must be adequate to supply women with the necessary cost of living to maintain them in health and protect their morals, and not be unreasonably low for minors.

(*b*) Procedure: Board investigates and may call a conference which considers the case, and makes recommendations to board; if it approves, board advertises and holds a public hearing; or it may disapprove and resubmit to conference; board issues an order effective after 60 days.

(*c*) Reconsideration: Not provided for.

Appeal to courts.—Allowed on questions of law only.

Special provisions:

(*a*) For learners: Board may fix lower minimum which may have effect for only a fixed period of time in each case.

(*b*) For substandard workers: Board may issue special licenses fixing wages.

Provisions in case of violations:

(*a*) Civil: Employees may recover wage balance and attorneys' fees.

(*b*) Penal: Fine of $25 to $100 or imprisonment for 10 days to three months, or both. Discrimination against an employee testifying or serving on a conference is a misdemeanor—fine, $25 to $100.

KANSAS.

Date of enactment.—March 6, 1915. Chapter 275, Acts of 1915.

Scope of law:

(*a*) Industries: "Any industry or occupation."

(*b*) Classes of workers: Women, learners, apprentices, and minors under 18.

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Administrative bodies:

(*a*) Permanent: Industrial welfare commission, composed of three members, one the commissioner of labor, one a woman, and no two from the same congressional district, appointed by the governor for four years. No compensation provided for, but expenses are allowed. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to compel the production of evidence; to prescribe and inspect employers' registers; to establish wage boards; to make rules and regulations for itself and the boards; to issue orders fixing hours, wages, or conditions; to issue special licenses; to reconsider orders; and to enforce their observance.

(*b*) Advisory: Wage, hour, or sanitary boards, composed of three representatives of employers, three of employees, and one of the public, appointed by the commission at the same compensation as allowed to jurors ($2 per day) and expenses. Has power to examine cases submitted to it by the commission; to hear testimony; and to make reports and recommendations.

Method of fixing wages.—Fixed by industrial welfare commission, with advice of boards.

(*a*) Basis: Wages must be adequate for the support and maintenance of women and minors.

(*b*) Procedure: Commission makes investigation on its own initiative or on petition of 25 persons engaged in the occupation; holds public hearings; may establish board to investigate and report recommendations; commission may approve or disapprove and resubmit to board; public hearing is held after notice; order is effective after 60 days.

(*c*) Reconsideration: Rehearings are allowed in the discretion of the commission on petition of employers or employees, with same or new board.

Appeal to courts.—Allowed on the grounds that order is unauthorized by law, or is confiscatory or unreasonable.

Special provisions:

(*a*) For learners: Special licenses may be issued by commission fixing wages and hours.

(*b*) For substandard workers: Special licenses may be issued by commission fixing wages and hours.

Provisions in case of violations:

(*a*) Civil: Employee may recover wage balance, costs, and attorneys' fees.

(*b*) Penal: Fine of $25 to $100 for violations or discrimination against any employee testifying, or who signs any petition or complaint.

MASSACHUSETTS.

Date of enactment.—June 4, 1912. Chapter 706, Acts of 1912; amended, chapter 368, Acts of 1914; chapter 65, Acts of 1915; chapter 303, Acts of 1916.

Scope of law:

(*a*) Industries: "Any occupation in the Commonwealth."

(*b*) Classes of employees: Women, and minors under 18.

Administrative bodies:

(*a*) Permanent: Division of minimum wage in the department of labor and industries. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to take testimony; to examine books, etc.; to establish wage boards; to make rules and regulations for itself and the wage boards; to fix wages by order or decree; to issue special licenses; to reconsider orders; to investigate compliance or noncompliance; and to publish the names of the employers who accept and who reject the decrees.

(*b*) Advisory: Wage boards, composed of an equal number of representatives of employers and employees, and one or more of the public. Same pay as allowed jurors ($4 per day) and expenses. Have power to consider cases submitted by the commissioners and report recommendations.

Method of fixing wages.—Fixed by the division of minimum wage with the advice of the wage boards, except for minors where wage boards are not required.

(*a*) Basis: Wages paid to females must be adequate to supply the necessary cost of living and to maintain the worker in health; to minors, must be suitable.

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Method of fixing wages—Concluded.

(*b*) Procedure: Commissioners make investigations and may establish wage board, which considers the facts and reports its recommendations. Commissioners accept, or reject and resubmit; public hearing is held after notice and decree is entered fixing wage.

(*c*) Reconsideration: Reconsideration may be had on petition of employers or employees, or voluntarily, with the same or a new wage board.

Appeal to courts.—Allowed on ground that compliance with the order of the division would render it impossible to conduct the business so as to render a reasonable profit.

Special provisions:

(*a*) For learners: Board to recommend suitable wages.

(*b*) For substandard workers: Special licenses may be issued.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Recalcitrant employers may be given publicity by publishing their names in the newspapers. Newspapers refusing to make such publications shall be fined not less than $100 for each offense. Discrimination against an employee testifying or serving on a wage board is a misdemeanor—fine $200 to $1,000.

MINNESOTA.

Date of enactment.—April 26, 1913. Chapter 547, Acts of 1913.

Scope of law:

(*a*) Industries: "Any business, industry, trade, or branch of a trade."

(*b*) Classes of workers: Women and minors (males under 21, females under 18).

Administrative bodies:

(*a*) Permanent: Minimum wage commission, composed of three persons, one the commissioner of labor, one an employer of women, and one a woman, appointed by the governor for two years without compensation, except $1,800 for the woman member, who acts as the secretary; expenses are allowed. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to compel the production of evidence; to examine books, etc.; to establish advisory boards; to make rules and regulations for itself and the boards; to fix minimum wages directly or with advice of boards; to issue special licenses; to reconsider orders; and to enforce the act.

(*b*) Advisory: Advisory boards, composed of not less than 3 nor more than 10 representatives of employers; equal number for employees; one or more for the public; one representative of the public must be a woman and one-fifth of the entire membership must be women. No provision is made for compensation or expenses. Have power same as commission's to subpœna witnesses; to administer oaths; to compel the production of evidence; to consider cases submitted by the commission; and to report recommendations.

Method of fixing wages.—Fixed by the minimum wage commission directly, or with the advice of an advisory board.

(*a*) Basis: Wages of women and minors must be living wages, sufficient to maintain the worker in health and supply the necessary comforts and conditions of reasonable life.

(*b*) Procedure: Commission investigates on its own initiative or on petition of 100 persons engaged in the occupation, holds public hearing, and makes order fixing wage; or calls an advisory board, which considers the facts and makes recommendations; commission reviews recommendations and, if approved, makes an order, which is effective after 30 days.

(*c*) Reconsideration: Reconsideration by the commission is provided for, either on its own initiative or on petition of one-fourth of employers or employees in any occupation.

Appeal to courts.—No provision.

Special provisions:

(*a*) For learners: Commission may fix "minimum wages sufficient for living wages for learners and apprentices."

(*b*) For substandard workers: Special licenses may be issued by the commission fixing a special wage, but not to more than one-tenth of the workers in one establishment.

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Provisions in case of violations:

(*a*) Civil: Employee may recover wage balance, costs, and attorney's fees.

(*b*) Penal: Fine of $10 to $50 or 10 to 60 days' imprisonment. Discrimination against an employee testifying is unlawful.

NORTH DAKOTA.

Date of enactment.—March 6, 1919. Chapter 174, Acts of 1919.

Scope of law:

(*a*) Industries: "Any occupation," which includes a business, industry, trade, or branch thereof, but not agriculture or domestic service.

(*b*) Classes of employees: Women and minors under 18 years of age.

Administrative bodies:

(*a*) Permanent: Workmen's compensation bureau, consisting of the commissioner of agriculture and labor, the commissioner of insurance, and three members appointed by the governor for terms of five years, at salaries of $2,500 per year. Has power to fix standards of hours, wages, and conditions of employment of women and minors; to prepare and promulgate rules for the selection of members of conferences and for their procedure; to make investigations, subpœna witnesses, and require reports from employers; and to make orders and promulgate rules for their enforcement.

(*b*) Advisory: Conferences composed of not more than three representatives of employers in the occupation under consideration, an equal number of representatives of employees, not more than three disinterested persons representing the public, and one or more members of the workmen's compensation bureau. No provision is made for compensation or expenses. Have power to consider any subject referred to them by the bureau and to make findings and recommendations thereon.

Method of fixing wages.—Standards for women and minors are to be ascertained and declared by the workmen's compensation bureau.

(*a*) Basis: Wages for women must be adequate to supply necessary cost of living and maintain them in health; for minors, not unreasonably low.

(*b*) Procedure: Investigation by any commissioner of the bureau or his representative, public hearings by the bureau, appointing members and convening conference of representatives of employers, employees, and the public, upon whose report the bureau shall make recommendations and, after a public hearing, issue orders effective in 60 days.

(*c*) Reconsideration: None provided for after recommendations of the conference.

Appeal to courts.—No appeal on questions of fact. Right of appeal to district court of Burleigh County from any ruling or holding on a question of law, and from that court to the supreme court of the State.

Special provisions:

(*a*) For learners: Bureau may issue licenses for employment at less than minimum wage.

(*b*) For substandard workers: Same as for learners.

Provisions in case of violations:

(*a*) Civil: Employees may recover in civil suit full amount of minimum wages, less any amount actually paid, together with such attorneys' fees as may be allowed by the court.

(*b*) Penal: Fine of $25 to $100, or imprisonment in county jail not less than 10 days nor more than three months, or both, in discretion of the court, for failure to pay wages; fine as above for discrimination against employees testifying, etc.

OREGON.

Date of enactment.—February 17, 1913 Chapter 62, Acts of 1913; amended, chapter 25, Acts of 1915.

Scope of law:

(*a*) Industries: "Any occupation in the State of Oregon."

(*b*) Classes of employees: Women, and minors under 18 years of age.

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Administrative bodies:

(*a*) Permanent: Industrial welfare commission, composed of three members, one to represent employers, one the employees, and one the public, appointed by the governor for a term of three years. No compensation is allowed, but expenses are provided. Has power to make investigations; to hold public hearings; to subpœna witnesses; to administer oaths; to examine books, etc.; to establish, name and appoint wage boards or conferences; to make rules and regulations for carrying out the act; to ascertain and declare hours, wages, and conditions of labor; to issue special licenses; to make overtime orders in emergencies; to review reports of conferences; and to enforce the act.

(*b*) Advisory: Conferences, composed of equal numbers, not more than three, of employers, employees, and the public, appointed by the commission, and one or more of the commission. No compensation or expenses provided for. Have powers to hear testimony, to consider cases submitted by the commission, and to report findings and recommendations.

Method of fixing wages.—Fixed by the industrial welfare commission, with advice of conference, except for minors, where conference is not contemplated.

(*a*) Basis: It is unlawful to employ women at wages inadequate to supply them with the necessary cost of living and maintain them in health; or minors at unreasonably low wages.

(*b*) Procedure: Commission investigates, holding public hearings; conference is called which considers the case, and reports to the commission; the commission approves or disapproves and resubmits; if it approves, it holds a public hearing after notice, when an order is issued which may apply to designated localities or branches of industry, effective after 60 days.

(*c*) Reconsideration: No provision.

Appeal to courts.—Allowed on questions of law only.

Special provisions:

(*a*) For learners: Separate orders may be made for minimum wage, and time limit for payment of same be fixed in the same way as regular wages.

(*b*) For substandard workers: Special licenses may be issued by the commission.

Provision in case of violations:

(*a*) Civil: Employee may recover wage balance and attorneys' fees.

(*b*) Penal: Fine of $25 to $100 or 10 days' to 3 months' imprisonment, or both. Discrimination against an employee testifying is a misdemeanor—fine of $25 to $100.

PORTO RICO.

Date of enactment.—June 9, 1919. Act No. 45, Acts of 1919.

Scope of law:

(*a*) Industries: Industrial, commercial, and public-service undertakings.

(*b*) Classes of employees: Women and girls.

Administrative bodies:

(*a*) Permanent: The bureau of labor.

(*b*) Advisory: None.

Method of fixing wages.—Wages are fixed by the act, $4 per week up to 18 years of age, and $6 per week for those above 18.

(*a*) Basis: Lower rate unlawful.

(*b*) Procedure: No provision.

(*c*) Reconsideration: No provision.

Appeals to courts.—No provision.

Special provisions:

(*a*) For learners: First three weeks of apprenticeship are exempt from the provisions of the act.

(*b*) For substandard workers: None.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Fine of from $5 to $50.

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TEXAS.

Date of enactment.—April 3, 1919. Chapter 160, Acts of 1919.

Scope of law:

(*a*) Industries: "Any occupation, trade, or industry" in which women and minors are employed, except domestic service, nursing, and farm or ranch labor.

(*b*) Classes of employees: Women, and minors under 15 years of age, excepting students while actually attending school or during vacation, who are working their way through school or college either in whole or in part.

Administrative bodies:

(*a*) Permanent: Industrial welfare commission, composed of the commissioner of labor, the representative of the employers of labor on the industrial accident board, and the State superintendent of public instruction. Has power to employ a secretary and two investigators, to ascertain wages, hours, and conditions of labor, to enter places of employment, require information from employers, hold public hearings, subpœna witnesses, administer oaths, secure punishment by the courts for contempt, make and enforce rules of procedure and practice, and fix wages and standard conditions of labor.

(*b*) Advisory: None provided for.

Method of fixing wages.—Wage is fixed by the commission after public hearing, either on its own motion or on petition.

(*a*) Basis: Wage shall not be less than is adequate to supply women and minors with the necessary cost of proper living and to maintain their health and welfare.

(*b*) Procedure: Public hearings are held before any member of the commission or before an investigator, testimony is taken, either voluntary or under subpœna, after which a mandatory order fixing a minimum wage may be issued, to be effective after 60 days.

(*c*) Reconsideration: Orders may be rescinded, altered, or amended, either on the motion of the commission or on petition, in the same way that original orders are issued.

Appeals to courts.—Findings of fact are, in the absence of fraud, conclusive. Orders may be set aside after hearing only if it appears that the commission acted without or in excess of its powers or on insufficient grounds, or that the determination was procured by fraud.

Special provisions:

(*a*) For learners: Special licenses fixing wages may be issued, valid for six months.

(*b*) For substandard workers: Same as for learners. Licenses are renewable for like periods, but the number of licenses in any industry may not at any time exceed 10 per cent of the total number of employees.

Provisions in case of violations:

(*a*) Civil: Unpaid balances may be recovered in a civil suit, together with costs and attorneys' fees. On complaint to the commission, it shall take all steps necessary to enforce the payment of the established rate.

(*b*) Penal: Failure to pay the established wage is a misdemeanor, punishable by fine of not less than $10 nor more than $100, or imprisonment for not more than 30 days, or both. The same punishment is provided for discrimination against employees for testifying in investigations or in proceedings for the enforcement of the act.

UTAH.

Date of enactment.—March 18, 1913. Chapter 63, Acts of 1913.

Scope of law:

(*a*) Industries: "Any regular employer of female workers."

(*b*) Classes of workers: Females.

Administrative bodies:

(*a*) Permanent: No specific provision made. Industrial commission has general charge of enforcement, and all city, State, and county officers are to prosecute violations of the act.

(*b*) Advisory: No provision.

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Method of fixing wages.—Fixed by legislative action, minors under 18 years of age to receive 75 cents per day; learners and apprentices 90 cents, limited to one year; and experienced workers $1.25.

(*a*) Basis: Unlawful to pay less than rate fixed by the act.

(*b*) Procedure: Legislative.

(*c*) Reconsideration: No provision.

Appeal to courts.—No provision.

Special provisions:

(*a*) For learners: Ninety cents per day; employer must give certificate of service after one year.

(*b*) For substandard workers: No provision.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Violation is a misdemeanor, punishable by a fine of not more than $300 or imprisonment for not over 6 months, or both.

WASHINGTON.

Date of enactment.—March 24, 1913. Chapter 174, Acts of 1913; supplemental act, chapter 68, Acts of 1915; amended, chapter 29, 1917.

Scope of law:

(*a*) Industries: "Any industry or occupation within the State."

(*b*) Classes of workers: Women, and minors under 18 years of age.

Administrative bodies:

(*a*) Permanent: Industrial welfare commission, composed of five members, the commissioner of labor ex officio and four others appointed by the governor from persons who have not within five years preceding appointment been members of any manufacturers' or employers' association or of any labor union. No compensation provided for, but expenses are allowed. Has power to make investigations; to hold public hearings; to subpoena witnesses; to administer oaths; to compel the production of evidence; to examine books, etc.; to call conferences; to make rules and regulations; to approve, or to disapprove and recommit, reports of conferences; to fix wages and conditions with advice of conferences; to issue special licenses; to reconsider orders; and to enforce the act.

(*b*) Advisory: Conferences, composed of a member of the commission, and an equal number of employers' and employees' representatives, and one or more for the public. No provision for compensation or expenses. Have power to consider cases submitted by the commission; and to render reports as to wages and conditions of labor.

Method of fixing wages.—Fixed by industrial welfare commission, with the advice of a conference, except for minors, where no conference is required.

(*a*) Basis: Wages of female employees must be adequate to supply the necessary cost of living and to maintain them in health; for minors, as determined to be reasonable.

(*b*) Procedure: Commission investigates and holds public hearings, calls a conference which considers the case and reports its recommendations, which the commission may reject and resubmit, or it may accept. If it approves, it issues an order fixing wages or conditions, effective after 60 days.

(*c*) Reconsideration: Reconsideration may be had at the discretion of the commission or on petition of employers or employees, with the same or a new conference.

Appeal to courts.—Allowed on questions of law only.

Special provisions:

(*a*) For learners: Special licenses may be issued by the commission for a fixed wage with a time limit.

(*b*) For substandard workers: Special licenses may be issued by the commission for a fixed wage.

Provisions in case of violations:

(*a*) Civil: Employee may recover wage balance, costs, and attorneys' fees, the commission to act in behalf of the worker.

(*b*) Penal: Fine of $25 to $100 for violation or discrimination against an employee testifying. Any worker, or the parent or guardian of a minor, may complain of violation.

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WISCONSIN.

Date of enactment.—July 31, 1913. Chapter 712, Acts of 1913.

Scope of law:

(*a*) Industries: Law covers "every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal or other person," directly or indirectly responsible for the wages of another.

(*b*) Classes of workers: Women and minors.

Administrative bodies:

(*a*) Permanent: Industrial commission, composed of three persons, appointed by the governor with the consent of the senate for a period of six years at a salary of $5,000 annually and expenses. Has power to make investigations on its own initiative or on the filing of a verified complaint; to subpœna witnesses; to administer oaths; to compel the production of evidence; to secure punishment for contempt; to examine books, etc.; to classify occupations; to convene advisory wage boards; to fix and determine wages; to issue special licenses; to reconsider orders; and to enforce the act.

(*b*) Advisory: Advisory wage boards, composed of such members as will fairly represent employers, employees, and the public. No provisions as to compensation or expenses. Have power to assist the commission in ascertaining and determining a "living wage."

Method of fixing wages.—Fixed by the industrial commission, with the aid of an advisory board.

(*a*) Basis: Women and minors must be paid a living wage, "sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare."

(*b*) Procedure: Commission makes an investigation and calls an advisory board; together they determine the hours, wages, and conditions of labor; commission issues an order which becomes effective after 30 days.

(*c*) Reconsideration: Reconsideration is to be allowed by commission on petition of employers or employees as to the reasonableness of an order.

Appeal to courts.—Allowed on the ground that the order is unlawful or unreasonable.

Special provisions:

(*a*) For learners: Special licenses may be issued by the commission fixing wages.

(*b*) For substandard workers: Special licenses may be issued by the commission fixing wages.

Provisions in case of violations:

(*a*) Civil: None.

(*b*) Penal: Fine of $10 to $100, each day a separate offense. Discrimination against an employee testifying is a misdemeanor—fine of $25 for each offense.

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PRINCIPAL FEATURES OF MINIMUM-WAGE LAWS, WITH ORDERS AND RATES.

State.	Principal features of minimum-wage laws.							Orders and rates.[1]				
	Scope.		Basis for determining wage rate.	Special provisions for—		Administrative bodies.		Industry.	Rates for—			Year issued.
	Industries.	Persons.		Learners.	Substandard workers.	Permanent.	Advisory.		Experienced workers.	Inexperienced workers.	Young learners.	
Arizona Ch. 38, 1917.	Stores, offices, shops, restaurants, dining rooms, notels, rooming houses, laundries, and manufacturing establishments.	Females	Fixed by law	None	None	None. Courts enforce.	None	All under law	$10.00 w.			1917
Arkansas No. 191, 1915. Am. No. 275, 1919.	Any industry employing females. Cotton factories and gathering fruits and farm products excepted.	do	Adequate to maintain health and welfare.	Lower rate for inexperienced workers.	do	Minimum wage and maximum hour commission, 3 members, uncompensated.	do	General	1.25 d.	$1.00 d.	$1.00 d.	1915
								(2) Mercantile establishments in Fort Smith.	13.25 w.	11.00 w.	11.00 w.	1920
California Ch. 324, 1913. Am. ch. 571, 1915.	Any in which women and minors are employed.	Women and minors under 18 years of age.	Adequate to supply necessary cost of proper living and maintain health and welfare.	Lower rates for fixed periods. Number regulated by commission.	Special licenses, number regulated by commission.	Industrial welfare commission, 5 members, per diem and expenses.	Wage boards, employers and employees; optional; per diem and expenses.	(3) Fruit and vegetable canning; (8) fruit and vegetable packing; (10) unclassified.	16.00 w.	12.00 w.	10.56 w.	1920
								(5) Mercantile; (9) office workers; (11) manufacturing.	16.00 w.	12.00 w.	10.00 w.	1920
								(6) Fish canning; (7) laundries	16.00 w.	12.00 w.	12.00 w.	1920
								(12) Hotels and restaurants	16.00 w.	16.00 w.	16.00 w.	1920
								(14) Agricultural	16.00 w.			1920
Colorado Ch. 98, 1917 (earlier law, 1913).	Any occupation	do	Adequate to supply women necessary costs of living and maintain health; for minors, not unreasonably low.	Rates to be graded on rising scale.	Special licenses to not more than one-tenth of workers in any establishment.	Industrial commission (administers labor laws generally); salaried.	Wage boards, employers, employees, and public, with member of commission; optional; per diem and expenses.	No orders ever issued				
Dist. of Columbia Ch. 174, 1918 (40 Stat. 960).	Any occupation except domestic service.	do	Adequate to supply women with necessary cost of living to maintain health and protect morals; for minors, not unreasonably low.	Lower rates for fixed periods.	Special licenses	Minimum wage board of 3 members, uncompensated.	Conferences, employers, employees, and public; optional; uncompensated.	(2) Printing, publishing, and allied industries.	15.00 w.	8.00 w.	8.00 w.	1920
								(3) Mercantile	16.50 w.	12.50 w.	10.00 w.	1920
								(4) Hotels, restaurants, and allied industries.	16.50 w.	16.50 w.	16.50 w.	1920
								(5) Laundries	15.00 w.	9.00 w.	9.00 w.	1921
Kansas Ch. 275, 1915.	Any industry or occupation.	do	Adequate for support and maintenance.	do	do	Industrial welfare commission, 3 members, expenses only.	Wage boards, employers, employees, and public; per diem and expenses.	(6) Mercantile	8.50 w.	6.00 w.	5.00 w.	1918
								(7) Laundries	8.50 w.	6.50 w.	6.50 w.	1918
								(9) Telephone	[2] 9.00 w.	6.50 w.	6.50 w.	1918
								(10) Manufacturing	11.00 w.	7.00 w.	7.00 w.	1919
Massachusetts Ch. 706, 1912. Am. ch. 368, 1914; 65, 1915; 303, 1916.	Any occupation	do	Adequate to supply necessary cost of living and maintain health of females; "suitable" for minors.	Board recommends suitable wages.	do	Division of minimum wage in department of labor and industries, salaried.	do	Brush making	.15½ h.	.101 h.	.101 h.	1914
								Laundries	8.00 w.	6.00 w.	6.00 w.	1915
								Retail stores	8.50 w.	7.00 w.	5.00 w.	1915
								Women's clothing	15.25 w.	12.00 w.	10.00 w.	1920
								Men's clothing and raincoats	15.00 w.	10.00 w.	7.00 w.	1919
								Men's and boys' clothing, furnishings, etc.	9.00 w.	7.00 w.	7.00 w.	1917
								Muslin underwear	9.00 w.	6.00 w.	6.00 w.	1918
								Retail millinery	10.00 w.	3.00 w.	3.00 w.	1918
								Wholesale millinery	11.00 w.	6.00 w.	6.00 w.	1918
								Office cleaners	15.40 w.	15.40 w.	15.40 w.	1920
								Candy making	12.50 w.	8.00 w.	8.00 w.	1919
								Canning and preserving	11.00 w.	8.50 w.	8.50 w.	1919
								Corsets	13.00 w.	10.00 w.	8.00 w.	1919
								Knit goods	13.75 w.	8.50 w.	8.50 w.	1920
								Paper boxes	15.50 w.	11.00 w.	9.00 w.	1920
Minnesota Ch. 547, 1913.	Any business, or industry or branch of a trade.	Women and minors (males under 21, females under 18).	Sufficient to maintain health and supply necessary comforts of reasonable life.	Commission may fix living wages.	Special licenses to not over one-tenth of workers.	Minimum wage commission, 3 members, expenses only.	Advisory boards, employers, employees, and public; optional; uncompensated.	(12) General:				
								In cities	12.00 w.	9.12 w.	7.68 w.	1920
								In places of less than 5,000	10.25 w.	7.68 w.	6.48 w.	1920
North Dakota Ch. 174, 1919.	Any occupation, except agriculture and domestic service.	Women and minors under 18 years of age.	Adequate to supply necessary cost of living and maintain health of women; not unreasonably low for minors.	Bureau may fix lower rates for fixed periods.	Special licenses	Workmen's compensation bureau, commissioner of agriculture and 3 others, salaried.	Conferences, employers, employees, and public; uncompensated.	(5) Public housekeeping:				
								(a) Waitresses	17.50 w.	14.00 w.	14.00 w.	1920
								(b) Chambermaids and kitchen help	16.70 w.	13.20 w.	13.20 w.	1920
								(6) Public service	17.50 w.	13.00 w.	13.00 w.	1920
								(7) Office occupation	20.00 w.	14.00 w.	14.00 w.	1920
								(8) Manufacturing; (9) laundries; (12) telephone.	16.50 w.	12.00 w.	12.00 w.	1920
								(10) Student nurses	[3] 8.00 w.	4.00 w.	4.00 w.	1920
								(11) Mercantile occupations	17.50 w.	12.00 w.	12.00 w.	1920
Oregon Ch. 62, 1913. Am. ch. 25, 1915.	Any occupation	do	do		do	Industrial welfare commission, 3 members, expenses only.	do	(37) Mercantile; (39) manufacturing; (40) personal service; (41) laundries; (42) telephone; (45) public housekeeping.	13.20 w.	9.00 w.	[4] 6.00 w.	1919
								(44) Office occupation	60.00 mo.	9.00 w.	[4] 6.00 w.	1919
Porto Rico No. 45, 1919.	Industrial, commercial and public service.	Women and girls	Fixed by law	First 3 weeks exempt.	None	Bureau of labor	None	All under law	6.00 w.	6.00 w.	4.00 w.	1919
Texas Ch. 160, 1919.	All except agriculture, domestic service, and nursing.	Women and minors under 15 years of age.	Adequate to supply necessary cost of proper living and maintain health.	Special licenses for six months.	Special licenses to not over 10 per cent of total employees.	Industrial welfare commission, 3 State officials, salaried.	do	(1) Telephone, telegraph, mercantile, laundries, factories.	12.00 w.	.15 h.	.15 h.	1920
Utah Ch. 63, 1913.	All employments	Females	Fixed by law	Lower rate fixed	None	Industrial commission has charge of enforcement.	do	General	1.25 d.	.90 d.	.75 d.	1913
Washington Ch. 174, 1913. Am. ch. 29, 1917.	Any within State.	Women and minors under 18 years of age.	Adequate to supply women with necessary cost of living and maintain health; "reasonable" for minors.	Commission may fix lower rates.	Special licenses	Industrial welfare commission, 5 members, expenses only.	Conferences, employers, employees, and public; expenses are paid.	(14) Telephone	35.00 mo.	[5]	[5]	
								(18) General (war emergency)	13.20 w.	13.20 w.	9.00 w.	1918
								(21) Public housekeeping	18.00 w.	18.00 w.	12.00 w.	1920
Wisconsin Ch. 712, 1913.	Any occupation	Women and minors.	Living wage, consistent with welfare.	Commission may fix lower rate and limit numbers.	do	Industrial commission (administers labor laws generally), salaried.	Advisory wage boards, employers, employees and public; uncompensated.	(1) General	.22 h.	.20 h.	.18 h.	1919

[1] The figures within parentheses are the numbers of orders as fixed by the commissions; those of Massachusetts are not numbered.
[2] $7, $7.50, and $8 in smaller localities; learners begin at $6.
[3] Third year. Rates include full maintenance and uniforms.
[4] For minors 14 years of age; if 15, $7.20; if 16, $8.50.
[5] Special rates fixed by the commission.

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CONSTITUTIONALITY.

As already stated, the constitutionality of the minimum-wage laws of five States has been upheld by their courts of last resort,[35] while the decision on the Oregon law was affirmed by an equally divided court in the Supreme Court of the United States. Besides these, the law of Utah was held valid in the trial of an employer prosecuted for its violation. An appeal to the supreme court of the State was thereupon taken, other employers joining in the expense, in order to secure a ruling. The case was held under advisement, however, awaiting the action of the United States Supreme Court in the Oregon cases, and in the meantime the appellant died, and no further action will be taken in the case, thus leaving the law in force and unquestioned, unless a future litigant wishes to renew the attack on its constitutionality.

OREGON LAW.

Those interested in the discussion of the legal principles involved in minimum-wage legislation necessarily regret the fact that the Supreme Court was equally divided, thus precluding the rendering of an opinion and the analysis of the arguments for and against such enactments. On the other hand, it is clearly understood that the abstention of Mr. Justice Brandeis from any participation in the proceedings in 1917 was due to the fact that he had appeared as attorney in support of the law in the first hearing in December, 1914; so that for practical purposes the court may be said to have stood five to four in favor of the law.

In default of any discussion of principles by the Supreme Court it will be of interest to take up the various opinions that have been rendered on the subject of minimum wage, beginning with the earliest—that of the circuit court of Multnomah County, Oreg., in which Frank C. Stettler sought to procure an injunction against the enforcement of the State law. The law itself was filed in the office of the secretary of state on February 17, 1913, and in November of the same year the first stage in judicial proceedings on the subject was completed in the circuit court by a judgment of dismissal of the complaint, the law being sustained as constitutional.

The objections made to the law, as summarized by Judge Cleeton, of the circuit court, were three in number: (1) That the law attempts to delegate legislative power to the commission and conference created by the act; (2) that it violates section 20 of Article I of the State constitution, which forbids the passing of any law granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens; and (3) that it violates the fourteenth amendment of the Federal Constitution in that it deprives the employer of his property and his liberty to contract without due process of law, and also denies him the equal protection of the law.

[35] Arkansas: State *v.* Crowe (June 4, 1917), 197 S. W. 4; Massachusetts: Holcomb *v.* Creamer (Sept. 23, 1918), 120 N. E. 354; Minnesota: Williams *v.* Evans (Dec. 21, 1917), 139 Minn. 32, 165 N. W. 495; Oregon: Stettler *v.* O'Hara (Mar. 17, 1914), 69 Oreg. 519, 139 Pac. 743; Simpson *v.* O'Hara (Apr. 28, 1914), 141 Pac. 158; these two cases affirmed Apr. 9, 1917, 243 U. S. 629, 37 Sup. Ct. 475; Washington: Larsen *v.* Rice (Apr. 3, 1918), 100 Wash. 642, 171 Pac. 1037.

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In passing upon these objections the preamble of the law was quoted as showing its purpose and intent, i. e., to protect women and minors from conditions of labor which have a pernicious effect on their health and morals, declaring that inadequate wages and unduly long hours and insanitary conditions of labor have such a pernicious effect. Section 1 of the statute was also quoted. This section makes it unlawful to employ women in any occupation within the State for wages which are inadequate to supply the necessary cost of living and to maintain them in health; also to employ minors at unreasonably low wages. The court found that the objects of this law were identical with those intended to be accomplished by laws fixing maximum hours of employment of women and children, and since laws of this nature have been sustained by the courts of last resort of the States, and also by the Supreme Court of the United States, a basis was laid for the upholding of the present statute. It was suggested that "to make effective a law fixing maximum hours of labor it may become necessary to have a law fixing a minimum wage," holding that the two laws are necessary complements, going to the same effect and securing the same end. The importance of maintaining health and morals for women and for children was regarded as warranting special legislation for the purpose, and while the police power of a State must be recognized as having limitations, the boundary must be a flexible one, "determined not so much by precedent as by reason and justice and the preservation of public peace, health, morality, and the general welfare." For these reasons it was concluded that neither the provision of the State constitution quoted nor that of the fourteenth amendment to the Federal Constitution could be regarded as invalidating such legislation.

Taking up next the question of the delegation of legislative authority to the commission created to administer the act, Judge Cleeton took the position that the law itself definitely fixed the standard and left to the commission only the ascertainment of the facts which make the law applicable to any particular district or industry. The impossibility of the legislature determining such details at first hand of itself was referred to, together with the propriety of putting such duties in the hands of the commission to perform "merely a ministerial or administrative function." The conference which the commission might provide for was simply a method of accomplishing the ends in view, and even though the conference might fix wages which the commission could not itself change, the commission was able to refuse to adopt the findings of the conference, which would then be inoperative; while if the commission accepted the findings they would then become the act of the commission within its powers under the law.

The third question afforded greater difficulty, and that was the right to a judicial review of the acts of the commission. Section 16 of the act prohibits appeals from the decisions of the commission on questions of fact, and it was contended that this denial rendered the entire statute void and of no effect. The court held that the act was complete without this section, so that it was not necessary to decide whether it does in fact prohibit a review by the courts of the proceedings of the commission; while if such review was in fact forbidden the courts could disregard it as surplusage and render such relief on complaints brought as the circumstances in any case might war-

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rant. Giving, therefore, a liberal construction to the act as intended to be of great public benefit, it was upheld as constitutional, and the writ of injunction to prevent its enforcement was denied.

Following this decision one of Stettler's employees, Elmira Simpson, brought a similar action to the same court to prevent the enforcement of the law. Stettler was a paper-box manufacturer, and the plaintiff Simpson was employed by him at a weekly wage of $8. She was 22 years of age, experienced in the work in which she was employed, and had been in the factory for over 3½ years at wages agreed upon from time to time by her employer and herself. She alleged that the wages that she was receiving at the time were the best wages and compensation for her labor that she was able to obtain for any labor that she was capable of performing, and if the order requiring the payment of $8.64 per week should be enforced she would be deprived of her present employment and wages. She affirmed further that by the said employment she lived and maintained herself in health and comfort, that the employment was clean and healthful, and the surroundings good. The findings of the court in this case as to the validity of the law and the consequent denial of the injunctive writ were in harmony with those in the previous case, whereupon appeals were taken by both plaintiffs to the Supreme Court of the State of Oregon.

The decision in the Stettler case antedated somewhat that in the Simpson case, and the opinion of the court was much more elaborate in the earlier proceeding, the opinion in the Simpson case being little more than an announcement that the matter had been passed upon, and decided in the earlier case. The principal points involved on the appeal to the supreme court of the State were the conflict of the statute with the State and Federal constitutions, and the lack of a provision for a judicial review of the findings of the commission, or, to state the matter in other words, whether the act was within the police power of the State, and whether it observed the essentials of due process of law.

The law was unanimously upheld by the supreme court, though it was conceded that the fourteenth amendment to the Federal Constitution would be a bar to such legislation unless it could be justified as an exercise of the police power of the State for the protection and betterment of the public health and welfare and reasonably tending to that end. As in the circuit court stress was laid upon the decisions upholding laws fixing maximum hours of labor for women, quoting at some length from the opinion of the Supreme Court in the case of Muller *v.* Oregon (208 U. S. 412, 28 Sup. Ct. 324), in which the peculiar necessity of safeguarding the health of female employees by reason of the physical structure of woman, and the need of conserving her well-being for the welfare of posterity were emphasized. These conditions were held to warrant legislation that would not be justified if applied to adult males, but for the reasons indicated laws applicable to women and minors are not forbidden by the fourteenth amendment where the legislature grounds its action on the sound basis of the public welfare. A number of cases were cited in confirmation of this position, as well as to sustain the view that where the legislative authority has reached the conclusion that an exercise of its power is called for to meet a public exigency, and has

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taken action in accordance therewith, the presumption is that the action is valid unless it appears beyond a reasonable doubt that some constitutional limitation has been violated. The taking of such action is not to be regarded as an expansion of the police power, but the application of "an old principle of government—the police power," to meet a new evil or an evil newly recognized. And "if the statute tends reasonably to accomplish the purposes intended by the legislature it should be upheld by the court."

Citations were made from reports of investigators showing the effect on both health and morals of an inadequate wage for women, and the conclusion was reached that "common belief" and "common knowledge" are sufficient to make it palpable and beyond doubt that the employment of female labor as it has been conducted is highly detrimental to public morals and has a strong tendency to corrupt them. The court then says: "With this common belief, of which Justice Harlan says 'we take judicial notice,' the court can not say beyond all question that the act is a plain, palpable invasion of rights secured by the fundamental law, and has no real or substantial relation to the protection of the public health, the public morals, or public welfare. Every argument put forward to sustain the maximum-hours law or upon which it was established applies equally in favor of the constitutionality of the minimum-wage law as also within the police power of the State, and as a regulation tending to guard public morals and the public health."

One of the objections raised was based on the alleged discrimination against manufacturing establishments in Portland, as compared with those engaged in the same business in other localities. The court stated that the law is of general application throughout the State, and in its essence merely forbids the employment of women and minors at inadequate rates of wages, and in this sense is of general force and effect, and can be complied with without any action by the commission. Where, however, the commission is of the opinion that a promulgation of standards is desirable it is authorized to make an investigation, and if it finds a necessity therefor it may establish rates and hours to meet the requirements of the law. No discrimination appears or is suggested in the records, nor is it shown that action is necessary elsewhere than in the city of Portland. "Other cases as they are discovered are to be remedied as provided therefor, but the law is State-wide, and it does not give to the plaintiff unequal protection of the law nor grant to others privileges denied to him; neither does it delegate legislative power to the commission. It is authorized only to ascertain facts that will determine the localities, businesses, hours, and wages to which the law shall apply."

The matter of interference with the freedom of contract was then taken up, and it was pointed out that it had been found necessary, even in earlier days, to protect some classes of employment from conditions of oppression and extortion where the powers of employers and employees were so unequal as to offer opportunity for abuse. "The legislature has evidently concluded that in certain localities these conditions prevail, even in Oregon; that there are many women employed at inadequate wages—employment not secured by the agreement of the worker at satisfactory compensation, but at a wage

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dictated by the employer. The worker in such a case has no voice in fixing the hours or wages, or choice to refuse it, but must accept it or fare worse."

Another objection raised was that until recently there has been no serious contention that States may lawfully establish a minimum wage in private employment. This the court conceded, saying that "the legislature seems to have acted on the idea that conditions have changed or that private enterprises have become so crowded that their demands amount to unreasonable exactions from women and children; that occasion has arisen for relief through its police power; and that it has determined the public welfare demands the enactment of this statute."

As to the lack of a provision for judicial review, therefore taking property without due process of law, it was pointed out that before any rate is established the plaintiff has the right and opportunity to be heard before the commission, as provided for by section 9 of the act. "Due process of law merely requires such tribunals as are proper to deal with the subject in hand. Reasonable notice and a fair opportunity to be heard before some tribunal before it decides the issues are the essentials of due process of law. It is sufficient for the protection of his constitutional rights if he has notice and is given an opportunity at some stage of the proceedings to be heard."

The opinion concludes: "We think we should be bound by the judgment of the legislature that there is a necessity for this act, that it is within the police power of the State to provide for the protection of the health, morals, and welfare of women and children, and that the law should be upheld as constitutional."

In the consideration of the case of the employee, Simpson, emphasis was laid by the plaintiff upon that portion of the fourteenth amendment which provides that "no State shall make or enact any law which shall abridge the privileges and immunities of citizens of the United States." The court stated that while this particular clause was not specially discussed in the Stettler decision, it was the intention of the court to express its conviction that the act in question violates no part of the fourteenth amendment. Having determined that the State might prevent the employment of women and children for unreasonably long hours or at unreasonably small wages, it was said that it would seem to "follow as a natural corollary that the right to labor for such hours and at such wages as would reasonably seem to be detrimental to the health or welfare of the community is not a privilege or immunity of any citizen." The fourteenth amendment was originally passed to guarantee the rights of the recently emancipated negro; "but that the effect of this would be to limit the power of the States to enact reasonable laws for the protection of their women and children against the consequences of labor for a length of time tending to impair health or at a wage barely sufficient to sustain life never entered the imagination of the statesmen who framed it." In the absence, therefore, of an oppressive and unreasonable encroachment by local authorities, the central power will not interfere in behalf of its citizens, and such not being the case here the decree of the court below was affirmed.

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As noted in the introduction, these cases were immediately carried to the Supreme Court of the United States on a writ of error, being first argued before this court in December, 1914. No decision was rendered on this hearing, the case being restored to the docket for reargument in June, 1916. The second hearing took place in January, 1917, but, as previously stated, owing to the fact that the eight justices who voted were equally divided, no opinion was rendered. A summary of the principal features of the briefs submitted for and against the law may, however, be of interest as showing on what the opposing parties relied in their respective undertakings.

On the trials in courts of the State of Oregon, it was appropriate to urge matters based on the provisions of the State constitution, but the decision of the supreme court of the State set these points at rest, leaving only the objections based upon the fourteenth amendment of the Federal Constitution to be considered. Counsel for the appellants Stettler and Simpson, the cases being combined for the purposes of this hearing, stated that the crucial point in these cases, and the point to which the complaints were directed, is that the establishment of a general compulsory minimum wage in private employment, "based and computed solely upon the individual needs of the employee, the basis and computation of which do not depend upon anything connected with or arising from the particular occupation in question," is unwarranted and beyond the police power of the State. It was said further that the question of the reasonableness or adequacy of the particular minimum wage involved in the case, namely, $8.64 per week, was neither directly nor indirectly before the court, the only question being the right of the State to enact a law of this type. The assignments of error were three in number, based entirely on alleged conflicts with the fourteenth amendment. The first was to the effect that the establishment of any minimum wage abridges the privileges and immunities of these plaintiffs as guaranteed by said amendment; the second, that by such action the plaintiffs are deprived of property and liberty without due process of law; and the third, that such statute denies to them the equal protection of the laws.

In enlarging on this summary, counsel reiterated the statement that the attempt was to enforce a wage based on the needs of the person, not as an employee but as an individual, needs that were independent of the employment in question or of any employment, so that whether or not the measure is intended to be or is in fact a measure protective of public welfare or of the lives, health, or morals of women in general, or of the women specifically affected, it is nevertheless not an act within the police power of the State. Then follows the statement of alleged fact that the business of the employer, Stettler, had been built up at great expense, employment being given to women at various wages, in accordance with the quality and quantity of the work done, and to interfere by enforcing a minimum wage would require excess payments above the value of the services rendered, thus destroying his profits and compelling him to go out of business. The result would be confiscation and the deprivation of property without due process of law. This situation would also result in depriving the plaintiff employee of her

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opportunities for employment, thus depriving her of property without due process of law, all in violation of the provisions of the fourteenth amendment. This employee averred that her earnings were in accordance with her ability, though less than the fixed minimum wage, and were reasonable and adequate for the quality and quantity of the work done, and that there was nothing connected with or arising out of her employment that either directly or indirectly increased the individual need which the minimum wage fixed is intended to supply. Therefore, to enforce this wage, supplanting the contract immediately agreed upon by her and her employer, would unlawfully deprive them both of their liberty of contract.

Again, the employer, as a manufacturer of the city of Portland, complained of discrimination against him inasmuch as the law does not apply to other occupations, either in the city of Portland or elsewhere, nor does it apply to manufacturers outside of the city of Portland, so that he was brought into an unequal competition artificially forced upon him by the act, thus depriving him of the equal protection of the law. For the plaintiff employee the result was that she was discriminated against as one of the arbitrary class and her privileges and immunities were unlawfully abridged.

The secondary effect to be anticipated, if the law should be enforced, was that the employer would be compelled to contribute to the private and individual needs of other persons, thus taking his private property for public use and without compensation. The fifth and last specification was based on the provision of the law making it applicable to adult women and to minors without regard to sex. The wage basis adopted by the commission "is in all cases the living necessities of the individual, existing independently of the fact whether such individual be a man or a woman, and independently of the fact whether such individual be a minor or an adult woman, also independently of the fact of employment. The basis of computation, therefore, is independent of the classification of persons to whom the statute applies and is not based even upon the distinction between men and women." This again compels a contribution to meet the personal needs of individuals, and creates an arbitrary classification of persons entitled to the minimum wage, discriminating both against the employer affected and the employees whose service is to be controlled by the act in question.

Arguing the Federal question, it was affirmed that "this new species of paternalistic legislation can not be sustained as applied to women workers, unless a similar minimum wage is to be sustained as to men workers," the principle involved being more far-reaching than any distinction between women and men. If an act of this type can be sustained, the arm of the State may reach out to every private business and control prices, not only of labor, but of the products of labor as well, thus hampering and controlling also competition in business in the commercial world.

The extent to which the courts have previously gone in upholding laws regulating the employment contract was then discussed, reference being made to regulation of hours and wages in public works, hours of labor in hazardous or unhealthful occupations, and hours of labor of women. It was contended, however, that in supporting each of these classes of laws, the courts indicated the statutory limits of regulation so as "to prohibit" the statutory minimum wage

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for women and minors. These conclusions were drawn from the distinctions made by the courts that the law under consideration in each case was specifically directed to the end named, whether public employment or hazardous work, and therefore was not of general application, and in particular the influential case of Muller *v.* Oregon, in which the Supreme Court upheld the constitutionality of the Oregon statute fixing the hours of labor of women, was said to relate only to the employment of women in laundries, so that there could be no general deductions drawn from it.

The economic objections were those forecast in the preliminary statement, i. e., an artificial interference with the economic law of supply and demand, resulting in unfair competition and the disrupting of business, the loss of employment, the rise in prices necessitating reciprocal advances in wages to meet the increased cost of living, the tendency to make the minimum wage the maximum, and the debarring of substandard laborers from all opportunity to secure employment on terms compatible with their abilities. "The inevitable result must be such a lack of balance and adjustment in essential and political forces of the Nation that catastrophe will follow."

Opposed to these arguments and conclusions, the briefs in support of the law asserted the power of the State to enact such legislation on the ground of its effect on the public welfare, public health, and public morals, as to which the judgment of the legislature controls unless the constitutional limitations have been palpably and beyond doubt overstepped by such action. Numerous decisions of various courts, and chiefly of the Supreme Court of the United States, were cited as showing the construction put upon the fourteenth amendment as a limitation to the activities of State legislatures; that it is for the legislature to decide when a particular condition injuriously affects the public welfare, such determination being binding and conclusive, both as to the fact and the means and methods of remedies, and that the courts may only intervene when it is clear beyond reasonable doubt "that conditions or means adopted to remedy them, or both, do not tend to affect public health or morals or welfare." The employment of woman labor was shown to be especially subject to regulation; while any practice tending to delay or prevent the payment of wages so affects the public health as to be subject to legislative control. Other citations were directed to the claim of discrimination and unequal protection of the laws, and by decisions cited each of the objections was held by counsel to be disposed of in favor of the law.

These decisions were summarized as affirming the right and duty of the State to preserve public health and morals, to decide what is for the good and welfare of the commonwealth, and to insure such economic conditions as advancing civilization requires; and it was maintained that the police power extends in a general way to all public needs. Taking into consideration the physical structure and peculiar functions of women, and recognizing the opinion of the legislature as expressed in its preamble that a law of this type was necessary as a protection for health, morals, and the public welfare of the State as particularly represented in its womanhood, justification of the law was held to be complete.

Counsel adopted as a premise the declaration of Justice Marshall in the early case, McCulloch *v.* Maryland, 4 Wheat. 316, 421: "Let

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the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." It was contended that the so-called liberties of which the plaintiffs claim to be deprived were merely nominal and theoretical; while no deprivation of property appeared or could be substantiated by the plaintiffs. It would therefore be improper to "ask this court to overturn the judgment of the Legislature of Oregon on a mere guess, when in fact experience may disprove the guess." The fallacy of an argument based on the inferior worth of an individual employee's services was touched upon; while it was pointed out that the law merely prevents the getting of labor at less than the true value of its product, since "it is preposterous to suppose that he [Stettler] would really exercise or value in his actual business operation the liberty which he here claims, namely, the liberty to employ an inefficient woman in place of an efficient one, if he proposes to pay in either case what the output is really worth." Some three years having intervened since the order became effective, it was possible for counsel to show that the disasters forecasted as a result of the enforcement of the law had not occurred, and that the deductions to this effect were without weight.

As to the reiterated argument that the minimum wage was based on individual needs and not upon the status of the worker as an employee, counsel says "the short answer to this central claim is that Stettler is Simpson's employer and no other person is, who alone has the use of her working energy, to maintain which a cost of not less than $8.64 per week is essential." This relationship, personal and exclusive, differentiates the employer from any other citizen and justifies imposing upon him the minimum cost of his employee's livelihood, which is the minimum cost of her labor, given exclusively for the benefit of her employer, so that he alone should meet the essential cost. "The State does not compel him to use it; all that it says to him is that if he chooses to take its benefit he must pay at least its cost."

Assuming a theoretical situation in which employer and employee would be isolated from all reliance upon the outside public it is clear that no bargain could be made at less than a living wage for the employee. It follows that any contract for labor below its cost necessarily relies upon the subsidy from outside, either through better paid members of the family or from sources destructive of morals and health, or ultimately by charity publicly or privately supported; and to this extent the public is concerned and has a right to intervene to prevent imposition upon itself by the act of the employer engaged in a parasitic industry. On the other hand no employee has any absolute right to give her energies in an industry which does not offer sufficient returns to enable her to keep her side of the bargain without a subsidy from the public.

As to the plaintiff Simpson's allegation that $8 was all that she was able to receive for any employment or labor which she was capable of performing, it was noted that it was not alleged that the services rendered were not worth more than $8, and the statement was advanced that if her output really is worth the cost of her labor then she has no claim on public assistance; while if she is not able

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to earn a living wage, she should be trained so to do if possible, and if this is not possible then it is a reasonable and proper regulation that Stettler should obtain a license from the commission before employing labor of this class, as a reasonable means of preventing unfair competition.

Counsel for plaintiff in error had admitted the ethical and humanitarian justification of the payment of a living wage but denied the legal right for compelling its payment. "In other words, the plaintiff, while recognizing the desirability of making this standard universal in the State of Oregon asserts that the State is debarred from this particular means of doing so." Continuing, counsel declared this to be not merely the "individual belief in a doctrine of philosophic anarchy, i. e., that action can not be compelled by legislation, but he is asking this court to say that such a doctrine of philosophic anarchy is incorporated in the fourteenth amendment." The regulation of unfair competition by statute, both Federal and State, was pointed out as entirely overthrowing the claims of plaintiff's counsel, both as to the right of employer to pay a substandard wage and of the employee to give her labor at a lower rate than would afford livelihood unless the State should grant license therefor.

Numerous cases were then cited, and economic authorities referred to in support of the right of the State to intervene in the matter of the contract of employment "because of the actual inherent inequality of bargaining power between parties." A wide range of subjects, industrial, commercial, and others, have been legislated upon, the laws being sustained and enforced by the courts of last resort. "True freedom of contract is established rather than impaired by such restriction. Their very purpose is to assure the parties an equal basis for bargaining, so that they may be free to bargain on the merits and not under the compulsion of a crippling necessity."

What "is called the pin-money fallacy" is discussed quite fully in support of the proposition that it is only a negligible proportion of wage-earning women whose employment is not required to support themselves and perhaps also to render assistance to others. An extended showing is also made of data intended to support the contention that the minimum wage fixed by law does not tend to become the maximum wage paid by employers, the experience of Australasia and Great Britain being cited.

Summing up the whole series of propositions, to the effect that there are no arbitrary, wanton, or spoliative consequences involved in the legislation under discussion, but that it is a reasonable exercise of the police power of the State, the brief concludes: "With its exercise in the past we are familiar; its unsettled application to the needs of a changing present gives an illusion of novelty to the new exercise of an old power." To meet the new circumstances the fourteenth amendment no more impedes than it has in the past interfered with the solution of the problems confronting the legislation of an earlier day.

MINNESOTA LAW.

Next in order of time is the decision rendered by Judge Catlin of the district court of Ramsey County, Minnesota, on November 23, 1914, as to the constitutionality of the minimum-wage law of that State. Although this decision was rendered some months later than

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the ruling of the Supreme Court of Oregon, sustaining the law of that State as constitutional, Judge Catlin found in that ruling nothing to influence his opinion as to the validity of the Minnesota statute. The action was brought by two different employers (A. M. Ramer Co. *v.* Evans et al., and Williams *v.* Evans), and was identical with the original proceeding in the Oregon cases, i. e., a motion to secure an injunction against the enforcement of the law on the ground of its unconstitutionality. The hearing resulted in the granting of the injunction on the ground that the act was unconstitutional.

Reference was made by Judge Catlin to the fact that the Oregon case was before the United States Supreme Court at the time, and it was said that the decision therein would doubtless dispose of all the main questions involved in the Minnesota statute. The plaintiff employers' counsel had suggested that the commission charged with the administration of the act should suspend its orders until the decision of the Supreme Court had been announced, but this the commission declined to do. The discussion of the subject was quite brief, mention being made of the claim that it would be a manifest necessity to readjust business relations under the new standards and that many women and minors incapable of earning the minimum wage must lose their employment. The desirability of maintaining the status quo until the constitutionality of the law itself had been finally determined commended itself to the court, but these factors were not regarded as sufficient in themselves to warrant the injunction, although they must be allowed to have weight. Announcing that the present hearing was but a step toward the determination of the case by a higher court, the court declined to enter into an analysis of the decisions cited or to set forth reasons leading to the conclusions arrived at. The law was therefore declared unconstitutional as delegating legislative power to an appointive commission and placing in that commission a discretion as to whether or not there should be a minimum wage, making the commission "a sort of independent supervisor or pater familias of the woman workers and their employers, such as the State can not lawfully become until the form of our government has been entirely changed." The other ground announced was that the statute abridges the right of individuals to make contracts without any reasonable foundation for holding that such restrictions are necessary or appropriate for protecting the safety, health, or morals of working women, or are reasonably calculated to promote the general welfare of the public. "On the contrary, it is quite as likely in actual results to increase both distress and immorality, if morals are dependent on wages."

As forecast by Judge Catlin, the cases decided by him were carried immediately to the supreme court of the State. No decision therein was rendered until December 21, 1917, a date subsequent to the action of the Supreme Court on the Oregon law and of the Supreme Court of Arkansas on the minimum-wage law of that State. The Supreme Court of Minnesota reversed the court below, upholding the statute in all points involved in the presentation made by the plaintiffs (165 N. W., 495). It was first stated that the legislature does not look to the constitution of the State for the sources of its power; while there are in the constitution of the State some limitations on legislative power, there are none more restrictive than those found in the

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fourteenth amendment to the Federal Constitution. It was only necessary, therefore, to examine the provisions of this law in the light of the limitations thus laid down.

The supreme court considered first the subject of the liberty of contract. This liberty is not absolutely guaranteed, but is subject to the power of the State to legislate for certain permissible purposes, among which are regulations of the contract relation covering quite a range of subject matter. While a mere assertion that a law relates to health, peace, or morals is not sufficient, if there is a reasonable basis for the conclusion, demonstrable by facts or commonly known, regulatory legislation of this type may be upheld. Mention was made of the commonly held notion that women are underpaid, that they do not receive equal pay with men for equal work, and that the conditions resulting are dangerous to the morals of the workers, and injurious not only to their own health but also to that of future generations, as well as of the inability of women to cope with their employers in the struggle to procure a proper economic adjustment of the profits of their labor. Necessarily disregarding the question of policy as belonging to the province of the legislature, it was held that the question of a reasonable basis for such legislation must be answered in its favor in view of conditions known to exist. The court supported this conclusion by references to the decisions of the supreme courts of Oregon and Arkansas.

The contention as to the delegation of legislative power was discussed at some length, and the fact was admitted that no power to make laws can be delegated to a commission. The act required every employer to pay a living wage "as defined in this act and determined in an order of the commission." The court regarded this as establishing a living wage in and of itself, even though there can be no effective execution or enforcement of penalty without action of the commission, while investigations are also to be made in its discretion. Cases were cited to sustain the view that although such discretion is thus conferred, the act is not thereby prevented from being a complete law, or is it thus rendered invalid. Following the precedents thus discovered and "principles now well recognized," the court decided that there was no delegation of legislative power.

A minor objection was that no action should be taken by the commission unless it found one-sixth or more of the women or minor employees in any occupation to be engaged in work at less than living wages, the contention being that this discrimination led to an unlawful basis of classification. The court rejected this contention, saying that "the act may exclude cases of minor or negligible importance," and citing decisions in support of this view. Objections to the section providing for an advisory board to make investigations and report to the commission were dismissed as not being involved in the case before the court; it was said that the matter of their validity or invalidity could not be said to be controlling as to the entire act, which was therefore sustained in so far as involved in the present case.

ARKANSAS LAW.

The third case in order of time that comes up for consideration is one involving the constitutionality of the Arkansas statute (State *v.* Crowe, 197 S. W. 4). This act differs from those already con-

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sidered in that it dispenses with the services of an administrative commission, and establishes a fixed minimum rate per day for female workers of six months' practical experience. A commission may be provided for, however, for certain enumerated industries. Action was brought by the State against one J. B. Crowe for a violation of the statute, and judgment was in his favor in the circuit court of Sebastian County. The decision turned on the unconstitutionality of the statute as found by that court. The State appealed, and the supreme court reversed the decision of the court below, upholding the statute, June 4, 1917.

A technical matter as to parliamentary procedure was first disposed of, and it was decided that the statute had been duly enacted. When the case reached the supreme court of the State, it was informed that the Federal Supreme Court had the Oregon law under consideration. A decision was therefore withheld, awaiting the announcement of the decision in the earlier case. No opinion being announced therein, the court proceeded to its own discussion of the principles involved, following largely the lines of the Oregon and Minnesota cases already presented. The freedom of the legislature to act for the public welfare was dwelt upon, and it was said to be "a matter of common knowledge of which we take judicial notice that conditions have arisen with regard to the employment of women which have made it necessary for many of the States to appoint commissions to make a detailed investigation of the subject of women's work and their wages." The results of these investigations and those of other agencies are said to have been to establish the consensus of opinion as to the inadequacy of women's wages and the injuriousness of the results following. The judgment of the members of the legislature, with their opportunity for a knowledge of the conditions prevalent throughout the State, and the enactment of a standard apparently fair and reasonable, were held to warrant a finding that the law is constitutional, and the case was remanded to the court below for further action.

The chief justice prepared a dissenting opinion in which the correctness of the conclusion as to the relations between the wages of women and their health and morals was challenged. It was also contended that women possess the same unrestricted right to sell their daily labor on their own terms as do men. "Nor is the health of women, as a class, affected more by poverty, if at all, than that of men. * * * There are ills which will never be entirely eliminated, for they are among the human imperfections which will survive to some extent as long as earthly time lasts."

It was pointed out that the Stettler case was decided in the Supreme Court by an equally divided court, and that "under the practice of that court, as I understand it, such a decision does not become a precedent and it is without persuasive force."

Another justice concurred in the reasoning of the chief justice, believing that the statute "clearly invades the Constitution of the United States and of our own State." He took the position, however, that the decision of the Supreme Court was a precedent, "controlling on the issue before us."

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WASHINGTON LAW.

The next decision on the subject is one rendered by the Supreme Court of Washington in April, 1918 (Larsen *v.* Rice, 171 Pac. 1037). This was an action to recover the difference between the actual wages paid per week and the amount established by the welfare commission of the State. The plaintiff had secured a judgment in the court below, and her employer appealed, attacking both the constitutionality of the law and the construction placed upon it by the trial court.

The matter of constitutionality was disposed of by the Washington court by a reference to argument of the Supreme Court of Oregon on the similar law of that State, the court saying that that reasoning "appeals to us as sound and conclusive, and we are content to rest our judgment on the authority of the cases as there determined."

The employee in this case was a ticket seller in a moving-picture house, and had worked for 56 weeks, working 39 hours per week at a contract wage of $3 weekly. As to the matter of classification, it was held that selling tickets was clerical work within the meaning of the order of the commission, and the employee was therefore entitled to the minimum wage of $10 per week. Inasmuch, however, as the standard week for women's work in the State of Washington is 48 hours, and she had worked but 39 hours per week, recovery was allowed on the basis of $10 per week of 48 hours.

A point of greater interest than the foregoing was the decision that a compromise settlement can not be entered into between parties, even though under ordinary circumstances compromises are favored by the law as tending to prevent strife and conduce to peace and general welfare. However, the present case was said to be "not wholly of private concern." It was affected with a public interest. "The State, having declared that a minimum wage of a certain amount is necessary to a decent maintenance of an employee engaged in the employment in which the respondent was engaged, has an interest in seeing that the fixed compensation is actually paid." In this view "the statute was not therefore intended wholly for the benefit of the individual wage earner," but being protective of the public, any agreement to pay or receive a smaller sum, unless the State had participated in the agreement, is voidable, if not void. "Our opinion is that it is such a contract as the courts are not required to enforce, and against the policy of the statute to do so."

A single justice dissented from the finding as to the validity of the agreement, holding that the employer should have been allowed to make proof of the compromise alleged by him to have been agreed to.

MASSACHUSETTS LAW.

The fifth decision primarily hinging on the question of constitutionality is one rendered by the Supreme Court of Massachusetts on September 23, 1918 (Holcombe *v.* Creamer, 120 N. E. 354). The law of this State presents still another variation from those previously discussed, the findings of the wage boards, when approved by the State commission, being set forth as a standard, but compulsory observance is not required. However, the commission is authorized to

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investigate the extent to which its recommendations are being observed, and to publish in the newspapers the names of the employers failing to pay the approved rates of wages. This case was a petition for a writ to compel certain employers engaged in the laundry business, for which wage rates had been established, to report as to the wages actually paid by them. This the employers refused to do.

In considering the enforceability of the act, the court first inquired whether or not it was unconstitutional, as interfering with the liberties and freedom to contract of the persons affected by it. It was found to contain no mandatory provisions, in so far as the payment of wages was concerned. "Absolute freedom to make any contract respecting wages is left untouched"; and if the right of privacy "is an element of the constitutional right to seek and obtain 'safety and happiness,'" there is apparent no undue invasion of that right. No criminal element is involved; the disclosures, therefore, are not evidence against oneself; neither is there any foundation for the contention that the employers "are subjected to punishment without proper notice, or complaint, or hearing, or trial by jury."

The extent to which the courts have upheld statutes working toward the regulation of contracts was quite fully discussed, with numerous citations. Among these are laws regulating in detail the insurance contract; times, places, and mediums of wage payments; hours of labor; various commercial contracts, etc. The present act is found to fall within the bounds of these laws, and the purpose—the welfare of women and minors—is said to be a proper basis for legislative action. The burden of proof to the contrary rests upon those who attack the constitutionality of the law. "Unless it can be said to bear no relation whatever to legitimate public interest or to be a palpable invasion of private right, liberty, and property without constitutional warrant, the decision of the general court as embodied in the statute must stand."

The guaranties of the Constitution as to liberty and freedom of contract "do not go to the extent of protection against publicity respecting contracts with women and minors, which the consensus of opinion of the Commonwealth, as formulated in a statute requiring impartial investigation by a public board, declares wanting in affording to them necessary support."

It is admitted that "there are limits to the right of the public to inquire into private affairs," and that there may be an effective coercion even without absolute compulsion. "In such a case its validity would depend not upon its form but its substance"; and the case in hand is declared to fall within the principles upheld in the enactment of elective compensation laws, with the abrogation of the common-law defenses as a persuasive to their acceptance, such laws being generally sustained as constitutional.

The writ directing the employers to furnish the data desired was therefore ordered to be issued, since the act was found to be constitutional in all points involved in the case. The penalization of newspapers refusing to publish the lists was not considered, nor the constitutionality of a compulsory law, since these questions were not in issue in the case in hand. Reference was made, however, to the fact that such laws had been upheld, the citations being those of the cases noted above.

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SUMMARY.

Summing up, therefore, the decisions of the supreme courts of five States it appears that of the total number of judges before whom the matter of constitutionality has come only two have offered any dissent on principle, while one of these regards the decision of the Supreme Court of the United States as controlling, and voted to sustain such law until it shall render a different ruling. The arguments are the familiar ones of the right of the State to exercise its police power in the interest of the public welfare, granting that the legislature is fairly informed as to what is involved in that phrase in regard to the particular question at hand. The fatalism of the Arkansas judge who felt that human imperfections must always reflect themselves in certain hardships and inequalities is obviously not persuasive in the minds of those judges who regard the conditions reported by the various investigative commissions and agencies as capable at least of amelioration which will result in public benefit. No more does the *laissez faire* attitude of the same judge as to the right and power of employers and employees to make contracts unfettered by legislation of this type meet the general approval; nor the similar doctrine of the brief in the Stettler case before the Supreme Court as to the disturbance of competition and of the law of supply and demand. Indeed the tendency of the decisions seems to be fairly expressed in the statement by a recent economic writer that, "In proportion as scientific research progresses, minimum standards of welfare will become more and more matters of social knowledge and less and less matters of individual taste—but only minimum standards relating to those necessities which are generally accepted as such."

OTHER DECISIONS.

While the foregoing cases may be said to establish the principle of the constitutionality of laws of this class, and to discount the probability of the success of any further efforts along this line of action, they have not sufficed to preclude attempts to invalidate certain acts of the minimum wage commissions. The industrial welfare commission of Washington, taking cognizance of the increased cost of living due to war-time conditions, called a conference to meet August 28 and 29, 1918, to consider what rates should be adopted as minimum in view of the same. This "war emergency conference" recommended a uniform rate of $13.20 per week in the employment of women of the age of 18 and over, during the period of the war.

In isssuing this order, based on this recommendation, the commission appended as note 1, below the signatures and attest, the statement that "This order shall be interpreted to mean an 8-hour day and a 6-day week, or 48 hours' service weekly, or at the rate of 27½ cents per hour." This order became effective November 10, 1918, and in pursuance of its provisions the commission procured the arrest and conviction of the proprietor of a hotel for employing a chambermaid for a week of 7 days, during which she worked more than 48 hours, but less than 56, and not more than 8 hours in any one day. The wages paid were $13.20, so that the offense charged was solely that of working more than 6 days or 48 hours. The defendant

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claimed that the commission was without authority to fix the wage per hour and the days per week. As to this Judge Hurn, of the Superior Court of Washington for the county of Spokane, ruled that the welfare commission could not act in fixing wage rates, etc., of adults "independent of a constituted conference." Inasmuch as the provision as to days per week was added by the commission without a recommendation from the conference, it followed that this provision was invalid, as in excess of the commission's powers, and the defendant was accordingly held not guilty of an offense against the law (State *v.* Moore, July 16, 1919).

Following this a "public-housekeeping conference" was called, which was held on March 3, 4, 1920, and it recommended a minimum of $18 per week, $3 per day, or 37½ cents per hour; also that employment be limited to six days per week. The law of the State prescribes an 8-hour day. The welfare commission thereupon issued an order embodying these recommendations, bearing date of April 3, 1920, effective in 60 days.

Inasmuch as the limitation to a 6-day week was duly recommended by the conference, the point of attack made use of in the Moore case was not available, but another effort was made to overthrow the law generally in an attack specifically on the validity of the order.

Despite the decision in the Larsen case, action was brought in the Superior Court for Thurston County, Wash., again challenging the constitutionality of the act (Spokane Hotel Co. *v.* Industrial Welfare Commission, decided Aug. 7, 1920). The claim was made that the act violates the "due process" clause of the State and Federal constitutions, that it improperly prevents appeals to courts on questions of fact, and that it is unconstitutionally administered. In raising these questions it was contended that they had not been considered by the Oregon Supreme Court, whose conclusions had been adopted by that of Washington in the Larsen case. The judge examined these points in order and concluded that they had been fairly passed upon by the Oregon court and that the Washington court had acted with these in mind in reaching its conclusions. Other objections to the law were held to be not well founded, and the order of April 3 was upheld accordingly. This position was affirmed on appeal to the supreme court of the State (Dec. 11, 1920, 194 Pac. 595), the court reaffirming its earlier opinion, stating that "The statute provides the commission shall specify a minimum wage and standard conditions of labor for women, and this provision is clearly broad enough to justify the commission" in its action. This was specifically held to apply to the provision establishing a 6-day week "as a standard condition."

The contention that the statute violates the constitutional provision as to "due process of law" was met not only by a reference to the earlier decision of the court in the case of Larsen *v.* Rice, supra, but also by various citations sustaining the principle of commission action, including decisions by the Supreme Court of the United States. "The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

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The claim that public hearings were not had, as required by the law, was shown to be without foundation. "Counsel who now represent appellants [the hotel keepers] were present at all these [at least three] hearings." As to the point that the commission was without authority to fix allowances for room and board, the court remarked that "it does not appear that appellants are interested" in that question. But if they were, the matter was said to be entirely within their discretion, as "the employer may or may not, as he chooses, furnish room and board at the prices stated. If he does not so agree, the straight wage schedule shall prevail" (Spokane Hotel Co. *v.* Younger, 194 Pac. 595).

A quite similar outcome followed attempts to invalidate an order of the Minimum Wage Commission of Minnesota, this case reaching the supreme court of the State. Minnesota is one of the States in which the question of constitutionality already had been unsuccessfully raised (see Williams *v.* Evans, supra); but in spite of this an order of July 5, 1919, fixing a standard minimum wage for women in all employments throughout the State was attacked as beyond the power of the commission to enforce. A distinction was made between cities, etc., having a population of 5,000 or more inhabitants, and places of smaller population. In the first group it was ordered that a minimum of $11 per week be paid, while in the latter the sum of $10.25 per week was fixed upon. These amounts were based on the rendition of services by "women and minors of ordinary ability, in ordinary occupations, working not to exceed 48 hours per week." An hourly rate for work in excess of 48 hours was also fixed, being 23 cents in cities and 21½ cents in smaller places. The allowance to be made for room and board, where furnished, was also specified, and it was directed that where telephone operators are customarily on duty between 6 p. m. and 8 a. m. and are allowed to sleep while so on duty, 12 hours on duty shall be construed as the equivalent of 8 hours of work. A companion order made provisions for learners and apprentices.

The power of the commission to enforce these orders was challenged in a suit by a telephone company (G. O. Miller Telephone Co. *v.* Minimum Wage Commission, 177 N. W. 341), seeking to restrain the commission from their enforcement. The district court of Goodhue County granted a temporary injunction, whereupon the commission appealed and secured a reversal of the order of the court below.

The power of the commission to fix rates was first considered, the conclusion being reached that it was not authorized to fix a blanket minimum wage throughout the State for women or for minors without reference to wage conditions in the different occupations, but that the rates for different occupations should be fixed after an investigation and determination of wage conditions therein. The basis of action by the commission as laid down by the law is that the commission may establish a minimum rate "if after investigation of any occupation it is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages." This does not necessitate a finding that one-sixth or more of all women or minors of the State are receiving less than a living wage, but permits single occupations to be taken up and considered individually.

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Another point dwelt upon by the court is that the commission need not make a formal finding or recital of its opinion after investigation. Though the order in question contains such a recital it was not necessary, but neither did it vitiate the order. While it is not necessary that the order should present findings of fact and conclusions of law to support its provisions, it is not improper for the commission to answer in an action against it that it is the opinion of the commission, after a thorough and extensive investigation, "that more than one-sixth of the women and more than one-sixth of the minors employed in the State in each and every occupation were receiving less than a living wage at the time the orders complained of were issued"; while the further allegation that more than one-sixth of the women and the minors employed by the particular plaintiff in the present case were receiving less than living wages "is not to be disregarded."

One objection raised was that the order gives women and minors the same minimum wage. The court ruled that the statute intends a separate investigation and determination for the two classes, but that the minimum fixed may be either different or the same for each; and so far as the alleged facts appear, there is nothing to make the order invalid because applicable to both classes. "Again, the plaintiff can not complain if the minimum for neither class which it employs is too high."

Another complaint was that the commission required the payment of 23 cents an hour for each hour of work in excess of 48 hours as an addition to the $11 minimum prescribed for a 48-hour week. The commission has in fact no power to fix the legal hours of labor, which are regulated by law, 10 hours being a standard workday unless a shorter time is agreed upon. But, "the order does not fix the hours of labor. It takes 48 hours a week as the basic period of labor upon which to compute a minimum wage." The assumption that one employed but eight hours per day can make use of some time for self-service and other activities that will reduce living costs, while if a longer period is worked this service will have to be done by others at added cost to the worker, is regarded as of weight. "We can not say that this contention is fanciful."

The plaintiffs made a point of a supposed situation where telephone service is attended to by persons employed in stores, post offices, or at housework in their dwellings, rendering perhaps two hours of actual service per day at the telephone exchange. It was contended that it would be impossible to pay these people the minimum of $11 per week, working thus a hardship on the company in compelling it to withdraw service, and likewise depriving individuals of a "small, though welcome, addition" to their income. The court disposed of this by saying that no such case was covered by the law, but that it was "the purpose of the minimum-wage act to reach occupations which furnished the substantial livelihood to workers therein and consume their ordinary work period, and not to include workers who do some slight or intermittent daily or weekly service."

The fixing of different rates for localities of different population could not be regarded as arbitrary, the law making such differences possible if within different areas of the State the cost of living should warrant such variation. And again, "the plaintiff has no cause of complaint unless the minimum which it is required to pay is too high."

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Brief notice was given to the order relating to learners and apprentices, which regulated employment for such persons at rates varying throughout the first, second, and third three months of service. "From what appears in the pleadings, we can not assume that this is an invalid classification or that it is an invalid administrative regulation."

The last point considered by the court was as to the nature of the commission. It was said to be an administrative body, neither legislative nor judicial power being delegated to or conferred upon it. "It has the administrative authority which is conferred by the statute." It must be permitted to proceed in a practical way for the accomplishment of the lawful rules contemplated by the act, exercising judgment and discretion as to details of administration and the establishment of administrative regulations. If it should abuse its authority, the courts are open, and while "the remedy afforded may not be perfect, it is such as the law gives."

The entire finding, therefore, left the order, blanket in form though it is, in force and effect as against the plaintiffs, and, by direct inference, against any other occupation or employment which could not make a showing of inapplicability or of excessive rates, such as the present plaintiffs were unable to sustain.

An application for an injunction restraining the operation of the law of the District of Columbia, on the ground that the law was unconstitutional, was refused by the supreme court of the District, the court being "of the opinion that the minimum-wage act is constitutional" (Children's Hospital *v.* Adkins, June 22, 1920). The case was thereupon taken on appeal to the court of appeals of the District. It is also said that it will be carried to the Supreme Court of the United States, whichever side is successful in the court of appeals.

Though the law of Texas was enacted as late as 1919, subsequent to a number of decisions sustaining the constitutionality of legislation of this type, an attack on the validity of the law of this State was made by an employer affected by it. The case arose under the provisions of the law penalizing employers for discharge or threatened discharge or in any other manner discriminating against employees for testifying in investigations by the minimum wage commission. Conviction for discharge of an employee for testifying was followed by an appeal, the claim being made that the law was in conflict with various provisions of the constitution of the State and of the United States, depriving persons of life, liberty, or property without due process of law, abridging the privilege of citizens, and impairing the obligation of contract.

The court below had refused to quash the complaint on account of this alleged unconstitutionality of the law, and the case was taken to the court of criminal appeals of the State. This court found the law valid in all respects in which it was attacked, saying that it must be borne in mind that "any contract entered into between our citizens includes as a necessary part thereof the written law of the land." The contract with this employee therefore necessarily contemplated her possible activity as a witness before the welfare commission, so that in appearing she had in no sense violated her contract, and her discharge therefor would be in violation of the law. The penalty

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assessed by the court below was therefore affirmed (Poye *v.* State of Texas, Oct. 15, 1920).

The Workmen's Compensation Bureau of North Dakota, which administers the compensation law of the State, was enjoined from enforcing certain orders issued by it, not on the ground that the law itself is unconstitutional, but that certain orders issued by it were invalid, irregular, and an unreasonable restriction on the plaintiff's right of contract for service. In issuing the injunction, the court below required bonds to be given to cover the difference in wages, if the orders should be found valid, and the supreme court of the State affirmed the restraining order as conditioned, until the matter should be decided on its merits, which could not be considered in the present case (Northwestern Telephone Exchange Co. *v.* Workmen's Compensation Bureau, March 21, 1921).

OPERATION OF THE LAWS.

SCOPE OF INQUIRY.

The foregoing discussions and analyses have disclosed a very general similarity of the laws, with certain wide exceptions as to the methods adopted. The following account of the separate State laws considers their administrative methods, and the experience under them, and shows something of the effect of the various factors.

The States covered differ considerably in their industrial development, the length of their experience under the law, the attitude of employers, the interest of employees, and the activity of the administrative agencies, all of which conditions, of course, affect the results. Sources of information are the laws themselves, reports of commissions, court decisions, answers to letters of inquiry, and investigations by the United States Bureau of Labor Statistics.

Following are the points of inquiry formulated for the guidance of the investigation:

A. State Commissions.

I. Membership:
- (*a*) Selection and appointment.
- (*b*) Term of office.
- (*c*) Actual periods of service.
- (*d*) Continuity of policies.
- (*e*) Staff, appropriations, and expenditures.

II. Powers and duties:
- (*a*) To make investigations—on request or own initiative.
  - Cooperation of witnesses, availability of records, etc.
- (*b*) To fix rates—
  1. Independently.
  2. After report of wage board.
     - Can findings of wage boards be modified?
  3. Revisions—basis, procedure, etc.
- (*c*) To promulgate rates—
  1. Final hearings: Procedure, results in practical experience, etc.
  2. How is binding proclamation effected?
     - Attitude of employers and employees toward acceptance?
- (*d*) To enforce law—Provisions of act, and actual measures taken.
  1. Violation of rates.
  2. Discrimination against active employees.
  3. Recovery by employee of unpaid balances.
  4. Methods of ascertaining compliance or noncompliance.

III. Cooperation with other agencies.

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B. Wage Boards.

I. Formation—Provisions of law, and actual operation:
- (*a*) Employees—
  1. Willingness to serve.
  2. How selected?
  3. Are they representative?
  4. Do they jeopardize position or advancement?
  5. Effect on class spirit, unionism, sense of capacity for self-help, etc.
- (*b*) Employers—
  1. Willingness to serve.
  2. How selected?
  3. Are they representative?
  4. Do experiences serve to separate or unite employers and employees?
- (*c*) Desirability of public representatives.

II. Are services on wage boards compensated? Reasons for and against.

III. Is there any tendency toward professionalism or an attorney system? Is such a system desirable? If not, how can it be avoided?

C. Orders.

Give an account of each existing order, reasons for selection of industry, operation of order, etc., having in mind applicable points of inquiry under A and B. (Membership of boards, budgets, and other evidence submitted, wages previously paid, findings and recommendations, final determination, revisions, if any, when and why.)

D. Basis.

I. Elements of a "living wage" for women:
- (*a*) Requirements for—
  1. Health.
  2. Morals.
  3. Welfare (scope of term).
     Relative weight of each item.
- (*b*) Do different employments (clerical, mercantile, factory) demand different standards, as for clothing and laundry, food (quantity, quality), vacation, and recreation, self-improvement, etc.?
- (*c*) Differences due to locality—rural, urban, etc.

II. "Suitable" wages for minors:
- (*a*) Measure, and mode of determination.

III. Provisions for—
- (*a*) Learners and apprentices—How defined and limited?
- (*b*) Substandard workers.

IV. To what extent should and can provision be made for—
- (*a*) Women with dependents?
- (*b*) Undeveloped or experimental industries?
- (*c*) Any other exceptions?

E. Results.

I. Do women lose opportunity for employment? Children?

II. Effect on interstate competition.

III. Are excess numbers of learners employed, to secure cheap labor?

IV. (*a*) Does the minimum tend to become the maximum?
(*b*) Has the law affected the type or stability of the employees?

V. Relation of fixed rates to general advance in wages.

VI. Attitude toward present law of—
- (*a*) Employers.
- (*b*) Employees affected.
- (*c*) Organized labor.
- (*d*) Others interested.

VII. Attitude of same toward extension of principle without regard to age or sex, or the question of dependents, or can this last point be safeguarded?

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ARIZONA.

SKETCH OF THE LAW.

The law of Arizona is one of the few that fixes by its own provisions the rate to be paid. No provision is made for any other rate than the standard one of $10 per week for females in the designated employments, neither age nor experience being referred to. No administrative agency is named, the punishment of violators evidently resting with the general law enforcement officers of the State.

The law was approved March 8, 1917, and came into effect June 7, 1917. A referendum petition was filed against it, but was declared null and void by the supreme court of the State.

EFFECT OF THE LAW.

The State officials report that at the present, "and for a long period past," women's services generally have commanded a higher rate of pay than that fixed by the law. There was considerable opposition to its enactment in some parts of the State where a low rate obtained, and a number of violations have been punished by legal process, while cautions have been given in other cases. Generally, there is a willing compliance. A few cases were reported as personally known to have involved raises in rates due to the law.

The law is said to apply to "all females who could be legally employed within the State."

A representative of the chamber of commerce of one of the principal cities reports slight practical effect upon the better class of employers, but more in the case of "employees in restaurants, laundries, etc."

ARKANSAS.

SKETCH OF THE LAW.

In Arkansas, as in Arizona, there is a statutory rate, but with the difference that there is a lower rate ($1 per day) for inexperienced workers than for those who have had six months' experience. For the latter the rate is $1.25 "in any establishment or occupation," in manufacturing, mechanical, or mercantile establishments, laundries, or express or transportation companies. The original law, enacted in 1915, excluded cotton factories, the preservation of fruits and perishable farm products, and the gathering of the same; also all establishments employing less than four females "in the same building, at the same time, doing the same class of work." The law fixes a 9-hour day for females. It was amended in 1919, and the numerical limitation was stricken out. The exclusion of fruits and farm products was also modified so as to relate only to their gathering, leaving their preservation to be governed by the act. The law applies only to "women" and "minor females," who are on an equal footing throughout.

Although the rate is statutory, a commission is provided for, which is to investigate, on complaint, the conditions of women employed at piecework, and may, on its finding that such system is working an injury to their general health, abolish such work, "or any other injuri-

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ous system," and establish a daily rate of wages not less than the statutory minimum. It is provided, however, that a lower rate may be fixed for any occupation or industry in which it appears that such rate is sufficient to meet the necessary cost of living; also that the commission may establish a higher rate in any occupation in which the statutory rate is found to be too low.

A special provision covers hotels and restaurants, for which the commission may fix a rate not higher than the statutory minimum. As first enacted, telephone establishments were included. When the amendment of 1919 was adopted, extending the law to employers of even one female, the opposition of the organized telephone companies was said to be so influential as to secure their exemption, which was acceded to in order to secure the elimination of the numerical limitation.

The constitutionality of the act was challenged early in its history, but it was upheld by the supreme court of the State (State *v.* Crowe, p. 44).

COMMISSION AND STAFF.

The law provides for a commission, consisting of the commissioner of labor statistics and "two competent women," one to be appointed by the governor and the other by the commissioner. The women serve without salary, but receive their expenses; $500 was appropriated for 1919–1921 by the legislature of 1919. This commission acts directly, on its own finding of necessity, no provision being made in the law for a wage board or other advisory agency, though public hearings are prescribed.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

Investigation by the commission is to follow any complaint submitted to it in regard to any line of industry wherein females are employed, and if the need of action appears a public meeting may be held, at which all interested persons are given "a reasonable opportunity" to be heard. The commission may then proceed to fix a rate, which shall be the legal minimum. No time is set for the rate to become effective; about four weeks is the elapsed time in one instance.

Employers are required to keep accurate records of the work time and the wages of their female employees, the same to be open to inspection at all reasonable hours. Failure to pay the prescribed wage is a misdemeanor, punishable by fine, each day constituting a separate offense.

The report of the commissioner of labor for 1917–18 states that more than 1,000 investigations and inspections have been made, and some 250 cases of noncompliance found, most of them due to lack of acquaintance with the law. It is not clear whether these relate mainly to hours or to wages. The policy of friendly adjustment rather than of prosecuting is said to be generally successful.

GENERAL CONSIDERATIONS.

No basis is indicated for the statutory rate fixed, but that fixed by the commission is to be such as will meet the "necessary cost of proper living and maintain the health and welfare" of the worker.

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Substandard workers are not referred to, nor does the law suggest that the commission shall make different rates for learners; however, the statutory provision makes distinctions of this kind, and by analogy, the commission has established a learning time and lower rates therefor. The attorney general of the State expressed the opinion that local and trade differences should be provided for if found to exist, so that a blanket order covering an industry or certain industries throughout the State was beyond the power of the commission; but if conditions were found to be similar in certain counties or certain towns of a county, a general order applying thereto could be made without the necessity of a special hearing for each and every town of the State. The text of the law speaks only of occupations, trades, and industries, and not of localities.

ORDERS AND RATES.

Among the early acts of the commission was the fixing of wage rates for some local telephone companies, the results being reported as satisfying the employees, and disposing of the complaints that had arisen. However, no formal order seems to have been issued, as what is known as order No. 1 establishes the work time of females in hotels and restaurants, no reference being made to wages. This order bears date of May 13, 1919.

MERCANTILE INDUSTRY IN FORT SMITH.

On August 4, 1920, an order (No. 2) was issued, to take effect on September 1, fixing a minimum rate for females employed in the mercantile industry in the city of Fort Smith. This action was taken following a petition for an increase of wages for women employed in the city. At a public hearing held therein on July 26 and 27, 1920, it was found that a number of women employed in this industry were receiving less than was necessary to "properly maintain a self-supporting woman in the necessities of life." As the commission may act under the law directly, it proceeded to establish a rate for experienced females of not less than $13.50 per week, and for inexperienced females of not less than $11 per week. These rates were based on full-time work, meaning thereby the full number of hours required per week by employers and permitted by the laws of the State, i. e., 9 hours per day and 54 per week. The position was taken that inexperienced workers not only are of less value to the employer, but also many of them are not wholly self-supporting. By experienced workers is meant those who have had more than six months' cumulative experience. In fixing the rate named the commission "took into consideration the fact that employees in mercantile establishments secure their clothing at less cost than other workers, and also receive bonuses and premiums." The commission presumed that this custom would be followed by employers, as this was one of the considerations in the deliberations of the commission in establishing the wage. Nothing was allowed for incidentals, as vacation, doctor or dentist, newspapers, self-improvement, or benefit associations. The award is said to be a "substantial increase over the wage paid in the mercantile industry in the city of Fort Smith, and is subject to revision on motion of the

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commission or by petition." It is also said that the commission intends to issue such further orders as are warranted by information coming to its attention.

The order is too recent for any report on its effects. It is reproduced on page 282.

EFFECT OF THE LAW.

The first report of the commissioner of labor on the workings of the law speaks of the occasion of it—an investigation made by him disclosing wages as low as $3.50 per week for employed females. "By means of this law we have not only shortened the hours of labor for the female workers, but have raised their wages over one hundred thousand dollars per annum."

No complaints as to inadequate piece rates (section 9) have ever been received, and consequently no action has been taken in this particular field. The same is true of section 10, looking to the fixing of a lower rate on a showing of its adequacy. The action resulting in the wage established for mercantile employments in Fort Smith has been noted.

No tendency appears to discharge learners at the end of their six months' period, nor to make the legal minimum an actual maximum; though it is said that it "does in many localities become the average."

The attitude of employers generally is said to be one of toleration of the law, though the report of the commissioner states that "many employers have assured us that they would not now adopt the old system of low wages and long hours, even though the law was held void."

Organized labor and the employees affected cooperate in securing the observance of the law; while the commissioner of labor characterizes it as "one of the best protective measures for labor upon the statute books of Arkansas."

CALIFORNIA.

SKETCH OF THE LAW.

The law of California adopts the commission method of determining wage rates, the administrative body being known as an industrial welfare commission. This body consists of five persons, "at least one of whom shall be a woman." Appointment rests with the governor. The positions are not salaried, but members receive $10 per day and their expenses while serving. Salaried employees are provided for.

As the title indicates, the powers of this commission extend to other matters than wages, and it may investigate and regulate hours and the conditions of employment generally, as they affect the "comfort, health, safety, and welfare" of women and minors employed in the various industries of the State. By the term "minors" is meant persons of either sex under the age of 18 years.

The investigative powers of the commission are quite full, including the right to examine employers' records (the form and content of which may be prescribed), to require reports, and to summon wit-

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nesses. The commission or any member or deputy may issue subpœnas, obedience thereto being enforceable by the courts.

Following such preliminary investigation as the commission may find desirable, it may proceed to the determination of a wage; or it may organize a wage board, representative of employers and employees in the industry, a representative of the commission acting as chairman. The findings of this board are purely advisory, and its aims and procedure are such as the commission shall prescribe.

Public hearings are provided for to consider rates and other determinations of the commission, after which promulgation is to be made by publication and the mailing of notices. Orders are to be posted in work places, and may be reconsidered on petition or on the motion of the commission. Special rates may be allowed for persons physically defective by reason of age or other cause, valid for not over six months; also rates for learners. The number of special licenses may be limited by the commission.

The commission has full enforcement powers, and may proceed against persons paying less than the rate fixed or practicing discrimination against employees testifying before the commission or a board. Agreements to work for less than the minimum do not bar suits by employees for the balance. Any person may register a complaint before the commission, which shall then investigate and take remedial action. Limited appeals lie to the courts from the findings of the commission.

COMMISSION AND STAFF.

Though the laws of some States require the membership of the commissions to be representative of different industrial interests, such is not the case in California. However, the same end was attained by the action of the governor, who named a judge of the superior court and a woman interested in social and economic questions, and formerly an agent of the State bureau of labor, classifiable as representing the public; an employer representing the commercial and mercantile industries; one representing the fruit-packing industry; and, as a labor representative, the secretary of the San Francisco Building Trades Council and vice president of the State federation of labor. The personnel of the commission has continued unchanged since its appointment in 1913, except for a vacancy caused by the death of an employer member in 1916, filled by the appointment of another employer; and the resignation of the judge of the superior court in 1919 on account of the law making him ineligible to hold another office. This place is not yet, at this date, refilled. As the term of service is limited to four years, it follows that all original appointees have been reappointed, which bespeaks the continuation of policies and the retention of expert service.

The commission secured the services of a secretary during the period of its organization, but after about two years he resigned and the woman member of the commission was appointed as its executive officer, and this system has since been maintained. This member gives practically all her time to the work of the commission and is its acting secretary. There is also an inspection force of special agents (eight in 1919), one of whom maintains an office at Los Angeles. There is a stenographer at this office, and the executive

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officer also spends some of her time there. The San Francisco office is under a chief clerk, with three stenographers and occasional temporary assistants.

In accordance with the provisions of the act, surveys and records include much more than wages, so that it is impossible to allocate administrative costs so as to determine the amount chargeable to the subject of the minimum wage. It may be said, however, that because of the growth of industry the demands upon the commission outran the appropriations made by the legislature, and as a measure of cooperation the canners' association of the State put up in 1919 the sum of $12,000 and the walnut pickers $1,000 for the employment of auditors to supervise the pay rolls of all employers in their lines. These sums were deposited with the State treasurer, to be drawn upon by warrants, the same as appropriations. About one-half of the canners' money was turned back as not needed. For the biennium, 1919–1921, $70,000 was appropriated.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

Initial action by the commission was delayed somewhat by reason of the fact that the same legislature (1913) that enacted the minimum-wage law submitted to the electorate an amendment to the State constitution authorizing the establishment of a minimum wage by the legislature or by a commission created by it. This was in effect a referendum of the act, and the commission occupied itself with inquiries and investigations, making no rulings fixing wages, until the result of the vote was known. This occurred on November 3, 1914, when the amendment was adopted by a vote of 379,311 against 295,109, or a majority of 84,202.

In the meantime the contact with employers had made the act known, and "an enormous amount of information" had been gathered. Conferences with representatives of various industries "were eminently successful in bringing about a better understanding by the employer of the aims and objects of the law, and in establishing a spirit of cooperation." A gratifying result of this preliminary work was the voluntary raising of minimum rates in force in a number of establishments.

The first industries investigated were mercantile, laundries, manufacturing (candies, confectionery, paper boxes, clothing, printing, publishing, tobacco, shoes, gloves, furnishings, food products), fruit canning, telephone and telegraph, hotels and restaurants. The investigation included the copying of pay rolls, with a complete report on conditions of employment, apprenticeship, welfare work, etc.; and individual returns by employees, about 20,000 in number. The employees' replies were followed up by personal visits to their homes after work hours, interrogating them as to expenditures and living and housing conditions. The results obtained in these preliminary investigations are set forth in the first biennial report of the commission (1913–1914), but final conclusions were not attempted.

Under the law, investigations may be undertaken either on petition or on the initiative of the commission. It is said, however, that all have been made on the initiative of the commission, using its own judgment as to the importance of the subject to determine the order of consideration.

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The industries are for the most part organized, as far as employers are concerned. When matters affecting an industry are to be considered the commission prepares a notice to be posted in the various establishments, calling the attention of employees to the subject, and inviting them to nominate a representative to sit on the proposed wage board. If the employees are organized, the association may choose the representatives. Thus in the formation of the laundry board in June, 1917, the Los Angeles representatives were chosen by the various establishments, while in San Francisco the laundry workers' union made the selections. The secretary of the commission also calls on the organizations of employers for representative members from the different localities.

A conference is first held with each group separately, beginning with the employees to secure information from their standpoint as to changes that are desirable, then submitting the various points to the conference of employers. Separate conferences are found to be more satisfactory as initial steps, as the employees then speak fully and freely, and the employers are more ready to discuss the facts. There is "no sparring and no fear." At public hearings, on the other hand, the presence of reporters, who are said to "magnify and distort," is an added influence to that of a desire of self-justification in the face of the other party, leading to the declaration made by an official that they "get nothing from public hearings" and little also from joint conferences. However, joint conferences are sometimes held, following the group conferences, with an effort to reach an agreement on the issues developed.

Employers' records are not usually required at these conferences, their inspection by the agents of the commission being adequate. If records are desired no trouble is experienced in securing them. The use of the conferences of representatives also does away with the calling of witnesses.

The representative value of the employer members of the conferences is felt to be far greater than that of the employees; since the former come from associations where the subjects involved come up for consideration, while the employees usually know only of conditions in the establishment which they represent, and are either unable or unwilling to adopt a broader outlook. However, they are actual workers, and are absolutely representative of their establishment, and quite interesting campaigns sometimes take place in their selection. Where organization exists among the workers it places them of course on a more equal footing as representatives, but women in industry are not largely organized.

The findings of the conferences or wage boards are not binding upon the commission, and indeed the holding of such conferences is not prerequisite to the fixing of a rate. On account of the expense involved, conferences have not been held in all cases, though they are regarded as desirable, but the sole responsibility of action rests with the commission. Revisions are said to be uniformly made by the commission acting alone.

Public hearings are required by law before the final promulgation of an order, or before the revision of an existing order, but the tentative or probable conclusions of the commission are not required to be submitted thereto. These occasions are regarded as valuable as serv-

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ing notice of the intention to issue an order or to change rates. They are required to be widely advertised, and are open to all who wish to attend and to take part. Employees are said to be more inclined to speak than are employers. Actual changes in the recommendations of the conferences rarely, if ever, take place because of these hearings.

Promulgation of the order by publication and by mailing follows the public hearing, the order becoming effective after 60 days. The rates fixed have been quite generally accepted as a matter of course by the employers, and adverse criticism by employees is practically unknown.

This is not to say, however, that enforcement provisions are or can be neglected. The commission calls for pay rolls at will. A general call is sent to the mailing list of employers affected when a new order goes out. Repeat calls are given to firms under suspicion, or when a complaint is made, and if the rolls are not forthcoming, the district attorney may be notified, or an inspector sent to look into the matter. Little difficulty is experienced with the larger employer with an established business; but there are several cases of complaint involving small and temporary employers. This is particularly true in regard to fruit canning and nut picking. In the latter industry, for instance, an Italian or a Russian Jew can buy 100 pounds of nuts and employ a group of women and children of his own nationality in some back room or yard to crack the nuts and pick out the kernels, and the commission remain uninformed as to the entire transaction. It was to protect themselves against competition of this sort that the larger employers contributed to the enforcement funds of the commission, as noted on a previous page. Auditors are assigned to specific areas, and undertake to see that the law is complied with therein.

The problem of enforcement is much more complex in southern California than in the northern part of the State. The surplus of woman labor due to the coming in of individuals or families seeking a change of climate, without much capital and with no industrial skill or spirit, willing to work for low wages as a partial contribution to support, and many of them elderly, requires a supervision for which the limited inspection force is inadequate. Mexican workers are also said to be racially and temperamentally against a standard of production such as should accompany an effective minimum wage, though exceptions were mentioned.

However, it is the willingness of the employer to pay less than the minimum if possible that causes the actual violation, and in the Los Angeles office in particular many complaints come in, constituting an important factor in the work of enforcement, but it is found that violations occur mostly in the smaller places and are largely due to ignorance. There is practically no resort, therefore, to penal proceedings; in fact, it is said that up to the close of the year 1919, there had been but one prosecution in the history of the law, and in that judgment was obtained. However, some persistent violators of the law, who had been found to be making false reports, were being considered for prosecution at that time.

Suits for the recovery of balances have never been required, though recoveries have been made amounting to thousands of dollars; but

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a desire to succeed by educational and cooperative methods has influenced against prosecutions. Employers accept the computations of the commission, and the money is paid into the office, from which the payment is made to the employee. The names of complainants are not disclosed, amounts due being discovered by an examination of the pay roll, so that retaliatory action is avoided. Only a single instance of discharge for reporting was said to be definitely suspected by the commission, and the employer claimed another reason in that case.

The welfare commission enjoys the benefits of a measure of cooperation in the field of enforcement. The bureau of labor enforces the child-labor law of the State and the 8-hour law for women and children, and its employment bureau also assists in the matter of wages paid. The administration of the mothers' pension law may disclose underpayments, which are reported to the commission. The State board of health and the commission on immigration and housing also afford assistance in certain phases of the commission's work.

WAGE BOARDS.

The constitution and functions of the wage boards have already been considered in connection with the establishment of rates, but there are some points of incidental interest that may be noted here. One is the attitude of employers toward the selection of one of their employees for service on such boards. When the creation of a board is in prospect, representatives of the commission are given opportunity to address the employees of the larger establishments, to set forth the object of the selection, and encourage active and intelligent participation. The attitude of the employer has been indicated in a number of cases by his making it a matter of pride to announce the representation of his establishment on the board, and publishing in the establishment organ the picture of the employee selected by her fellow workers for this duty. No case of dismissal for wage-board service is known; rather, the party is recognized as a representative and champion of the order. However, to avoid possible direct contacts, as well as to secure wider representation, it is thought desirable not to have an employee from an establishment from which there is an employer representative.

There was pronounced expression of opinion by officials that the employers' associations were helpful in a high degree, both in the selection of their own representatives on the wage boards, and in accepting the purpose and spirit of the law. A marked difference between Los Angeles and San Francisco has already been touched upon, and that is the absence of unions in the former. Employers are closely organized, and are said to have as one of their aims the prevention of organization among their employees. Of one group it was said that they "keep close to the minimum in the payment of wages, and thus invite organization by their employees, but they can't be made to see it."

Service on wage boards is compensated by the payment of $5 per day and expenses. This is regarded as highly desirable in the case of employees, and in fact "no person should be called from his regular work and duties to render service to the State without compensation." Otherwise the commission might be deprived of valuable

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services which could not be rendered at the employee's cost; and to depend on the employer to meet the expenses would be to run the risk of a subsidized representation. Only one case was known where the employer stopped the wages of an employee rendering wage-board service, and when a commission member explained that she was really rendering his business a service, and that such action was too petty, the sum was made up.

The commission has in some cases availed itself of the assistance of members of former wage boards, and the opinion was expressed that it would be helpful if each principal group of workers should have its own board to consider the specific problems of its occupation. There has been no opportunity for the development of any form of professional representation thus far, and no indication of it. Nor can the activities of the workers be said to have had much effect in the development of a class spirit or of capacity for self-help, except in the case of the cannery employees, with whom four years of experience, and the bringing home of the general situation to the individual, have done much to give the workers a sense of self-respect and independence. Considering the two groups in their relation to each other, the effect of conference work on the employers and employees engaged in it is said to be to bring them together and breed mutual respect and cordial feeling.

The California law differs from that of a number of other States, in that no representatives of the public are required to be appointed on the wage boards. No official interviewed regarded such representation as desirable, especially in view of the type of commission in the State, "broadly representative of industry, and not of classes or groups." The questions involved are not matters for mediation and arbitration. Especially is this said to be true of the subjects of apprenticeship, hours, sanitation, etc.; while the question of the cost of living is one of fact, as to which wage boards do not afford much aid. Their work being only advisory, the present system is ample to secure opinions from the parties in interest and facts as to conditions prevailing, the commission having after all the duty and power to make final determination.

GENERAL CONSIDERATIONS.

The basic principle of the commission's action as to wages is said to be that of health. The use of the term "welfare" in the law and in the title of the commission was said to be vague and misleading, even though admittedly inclusive of the purposes of the act. There had been a movement that seemed likely to merge the identity of the welfare commission in that of the State industrial commission, but this had been successfully opposed; however, an arrangement would be welcomed whereby the welfare commission would become a department of women in industry, or a women and children's department, in the industrial commission. The matter of morals is not stressed, the function of the commission being rather the "solution of a phase of the industrial problem"; and the activities of the commission are made as broad as conditions will permit. The aim is to establish working conditions that the worker shall be able to go forward—not merely to secure "an existence wage which may preserve life but not vigor."

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The question of the need of different rates of pay for women in different industries was answered in the negative, the only exception being as to laundry bills for waitresses. If the requirements of the different employments are not identical, they are nevertheless practically compensatory. Office and mercantile employees must dress better than laundry workers, but the latter wear out their shoes more rapidly, and the perspiration destroys their clothing. Questions of desires are too various to permit of consideration.

After full consideration, the same answer was given as to different rates for different localities. No such difference has ever been made, and it is not believed that it is justified in principle.

In fixing rates for minors the same ultimate rate is adopted as for adults, but the learning period is prolonged, as the younger workers are less earnest to learn, less responsible, and require closer supervision. Then, too, they are being educated and trained by their employers, and are not presumed to be fully self-supporting. No distinction is made in the laundry industry, however, as it is not one in which children should be employed, on account of the tax on their strength. Indeed, the general purpose of the commission is to work toward decreasing the employment of children, rather than to encourage it.

Learners, whether minors or adults, must be registered with the commission and a careful account kept of their term of service and advancement. "Every trade employing learners or beginners at a wage below the prescribed minimum is obliged to prove its right to exemption as regards below-the-minimum employees, and the nature of the proof can be found only in the nature of the actual teaching opportunities afforded." Substandard workers are subjects of definite information and individual determination as to the grounds for licensing as such. For the reasons set forth in an earlier paragraph, requests for licenses for substandard workers come mainly from southern California. The total number issued or in effect in the autumn of 1919 was: For mercantile establishments, 8; office work, 1; hotels and restaurants, 2; canning and packing (season of 1919), 305; laundry, 50; manufacturing, 159; unskilled and unclassified (mostly walnut pickers and laundry box office attendants), 1,500.

The number—or proportion, rather—of learners in the different establishments is fixed for the various industries. Provision is also made for part-time workers, i. e., those employed for less than eight hours per day; and for special workers, i. e., those who work less than six days per week. New industries for which an experienced working force is not available are allowed a larger percentage of learners, as 50 or even 60 per cent for a limited period, until a working force can be trained. Specifically, this has occurred in the establishment of a stocking factory in southern California, where 60 per cent of learners were allowed; also in box factories where there were no skilled workers in the locality.

A problem arising locally concerned classes of student workers receiving business training in the high schools of San Francisco and Los Angeles, and employed as salesgirls on Saturdays and Mondays. Classing them as minor inexperienced special workers would require a rate of $1.50 per day, but this was not regarded as quite a proper classification, and employers were inclined to pay more but desired

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to fix the rate themselves. Some San Francisco merchants paid as high as $3 per day in 1919, but this was said to be undesirable, as fixing a false standard for employment when regular work should be sought. It was anticipated that the commission would fix a rate of $2 per day.

ORDERS AND RATES.

FRUIT AND VEGETABLE CANNING.

Though the earliest investigation made by the commission related to mercantile employments, the first order issued applied to the canning of fruits and vegetables. The reasons assigned were the number of women involved and their working conditions, including sanitation and hours, as well as wages. Detailed expert studies were made of all factors of the fruit-canning industry in the year 1915. As regards wages, it was found that, though the study of 62 canneries showed about 25 varieties of fruits and vegetables, four-fifths of the canning output consisted of peaches, tomatoes, apricots, and pears. "Obviously, then, if equitable rates are in effect or can be put in effect for the preparers and packers of these four products, an encouraging stretch of the road to reasonable wage conditions will be covered."

Since the great bulk of work is done by the piece (pound, quart, box, bucket, etc.), it was necssary to discover the average production per hour of women employed at the different processes and on the different products, and the hourly earnings resulting at the different rates paid, and to standardize the bases so as to make the rates fixed applicable generally.

Following the investigations made by and on behalf of the commission, a wage board was formed, which met at San Francisco, January 13–18, 1916. There were three employers' representatives and three workers, all six "actually engaged in the canning industry of the State, and expecting to continue as employers and workers." A member of the commission served as chairman.

The commission first submitted data on the minimum cost of living, but the board decided that, inasmuch as the commission's rulings as to the standardization of weights of boxes, the elimination of lost time for pieceworkers (which included practically all females employed), etc., would favorably affect the income of the workers, the question of a minimum cost of living might best be put over until the results of the proposed changes in rates and conditions should become known.

The board had before it the results of investigations showing earnings in a limited number of establishments in which adequate records had been kept. There were considerable differences between the rates paid in the different canneries investigated, as well as differences of method and of equipment, so that the earnings of the workers varied widely, ranging from 10 to 26 cents per hour. Payment for fruit worked was usually by the box, which is a variable amount, subject also to adjustment for handling fruit of lower grades by filling the box "not quite so full," but with no real standard. However, the commission felt that it had sufficient data to afford a working basis.

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The canners' representatives submitted recommendations prepared by an advisory committee of canners, proposing rates for grade 1 and grade 2, though recommending that, "in order to avoid complications," but one rate be adopted. Their rates for grade 2 were 25 per cent more than for grade 1, but it was their belief that fixing a rate for grade 1 would be sufficient, as "work on No. 2 fruit will adjust itself, compelling a price proportionate to price paid for working No. 1 fruit."

The workers' representatives submitted a single rate "to cover all grades of fruit, with the understanding that the smaller fruit is equally distributed with the larger." They submitted a much more elaborate schedule of rates for the operation of filling the cans than did the employers. At the final meeting, the employees offered another schedule, which with a single change was unanimously accepted by the board and recommended to the commission.

The following table shows the different rates before the board from the sources above described:

AVERAGE ACTUAL AND PROPOSED RATES, PER 100 POUNDS, FOR PREPARING CANNERY PRODUCTS.

Fruit.	Average rates, 1914 and 1915.	Employers' proposed rates.		Employees' proposed rates.	
		No. 1 fruit.	No. 2 fruit.	First schedule.	Second schedule.
Peaches, cling	$0.2416	$0.20	$0.25	$0.25	$0.225
Peaches, freestone	.147	.10	.125	.175	.125
Apricots	.212	.20	.25	.25	.225
Pears	.371	.325	.40	.375	.375
Tomatoes [1]	.0319	.....	.03	.04	.035

[1] Per 12 quarts.

As already stated, the second proposal submitted by the employees was adopted as the wage board's recommendations, with a single exception, that being the rate on tomatoes. The employers contended as to this that, while in the matter of fruit California need have no fear of interstate competition, the tomato pack must meet keen competition in the East, so that they were unwilling to advance beyond the 3-cent rate proposed by them. It was pointed out that they had made concessions in the fruit rates, and with the adoption of more efficient systems, avoiding the loss of time, and with the standardization of boxes due to the adoption of the 100-pound rate, the average hourly production would be considerably increased.

There was also a definite understanding that accurate records should be kept of all products, and if the rates did not yield a wage equal to the commission's standard of the "necessary cost of living" there would necessarily be an advance for the next season. With this in view, agreement was unanimous.

For canning fruit the employers had proposed a rate of 1.5 cents per dozen as a minimum for No. 2½ cans and 3.6 cents for No. 10 cans, with a minimum rate of 1 cent per dozen for tomatoes, No. 2½ cans. The workers' rates ran above this for standards (2 cents per dozen) and extra (3 cents per dozen) in fruit, and for solid pack (1.5 and 2 cents) for tomatoes. Their second schedule was simplified,

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and met the employers' rates, adding a rate of 2.4 cents per dozen for tomatoes, No. 10 cans, and this was adopted.

These rates were embodied in "I. W. C. Order No. 1, Fruit and Vegetable Canning Industry," issued February 14, 1916, in effect 60 days from date. Time rates of 16 and 13 cents per hour for experienced and inexperienced workers, respectively, were also promulgated, thus affording a standard by which the anticipated results of the piece rates could be judged. In 1914 and 1915 in the establishments investigated the average earnings were, for apricot workers, 12.5 cents per hour; for peeling pears, 14.2 cents per hour; and for cutting cling peaches, 15.1 cents, and tomatoes, 15.4 cents per hour. No hourly rate for cutting freestone peaches was shown, though in four factories cutting both clings and freestones an hourly average earning of 16.9 cents was found. This is the only rate that reached the 16-cent standard fixed by the commission for experienced workers. Those who had worked for three weeks in the industry were to be classed as experienced.

The order fixed 10 hours per day and 60 per week as work time for adults (females over 18), but permitted employment up to 72 hours per week in cases of emergency, the excess over 60 hours to be compensated at one and one-fourth the standard minimum rate. No work over 72 hours was to be allowed. Records were to be kept of work done and time worked by women and minors in the industry. Another order of the same date (No. 2) related to sanitary conditions in canning establishments in which women and minors are employed.

The records kept of the operations under the order of 1916 showed 101 fruit and vegetable canneries, employing more than 22,000 women and minors. Country canneries, dependent on local production and employing mainly local help, including the families of the growers, ran from 8 to 28 weeks. City canneries, which are more of a factory type, ran from 18 to 31 weeks. Heavy turnover prevailed, women in the country canneries averaging 7.7 weeks of employment, and in the cities 7.6. Twenty per cent of the women in the country worked the entire season, as against 5 per cent in the city.

An interesting detail is as to the number of children employed. In 1914 a study of this subject in 41 canneries disclosed 2,344, while the same plants in 1916 had but 1,092, representing a reduction of 53 per cent. "In the short season that the canneries run, every inch of floor space is valuable." A child does less work per hour than a woman and was permitted to work but 8 hours per day as against the woman's 10, or 12 in emergency, so that "the problem of child labor in the industry is solving itself."

Tabulation of the average hourly earnings showed for all canneries 20.9 cents on cling peaches, as against 15.1 cents before the order; 18.4 cents on pears, as against 14.2 cents; 13.7 cents on apricots, as against 12.5 cents; and 16.3 cents on tomatoes, as against 15.4 cents. On canning, work in 1916 yielded an average of 19.1 cents per hour, as against 15.9 cents prior to the order. "The total increase in the earnings of women on the preparation of peaches, pears, apricots, and tomatoes was nearly $30,000."

As to the common charge that "the minimum will become the maximum," it was found that in 1916 43 per cent of the apricot pack,

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17 per cent of the cling peaches, 27 per cent of the freestones, 11 per cent of the pears, and almost 4 per cent of the tomatoes were put up at piece rates higher than the minimum. This last small percentage is explained by the fact of keener interstate competition on this product. Nor were earlier rates higher than the minimum reduced to meet the minimum, only 1 of 50 cases where such higher rates had been paid in 1915 being so reduced, and in this instance rates on pears and apricots had to be raised to meet the minimum and the rate on freestone peaches was reduced. "The net increase in earnings in that one plant, however, was $700."

After the effect of the 1916 order had been carefully worked out a conference was held with a committee of canners on March 27, 1917, and on the following day a public hearing for the purpose of amending the orders as to wages and sanitation. No change was made by the resulting new wage order (known as Order No. 3) in the rates fixed in the first order, except in the case of cutting apricots, for which a rate of 25 cents per 100 pounds was fixed, as against 22.5 cents in the earlier order. A rate for sorting asparagus was added, being 13 cents per 100 pounds. Provision was made for varieties of products not named in the order by authorizing employers to fix a rate that would yield 16 cents or more per hour for at least 80 per cent of the women and minors employed. Women licensed for employment as substandard workers were not to be considered in the computation.

The hours were fixed for women at nine per day; work in excess of such time, or for more than six days per week, to be paid at one and one-fourth times the regular rate up to 12 hours. Work in excess of 12 hours in any 24 called for double pay. A system of daily checks and of pay rolls was to show minors separately; weekly reports were asked for in products of secondary importance, and in apricots, in order that proper rates might be found.

The effect of requiring double pay for work in excess of 12 hours was practically to eliminate the practice, while jury convictions under the prohibitory order had been practically unobtainable.

The rates fixed in 1917 were again reviewed in the light of their producing capacity and of the rising cost of living, and considerable advances were made in a second revision of the canning wage order, dated February 15, 1918, and issued as "Order No. 3, amended." The hourly rate for experienced workers on a time basis was fixed at 20 cents instead of 16, and for inexperienced workers at 16 cents instead of 13 as before, and rates for other products were announced. Three weeks was retained as the term for learning, but adult women on piecework were to be guaranteed the learner's wage of 16 cents per hour for the first week of employment on each product. The standard workday was reduced to eight hours.

There was a public hearing held on the 6th of December, 1918, at which a general revision of the orders then existing was considered. On April 19, 1919, the executive officer of the commission made a report of the results of a study into the costs of living as they were disclosed by investigations of the United States Bureau of Labor Statistics and a number of agencies—governmental and educational—on the Pacific coast, from which it appeared that the minimum cost of living for a self-supporting woman in California at the time was $13.57 per week. On April 22 the State welfare commission adopted

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this report, fixing $13.50 as the weekly minimum wage generally, and the orders were revised to meet this standard.

Besides the public hearing noted above, there was a special conference with employers in the canning industry May 5 and 7, 1919, following which the revised Order No. 3 was issued on May 12, advancing rates and enumerating articles not previously included. The time rate was fixed at 28 cents per hour for experienced workers, 21 cents for inexperienced adults, and 18 cents for inexperienced female minors. Male minors were to be paid at the rate of 25 cents per hour. The learning period was reduced from three weeks to one. Rates fixed by employers for the preparation of unlisted products must yield not less than 28 cents per hour to at least two-thirds of the women and minors employed thereon. Rates for canning and labeling must yield the prescribed time rates for all adults employed at such work.

Being essentially a woman's industry, there is no question in the canning industry, as there is in some others, of the displacement of women by men, or of the forcing of women out by fixing too high a rate, nor is there room for any large measure of anxiety on the point of competition, since the products of the State are in such demand as to guarantee a market unless unreasonable standards should be adopted. In revising the order in 1920, therefore, it was possible to take cognizance of the continuing demand for labor and the increase in costs of living, as well as to apply accumulated knowledge of conditions to other products and to other phases of the work. This order is reproduced in full on pages 282 to 286.

It may be observed that the cost of living was fixed at $16 per week, and the hourly time rate at 33⅓ cents per hour, the latter being more than double the sum announced in 1916.

The following table shows the different rates and the products considered in the various orders from 1916 to 1920:

RATES PER 100 POUNDS FOR THE PREPARATION OF FRUITS AND VEGETABLES PRESCRIBED BY THE ORDERS OF 1916 TO 1920.

Product.	1916	1917	1918	1919	1920
Apricots	$0.225	$0.25	$0.35	$0.47	$0.50
Pears	.375	.375	.50	.55	.62
Peaches, cling	.225	.225	.275	.31	.38
Peaches, freestone	.125	.125	.175	.20	.22
Asparagus		.13	.175	.22	.22
Plums			.125	.16	.18
Cherries				.65	.75
Muscat grapes				.65	.75
Hand-peeling peaches				.50	.50
String beans					1.50
Thompson seedless grapes					1.00
Tomatoes, 12 quarts	.03	.03	.045	.045	.055

MERCANTILE ESTABLISHMENTS.

The second order applied to women and minors in mercantile establishments. This had been the subject of the first investigation made by the commission, tabulations covering 192 establishments in the principal cities of California having been presented in the first biennial report. This investigation was made in 1914, and covered 12,166 females, of whom 10,795 were adults and 1,371 minors, i. e.,

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under 18 years of age. Boys under 18 years of age were employed in these establishments to the number of 475, but their wages were not presented in this first report.

Rates differed somewhat between the cities, San Francisco showing 18.5 per cent of the adults receiving less than $8 per week, while in Los Angeles but 13.9 per cent were in this class. In the former city 44.8 per cent were paid less than $10 per week, while in Los Angeles the proportion was 42.4 per cent. In Oakland the number of those receiving less than $10 per week was larger, amounting to 55.4 per cent of the total, while in Sacramento 65.5 per cent received under $10 per week. Two different groups of saleswomen were disclosed by the investigation, one of which may be described as that of the average low-priced saleswomen, while the other is made up of the experienced saleswomen of better ability. The wages of the first group ranged between $8 and $9.95 per week, while the second class received $12 and over. This second class comprised 30.2 per cent of the adult saleswomen in San Francisco, 40.4 per cent in Los Angeles, 24.6 per cent in Oakland, and 26.4 per cent in Sacramento. In each of these cities except Oakland there was a small number of workers receiving less than $4, and a number receiving less than $6, ranging from 1.3 per cent in Oakland to 16.2 per cent in Sacramento.

Mercantile employment differs widely from employment in the canneries, primarily perhaps in regard to regularity. Certain departments, and particularly in the workroom, have dull seasons, but on the average the employment was found to be the most regular of any of the six industries investigated during the early years of the act. This leads to a different class of employees, since cannery workers are frequently employed at no work outside of their homes except during the few weeks or months of activity in this line, while mercantile employment affords an opportunity at least for a real vocation and dependable support.

The fixing of a rate for mercantile establishments was deferred until action by the Supreme Court on the Oregon State law dispelled uncertainty as to the constitutionality of this type of legislation. Following this decision, and believing that the the investigation made in 1914 showed the need of a wage ruling, steps were taken in March, 1917, for the organization of a wage board. As early as April, 1916, the commission had a conference with the California Retail Dry Goods Association, following which this association appointed an advisory board to represent it at the conferences with the commission. A committee of this same association had already begun a study of certain questions relating to wages, a report being made in February, 1917. This committee made no definite suggestion as to a standard cost of living, saying that if a girl was receiving $8 per week she managed to live on it and if she received $10 or $12 her standard of living increased. It was recommended that there should be no difference made between city and country stores, but that some control and limitation of apprenticeship should be undertaken. A campaign among the employees was also conducted, addresses being made by representatives of the State welfare commission in the leading establishments in the larger cities, explaining the nature of the work, its purposes, and the necessity of the woman employees choosing their own representatives. A circular was then prepared, addressed to woman employees in the mercantile industry fixing the

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method of the selection of representatives, and limiting the choice to persons who had had at least two years' experience in the industry and who were not buyers, heads of departments, or office employees. A secret ballot was directed, in which all woman employees were asked to take part. The principal stores of San Francisco and Los Angeles were represented in the preliminary conference, and on May 16 a selection was made from the number elected to form, together with employer representatives nominated by the California Retail Dry Goods Association, a wage board. The board was made up of four representatives from each group, with a representative of the commission as chairman. This board convened on the 22d of May and continued in session to the 24th. The example of the wage board in the canning industry in presenting a unanimous report was cited to this board, but it was not followed.

The action of the employers' committee was set forth in a report made by them to the association which they represented. This report enumerated the representatives of the two groups, and spoke of the estimates as to a minimum proper cost of living submitted by the employees, one reaching as high as $13.85 per week. Estimates in the hands of the employers' representatives had been obtained from employees "who were dependent upon their wages for support, which we submitted informally but did not put in evidence. These estimates ranged all the way from $7 to about $10.50. We had a dozen of such estimates." The employees and employers each offered a resolution setting forth their points of view, which were identical as to the significance to be given to the term "minimum wage"—that it should not be a standard or average wage, "but the lowest rate of wages that shall be permitted to be paid to the workers possessing the least skill and experience in the class to which they belong." Each party submitted rates for learners entering employment under 17, between 17 and 18, and over 18 years of age; the employers' schedule divided the last group by separating those under from those over 21. The two parties were agreed with reference to those entering service under 17 both as to rates and to periods for advancement. For those entering at the age of 17 the employees' rates were 50 cents per week higher for the first, second, and third six months' periods, and $1 higher for the fourth period. For those entering employment at 18 and over the employees proposed a rate of $8 per week for the first six months and $9 for the second six months, after which a $10 minimum should be paid. The employers' weekly rates for those between 18 and 21 were $7 for the first six months, $7.50 for the second six months, and $8 for the third six months, after which a $9 minimum would be paid. For women over 21 the first six months should be compensated at the rate of $8 per week and the second at $8.50.

The parties remaining irreconcilable as to terms, the final responsibility rested entirely with the commission. The employers submitted an argument against a minimum wage of over $9 per week, claiming that it would "scale down the efficiency of many average workers to the level of the least competent, and would have a tendency to make a standard wage rather than a minimum." A rate above $9 would also interfere with voluntary concessions by employers, and lead to the discharge of less competent native workers

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to give way for experienced and efficient women who would come from other States where wages are lower. Therefore, "the fixing of a minimum wage of over $9 in this State would tend to discourage minimum-wage legislation in other States"; it would also tend to establish a similar rate in manufacturing industries, thus discouraging industrial development and limiting employment in California.

Following this conference a public hearing was held June 15, 1917, and on July 6 the commission issued its order No. 5 applying to mercantile employments. This established a weekly wage of $10, or $43.33 per month for experienced women. Learners entering employment under the age of 18 years should be paid $6 per week for the first six months, with advances of 50 cents per week at the end of each six months' period until $8 should be reached at the end of the fifth six months, or when 18 years of age. Learners aged between 18 and 20 should receive $8 per week, with advances of 50 cents per week until the minimum rate should be attained. For those over 20 years of age the beginning rate was the same, but the learning period was limited to 18 months, after which the standard minimum should be paid. A rate of $1.67 per day for adults and $1.25 for minors when working less than 6 days per week was established. Provision was made for licenses for women physically disabled, the commission to fix a special minimum for such women.

The effect of this order was closely observed by means of pay rolls covering the first one or two weeks of April before the order became operative and for the first one or two weeks of September after the order became effective. Figures obtained from the same establishments in 1914 were also used as a basis of comparison.

Inasmuch as the lowest entrance wage permitted by the order is $6, none of a group of 604 employees receiving less than $6 in April appeared on the September report. "The lowest wage groups were eliminated by this restriction." The order limited the number of learners to 25 per cent of the total number of women and minors employed. This served to reduce the number of workers who could receive $6 and less than $10 per week to 25 per cent of the total. A few establishments exceeded their allowance as shown by the September report, but no city showed as much as 25 per cent receiving under $10 except Sacramento. "For the State, the per cent receiving under $10 decreased from 51 in 1914 to 44 in April, 1917, and to 20 in September." For the three years from 1914 to April, 1917, the number of employees receiving less than $10 per week decreased in San Francisco by 11.4 per cent, while in the five months from April to September there was a decrease of 16.1 per cent. The differences were more marked in the other principal cities, the decrease in Los Angeles for three years being 3.8 per cent, and for 5 months following, 22.6 per cent; in San Diego, 4.4 per cent for the first period and 26.9 per cent for the second; in Oakland 7.1 per cent and 26.4 per cent; and in Sacramento 4.1 per cent and 38.2 per cent, respectively. This clearly demonstrated that it was not the effect of general tendencies in the industrial world, but rather the force of the order determining a minimum wage. Taking all cities together, the decrease during these five months in the total number of persons receiving under $10 per week amounted to 19.6 per cent.

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Separate records were kept of the effects of the commission's rates on the 5, 10, and 15 cent stores. In 1914, 95 per cent of their employees received less than $10 per week; in April, 1917, 91 per cent; while in September the number was reduced to the required 25 per cent. In 1914, 70 per cent received less than $6; in April, 1917, 43 per cent still received this low rate, and 73 per cent earned less than $7. In September none received less than $6 and only 8 per cent received less than $7; whereas 75 per cent received $10 or over. That there was no reduction from the higher salaries is shown by the fact that in 1914, but 3.6 per cent of the workers received $11 or more, whereas in April, 1917, the percentage was 5.9, and in September, 10.3.

Summing up the effects of the order as they were demonstrated during the first year of its existence the commission made the following statement:

1. That no establishment was forced out of existence by the order.
2. That the number of employees was not decreased, but increased 10 per cent.
3. That the minimum wage does not become the standard. In California it did raise the wage representing the largest number of employees from the $9 to the $10 group.
4. That the minimum wage does not become the maximum, for the number in the high-pay groups increased.

This order was revised and issued in an amended form on the 22d of April, 1919, when the minimum weekly rate for experienced workers was advanced to $13.50 per week, or $58.50 per month. The entrance wage for learners was fixed at $8 per week, with a three-year apprenticeship for those beginning work under 18 years of age, advances being made each six months, the first and second of 50 cents per week, the third, fourth, and fifth of $1 per week, and thereafter not less than the minimum wage. For adults 18 or 19 years of age the entrance rate was fixed at $9 per week with a two years' learning period, advances being in the amount of $1 at the end of the 6 months' period. Those over 20 years of age were to enter at $10 per week and to be advanced to the minimum after 18 months, increases being in the order of $1 per week at the end of the first and second 6 months' period. The number of female learners permitted was increased to one-third of the total number of females employed, the same proportion of male learners to males employed being permitted. Other details of the order were changed, resembling the subsequent provision made during the year 1920 which, however, contains a number of additional provisions. This latest order is reproduced in full on pages 286 to 289.

FISH CANNING.

Order No. 6 was issued on the 10th day of November, 1917, and applied to women and minors in the fish-canning industry. This employment involved great irregularity of work, depending upon seasonal and other conditions. The first order was relatively brief, fixing a $10 rate for women and minors employed for a week of 48 hours, or 25 cents per hour for a shorter period. No provision for learners was made, though substandard workers might be employed on the procuring of a license therefor. Work in excess of

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eight hours was to be compensated at one and one-fourth times the regular wage, and work on more than six days per week at one and one-half times the regular rate. There were also provisions as to records, reports, etc.

A public hearing was held December 6, 1918, to consider a revision of this order on the basis of the year's experience, but the amended order was not issued until June 21, 1919. At this time the minimum wage necessary to meet the cost of proper living was declared to be $13.50 per week, or 28 cents per hour. If a full week's work was not furnished, except during the weeks on which certain holidays occurred, the employer was required to pay not less than a minimum wage of $13.50, or to pay 32½ cents per hour for the number of hours worked.

A difficulty that had led to the public hearing in December was the "utter disregard of the present order" in respect to the work time. There was also a large amount of night work, which had not been touched upon in the original order. The order of 1919 required one and one-fourth times the regular pay for work in excess of 48 hours per week or 8 hours per day; but after 12 hours' work in any 24, the pay was to be double the standard minimum. A weekly day of rest was prescribed, and any work performed thereon must be paid for at not less than the rate of time and a quarter for the first 8 hours and twice this amount thereafter. Work between 10 p. m. and 6 a. m. was forbidden for minors, while women employed between these hours were to be paid at a rate of not less than 35 cents per hour.

A second revision of this order was made in 1920, which appears on pages 289 to 291. This adopts the $16 standard fixed by the commission for the year, and establishes a learning time of four weeks, with advances each week.

LAUNDRY INDUSTRY.

The laundry industry was the second studied by the welfare commission in 1914. Its investigation covered all steam laundries in the five principal cities, a total of 81 establishments employing 3,954 women. Of these 3,765 were adults and 189 were under 18 years of age. In 15 dyeing and cleaning establishments studied at the same time there were 522 adult women and 16 minors.

It was found that the wages paid were largely determined by the fact of organization. Laundry organizations existed in San Francisco, Oakland, and Sacramento, while in Los Angeles and San Diego there were none. Contrary to the usual opinion that laundry industries are difficult to organize, it was found that not a single steam laundry in San Francisco was outside of the union agreement. The weekly rate fixed by this agreement for apprentices was $7, payable only in the shaking room for a period of two weeks, after which an $8 rate was prescribed. Mangle girls received $8.50 and all folders $9. Other classes of workers received $10, $10.50, $11.50, and $13.50 per week, markers and distributors being paid from $18 to $22.50. The prescribed rates were minimum for the grade, and exceptional workers were usually able to obtain more, though a few laundries had a rule not to pay beyond the union rate.

Comparing the two prinicpal cities, in San Francisco with 1,073 adults employed, 1.4 per cent received under $8 per week, 32.6 per

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cent under $9 per week, and 53.2 per cent under $10; in Los Angeles, of 1,813 adults employed, 45.5 per cent received under $8, 60.4 per cent under $9, and 76.1 per cent under $10.

The effect of organization is also apparent in the matter of regularity of work. The unions do not permit the employment of part-time workers, and if lay-offs occur during the week a full week's pay must be given. In nonunion cities, before the eight-hour law took effect, the bulk of the work was done by running long hours on Tuesday, Wednesday, and Thursday. With this law in effect, the work is necessarily spread over a longer period, but is generally so managed that considerable fluctuations continue, and in most of the laundries in Los Angeles and San Diego women were docked for every hour or half hour not worked. Sanitary conditions varied considerably, as well as mechanical equipment and safeguards.

As the foregoing investigation had developed the fact that almost 60 per cent of the women were working for less than $10 per week, it was decided that a minimum-wage ruling was needed, and that working conditions also required attention. The same methods were pursued as in the mercantile industry, the Laundry Owners' Association being requested on April 19, 1917, to appoint an advisory committee; nine employers, representing five cities, were accordingly appointed by the president of the association. Employees' representatives were obtained by election, at least one year's experience being required of eligibles. Workers in Los Angeles elected eight representatives, while the Laundry Workers' Union of San Francisco elected five. The commission met with the advisory committee of the employees on October 2 and with that of the employers on October 17. A second meeting with the employees took place October 22. On October 17 the commission took the necessary action for the organization of a wage board which was selected from the advisory committees of employers and employees. "Care was exercised not to choose a representative of the employers and the employees from the same establishment, insuring freer discussion and distributed representation."

The first meeting of the board was held on October 23, the sessions continuing for three days. On the first day the morning session was spent in a preliminary discussion of wages, rates, and the piecework system. In the afternoon session each party submitted recommendations, the employers asking for a rate of $9 and the workers for a minimum of $10 per week. A two years' apprenticeship was recommended by the employers as against a six months' period proposed by the employees. The employers' entrance rate was $7 with an advance of 50 cents per week at the end of each six months, and they asked that no limit should be placed upon the number of apprentices. The employees proposed that a rate of $8 per week be paid for the first four weeks and $9 per week for not more than five months thereafter, following which the $10 minimum should prevail; a 20 per cent limitation was recommended for learners, with the right reserved to the commission to issue permits for larger percentages in case an actual emergency should be shown.

The discussion turned upon the use of war-time rates as a basis for the cost-of-living schedule, the employers objecting, and the women contending that they were actually subject to the present ne-

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cessities so that former wage standards were not adequate. The time of apprenticeship was also considered.

Sanitary conditions were discussed exclusively at the morning session of the 24th, and an adjournment taken to the following day. When the board convened, after considerable discussion, an employer representative proposed a concession as to the term of apprenticeship, suggesting one year with an entrance rate of $7 per week for three months, $7.50 for three months, and $8 for the remainder of the year. This the workers declined, and it was offered to make a $7 rate for the first three months, $8 for the next three months, and $9 for the rest of the year.

Laying the subject aside temporarily, the great labor turnover then prevalent was submitted as a reason for permitting at least a 25 per cent allowance for learners. To this the workers acceded after some discussion, the commission being given power to allow a larger number, "where an actual emergency exists within the period of the war." This was agreed to. It was then decided that the dry-cleaning industry could easily adapt itself to rates that the commission might make, since its workers were chiefly skilled employees. The afternoon session opened with an offer on the part of the employers to accept a minimum of $9.50 per week, payable after one year's experience, this provision being offered only if the women should agree to the $7 entrance rate for the first three months. This the employees felt they could not consider under any conditions.

The employers then proposed $8 per week to start with, and to be paid for 6 months, then $9 for 6 months, after which the minimum would be $9.50. A southern employer regarded this as too great a concession, but acceptable if the women would consider it. The women stood out for a $10 minimum, even though it involved a longer apprenticeship, but one said "That she could not possibly stand for more than one year's apprenticeship." The impossibility of agreement becoming apparent, the parties expressed their mutual good will, firmly believing that the commission would act justly, and the board adjourned.

The commission promptly announced a public hearing for November 2, 1917, when opportunity was given to discuss freely all the questions involved. On November 14 an order was issued, becoming order No. 7, applicable to the laundry and dry-cleaning industries. A minimum rate of $10 per week for experienced workers was fixed, 15 months' employment to constitute the learning time. The rate for the first 6 months was $8 per week, $9 for the second 6 months, and $9.50 for the following 3 months. All learners must be registered, their number not to exceed 25 per cent of the total number of females employed unless by special permission in emergencies arising during the war. The 8-hour day and 48-hour week were prescribed, and the usual provision was made for licensing physically disabled workers, and for the keeping of records and the making of reports. This order came into effect early in January, 1918, and uniform reports were asked for as to rates, work time, and earnings of women and minors during the week ending October 6, 1917, and the week ending January 19, 1918. As a further check, a study was made of identical establishments in San Francisco, Oakland, and Los Angeles for the two periods. It may be noted that there was no

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difference between the rates of minors and women in this order; the special permission to increase the number of learners during the war was never used and was revoked upon the declaration of the armistice. The use of special licenses was quite restricted, none being issued at any time for a wage lower than $7.50, the rate being afterwards raised to $8.

The January report showed 9 people working for less than $6, though the October report showed 293 so working, but as the order permitted no such rate the commission secured an immediate correction in this respect. There were other instances of delayed compliance with the minimum standards, but the January report showed but 22 per cent receiving under $10 per week, though the number in October was 56 per cent; there was a further decrease to 11 per cent by November, 1918. In 1914, 64 per cent of the workers had received less than $10; there was, therefore, a drop of but 8 per cent in three years as against one of 34 per cent in three months intervening between the meeting of the wage board and the actual coming into effect of the order. The southern cities were required to make the greatest change, nearly 71 per cent of the workers there receiving a rate less than $10 in October, 1917. These cities did not obtain an immediate reduction to 25 per cent, as required by the order, but inspection and follow-up letters accomplished this end within 2 months, the November pay roll showing but 21 per cent in Los Angeles and 16 per cent in San Diego.

Licenses to substandard workers involved a considerable element of uncertainty until the test of experience showed what the situation required. The record in December, 1918, showed 129 permits in force, of which 121 were in Los Angeles. However, but 20 of these were granted to regular laundry employees, the remainder being for service in the branch laundry offices scattered throughout the city. No license was granted except on a signed statement of a licensed physician that the applicant was not of normal capacity for work on account either of age or of physical disability.

Comparing conditions in October, 1917, with those prevailing in January, 1918, immediately following the establishment of the order, it appears that at the first date 16.9 per cent of the women employed in 270 establishments received under $7 per week, 28 per cent under $8, 41.7 per cent under $9, and 62.1 per cent under $10. In January, 1918, there were still 10.4 per cent of the workers receiving under $7 and 16.8 per cent under $8, though the order prescribed an $8 minimum for learners. However, there were but 28 per cent under $9 and 42.8 per cent under $10. Those receiving $10 or over in October, 1917, comprised but 37.9 per cent of the total, while in January, 1918, there were 57.2 per cent of the 7,097 workers employed in the industries reported at a rate of $10 or more. Not only were the lower wage groups practically eliminated at the very incipiency of the order, but the percentage of the workers employed in each of the higher wage groups ($10 and above) was increased, thus demonstrating again that the minimum does not become the maximum, nor were the higher-paid employees reduced in order to protect the wage fund. The commission also found that no establishment had been forced out of existence by the order, nor did the employees lose their positions because of it.

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This order was amended on May 21, 1919, following a public hearing held December 6, 1918, the new order bearing the same number as its predecessor in this industry. The rate for experienced workers was fixed at $13.50 per week or $58.50 per month, except in the case of licensed infirm workers, and a full week's pay was required for each week of employment, unless a holiday occurred therein, or in lieu thereof payment at the rate of 32½ cents per hour for the number of hours worked.

The learning time was reduced from 15 months to 6 months. The entrance rate was $10 a week for the first three months and $12 for the second three months, with the regular minimum thereafter. Hourly rates were prescribed where there was not a full week's employment, 25 cents per hour being the rate for the first three months and 30 cents for the second.

This order was in its turn superseded by the revision of June 1, 1920, which is reproduced in full on pages 291 to 293.

FRUIT AND VEGETABLE PACKING INDUSTRY.

Next in the order of time the commission promulgated rates for women and minors engaged in "the packing but not the canning of all fruits and vegetables." This is order No. 8, and was issued March 9, 1918. No board appears to have been organized for the consideration of this industry, but a public hearing was had on October 29, 1917. The order fixed a weekly rate of $10 for experienced workers and $8 for those without experience, this rate being payable for but three weeks in the branch in which employed; after this time workers were to be considered experienced. This rate corresponds to the rate in fish canning, issued a little earlier, and slightly exceeds the rate for canneries for the same year (20 cents per hour equals $9.60 per week).

The order applied to workers in citrus fruits, deciduous fruits and grapes, vegetables, dried fruit, including layer raisins, seeded raisins, olives, and pickles. Its scope of operations was rendered somewhat complicated by the fact that some of the branches of work covered by it were carried on in establishments in which canning was also done. The hours of labor for preserving, as such, are limited to 8, while for canning there is possibility of the longer hours. A public hearing held March 28, 1917, considered the pickling, preserving, and olive industries, which were placed under the order of the following March (No. 8).

In accordance with the practice of the commission, in its effort to keep step with changing industrial conditions, this order was amended the next year (June 21, 1919) and the weekly rate advanced to $13.50, or $58.50 per month, or 28 cents per hour for experienced women or minors. Adult women without experience were to receive 21 cents per hour and inexperienced minors of either sex 18 cents. The learning period was reduced from three weeks to two. Work in excess of 8 hours called for a rate of 35 cents per hour and after 12 hours, 56 cents. Work on a day of rest was to be compensated at the rate of 35 cents per hour for the first 8 hours, and 70 cents thereafter.

This order was again revised May 25, 1920, the text appearing in full on pages 293 to 296.

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GENERAL AND PROFESSIONAL OFFICES.

On the same day (Oct. 29, 1917) on which the commission held public hearings in regard to fruit and vegetable packing, it also heard those interested in the matter of the employment of women and minors in general and professional offices and in unskilled and unclassified occupations. The order as to office employees was issued May 3, 1918, and established a rate for experienced workers of not less than $10 per week or $43.33 per month. Experienced adults were to be paid not less than $8 for the first six months, $9 for the second six months, and the standard minimum thereafter. Learners beginning work under 18 years of age received $7 per week for the first six months, with two semiannual increases of $1 per week, making an 18 months' learning period. The number of female learners was limited to 25 per cent of the total number of women employed. The hours of labor for these employees were regulated by statute and were not referred to in the order; however, 24 consecutive hours of rest in every seven consecutive days were prescribed by the order. Office workers in mercantile establishments are included under order No. 5.

The foregoing order was revised June 21, 1919, the rate being advanced to $13.50 per week, following a hearing held on December 6, 1918. The term of apprenticeship was reduced by one-half, learners under 18 receiving an entrance wage of $9 per week for the first three months, $10 for the second, $12 for the third, and thereafter the standard minimum. Adult learners started at $10 per week, were promoted to $12 after three months, and to $13.50 at the end of the second three months' period. The number of female learners permitted in any establishment was increased to 33⅓ per cent of the total number of females employed.

A rate was made for part-time workers, not less than $2.25 per day or not less than 35 cents per hour if less than six hours per day are worked. The customary provision for substandard workers is found, as in all other orders. Hours of labor are restricted to 8 per day and 48 per week; also, night work is forbidden. These limitations are absolute, no provision being made for overtime work. A revision of this order made June 1, 1920, appears on pages 296 to 298.

UNSKILLED AND UNCLASSIFIED OCCUPATIONS.

Order No. 10, applying to women and minors employed in unskilled and unclassified occupations, was issued on the same day as the original order No. 9, being based on a public hearing held on the same day as for the foregoing. This is a sort of blanket order covering workers not classified under the groups specifically provided for in other orders, such as ushers, attendants at bathhouses, nut gatherers, ragpickers, attendants at photograph galleries, etc. Experienced adults were to receive at least $9.60 for a 48-hour week, or 20 cents per hour. Employment in the occupation for three weeks constitutes one an experienced worker. During the learning time a rate of $7.50 per week, or 16 cents per hour, is to be paid; this is also the minimum rate of either sex under the age of 18 years. No reference is made to experience in connection with minor employees. No provision is made for overtime work at any rate.

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Following a hearing held December 6, 1918, order No. 10 was amended and reissued on June 21, 1919. The minimum rate for experienced adults was advanced to $13.50 per week, or $58.50 per month, or 28 cents per hour. Experienced minors were to receive not less than $10 per week, or $43.33 per month, or 21 cents per hour. The three weeks' learning time was retained, the entrance rate for minors being $8 per week and for adults $10.

The text of the 1920 revision of this order appears on pages 298 to 300.

MANUFACTURING INDUSTRY.

An investigation of various lines of manufacturing was begun early in the history of the commission. Various reasons combined for delaying the issue of an order in this field, prominent among them being its wide variety, presenting different conditions as to learning or apprenticeship, and also the fact that the manufactured products of California must meet the competition of other States in which no minimum wage is prescribed. The investigation conducted in 1914 covered a considerable range of subjects, and conferences were held with employers in the principal cities with regard to some of the more important industries in which women are employed.

Summaries were made by industries, that of candy and biscuit manufacturing showing that of 926 adults employed therein, 42.4 per cent received under $8 and 71.8 per cent under $10 per week. The 1,012 women employed in the preparation of food and drugs were better paid, but 19.4 per cent received less than $8 and 45.7 per cent under $10 per week. Printing and bookbinding paid still higher, only 14.7 per cent of the 631 women employed therein receiving under $8 and 41.6 per cent less than $10 per week. The manufacture of paper boxes is more poorly compensated, 59.4 per cent of the 342 adult women employed receiving under $8, and 81 per cent under $10 per week. There were 386 women engaged in the manufacture of cigars and cigarettes, and of these 42.1 per cent received under $8 and 62.7 per cent under $10 per week. In the manufacture of knit goods, 44.8 per cent of the 259 adult women employed received under $8, and 69.2 per cent under $10 per week.

A special study of the garment trades was made in 1915. It developed that there was direct competition in many lines with manufacturers in the East and Middle West holding prison contracts. It was also found that for the greater part of the material used freight rates from New York were to be added to other costs. The difference between the rates on finished garments and those on raw material afforded a measure of protection to the local manufacturer. Unregulated wage rates in other States rendered possible the employment of labor for a much less sum than was regarded necessary in California, though "the total manufacturing costs did not vary in the same degree." In spite of the geographical situation and the other factors enumerated, the garment industry of California has undergone a fairly steady and continuous growth, Los Angeles tending to become an important center for this industry. It is reported to have been at the time of investigation (November, 1919) "one of the most completely organized industries employing women in California." The shirt and overall trade was about 60 per cent or-

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ganized, and it was a feeling of fear, apparently sincere on the part of the women, that the enforcement of a minimum wage would interfere with their employment, that led the commission to give to this occupation the most "complete and authoritative investigation made of any industry thus far undertaken."

As elsewhere, the piece-rate system prevails in the manufacture of shirts and overalls. Of the 1,781 women employed in California, seven-eighths were paid in this way, mostly machine operators. Supervisory and inspecting positions, pressing and boxing, and the like were usually, but not always, paid on a time basis.

In the union shops, of course, the rates were those that had been agreed upon or fixed by union officials. Operators perform a single part of the work in the manufacture of an article, the rates being so adjusted as to attempt to secure equitable payment for the different classes of work. Employers usually answered inquiries by saying that the average operator in their factories ought to earn about 25 cents per hour, the lowest sum stated being 20 cents. The investigation showed that it was very difficult to pass upon earnings of pieceworkers as a whole, the different processes calling for separate consideration. In some the conditions were uniformly such that operators could earn well above 20 cents per hour, in others nearly all could do so, while in still others it was only a minority of the workers who earned this amount. Some complaint was made by the operators of frequent changes of work, so that they could not attain speed and quantity of production.

An inquiry as to learners showed that in the making of shirts 41 girls averaged a little more than 9 cents per hour during the first two weeks, their earnings increasing until they reached 14 cents during the eighteenth week. "From that time on there were numerous dips in the curve, occasioned by transferring the girls about from part to part. The 20 cents an hour level was not reached until the forty-second week." Workers on overalls began as low as 6.7 cents per hour, the earnings doubling at the sixth week, and advancing gradually until a rate of 19.8 cents was reached in the thirty-second week.

In the manufacture of men's ready-made and custom-made clothing there was a smaller number of workers employed, the report being made for 344 in the three cities of San Francisco, Oakland, and Los Angeles. Of these 26.2 per cent earned less than $6 per week, this being the largest wage group, practically equaling the number in the two groups receiving from $8 to $9 and from $9 to $10; 71.4 per cent earned less than $10 per week.

There was a marked difference between women employed in inside shops, i. e., by the manufacturers themselves, and those employed in outside shops by contractors making up garments for the nominal manufacturers. Thus in inside shops 18.9 per cent of the women earned less than $6 per week, while in outside shops the number was 35.3 per cent of the total. Those earning less than $10 comprised 63.4 per cent of the workers in inside shops and 81.7 per cent in outside shops. These are not the weekly averages for the year, but only for the period of employment. In outside shops the 153 women tabulated averaged but 16.5 weeks of employment during the year; in the inside shops 191 women averaged 32.6 weeks. Only a quarter were employed for practically the whole year.

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It is evident that not only were the rates too low to sustain the workers during the period of their actual employment, but there was such great irregularity that even with a fair weekly rate their yearly earnings would not be adequate for a year's support. "With the industry varying so much from week to week as well as from season to season the women even partially dependent upon this work for a living must be in a constant state of uncertainty."

As already indicated, the manufacturing order must be of wide adaptability, by reason of the great variety of industries affected. However, assuming that the time for learners must not be too protracted in any case, especially for adults normally self-supporting, and that workers in all industries are compelled to meet practically the same cost of living, a general order was promulgated on the 2d of November, 1918, to be effective in 60 days, being I. W. C. order No. 11. This step was taken following a public hearing held May 27, 1917, the wide diversity of interests being regarded as making the formation of a wage board undesirable. The standard of a $10 weekly wage was adopted for experienced workers, this rate being required after 6 months' employment in the case of adults and after 9 months in the case of minor workers. Those entering employment at the age of 18 or over were to receive at least $8 per week for the first 3 months and $9 per week for the second half of the learning period. Younger entrants received $7.50 per week for the first 3 months and then followed the same schedule as adult learners. If the output of a minor equals that of an adult, equal pay must be given. If the employment was not for the full 48 hours of a week, higher hourly rates were established, the amounts for learners being 20 cents, 21 cents, and 23 cents per hour for the quarterly periods, respectively. Experienced workers not employed for the full week must be paid at the rate of not less than 25 cents per hour for time worked.

Home work was regulated by requiring permits to be procured and records kept of the workers. The rates paid for such work must be such that they will yield to 75 per cent of the women employed not less than 21 cents per hour.

On January 27, 1919, following the general hearing of December 6, 1918, this order was amended and a rate of $13.50 per week was established. If a full week's work was not supplied, unless there was a holiday during the week, a full wage must be paid, or at the rate of 32½ cents per hour for the time worked. Full-time factory workers were forbidden to take work home. Minor learners were to receive not less than $9 per week for the first 3 months and $10.50 and $12 for the succeeding quarters. Adult beginners received $10 for the first 3 months and $12 for the second; hourly rates were also provided for learners where less than a full week's work was given. Provision was made for part-time workers, and a special schedule running through two seasons was arranged for millinery apprentices, the pay during the first 4 weeks to be $6, the second 4 weeks $7, and the third 4 weeks $8 per week. During the second season the rates prescribed for similar periods were $10, $11, and $12, respectively.

"Learners' permits will be withheld by the commission where there is evidence of attempted evasion of the law by firms which

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make a practice of dismissing learners when they reach their promotional periods."

A revision of this order in July, 1920, is reproduced on pages 300 to 303.

HOTELS AND RESTAURANTS.

The employment of minors and women in hotels and restaurants was not acted upon until the year 1919, though it was discussed at a public hearing held May 27, 1918. No wage board was formed in connection with this class of work. There were representatives of organizations of hotel employers present, and also of the waitresses' union; the chambermaids were not organized. This class of work involved two factors not previously considered, one, suggested by the employers, that the cost of room and board would necessarily be involved in resort hotels, while board is usually given in restaurants and hotels in cities and towns. The other suggestion came from the waitresses and related to the extra laundry required for their work. In some establishments collars, cuffs, and shoulder straps are required as well as aprons. Shoes and clothing become stained and spoiled, and frequent washing shortens the life of the clothing.

In fixing the wage scale on the uniform basis adopted that year—$13.50 per week—the waitresses' contention was met by a provision that where an employer requires the wearing of a uniform or apron not laundered by the establishment, an additional allowance of 50 cents per week shall be made. The scale of charges for meals was fixed at 20 cents for breakfast, 25 cents for lunch, and 30 cents for dinner, with the provision that these should be bona fide meals. The charge for a room should not exceed $3 per week. No learning period was provided for. Part-time workers employed less than 3 hours per day should receive 35 cents per hour; from 3 to 6 hours, 32½ cents per hour; and if more than 6 hours, 32½ cents per hour or the full week's wage; tips were not to be considered as any part of the wage. The eight-hour day was prescribed and also a weekly day of rest, though this latter provision was not made operative until 60 days later than the remainder of the order. Emergency employment on the weekly day of rest was to be compensated at a rate of time and a quarter.

This order was amended in 1920 to conform to the $16 per week standard, a higher allowance being made for meals but not for rooms. A higher allowance was also required to be made for laundering uniforms or aprons. This order, bearing date of June 1, 1920, appears in full on pages 303 to 305.

AGRICULTURAL OCCUPATIONS.

A new field was entered in 1920 when the subject of agricultural employment for women and minors was made the subject of action by the industrial welfare commission. The employments covered included the cutting and pitting of fruit for drying, for which a piece rate was established, while agricultural field occupations other than the foregoing were to be paid on a time basis. A weekly wage of $16, or 33⅓ cents per hour, was fixed, and piecework other than the cutting and pitting of fruit for drying is required to produce a sum equal to the time rate fixed. The 8-hour day and 48-hour week

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were established however, with provisions for emergency overtime work at higher rates of pay. Sanitary standards are prescribed by this same order, which is reproduced in full on pages 305 to 307.

These comprise the list of wage orders issued by this commission up to date. Sanitary order No. 2 relating to sanitation in the fruit and vegetable canning industry, issued February 14, 1916, was superseded by an amended order on the same subject, issued April 16, 1917, as No. 4. A sanitary order relating to mercantile establishments was issued December 19, 1919, as I. W. C. order No. 13; while the agricultural order, No. 14, contains provisions regarding the sanitation of labor camps and other lines of employment of agricultural workers. Though these are within the purview of the California commission, they are not reproduced as not bearing directly upon the subject of the minimum wage.

EFFECT OF THE LAW.

Some mention has been made of the immediate results following the establishment of orders in canneries, mercantile establishments, and laundries. Comparisons of wage rolls would furnish the only accurate test, and even data thus obtained would have to be read in the light of other circumstances that might affect conditions of employment as to supply, turnover, and the ease with which employment may be procured in other lines. At the date of the field investigation of the United States Bureau of Labor Statistics (November, 1919), the labor supply was becoming somewhat more abundant than during the preceding year. However, no case was discovered of women being refused employment on account of the minimum rate fixed by the commission for that year ($13.50 per week or a corresponding piece rate). There was rather frequent expression of the opinion that the employment of younger workers, some fixing the age at 16 and some even a higher age, was not profitable; so that the conclusion seems fairly reasonable that the effect of establishing a minimum rate has been to diminish the number of young persons employed. In fact such is said to be the aim and desire of the commission. However, the scarcity of workers generally had made it necessary for employers in some industries and localities to take on younger workers even though they were not regarded as entirely desirable. The same situation led to the retention of slow workers, properly classified as substandard, without procuring licenses for lower rates. The commission anticipated that for such workers some added provision would need to be made if the labor supply should become more abundant. It was felt that the development of a situation of abundant labor might also tend to bring wages more nearly to the basis fixed by the commission, though such had not been the case, even with the annual advances made in the rates.

As to the employment of excess numbers of learners to secure cheap labor, there were some differences of opinion. Some employers, otherwise favorable toward the law, felt that the restriction on the number of learners was a hardship; while others declined to take learners at all into their establishments, or regarded the learning period as expensive and to be avoided if possible. Some felt that the learning period was inadequate to develop workers who should be

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classed as experienced, but the commission took the ground that it was not intended to fix a rate for expert workers, but to provide a minimum to which workers of ordinary capacity should be entitled, after a reasonable period of training. There was considerable difference of opinion as to whether the gradual advances established for learners were really effective in holding them in line. However, a number of employers were emphatic in the expression of their opinion that the law had in general the effect of stabilizing and standardizing employment. One large department store went so far as to say that the effect was to professionalize salesmanship and give the women a new feeling of self respect, emphasizing this as "one of the big accomplishments of the law." This establishment had had no dismissal or reduction in 12 months on account of the incapacity of an employee. Other factors were doubtless involved, as there was in this establishment a careful study of occupational ability and the testing out of women in various positions until the occupations to which they were best adapted were found. "It is our purpose not to let our girls drift or become bewildered." A larger establishment of the same kind, while regarding the law "as the only thing to have," found a restlessness and discontent among its workers which did not seem capable of control. "The law makes the girls independent, which may be good for them, but it adds to the troubles of the employers."

No absolute statement can be made, in the nature of things, but the great majority of the employers and their representatives interviewed in 33 establishments in San Francisco, employing more than 7,000 women, regarded the law as desirable or satisfactory, "a good thing," "splendid," while others accepted it without enthusiasm, saying that it had no adverse effect or was lost sight of in the general industrial situation. Sixteen establishments in Los Angeles, employing about 5,200 women, showed somewhat more variety of expression, though here also the majority of opinions were of approval. Few employers in either locality followed the scale for learners, and none found it either desirable or possible to use the minimum as a maximum. Few of the employees seem to have any definite knowledge of the law and, indeed, so far as could be inferred from a considerable number of inquiries, many had no knowledge at all, though the orders were required to be posted in various places in the establishment. Occasional instances were found where an old employee felt that, while the law was a benefit to beginners, the older girls were placed at a disadvantage. On the other hand, a large number of employers spoke of the necessity of an adjustment of the wages of the higher-paid saleswomen in order to keep them in advance of the new girls as they attained the minimum. As estimated by the employers, the law affected either directly or indirectly 24 per cent of 75 employees in one place, was of general effect in two, and of no effect in several; while in one store employing 275 females the $13.50 rate was said not to have affected more than 15 persons in the whole store; in another, 10 out of 75; and in another, 200 out of 1,350. One confectionery factory had employed at the time of the coming into effect of the manufacturing order a force of which 62 per cent were classed as learners. Some were discharged and some were advanced to experienced workers' rates, the statement being made that the law had had a good

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effect for the women, the increases of wages paid having extended to the old employees in the adjustment of the wage scale. A few employers reported some of their workers satisfied with the minimum wage and unwilling to exert themselves to earn more, or even to render value received for this amount, which they felt that the employer was obliged by law to pay. Here again the testimony of other employers is that the prospective advance held out by the law to those who are steady stimulates and stabilizes production.

There was some disposition to look forward to a future of more abundant labor supply and less demand on the part of employers, some anticipating that the law would cause the loss of opportunity for employment to some, though that condition had not yet arrived.

In Los Angeles the Walnut Growers' Association found most of its workers required advancement to meet the rates fixed by the order, and the same was true of the largest department store visited, a large laundry, and a "5 and 10." The manager of the last-mentioned store reported a wage of $6 when the old order came in. The girls were called together and encouraged to make themselves more efficient so that all could be retained at the higher rate and yet the prices of the articles held down. The manager gave instructions and cooperation and reported that none were let out, as "all made good." The same course was followed when the $13.50 weekly rate was established, with like results.

Some feeling was expressed as to interstate competition when manufacturers in the East and Middle West should be able to catch up with production for local demands. At that time transportation conditions were adequate barriers against competition. However, some expressed a desire for a Federal law which would equalize the situation between the East and West, the situation being already cared for on the coast by the fact that Oregon and Washington have minimum-wage laws. No real injury was known to have been caused to business, and it was pointed out that the very considerable industrial growth of the past few years had occurred under this form of legislation.

The attitude of organized labor was one of cooperation, so far as the women in labor organizations are concerned. The men's unions had not yet indorsed the law but had relaxed their opposition, finding that their fear that the minimum would become the maximum had not been realized. Another objection offered to the law by organized labor was that the law tended to prevent the unionization of the workers, since they secured by law the advance in wages that the unions might promise. It was pointed out by a well-informed union official, on the other hand, that this was a wrong view to take, as the idea of organized labor is one of constant improvement and advance; that it does not seek to secure for its members a minimum wage, nor is it interested in the subject of wages alone. The law furnishes a ground for organization, since employees are expected by it to meet employers on wage boards and in conferences, and should be organized so as to appear in a representative capacity; they would thus be more influential and would be safeguarded by the influence of the organization against any possible adverse attitude on the part of the employers.

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COLORADO.

SKETCH OF THE LAW.

This State is one of the earlier ones to enact a minimum-wage law, its first statute on the subject having been approved May 14, 1913. This act created a wage board of three members, one to be a woman and one an employer of labor. This board was authorized to investigate wages and the cost of living in enumerated industries and, if found necessary, to fix a minimum wage. No special wage board was provided for, but public hearings were to be had, after which obligatory orders were issuable. The usual provisions of such laws, as to subpœnaing witnesses, protecting employees against discrimination, and the issuing of licenses to substandard workers, were embodied in the act.

Though this act came into effect on August 12, 1913, the board was not appointed until March 23, 1914. Delay in organization prevented any study of local wage conditions until August 1 of the same year. The results of this investigation were set forth in the first report of the board, for the period ending November 30, 1914. On account of the brief time intervening between the date of the organization and that of the report, the results as presented are fragmentary and incomplete. Establishments investigated include department stores, 5, 10, and 15 cent stores, bakeries, binderies, factories, and laundries. Of 3,524 employees in the establishments, 26 per cent received less than $6 per week and 54 per cent less than $8. The cost of living was not very thoroughly gone into, but the facts secured led to the conclusion that "the cost of living in Denver is no less than in any other cities where, after extensive investigation, it has been found that no woman can secure the necessities of decent living for less than $8 per week."

The board recommended certain changes in the law, among them being a clearer definition of the powers and duties of the board and provision for the organization of a committee or a conference of persons best informed with regard to the particular industry or group of industries under consideration, the public also being represented.

No further action was taken under the law of 1913, and in 1917 a new law was enacted. This declared the industrial commission of the State to be a minimum-wage commission, with authority to make investigation as to the conditions of labor of women and minors, to determine what is a necessary minimum wage, either directly by its own action or by the establishment of a wage board consisting of representatives of the employers and employees in the industry and of the public. The commission has power to review the findings of the board and approve or disapprove any or all the determinations or recommit the subject to the same or a new wage board. If a recommendation is approved it may be promulgated as a binding order after a public hearing thereon. Wages of minors are to be fixed after public hearing without a wage board.

Employees serving on a wage board or giving evidence are protected and the payment of a lower wage than that fixed by the commission is a misdemeanor. Balances are recoverable where a

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lower rate than the standard has been paid, notwithstanding agreements to work at the lower rate.

The sum of $3,000 was appropriated by the original act for two years' administration of the law; while in 1919, $3,600 was given the industrial commission for the payment of the salary of the secretary of the minimum-wage work.

LACK OF ACTION.

Despite the enactment of the new law, no action was taken by the industrial commission, the reasons given being that no adequate appropriation had ever been made nor had any requests for action been received, there being no popular interest in the subject. However, the commission when interviewed in November, 1919, contemplated calling for pay rolls for the purpose of information as to existing conditions, though it would be necessary to divert funds from the general appropriation of the commission to accomplish this work. There was some feeling expressed that the industrial conditions were such as to control the situation, so that the evils which the law seeks to guard against would be averted by reason of the necessity of the employers to pay adequate wages to secure the help desired. However, it was proposed to collect data for the use of the legislature of 1921, so that the members could have the facts before them.

A representative of organized labor declared the State federation to be in favor of the law, with the reservation that it should not be under the industrial commission for alleged political reasons.

EMPLOYMENT CONDITIONS.

It was thought desirable to make something of an inquiry as to the wage situation in the city of Denver to discover whether or not the industrial conditions actually secured approximately the benefits resulting elsewhere from the enforcement of a minimum-wage law. It must be recognized that the city of Denver was to a degree removed from the industrial conditions prevalent in the coast cities of the West, especially those in which shipbuilding operations were active; nor was it a manufacturing center for the production of articles entering the general market as are Minneapolis and St. Paul. However, the general trend of prices necessarily affected the working people of the city, and there was a necessary reflex of the conditions as to labor supply and the tendency toward readjustment.

Thirty-two establishments employing 4,500 women and minors were visited, representing a wide range of employment. The lowest rates were found to be paid in millinery establishments, the pay of learners being nominal, the first season ranging from $1 to $3 per week in one establishment and $5 in the second; in another the entrant learner's wages were from $3 to $6 per week. Five and ten cent stores pay $7 and $8 per week for beginners; one reported an average pay of $9, salesgirls receiving not over $12, and in another there was an average of $12, $15 being about the maximum. Department stores pay check girls as low as $6, sales girls beginning at $7 or $8, though one reported beginners as receiving $8 or $9 a week, while for girls with some experience $10, $11, and $12 were the usual rates. One estab-

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lishment started young girls, 14 to 16, at as low as $5, though girls who could sell goods commanded $10 or $12 per week. Work in candy factories paid learners $8 per week, earnings going up as soon as sufficient skill was acquired to do piecework, the time varying from one to four weeks, when they were able to earn from $12 to $20. A women's clothing factory reported a guaranty of $6, which is usually earned or exceeded in a week or two, though it might require 2 months to be able to earn $12; the women average from 7 to 7½ hours per day, earning from $10 to $15 per week. In a men's clothing factory the worker was started at once at piecework without a guaranty as to wage, though defective work in her first and second bundles was repaired by the shop, which of course saved the time of the worker and enabled her to go on with other work. This was a union shop, and the weekly earnings ranged from $12 to $25 or $30. A telephone company gave beginners $11 per week, advancing them to $15.50 as a maximum in the larger exchanges; while in the smaller exchanges beginners received $9 and advanced to $13.50 per week. Extra money could be earned for Sunday or holiday work.

Varied conditions were shown as to hotel and restaurant employees, the average in one establishment being about $75 per month, counting the meals, while in another waitresses received $45 and meals, maids $45 and no meals; one establishment gave a $5 bonus for a full month's work; scrubwomen received $40 and meals.

It appeared, therefore, that the majority of employees began at practically the beginners' rates fixed elsewhere by orders, though there were instances of extremely low rates; there was also lacking the guaranty of advance that the welfare commissions have established. It is also true that the average of $12 reported by several employers (one as low as $9) was not equal to the cost of living found in other cities at that time. Skilled women who remained in their employment were generally found to be fairly well paid, pay rolls showing frequent wages of $22, $23, $25, $30, and in a few cases even more per week.

DISTRICT OF COLUMBIA.

SKETCH OF THE LAW.

Like all legislation affecting the District of Columbia, its minimum-wage law was enacted by Congress, the act receiving presidential approval September 19, 1918. The Commissioners of the District were authorized by the act to appoint a minimum-wage board, which was done October 19, 1918, and it immediately began to function.

The law directs that the board shall be representative of employees, employers, and the public. The board works through conferences made up of not more than three representatives of employers in the occupation investigated, an equal number of representatives of employees, not more than three disinterested representatives of the public, and one or more members of the board. Conference members are appointed by the board, which also designates a chairman. The conference is to be called after an investigation by the board which discloses the fact that "any substantial number of woman workers in any occupation are receiving wages

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inadequate to supply them with the necessary cost of living and maintain them in health and protect their morals." In making this investigation the board may examine books and pay rolls and require full and true statements from employers as to the wages paid to all women and minors in their employment. Public hearings may be held, and the appearance of witnesses may be required by subpœna, as may also the production of books, records, etc.

The findings of any conference may be considered and reviewed by the board, and it may approve or disapprove any or all of them, and may resubmit to the same or a new conference any of the recommendations that have been disapproved. Approved recommendations are to be considered at a public hearing after four weeks' notice, after which an order establishing rates effective in 60 days may be promulgated. Orders are to be mailed, as far as practicable, to all employers affected thereby. Wages of minors, i. e., persons of either sex under the age of 18 years, may be fixed by the board without reference to a conference, it having authority to determine "what wages are unreasonably low." No public hearing is required in this connection.

Agreements to work for less than a minimum wage are not binding, and employees may recover differences; the employer is also liable to penalties for violating the act either in this respect or by discharging or discriminating against employees for having served on a conference or testifying in connection with any proceedings before the board. Findings of the board as to questions of fact are regarded as final, but a right of appeal remains to the courts from any ruling or holding on questions of law.

It is interesting to note in connection with the enactment of this law that the occasion for it was found in the report of the United States Bureau of Labor Statistics on the subject of employment conditions of women in the District of Columbia, and its figures seem to have been generally accepted. In debate on the floor of the House it was said, "It is significant that for the first time in the history of legislation of this character employers and employees have been able to come together on a satisfactory bill." The bill also received the support of representatives of the American Federation of Labor.

An effort was made to resist the operation of the minimum-wage law in its application to hotels, restaurants, etc., on the broad ground of its unconstitutionality. The judge's opinion, filed June 22, 1920, was very brief, simply stating that: "Being of the opinion that the minimum-wage act is constitutional, the motion to dismiss the bill will be sustained." With this dismissal went the request for an injunction, so that the entire matter was thrown out of court (Children's Hospital *v.* Adkins). A woman elevator operator also undertook to oppose the act on the ground that at the rate fixed for her services she would be discharged, the claim being that this would be an unlawful interference with her liberty of contract and right to accept employment. It appeared that she was but a part-time worker, and was being compensated at a higher rate for the time than the award prescribed. Her case was therefore not pressed.

The arguments adduced were the customary ones of the constitutional right of a woman to sell her services at whatever price she might choose to accept, and of the employer to make such contracts

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as might be accepted by the parties concerned, without degrading women to the position of wards, or forcing their displacement by men. The rejection of these contentions by all the State supreme courts to which similar cases have been submitted forecasts the ultimate validation of this law in face of the announced further intent of an employed woman to challenge its constitutionality.

BOARD AND STAFF.

It will be noted that where other laws establish a central commission with temporary boards as adjuncts, this law entitles the permanent agency a wage board and the temporary bodies conferences. The provision of the law as to the representative capacity of the wage board has already been referred to. This was secured in practice by a recommendation by the labor unions of the appointment of one member, the Merchants and Manufacturers' Association of the District naming another. The third was chosen by the District Commissioners on the ground of his interest in the public welfare. The appointments made on October 19, 1918, have continued up to the present time, two having been renewed on the expiration of their terms, which were for one and two years, respectively; regular terms are three years in length and until a successor is appointed and has qualified. None of the members receive any salary as such, but the board may employ a secretary at a salary not in excess of $2,500 and make further expenditures in a total sum not exceeding $5,000, including the secretary's salary. The staff must be limited, in view of this allowance, and consists of the secretary and an assistant secretary, both trained workers in social and economic problems. The practicability of operation with such a force is due to the limited area affected by the law. This makes it possible for practically all employers to be reached and all employees to have access to the board without further expense than the use of a telephone or the payment of a street-car fare, probably the majority of the employees affected being within a short walking distance of the administrative office. Nor does the holding of conferences involve expense to the board, as services of conferees are without compensation, no provision being made for their expenses. The amount appropriated for the current fiscal year is the same as for the first.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

Basing its consideration upon a standard cost of living approximately equal to $16 per week, the board made investigations first of all in the printing and publishing and the mercantile industries, followed by hotels, restaurants, and similar industries. The sum of $16 was taken as the basis, following the report of the United States Bureau of Labor Statistics on the cost of living of wage-earning women in the District. It is estimated that about 15,700 women are eligible for the regulation of their wages by the minimum-wage law. Of these, approximately 10,400 are employed in the three groups of industries first investigated, leaving about one-third for future consideration. Of these, perhaps the largest single group is that of laundry workers, covered by order No. 5.

The method of procedure in making surveys was to secure transcripts of pay rolls for a given week or one-half month from the

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establishments in the industries selected, while general information as to wage conditions was gained by interviews with employers and employees. In making the three investigations named, data were collected as to the wages of about 7,500 women. Of these, 68.6 per cent were found receiving less than $16 per week. In the printing and allied industries the number receiving less than $10 per week was 6.4 per cent of the total; in the mercantile industry, 14.7 per cent; and in hotel, restaurant, and allied industries, 13.1 per cent. It was felt, therefore, that there was sufficient ground for fixing rates in these three classes of occupations, and rules and regulations were formulated covering the selection of members and the procedure of the conference.

The small area affected simplified the matter of representation, it being possible for fully representative meetings of employees to be held at the board room or other suitable place, where they could hear an explanation of the purpose and methods of the law and make nominations of their conferees. The method followed was to have nominations made at one meeting and elections at a subsequent gathering, thus affording a double opportunity for education and the explanation of principles. This method also gave wide publicity to the fact of the existence of a law. Employers were either organized or sufficiently acquainted with each other to make it possible for them to select representatives from one of their number, either on their own initiative or at the call of the minimum wage board. Each side made six nominations, from which the board selected three conferees. At one meeting of mercantile employees over 600 attended and took part in the election. No difficulty was found in securing persons to serve on the conferences, employers serving willingly, while the employees "vied with one another in hotly contested elections." Public representatives have also given their time freely except in two cases when pressure of work forbade. These were chosen directly by the board.

No revision of rates has yet taken place, but it is said that the same method, i. e., by means of a conference, would be followed as in the original establishment of a rate. A rather interesting question arises in view of suggested possibilities of reduced living costs, warranting a reduction in existing minimum rates. The law authorizes the calling of conferences only when in the opinion of the board a substantial number of women are receiving inadequate pay. It is probable that if the case should arise demanding a reconsideration of a rate as excessive under changed conditions, the board would act on the general principle of a failure of a proper relationship between wages and cost of living.

Enforcement of the law rests with the board, prosecutions for violations being filed in the police court by the corporation counsel of the District. This, of course, takes place only at the instance of the minimum wage board itself. For the most part employers have complied with the orders, and prosecutions are avoided if possible. However, action is taken where violations have been flagrant. In one instance the proprietor of a restaurant gave a check for the proper sum under the law, but cashed it at the rate paid before the order came into effect, which was less than one-half the amount due. When this was discovered he paid the girls the full amount in cash but

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they "voluntarily" put back more than half the sum into the cash register, "often when I wasn't even in the room." The judge failed to recognize the "voluntary" quality of this action, and assessed a fine of $30, with instructions to adjust payments to the girls still in the employment, and to stand ready to settle with former employees if they present claims. In another case, that of an apartment house, the law is being resisted as unconstitutional in spite of prior adjudication on the point by the Supreme Court of the District.

Collections in considerable amounts have been made by the board acting on information of the employees. During the period of the law's existence, just about 2 years, more than $2,000 has been collected in this way, one employer being $525 in arrears and owing individuals as much as $125 and $128 each. Care is taken to secure receipts of proper settlement in such cases. No names are disclosed unless of a girl who has left service, the method being to go over the pay roll of the employer complained of and call up cases which appear to be underpaid.

Only a single case has come to light of apparent discharge on account of activity in connection with the minimum-wage law, and it was hardly classifiable as such. The employee presumed upon the backing of the board to protect her in various demands upon her employer, for which she was discharged. After talking the matter over the employer offered to take the girl back rather than to appear to have discharged her on account of minimum-wage activities, but she declined to resume work.

In carrying out the duties imposed upon it by the law, the wage board has the cooperation of the Commissioners of the District through the furnishing of information secured by the enforcement of an act fixing the hours of labor of females. Surveys and reports of Federal agencies are also available. Reciprocally, the activities of the minimum-wage board have aided in the enforcement of the child labor law of the District. Minors asking for certificates are called upon to show their work permits, which are frequently lacking, and often not procurable because the minor has not attended school for the required period.

CONFERENCES.

As already pointed out, the term "conferences" applies to what are usually called wage boards in other jurisdictions. Something of the mode of their selection has previously been indicated. No difficulty has attended the appearance either of witnesses or of members of conferences and their rendition of such services as were involved in carrying out the provisions of the act. A partial exception to this statement is found in the case of white charwomen, some of whom were very unwilling to come to the office of the board lest the fact become known to their employers, fear of discharge being expressed.

Inasmuch as the different conferences take up different industries, it naturally follows that employers' and employees' representatives are changed with each conference. The representatives of the public are also newly selected, so as to secure persons with an open mind as to the problems that are to be considered by the different conferences.

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The function of these public representatives is regarded by the District board as of prime importance, since the representatives of the employers and employees, being equal in number, must gain the support of the public representatives in order to accomplish results. It follows that neither side is willing to make extravagant demands or adopt extreme positions, thus facilitating procedure and securing reasonable terms.

An opinion contrasting with the foregoing was expressed by an employer who had been a representative on one conference, his view being that the employees tended to offer high claims as a bargaining basis, provoking the employers to do the same, thus requiring the public representatives to act as adjudicators of widely divergent claims, whereas the question should be one more largely of fact as to costs involved. Doubtless both modes of approach have been used, and it is clear that either process involves a recognition of the function of the public representatives.

As to the nonpayment of conferees, the opinion was expressed that the plan was satisfactory, the conferees having a sense of performing a public service. Employers have not made deductions from wages on account of the time spent by their employees in conference, and there is apparent no feeling of obligation to concede to the employers' point of view by reason of such fact, or any other indication of a feeling of constraint as of subsidized representatives.

No reconsideration of rates has thus far taken place, so that it can not be known whether the same conference would be reconvened in such a case, or whether new conferees would be secured. It was suggested that some of the conferences had been so satisfactorily constituted and had functioned so harmoniously that they would probably be reconvened if possible, while in other cases the spirit of antagonism had developed to such an extent as to suggest the desirability of a new group of representatives.

GENERAL CONSIDERATIONS.

The basis of action in the District of Columbia includes not only the maintenance of health, but also the protection of morals. In its investigation as to what constitutes the cost of living, the board assumed that "the essentials of decent living are (*a*) respectable lodgings, (*b*) three meals a day, (*c*) suitable clothing, (*d*) some provision for recreation, self-improvement, and care of health." As a guide to conferences, the board late in 1918 made a study of costs of board and room, clothing, and sundries. The findings of this investigation were presented for the consideration of the conferences, but without any suggestion that they should be final or binding upon the conferees, though the estimate of the board would have weight. However, each conference "is urged to consult all other available evidence, and to make such further investigation as it deems advisable." No reference is made in this report to the effect on morals of high or low wages, other than may be implied in the view taken that earnings should supply "the essentials of decent living."

As already indicated, the board found that at the end of 1918 living costs amounted to practically $16 per week. Of this $9 was allowed for board and room, $3.83 for clothing, and $3.17 for sundries; of the latter the principal item was laundry, car fare, sickness, and

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vacation following. In one of the conferences employer members offered for consideration the argument that the $9 allowance for room and board was unduly high inasmuch as a number of the women live at home. The representatives of the employees and of the public declared that such statements were not germane to the discussion, since the subject before the conference was the requirement for a self-supporting women; and such is, of course, the view of the minimum wage board. The board was particularly assisted by the fact that a nearly contemporaneous survey had been made by the National Industrial Conference Board as to war-time changes in the cost of living, and by the studies of the United States Bureau of Labor Statistics.

Reference to the action of the various conferences discloses somewhat varying rates as the result of their deliberations. The board is of the opinion that there is no logical basis for different living costs in the different occupations covered, but regards the freedom of action by the different conferences and the general result of working through such conferences in arriving at the determinations made to be of sufficient value to offset any disadvantage traceable to variant rates. Indeed, it was said that such results were preferable to a forced uniformity. The fact that the District of Columbia is a compact homogeneous unit eliminates the question of local variation, the total area being urban.

The board acts with reference to minors without the requirement of either a conference or a hearing. However, when it announced minors' rates in mercantile employments, the Merchants and Manufacturers' Association protested, and the board, as a concession, called a public hearing to enable all parties concerned to give expressions to their views. The original order had given to minors, after serving a five months' apprenticeship at not less than $10 per week, the same pay as to adults. The employers' argument was that to pay children the same as adults would tend to disorganize the employment situation by paying children far more than they had received in the past, which, with a short apprenticeship period, would create an incentive for the minor to leave school. He might be able to satisfy the employer at a wage of $10 or $12 per week, but on becoming eligible for the higher rates would be discharged as not capable of rendering service worth $16.50. A lower scale and slower promotion were therefore urged. Representatives of labor and of social welfare organizations sustained the contention that the rates originally fixed by the board would discourage the employment of children, thus permitting them to remain in school, and eliminating them as competitors with women who might be displaced if minors were employable at an appreciably lower rate. "The lure of a high wage to a child is not as determining a factor in his employment as is the lure of a low wage to an employer." It was said also that the cost of living of a child old enough to work was as high as for adults, so that he, too, should receive a living wage.

Several meetings of the board were held before a conclusion was reached to lower the rates for minors, adopting a new schedule, though not in the exact form of the recommendations made by the Merchants and Manufacturers' Association. This change was opposed by the labor representative on the board, who took the view

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that such reduction would "jeopardize the minimum wage we have fixed for women of 18 years or over by making the minors their cheap competitors." Requiring merchants to pay the same to minors as to women would leave the children in school and protect adults in their positions. In adopting this change the board took the position that its workings should be carefully watched to discover whether or not the bad results feared would follow. The number of minors in mercantile establishments is not limited, either absolutely or relatively, but there is an agreement which practically effects their restriction to 25 per cent, the board being able to keep a check on numbers by reason of the fact that permits are required, with returns showing periods of employment, etc.

Some employers sought to take advantage of the provision as to licensing substandard workers by causing applications to be made for considerable numbers of such licenses. An instance of this was in the alteration departments of the establishments selling ready-made clothing, in which there were in fact a number of women of somewhat advanced years. Several licenses were issued at first, until investigation disclosed the fact that these elderly women were the most efficient and satisfactory workers obtainable, and the licenses were recalled. Some employers announced that discharges would be necessary in such an event, but they did not materialize.

ORDERS AND RATES.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES.

The first conference, which considered printing, publishing, and allied industries, held its initial meeting on March 4, 1919, weekly conferences continuing until April 8, at which time it reached an agreement on a wage of $15.50 as a minimum for experienced females, irrespective of age. While the law provides that the conferences shall be made up of "not more than three representatives" of employers and employees, respectively, their numbers to be equal, and not more than three representatives of the public, the rules adopted by the minimum wage board established the number at three for each group and three for the public, one or more members of the board to be also members of the conference. At this conference employer and employee representatives, selected as previously indicated, took part, the public being represented by a member of the local judiciary, a woman member of a Federal commission, and a professor of economics and sociology. But one member of the board sat in this conference. The report of the conference was accepted by the board, and after public hearing held on June 14, 1919, at which no protests were offered, the order was issued, to be effective August 13.

In arriving at the rate of $15.50 per week, which is 50 cents less than the board's findings allowed as the cost of living, there was a reduction of $1.50 from the budget submitted by employees' representatives, which amounted to $17. One point in issue between the employers and employees was as to amusements and vacation, the former claiming that they were not essential items in a consideration of the cost of living. However, representatives of the employees and

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of the public took the ground that some amusement and some vacation were necessary for the maintenance of health, but the estimate of the employees, which amounted to 65 cents per week for these two items was reduced to 45 cents by the conference. Some discussion was had as to the cost of clothing in this industry as compared with the mercantile industry, the argument being advanced that aprons and old clothing could be worn in printing establishments, while in mercantile establishments a better appearance must be maintained. The personnel of the two conferences was said also to be responsible for the differences in standards adopted, the board stating that "the wage finally agreed upon is not a scientific determination based entirely on facts but rather a compromise of opinion between the two groups, modified as it may be by the opinion of the representatives of the public."

For the classes of work at which minors are employed in the printing and publishing industry, it was said that there was little or no difference between their efficiency and that of women, so that the order was made applicable to women and minor girls irrespective of age. Inasmuch as the boys were employed more largely at occupations involving apprenticeship, it was found undesirable to interfere with that system, so that no rate was set for minor boys. However, the minimum of $15.50 is applicable only to experienced females, by which term is meant one who has had at least one year's employment in the industry. The beginning rate is $8 per week, payable for 3 months; then $9 for 3 months; $11 for 3 months, and $12 for the remaining 3 months of the year. The number of learners is limited to one to every four experienced females employed, though any establishment may have at least one learner. Excess learners may be employed if reasonable efforts fail to secure an adequate supply of experienced workers, reports being made to the board as to the facts in each case. The order is given in full on pages 307 and 308.

MERCANTILE INDUSTRY.

A mercantile conference was called to its first meeting on May 21, 1919, concluding its work on July 12, 10 meetings in all being held. A survey had been made of the wages paid to women in the mercantile establishments of the District during the months of February and March, transcripts of weekly pay rolls being obtained from 109 establishments employing 4,609 women. The establishments were located in various sections of the District, and represented various branches of trade. Nearly one-tenth were found to receive $9 per week or less, above one-fourth, $11 or less, one-half, $13 or less, and only one-fourth received as much as $16. These were wage rates for full time, the average earnings actually received being decidedly less. On this basis, and with the board's finding that the cost of living was $16 per week, there was abundant evidence in favor of the establishment of a rate for workers in this industry.

The conference was attended by all members of the board, employers being represented by members of the management of three of the large department stores and the public by an attorney at law, the wife of a cabinet officer, and the judge of the juvenile court (a woman). The employee representatives were obtained by elections in which employees generally participated.

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Somewhat higher costs were submitted by the employees in this case than in printing and publishing, the total being $19.60 per week as against $17. A difference of 81 cents per week, amounting to more than $40 per year, in the amount allowed for clothing is said to be attributable in part to the feeling that at the time of the earlier conferences "clothing prices had reached the peak and were beginning to fall," which feeling seemed to have disappeared between March and June. The results reached were a compromise, conflicting principles actuating the two groups directly in interest, employers generally feeling that the maintenance of the existing standard of living was all that should be aimed at, while the employees usually contended that the standards should be improved. The rate finally adopted was $16.50 per week, applicable to experienced employees in all classes of employment in the mercantile industry. Here, again, is evidence of the opinion that diversity of occupation can not be considered in establishing a minimum wage that represents the necessities of living. There was a wide difference between the wages paid office employees at the time of the investigation in February and March and the amounts paid to saleswomen and workroom employees, with still wider distinctions when stock girls, messengers, etc., were brought into view. Thus, 57 per cent of the saleswomen received $12 or less, while only 33 per cent of the office employees received this amount. No stock girl or colored maid received over $12 and but little over 5 per cent of the messengers and bundle wrappers exceeded this sum. As the order was issued on August 29, 1919, to become effective October 28, it provided for a minimum rate for learners under 18 years of age, either male or female, of $10 per week for the first five months of employment. After this the schedule is the same as for those over 18, being $12.50 per week for three months, and $14.50 for four months after which the minimum of $16.50 shall be paid.

As already noted, merchants took exception to the rapid promotion of young employees, and on further consideration slower advances were prescribed for workers under 18 years of age. The entrance rate remained the same, i. e., $10 per week, this sum to be paid for the first four months, after which $11.50 shall be paid for four months, then $13 for four months, and $14.50 for the following six months, after which a $16 minimum shall be paid until the age of 18 is reached. On reaching the age of 18 a minor girl with seven months' experience was to receive the adult minimum, and with less than seven months' experience, to be paid according to the provision for adult learners. These orders (No. 3 and supplement) appear on pages 308 and 309.

HOTEL, RESTAURANT, AND ALLIED INDUSTRIES.

No other order of the board created the amount of discussion and opposition that attended the promulgation of the order of March 26, 1920, applicable to forms of service involved in the establishments covered by the fourth order. This applies to hotels, lodging houses, apartment houses, clubs, restaurants, cafeterias, etc., and to hospitals not including nurses in training. The line is difficult to draw between what is to be considered as private and what public housekeeping. As elsewhere, a considerable number of private homes receive

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a few boarders or roomers, and to meet this situation a tentative ruling was made excluding places in which fewer than five persons lodged or ate. This rather low numerical basis made for a broad inclusion, with corresponding difficulties as to enforcement and a feeling that there is excessive intrusion into what are largely the private domestic concerns of the household.

The investigation on which a call for a conference was based was made in June, July, and August, 1919, 193 establishments being visited. Classification was difficult, but a distribution into 4 groups was finally decided upon—50 hotels, employing 1,010 women; 135 restaurants, employing 1,055 women; 3 hospitals, employing 130 women; and 5 apartment houses, employing 14 women, making up the list of the 2,209 women reported on. It is apparent that practically all were in the hotels and restaurants visited. A considerable range of occupations is included, some of them being such as any woman trained in home industries could quickly adapt herself to, while others required a considerable degree of special skill. It was not found, however, that the length of time in service had any relation to the wages paid.

As to the practice of tipping, it is to be noted that waitresses, who are most likely to receive tips, were better paid by their employers than are those classes of workers in the same establishment who by the nature of their employment are cut off from the possibility of receiving tips. A few maids and elevator operators also receive tips in small amounts, but not enough to make any appreciable additions to wages. Another difficulty that applies to the classes of employment under consideration is the excessive labor turnover. Irregularity of attendance and constant shifting from job to job not only reduce the efficiency of the worker, but militate against any satisfactory development of an employment system. Of the total number of women investigated only 138 received room and board, while 1,439 received 3 meals; 380 received nothing but cash payment. Taking the $16 a week basis as a standard, and allowing $9 per week for room and board, and $6 for board alone, it was found that only 27.8 per cent of the women employed in hotels received as much as $16, and in hospitals only 17.3 per cent. In apartment houses no woman employee received $16 a week. Restaurant employees were better paid, 57.4 per cent of them receiving $16 a week or more in cash or its equivalent.

The rate fixed is the same as for the mercantile industry, i. e., $16.50 per week or 34½ cents per hour. Meals are allowed for at the rate of 30 cents each, and are to be bona fide; where lodging is furnished $2 per week may be deducted on this account. Tips and gratuities are not taken into consideration. As originally applied, the order was held to relate to boarding and rooming houses where five or more persons received accommodations; on December 16 this was changed so as to apply to private houses only if 40 or more persons were cared for, the reason being that enforcement in small places was excessively burdensome and difficult, considering the results accomplished; also that there were various concessions and allowances in the smaller places that took the place of the higher wage to a considerable degree. Commercial houses are included regardless of size.

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These rates affected the great majority of workers in the hotels and elsewhere, and excited a corresponding feeling of opposition. The practice is quite common of reducing the working hours of the chambermaid from 8 to 5 or 6 per day, and paying by the hour instead of weekly or monthly.

The order is given in full on page 309.

LAUNDRY, DYEING, AND CLEANING INDUSTRIES.

An investigation of the laundry, dyeing, and cleaning companies of the District showed wages in steam laundries in January and February, 1920, for 1,116 women. Of these 28.8 were rated at less than $9 per week, 53.4 per cent at less than $10, and 85.2 per cent at less than $15 per week. A conference was formed consisting of three laundry owners chosen by the board from six nominees of the Laundry Owners' Association, three laundry employees chosen by the board from six nominees selected by the workers in meetings called for the purpose, three persons selected by the board to represent the public, and two members of the board itself. This conference first met on April 9, 1920, and employers and employees were asked to prepare a report on the cost of living of laundry workers for consideration at future sessions. The workers' representatives submitted a budget totaling $19.88 per week, while the employers reported average weekly expenditures of $12.04, the average weekly earnings of the women being $10.57. It was found that the majority of the women considered were living at home. Furthermore, the conference found the material secured by the questionnaires that were sent out in this investigation to be so inaccurate with regard to expenditures for clothing and sundries as to be of no practical value.

Employees rated room and board at $10 per week and employers at $7.59. After briefly discussing allowances for clothing and sundries the employers' group submitted a rate of $13.50 per week and the employees' group $17.50. After a number of votes and eight meetings, a report was made May 10, 1920, recommending a weekly wage of $14.50, the vote standing 6 to 5. Protests immediately came in, as recent rates of $16.50 had been fixed for store employees and hotel and restaurant workers, the claim being made that the cost of living had not decreased and that laundry workers had to meet the same expenses as others. A considerable number of the laundry employees of the District are colored, and there was a charge that discrimination was being practiced. The board finally rejected this report and called the same conference for further consideration.

The work was begun anew, a second budget being offered for workers totaling $19.49 per week, closely corresponding to the earlier budget. Employers, on the other hand, claimed a reduction in costs, so that a fair wage would now (October 7) be $12 per week. After various test votes a rate of $15 was carried by a vote of 6 to 5, the opposition being moved by diverse motives, some considering it too high and others as too low. However, it represented a majority opinion and was adopted.

The question of a learning time at a lower rate was then taken up, the conclusion being reached to recommend an entrance rate of $9 per week, advancing to $11 after two months, and again to $13, the standard minimum being payable at the end of six months.

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A public hearing was had on the 18th of January, 1921, at which objectors and supporters were heard, the result being the promulgation of an order fixing the rates set forth above. This order appears on page 310.

EFFECT OF THE LAW.

The period of operation of the orders is too brief to give the highest value to any deductions that might be attempted as to their effects. The time has been one of very considerable industrial change in the District, particularly influenced by the reduction of the working force in the Federal departments. The labor market has become much easier, leading to opportunities for selection, though some employers state that they have not yet experienced this situation. Wages have been quite generally increased by the orders, and a feeling of stability and security has been given the workers who were retained. However, a number of employers interviewed have spoken of reductions in their working force in order to economize expenses. Thus one 5 and 10 cent store stated that the personnel of the selling force was much improved, but was numerically 15 per cent less than before. A department store, which had employed 35 maids about the building, now employs 11 of the more efficient, and has taken on a sufficient number of men to make up for the deficiency, saying that the men can be called upon for rougher, heavier work, and are not limited to an 8-hour day. Dismissals of girls operating elevators were reported in various establishments, some saying that it was by reason of the order and others that it was the policy to use men, and that women had been employed only during the war shortage.

There is no doubt that the law has reduced the employment of children, which, if at all disadvantageous, is at least not without its compensations. Some complaint has been made that rates for learners were too high, and their employment was consequently avoided as far as possible. Records in the office of the board show that within six months the number of children employed was reduced from 13.2 per cent to 10.8 per cent of the total number of women and minors. In 5 and 10 cent stores the reduction was from 26.5 per cent to 19.9 per cent. The number of learners in printing establishments, when the order came into effect, was 29.1 per cent, falling in six months to 12.6 per cent.

While the effect of the law was to raise the wages in a large number of cases, so that the rate fixed is the actual rate paid in many instances, there is abundant proof that the minimum does not become the maximum. When the printing order went into effect in August, 1919, 25.9 per cent of the female workers were then receiving above the minimum; in February, 1920, the number had increased to 39.2. The unionization of many of the plants has since increased this percentage. In seven department stores 31.3 per cent of the employees were receiving above the minimum in November, 1919, while in March, 1920, 37 per cent were in this class. Mercantile establishments generally showed 25.8 per cent of their employees receiving less than $16.50 in November, 1919, while in the succeeding March but 18.5 per cent received such amounts.

The question naturally arises as to what becomes of the workers who to some extent have undoubtedly been dismissed by reason of

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the requirement of payment of the minimum wage. Some of these were elderly workers for whom the employers did not care to secure licenses as substandard workers, while others were indifferent or incapable. This is not to say that they are unqualified for earning a living wage in some other occupation, but there is a difficulty in the District due to the fact that choices of occupation are limited. However, it is generally recognized by employers that they have secured a better class of workers than heretofore, which means that the public is better served, and that the efficient and industrious are not required to meet the competition of the inefficient, who are willing to work for less, and are made a tool by the employers for fighting against an adequate rate. Where there is proper ground, a license can be procured for employment at rates below the minimum, which may be recognized as enabling the licensee to supply herself with only a part of her needs.

"The children, the widows, the aged and infirm, the mentally defective, the substandard workers, can not be adequately protected by wage legislation. They must be cared for in some other way."

The findings of the commission for the year 1920 are that wages have been considerably advanced, that the established minimum has not become the maximum, that experienced women have not been displaced by learners, that learners have not been discharged when entitled to a wage increase, that minors have not displaced adult workers, that women have not been displaced by men in any appreciable degree, that wages have sympathetically advanced in employments not covered by the orders, and that the law has presented no new or insurmountable barrier to the obtaining of a livelihood by substandard workers.

Visits to more than 20 representative establishments and work places employing above 2,500 women apparently warrant a generalization to the effect that the mercantile establishments, certainly the larger ones, feel that the law is fair and the minimum rate not too high, though in some cases it was said that the learners' rates were too high at the beginning, and in another that the advances were too rapid for young persons. In practically all cases the management felt that the selling force had been improved as a result of the law, one saying that a better class of women has been brought into employment, the present force being "head and shoulders above anything they had ever had." The necessity of weeding out the inefficient and indifferent was dwelt upon by some, but they added that the force retained was more stable, and that the workers felt that they had a status which they should prize.

In printing and publishing the shops are quite largely unionized and the effect of the law is less observable. In one establishment, in which a number of unskilled workers were required from time to time, a rate had been established running above the learners' schedule fixed by the order. It was said that the law did not interfere with their business generally, though one felt that the rates for learners were too high.

As noted under the discussion of the order, the application of the law to hotels is much disliked, most of the managers interviewed voicing violent opposition. Elevator boys can be procured at from $40 to $50 per month, which is considerably lower than the amount

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fixed for women and minor girls, and though some of the employers expressed their preference for female operators, they were unable or unwilling to pay the difference. In other cases the change from female operators to males was said to be due to a resumption of the regular policy of the employer, women having been employed only to meet a war-time emergency. One manager told of the urgent requests of his girls that he find some method by which he could retain them at the rates which they had been receiving, but he declared this to be impossible and let them go. Another, in contrast with the majority, stated that while the expenses for chambermaids were increased 50 per cent or more, he had cheerfully complied with the law and was letting his girls work full time and paying the established minimum, though he knew that many others had cut down the working time and were paying on the hourly basis. The rates were said to be not too high for a living wage and he was ready to comply with the law even though returns on his investments were not what they should be.

In apartment houses there seemed to be a tendency to dispense with elevator girls, using, as one superintendent expressed it, the cheapest worker, retaining only such females as were shown to be either absolutely necessary or on account of the nature of the work were most economical in competition with other labor.

The attitude of the workers need not, however, be questioned, at least that of those retained in the service. A switchboard operator in an apartment house spoke of the law as a "godsend," saying that she "never was so glad for anything." On the other hand were the reported dismissals and the quoted statement of the pastor of a large colored church that the law will work great hardship to his people in the winter.

It is a well-known fact that the class of labor employed in the hotels is largely trained only in the sense in which women generally are acquainted with domestic affairs. This makes it possible to enter such employment easily and to leave easily, and the turnover is reported as very heavy. The stores feel that they have saved by reason of a reduced turnover, and the one hotel visited that regarded the law with favor spoke of a fairly stable force. One can but feel the possibility of improved conditions in the hotel and related industries as the spirit of the law is better understood and more fully entered into. The attitude of organized labor toward the law is one of full cooperation, being represented on the board and also at such hearings as have been open for the presentation of the union point of view.

There was some expression of hope that the law would be declared unconstitutional, but it is generally accepted as a fixture for the District.

KANSAS.

SKETCH OF THE LAW.

The law of this State, like that of California, has regard not only to the subject of wages, but also to that of hours and standards of conditions of labor. This act, passed in 1915, also adopts the title of the California office, the administrative agency being known as an industrial welfare commission. The commission consists of the com-

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missioner of labor and two others appointed by the governor, at least one member being a woman. The terms prescribed are of four years and until a successor is appointed and qualifies. The commissioners are not salaried, but provision is made for their expenses.

The commission's powers of investigation extend "to wages, hours, sanitary and other conditions affecting women, learners, apprentices, and minors in any industry or occupation in the State." The commission may act on its own initiative or at the request of not fewer than 25 persons employed in any industry making use of the services of women and minors. Public hearings may be held, where any person may appear and give testimony; witnesses may also be subpœnaed and compelled to produce wage records, papers, etc. Witnesses receive compensation and expenses in an amount not exceeding that allowed witnesses in civil cases in the district court. Following such investigations and hearings the commission may establish a board for the consideration of subjects referred to it, to which it shall submit all data bearing on the question in issue. A majority of the board carries a recommendation to the commission, which may approve or disapprove any or all recommendations made, and, in case of disapproval, may resubmit them to the same or a new board.

The commission may issue special licenses for physically defective workers. Wages of minors are in the hands of the wage boards the same as for adults. By the term "minor" is meant a male or female under 18 years of age. The definition of the terms "learner" and "apprentice" may be drafted by any board, and the commission has power to make such rules and regulations as it may deem necessary to carry out the objects of the act with regard to these and other subject matters.

Appeal lies to the courts when anyone is not satisfied with an order or ruling, but questions of fact are presumed to be as found by the commission. Failure to comply with the orders of the commission, or discharging or discriminating against employees because of their activity in matters covered by the act are punishable as misdemeanors. Recovery of unpaid balances is provided for, the employee to bring a civil action for such balance and costs.

The matter of constitutionality was never brought to the supreme court of the State, though action was brought in 1917 in the district court of Reno County for an injunction against the enforcement of the law on the ground that it was unconstitutional. The decision of the court was in favor of the law, and an appeal was perfected but was afterward abandoned.

COMMISSION AND STAFF.

The provision of law making the labor commissioner ex officio a member of the welfare commission opens up the possibility of biennial changes in that office, that being the term of service of the commissioner, who is appointed by the governor. However, the commissioner in office when the act went into effect, July 1, 1915, served until April, 1919, when he was superseded on account of a change in administration. The term for which members are appointed is four years. The first woman member served but a brief time, and her successor's four-year term expired January 1, 1921. There have been three male members appointed, the present incumbent taking

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his place in June, 1919; he is a representative of the employers. These comparatively frequent changes would suggest some difficulty in developing a uniform policy; but inasmuch as the work of the commission has been largely that of its secretary, there is less departure from a uniform practice than these changes would indicate.

The first meeting of the commission was held on the 6th of July, 1915, but the election of the secretary did not take place until two months later. A woman who was at the time a factory inspector under the commissioner of labor was then chosen, and her service has been continuous up to the present time. The staff consists of the secretary, a stenographer, and such employees as may be available under an appropriation of $8,000 per annum. During the year 1919 the appropriation was somewhat exceeded by reason of the amount of inspection work necessary to secure compliance with orders. On account of the relations existing between the welfare commission and the department of labor and industries, it is possible to make some adjustment of funds and services between the two offices.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

Following the organization of the commission, it began to make investigations to ascertain the facts as to conditions existing in the State. The information was usually obtained from employers through personal interviews with the head of the establishment or someone delegated by him. In some of the investigations there was discovered an unwillingness to disclose records, especially after it was seen that the orders were being enforced. However, service of notice in such cases has resulted in employers complying with the requirements of the commission. Cooperation by employees has not been active. Male members of the Federation of Labor have come as spokesmen for women employees, the women being timid by reason of their lack of organization and of some discriminations which have been practiced against them.

Action by a wage board must precede the issue of any order, but not all the recommendations of the board need to be adopted.

Where a revision is contemplated the commission may either recall the old board or establish a new one; each has been done once.

Although public hearings are required to pass upon the final conclusions of the commission before they are promulgated, their practical value would seem to be but slight, very few changes having resulted therefrom. The promulgation of orders is accomplished by mailing a copy to employers affected, "so far as it is practicable," such order to be posted in the establishment. Considerable publicity is also secured by notices through the press with regard to public hearings.

Enforcement is secured by an inspection of pay rolls and inquiries addressed to employers as to compliance with the law. Many complaints have come in which the commission has been able to follow up with considerable effectiveness. Good results have also followed the use of bulletins and circulars. Reference has already been made to the effort of an employer to secure an injunction on the ground of the law being unconstitutional, and of the failure of this effort. A suit to enforce the law was followed by the county attorney, with

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whom the case had been placed, calling a conference of the merchants of the locality and securing their agreement to comply with the law. Prosecution was therefore suspended unless further violations should occur. A number of cases are reported of recovery of unpaid balances on a simple presentation of the facts by the commission, without legal action.

As to the protection of active employees, the commission was not able to make an equally satisfactory report. It seemed quite probable that discrimination had been practiced on account of activity in connection with the law, but the assignment of other reasons by the employer made it impossible to take definite action.

Considerable effective cooperation is had with women's clubs in various localities. Public health nurses have also rendered valuable service in discovering the facts in individual cases. A woman inspector in the labor department makes it a part of her duty to secure information as to the observance of the orders while engaged in her work of factory inspection; she also visits laundries and mercantile establishments.

WAGE BOARDS.

Various plans have been adopted by the commission in the organization of wage boards. The law directs that there shall be not less than three representatives of employers and a like number of representatives of employees in the occupation in question, and one or more disinterested persons appointed by the commission to represent the public. The most satisfactory method of selection is said to be by procuring six nominations from employers interested and six from the Federation of Labor, from whom three each are chosen by the commission. One public representative is then chosen and made the presiding officer. Employees were willing to serve on wage boards when the law first came into effect, until it became apparent that they jeopardized their places. Since the law only requires that persons shall serve who shall "represent the employees," the board has been inclined to make use of interested persons not actually employees. Another reason for this was the difficulty in securing actual employees of sufficient mental and moral force to meet the employers' arguments and the influences to which they were subjected. Social attention, as by taking them out to meals, either won assent to undesirable standards or led to the employees' professing ignorance as to the essential facts. Better paid employees not materially interested in the wage rates under consideration were not willing to disturb themselves in the matter. The situation was reversed as far as the employers were concerned, they being primarily unwilling to serve on the boards when invited. However, when the orders began to take effect they clamored for representation. The first appointees among employers were made by the commission acting upon its own initiative, but nominations are now submitted by the employers' association. The attitude of the representatives of the two groups has generally been such as to lead to the comment that the fact that there is a public representative on the board "has been the salvation of the commission in every case."

The law provides that members of the wage boards shall be compensated the same as jurors in cases in the district court, and that

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they shall be allowed the necessary traveling and clerical expenses incurred. The effect of this allowance is said to be negligible, and it is believed that a reasonable per diem rate for services rendered would be desirable. It was said that the boards have a way of adjourning just as a conclusion seems near at hand, and that the payment of a fair per diem might retain their services and lead to a more satisfactory performance of their duties. Similar conditions affect the appointed members of the commission, and it has been hard to secure their active service by reason of the fact that no allowance is made therefor.

GENERAL CONSIDERATIONS.

While the law covers the subject of wages, hours, and conditions of employment, the reference as to wages calls for such as shall be "adequate for the maintenance" of the persons receiving them, or the minimum wage required "to supply the necessary cost of living" of a woman, and "suitable minimum wages" for learners, apprentices, and minors. As regards different employments, clerical, mercantile, etc., it was not felt that different rates of wages should be established. If there were industries in which uniforms were required to be worn or other requirements as to dress, some consideration might be given to these factors, but otherwise there was no real ground for difference in rates of wages for the different employments. It was felt also that no valid reason exists for making differences between rural and urban localities, since such differences in conditions as might exist counterbalance each other so as to make the situation practically equal.

The provisions as to learners vary according to the occupation the view of the commission being that they are not so much concerned to provide for actual apprenticeship as to permit a term of adjustment for the working force. So far as substandard workers are concerned, but little use has been made of the provision of the law for procuring licenses for them. When the order came into force many workers, prompted by their employers, requested licenses. It was found that these were workers at piece rates which did not offer the minimum return. The commission issued instructions as to a form of procedure to be followed in applying for the licenses requested, but no returns were made thereon. On further inquiry it was reported that the rates had been advanced. At the time of the investigation by the Bureau of Labor Statistics (November, 1919), it was said that only about three licenses had been issued, two being to women nearly 70 years old and one to a lame woman.

ORDERS AND RATES.

LAUNDRIES.

Before the organization of the commission was completed, complaints had been forwarded as to the conditions under which women were employed, with appeals for action. The first investigation made by the commission related to laundries. Reports were obtained for about 900 women, of whom it appeared that 52 per cent received $6 and under $8, while a little over 29 per cent received

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less than $6 per week. Conditions as to sanitation and hours of labor were also unsatisfactory. A board was therefore formed to which all the subjects named were referred. Investigations were made of the learners in a number of towns in the State, and on September 19, 1916, recommendations were made calling for the establishment of certain sanitary standards, with the suggestion that no action be taken as to wages, pending the decision of the Supreme Court of the United States in the Oregon case, following the precedent in Minnesota and other States. The opinion was also expressed that no minimum-wage law was desirable in Kansas, since "the law of supply and demand will override any legislator's fiat as to wages." As to hours, it was recommended that a 54-hour week be adopted "except when an emergency demands more than 54 hours," and that no employment be permitted after 8.30 p. m. for women and 8 p. m. for minors. Overtime pay for work in excess of 54 hours was recommended.

The commission approved only the recommendation as to a sanitary code. On a new reference to the board a reconsideration was had of the matter of hours, the commission insisting that it could not approve action without an hour limitation on the day's work, as limiting only the hours per week did not relieve the worst conditions. The board recommended the 11-hour day "except in case of emergency," no definition being given as to what should constitute an emergency. This was likewise rejected by the commission, but no more satisfactory recommendation could be procured, and the board was discharged, many laundrymen in the State sustaining the commission in its action, saying that the board was not representative of the wishes of progressive laundrymen.

Following the discharge of the first laundry board, the attorney general gave the opinion that it was not necessary that the members of the wage boards should be actually employees, but persons "who will fairly and efficiently represent the employees." This opinion was in response to an inquiry which sprang from the report received in the early history of the first board that a representative of the workers on the board had been discharged, and that two other workers who had testified or were about to testify before the commission had also been discharged, all the evidence pointing toward a discharge because of such activity. The minutes of the commission show that other workers, members of this board, resigned at different times, the final employee representation being two workers and a club woman. This opinion pointed out that the law does not provide for the mode of selection of representatives of either board, but that the commission had authority to make rules governing the selection of members; but if the commission desired to make a rule authorizing the employers to select their representatives, and the employees to select theirs, all to be approved by the commission, it might do so. However, the commission might make selection of representatives on its own initiative.

The employer representatives of the new board were laundrymen selected by the commission from a list submitted by the president of the laundrymen's association. The commission appointed representatives of the employees, naming three workers of its own selection. This board acted quite promptly at its first meeting on the subject

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of hours, recommending a 9-hour day as a standard and a maximum of 10 hours in an emergency, all to fall within the 54-hour week. This removed one of the difficulties that had proved a stumbling block to the first board. However, as its appointment was made in October, 1916, and this order did not become effective until April 6, 1917, it would seem that the board had not been in any haste to reach a conclusion. Still further delay characterized action as to wages, and when a date was set for a public hearing in February, 1918, to receive a report on the subject of wages, the laundrymen's association asked for postponement until the latter part of March, when it would submit data of value in reaching decisions. This request was denied, but the public hearing was finally held on March 14, on which date a rate was fixed of $8.50 per week of 54 hours. A six months' apprenticeship at a rate of not less than $6.50 per week was provided for, the order to be applicable throughout the State. These amounts represented an advance over the commission's recommendation to the first board on May 13, 1917, when it had expressed its opinion to the board that not less than $7 should be the weekly rate in cities of the first class, and $6 elsewhere; though doubtless the increase may be traced in part to the general contemporaneous advance in wages. This order has remained unchanged and appears in full on page 311.

MERCANTILE ESTABLISHMENTS.

The order fixing the rate for mercantile establishments really antedated that for laundries, by reason of the delayed action of the laundry boards. Ground for action in this industry was found in the fact that in department stores, drug stores, and other mercantile establishments, some girls were paid as low as $2.50 per week as a beginning wage; 6.3 per cent of 256 women employed in department stores received $5 or less, while 16 per cent were found in the group receiving $6, but less than $7. A more extended investigation by the labor department, of somewhat earlier date, showed that of 1,625 women in mercantile establishments, more than 40 per cent received less than $7 per week, and but 18 per cent received as much as $12. Five and 10 cent stores were especially at fault, "the popular beginning wage" being $3.50 or $4 per week. Of 303 workers, 87 per cent received less than $6, and 51 per cent less than $5 per week. Untrained girls living at home furnished the chief supply, and no pretense was made of paying a self-supporting wage, thus making the business genuinely parasitic.

Following its investigation, the commission organized a mercantile board in the autumn of 1916, which gave its first attention to hours, the order being effective February 27, 1917, though a revision was made shortly, in force April 13, 1917. A sanitary order was next promulgated on September 27, 1917, and it was not until January 16, 1918, that the commission was able to act upon a wage recommendation; this became effective March 18. The estimates of cost of living submitted by women employed in the mercantile industry totaled $8.23 per week. The wage rate fixed by the board was $8.50 for experienced female workers, allowing an apprenticeship period of one year, the order having the rather unusual merit of fixing a higher rate than the workers' estimated budget. For the first six months, a minimum of $6 per week is fixed, and for the second six

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months, $7. Bundle wrappers and cash boys and girls begin at $5, receiving not less than $5.50 after six months, and $6 after one year. The order appears on pages 310 and 311.

PUBLIC HOUSEKEEPING.

The next order (issued May 24, 1918, and in effect July 22) relates to the subject of public housekeeping to the extent of a regulation of the hours of labor. The board offered no wage rate, the employer representatives claiming that as they furnished board to their employees, they were actually paying more than a minimum living wage. However, they did not fall in with a suggestion that they pay the girls the value set on the board and let them spend it as they chose. The order adopted prescribes not more than 54 hours per week, or 9 hours of work per day for a 6-day week, and not over 8 per day when a 7-day week is used, all work to be done within 13 consecutive hours.

TELEPHONE OPERATORS.

In considering the cost of living of the telephone operators, the commission did not appoint a wage board specifically as such, but made use of the recommendations of the war board of the State, which served as a wage board on the subject. A public meeting was held on July 8, 1918, on which date order No. 9 was adopted, to be effective September 5. "This order, because of the nature of the occupation affected, is more complex in its provisions than those previously made." Not only are different rates fixed for cities and towns of different population, but learning time is fixed, the hours per day and week, and provision made for overtime, holiday, and night work. Experienced workers, i. e., those having one year's experience, in localities of less than 1,000 population, must have at least $7 for a 6-day week, working not more than 8 hours per day; in localities of from 1,000 to 5,000 inhabitants the rate is $7.50; from 5,000 to 20,000, $8; and above 20,000, $9 per week. This order appears on pages 311 and 312.

MANUFACTURING ESTABLISHMENTS.

The welfare commission used the same method in connection with manufacturing industries as with telephone operators, i. e., making use of recommendations of the war board acting as a factory board. The first date set for a public hearing was abandoned on account of the prevalence of influenza, and in January, 1919, a section of the employers' association asked for further postponement on the ground that it was seeking legislation to reorganize the welfare commission and the labor department. The public hearing was finally set for February 14, at which time the attorney for the employers claimed that the recommendations of the war board had fixed a rate on the basis of the war emergency, and as the war was over there was no occasion for the establishment of the rate. The claim was also advanced that there had been no proper preliminary investigation. In reply it was pointed out that the status of the board was adequate and clear under rulings of the attorney general, and also that investigations had been made both by the war board and by the commission. The claim was then advanced that there was such a variety of manufacturing industries that each one should be investigated

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separately, and that the aim of the State officials should be to build up the industries of the State and not to tear them down, that they would suffer in competition with Missouri on account of the increased cost of production, and that a general order would cause some industries to withdraw from operation. A suggestion was also made that national legislation was advisable and that action under State laws should be postponed until it could be procured, or at least until business adjustments had been completed. To this argument it was reported that the purpose of the law was to secure the welfare of women and not simply or primarily to regard the effect on industry of the fixing of a minimum wage.

Following this discussion an order was adopted February 21, 1919, to be effective on the 23d of April following. The rate fixed was $11 per week for "any experienced female worker in any factory in the State," with an apprenticeship period of 6 months, during which a weekly wage of not less than $7 should be paid for 3 months, and $9 for the second like period. While these rates are not high compared with those fixed by boards in some other States, they were felt to be "in harmony with the increased cost of living of the present day, and with the increased knowledge of the board established for the purpose of making these recommendations." It was said that the attitude of the boards making the recommendations, after the four years of experience under the law, might be taken as an index of the public thought and sentiment on the subject.

The order fixed not only a wage rate, but also working conditions and hours of labor. The basic work day was declared to be eight hours, with a weekly day of rest. Overtime should be permitted only in case of emergency, the total work time not to exceed 55 hours in any one week; time in excess of the basic day to be compensated at the rate of time and one-half.

With the omission of the provisions as to working conditions the order is reproduced on page 312.

EFFECT OF THE LAW.

Despite the active opposition of considerable groups of employers, there seems to have been no actual discharge of women on account of the rates fixed. Indeed, it is evident that the rates named in the orders were too low to attract male workers of experience or ability; neither does there seem to have been any injurious effect on industry, though the expressions of fear have continued. Much complaint is made by the garment manufacturers that they have to meet the competition of the convict labor of Missouri in certain fields of coarse products. On the other hand the statement was made by various employers in Kansas City that they had to pay rates above the minimum in order to secure labor in competition with the offers of employers on the Missouri side.

A provision of the law that gives rise to some complaint and has also afforded some difficulty in enforcement is the 20 per cent limitation on the number of minors and apprentices employable in mercantile establishments. Some inclination was shown to go beyond this limit, especially in the 5 and 10 cent stores, while other employers seem to have the opinion that $5 per week is the proper maximum amount for bundle wrappers. However, through the activities of

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the commission, it has been able to secure adjustments quite generally conforming with the law.

As to whether the minimum tends to become the maximum, it was said that there was an apparent ground for reaching that conclusion, since so many women were receiving amounts below the rates fixed that their advance thereto made it appear that this was the standard rate for the industry. However, with the passage of time, advances became apparent until, during the latter part of 1919, when the United States Bureau of Labor Statistics made some investigation in Topeka and Kansas City, it was clear that industrial conditions controlled in at least a large number of cases, and amounts considerably above the minimum were being paid. This investigation covered 13 establishments in Topeka, employing about 2,000 females, and 11 establishments in Kansas City, employing 1,300 females. It was generally said at that time that the rates in force under the orders were practically of no effect on the wages paid to their women and girls. Some department stores use the minimum as the entrance rate but do not care to retain women whose services are not worth more. One reported its largest groups of women receiving from $12 to $15 a week, another from $12 to $20, with a number of women receiving higher wages up to $25 and $30 per week. One large employer of women in the State admitted that when the order first went into effect it called for a very heavy addition to the pay roll, but at the present time all the wages were above the requirements of the order. A laundry in which 50 per cent of the girls were colored reported no one employed at the entrance rate fixed by the commission, while experienced workers were paid from $1.50 to $4.50 more than the minimum. Other rates reported were $10.50 per week in the packing room of a milling company, $12 in the sausage department of a packing house, $13.50 in a soap factory, $14.50 in meat-packing establishments, etc. In the dry-goods and 5 and 10 cent stores visited $9 a week was said to be the rate for beginners. A number of the employers spoke of the law as satisfactory or "all right," though occasional reference was made to the feeling of resentment when the law first became effective. Corporations having establishments throughout the State admitted that the girls in the smaller towns still would be receiving but $5 and $6 per week but for the law, while in the larger cities the same class of workers were making from $10 to $15, or considerably above the minimum.

Organized labor has been a constant support to the work of the welfare commission, and the employees are said to have welcomed the measures adopted by it. There is also a considerable degree of support given by women's clubs and others interested in social welfare in the State. As in other States in which the welfare commission has general powers as to employment conditions, much of the opposition to the action of the commission is directed to the subject of hours, complaint as to wages being frequently subordinated. For instance, one laundry manager offered no objection to the rate but felt that the shortening of hours worked a hardship, saying that he would rather pay a minimum of $12 than to have the hours reduced, since this action interfered with the getting out of rush work.

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MASSACHUSETTS.

SKETCH OF THE LAW.

This State is the pioneer in minimum-wage legislation, its original law having been approved June 4, 1912, it being the only law enacted on the subject that year. The passage of the law had been preceded by an investigative commission which was appointed in 1911 "to report on the advisability of establishing a board or boards to which shall be referred inquiries as to the need and feasibility of fixing minimum rates of wages for women and minors in any industry." This commission consisted of five persons, one of whom was a woman, one a representative of labor, and one a representative of employers. Quite extensive investigations were made, and material derived from the investigations of the United States Bureau of Labor[36] (now the Bureau of Labor Statistics) in the State was also made use of. The total number of women whose working conditions were thus brought under review amounted to more than 15,000 in four important industries in the State. It was found that of the 13,845 females for whom weekly wages were ascertained, 22.2 per cent received less than $5 per week and 55.3 per cent less than $7, while only 31.4 per cent were receiving $8 or more. An utter lack of standards was disclosed, establishments doing practically the same kind of work and turning out products of similar grades paying widely varying rates. Thus in the candy industry, where 41 per cent of the adult women received less than $5 per week, it was found that of the 11 establishments covered the lowest wages were confined to 4 factories, in one of which 53.3 per cent of the employees received less than $5 per week; in the other 7 factories no employee of 18 or over received so low a wage.

Similar differences were found in retail stores and laundries, large establishments in Boston paying less than was paid in suburban localities or in smaller cities in other parts of the State. These differences showed clearly the ability of the establishments paying lower rates to deal more generously with their workers, inasmuch as competing establishments were far in advance in these respects. Whether this was due to inefficient management or whether they were making unusual profits, they were in either case doing business at the expense of their employees. The commission therefore recommended legislation on the grounds set forth in its conclusions, summarized in the language quoted on page 14.

The law as enacted provided for an administrative commission consisting of three persons, one of whom might be a woman, to be appointed by the governor for terms of three years. No salary was provided, but $10 per day as compensation, with the addition of traveling and other expenses, were to be allowed. For the present organization, see page 116. The commission was to inquire into the wages paid females employed in any occupation in which it had "reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health." If the investigations showed

[36] Report on condition of woman and child wage earners in the United States, S. Doc. No. 645, 61st Cong., 2d sess.

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the need of such action a wage board was to be established consisting of not less than six representatives of employers in the occupation in question, an equal number of representatives of the female employees therein, and one or more disinterested persons to represent the public. These were to be appointed by the commission but should not exceed one-half the number of representatives for either of the other parties.

The recommendations of the boards are subject to approval or rejection by the commission, either in whole or in part, or the subject may be recommitted to the same or a new board. The law is not compulsory, but the weight of public opinion is relied upon as an enforcement measure, the board being authorized to publish names of employers who fail to comply with the orders.

In establishing rates, wage boards are directed to take into consideration not only the needs of the employees, but also "the financial condition of the occupation and the probable effect thereon of any increase of wages paid." Rates may be reconsidered at any time on petition of either employers or employees and the subject may be referred either to the original wage board or to a new one. Wages for minors are determined by the commission without the intervention of a board. The law contains the practically general provisions as to subpœnaing witnesses, issuing licenses to substandard workers, punishment of employers for discriminating against employees acting on boards or testifying, and requirements for reports.

Amendments to the law have been made from time to time, one in 1913 requiring only that a majority of the members of the wage board agree to recommendations instead of two-thirds of the members. The original law permitted an employer to file a declaration stating that to comply with the decree "would endanger the prosperity" of his business; this was amended by requiring him to state that compliance "would render it impossible for him to conduct his business at a reasonable profit." The same act of 1913 likewise advanced the penalty for discharging or discriminating against employees from $25 to not less than $200 nor more than $1,000 for each offense. It is clear that all these amendments tend to facilitate the working of the law and to standardize its provisions.

In 1914 the requirement that there should be at least six representatives of employers and employees respectively was stricken out, and provision was made for merely "an equal number of representatives" of the two parties. Employers and employees are to be requested to nominate the representatives, from which nominations the commission shall select names if furnished within 10 days after the request. Other amendments relate to administrative procedure, the most important one extending a broader protection to employees acting as members of the wage boards or as witnesses.

An amendment of 1916 directed that the commission should contain an employer of women, while another member might be a woman and the third a representative of labor. Three amendments were made in 1919, one of which authorizes the commission to fill vacancies that may arise on any wage board after it has been established. This amendment was necessary to meet a condition that arose following the resignation of members of a board after its organization, by which, it was held by the attorney general of the

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State, the board was rendered officially unable to function. The present power of the board to fill vacancies will prevent the possibility of its being delayed by such action, whether collusive or involuntary. The other amendments relate to the posting of notices, etc., by employers on the request of the commission, and the keeping of records in such detail as the commission may request.

A far-reaching change was made in the organization of the administrative body by another act of the same year (ch. 350, Acts of 1919), which reorganized the executive departments and administrative functions of the State government. This act abolished the minimum wage commission existing under the provisions of the act of 1912, and transferred all its rights, powers, and duties to the department of labor and industries established by the act making this transfer. This does not affect the general method of procedure through wage boards, but does change the personnel, and brings the minimum-wage activities into relation with the entire group of labor law administration. An amendment of 1920 makes a further change in regard to the selection of representatives of employers and employees by directing that the nominations provided for by the amendment of 1914 shall be twice the number of the persons to be actually selected. Failing this, the commission shall select at least one-half from the names furnished, and make the remaining appointments directly. The constitutionality of the act was unsuccessfully attacked in 1918. (See pp. 46 and 47.)

COMMISSION AND STAFF.

Under the organization act of 1919, the department of labor and industries has for its head a commissioner, with an assistant commissioner, who may be, and in fact is, a woman. There are also three associate commissioners, one of whom must be a representative of labor and one of employers of labor, all to be appointed by the governor with the advice and consent of the council. The assistant commissioner is given charge specifically of all matters relating to women and minors, and is to exercise duties and authority in accordance with the directions of the commissioner, with the approval of the associate commissioners. The three associates constitute a board of conciliation and arbitration, and also exercise the functions previously vested in the minimum wage commission, except as to matters of an administrative nature.

In accordance with these provisions a division of minimum wage has been created in the department of labor and industries with the assistant commissioner at its head. The associate commissioners constitute the other members of the division. This makes the commission a salaried body, devoting its time to the various duties devolving upon it, only a part of which, of course, relate to the subject of minimum wages. The assistant and associate commissioners receive salaries not exceeding $4,000 each per annum in an amount determined by the governor and the council.

Under the prior organization the executive officer of the board was a secretary appointed by the commission, who received a salary fixed by the commission, subject to the approval of the governor and council. The first commission consisted of an attorney at law, a professor of political science at Harvard University, and the sec-

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retary of the Women's Trade-Union League. The attorney resigned after a brief service and was succeeded by a retired clergyman, who served one year, and whose successor the council refused to confirm, so that there was a vacancy for nearly one year, when a manufacturer was appointed. Other changes took place in the membership, only one, the woman representative, remaining throughout the existence of the commission as it was provided for by the original law. Besides its secretary, there was a staff of four persons, a statistical clerk, a stenographer, and two investigators; other investigators were appointed according to the necessities and funds available. For a number of years the commission had use of about $18,000 annually, the approximate costs in 1920 being reported as $22,000.

Under the present organization, while certain persons are necessarily charged specifically with the duties connected with the administration of the minimum wage act, there will be an overlapping of functions and costs as between these activities and others which the members of the minimum wage division are called upon to exercise.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

The necessity of acting through a wage board, especially in view of the ruling of the attorney general that no change in its membership could take place during its existence, made for deliberation and delay; and though the original principles have been retained, the clear purpose of the various amendments has been to facilitate procedure, the commission itself having offered suggestions along the lines developed by its experience under the law.

The statute charges the commission with the duty of a preliminary investigation such as will enable it to form its opinion as to the need of a substantial number of females receiving higher wages to meet the necessary cost of living. The method adopted at the beginning, and maintained practically throughout, has been to secure transcripts of pay rolls, or if piece rates are paid, a schedule of the rates. During the first six months' activities investigations were made in three industries—the brush industry, the corset industry, and the confectionery industry. Transcripts for 52 weeks preceding the investigation were sought, and wage records were obtained for nearly 7,000 workers in the three industries named. Besides this much personal data were secured as to age, living conditions, etc., There was also a study of the processes in which the women were engaged, and whether the work was done by hand or machine.

Following the investigations, in which the manufacturers as a rule cooperated freely, it was concluded to initiate the work of fixing rates with the appointment of a wage board in the brush industry. This became therefore the field in which the activities of the commission were first developed, and the means of introducing the law to the workers and employers of the State.

The designation of a chairman by the commission and the formulation of rules to govern the board, together with jurisdiction over questions arising in connection with its activities, give the commission full power over its procedure, but without control of its findings. Any information that the commission may have may be transmitted to the board, and the recommendations of the board are to be passed

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upon by the commission, but can not be modified by it. A tentative approval of any recommendation is to be submitted at a public hearing, for which at least 14 days' notice is to be given, after which a final determination may be entered in a decree to be effective at a time set by the commission.

Promulgation is accomplished by publication of the findings and recommendations of the commission "at such times and in such manner as it may deem advisable." The original act required publication in at least one newspaper in each county, the act being amended in the interest of economy, some counties in the State not being at all affected by some of the orders. Enforcement in the strict sense is not provided for, but the publication of the names of delinquent employers is authorized. No such list has ever been published, though the commission has published lists of those who have complied with the orders in the various trades or employments. The method of determining compliance is one of a general inspection, and it was in this connection that the test of constitutionality was brought in regard to the Massachusetts law. Employers in the laundry business refused to permit an inspection of their pay rolls, and the commission proceeded to apply for a writ compelling a report as to the wages actually paid. With the upholding of this right, the commission has continued to exercise this prerogative, but has no power under the law to enforce either the payment of the minimum wage or to procure the collection of unpaid balances where less than the minimum is paid. In a few instances employers are reported to have made up this difference, but it is not generally done. Employees are able to learn of the existence of the law through the requirement that a copy of the orders shall be posted in the various establishments, and a few cases of complaint have occurred; but with the powerlessness of the commission it is clear that no great significance would attach to the complaints in any case.

While there is a penalty provided for the discharge of employees for activity in connection with the fixing of the wage rate, or any discrimination, it has been found very difficult to reach exact conclusions on this point. Reports of discrimination or discharge have reached the commission, but no case is said to be actually known, even if suspected. In such cases the employer announces other reasons why discharge was made, and it is difficult or impossible to disprove his statements. Unorganized workers hesitate to take a stand, but the commission is not able to say whether or not such fear is warranted. Members of unions are more assertive. However, it is not felt desirable in any case that the representative of the workers should be an employee of an employer on a wage board.

The working of the law is expected to be facilitated under the present system of organization. Friendly relations existed between the minimum wage commission and the labor department as formerly organized. Under the present arrangement of a general organization with a minimum wage division it is believed that the general situation will be improved. The inspection made in 1919, covering about 25,000 women in 1,030 establishments, disclosed only about 150 violations, the report for the year stating that "very few cases of noncompliance were found, and all of these have been adjusted." The decision of the Supreme Court in 1918, above referred to, went far

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to give the commission a standing which it had not theretofore enjoyed; while it is also said that many employers have changed their attitude, as they have come to recognize the effect of the law in discrediting, if not eliminating, undercutting in wages by cheap employers. The mandatory posting and inspection are automatic aids to enforcement. However, the inspection of 1920 showed less satisfactory results than in 1919, as will be noted below.

Newspapers are required to publish, at the regular rates for the space taken, all findings, notices, and decrees of the commission; they are exempt from actions for damages for publishing the names of recalcitrant employers, as are also the members of the commission, unless there is a willful misrepresentation of facts.

WAGE BOARDS.

The original law fixed the number of representatives of employers and employees, respectively, at not less than six for each group, not more than one-half that number to be added as representatives of the public, but it did not specify the mode of securing representative appointments. Amendments strike out the numerical limitation, but require that representation shall be equal as between employers and employees, retaining the same ratio for public representatives as before. Methods of nomination are also established by the amendatory act. In practice the provisions of the law as first enacted led to the appointment of wage boards consisting of 15 persons, and this practice has generally continued regardless of the wide latitude allowed by the present law; exceptions, however, have occurred.

The first amendment on the subject merely called for a sufficient number of nominations to constitute the board. This provision made it possible for a dominant organization or combination to fill the nominations and practically compel their appointment by the commission without regard to its opinion of the qualifications or representative value of the persons named. A later amendment requiring at least twice as many nominees as appointees, together with a grant of power to the commission to fill one-half the places with persons of its own choice unless the full quota of nominations is made, prevents the packing of a board with persons felt not to be representative. When a board is to be organized, notice is sent to the employers and employees in the industry under consideration, who alone are authorized to take part in the nominations. However, it is not required that the persons selected by either party shall be engaged in the occupation. The commission has prepared circulars of various kinds for the purpose of securing the cooperation of the employees and employers, setting forth the purpose of the board, its duties, the method of the selection of members, their qualifications, the protection offered by law, their compensation, etc. These are in the form both of individual communications and of posters to be put up in the establishment. That the commission is not eager to exercise its prerogative of making selections independent of nominations is evidenced by the fact that when a circular letter of June 8, 1920, failed to secure a sufficient number of nominees from the workers in the industry affected, a follow-up circular was prepared on June 23, calling attention to the fact that an insufficient number of names had been submitted, and extending the time 10 days. This second letter called

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attention to the fact that the commission is authorized to fill vacancies if nominations are not made. The incident also discloses the fact that in a scattered and unorganized group of workers there remains either a lack of interest or a feeling of timidity, in spite of the rather protracted period of operation of the law. Besides the individual method of nominations, workers may be called to a mass meeting for the purpose.

The chairman of the wage board is selected from among the representatives of the public, and in some cases has been the sole representative. He does not vote except in case of a tie. The importance of a judicious selection is evident from the fact that he stands between interests often conflicting, though he is also to take part in and guide the discussions, "for he is primarily a member of the board, not an arbitrator." The experience of one of these is illustrative. He found the two parties hostile and set in their views, employers being inclined to delay proceedings by failure to appear. In setting forth his own attitude toward the law and their duties, he was able to convince both sides of his impartiality, but he also assured the employers that the proceedings would continue in their presence or in their absence. He succeeded in establishing a feeling of unity and mutual respect between the two groups and obtained a unanimous report from the board.

This experience accords with the expressed view of the commission that public representatives are a most valuable help, tending to secure a broader view of the subject than the parties immediately concerned are inclined to take, and they have emphasized the fact that what the board has under consideration is not merely the giving of benefits to one class as against another, but the improvement of industrial conditions in the interest of the Commonwealth. Some public representatives have been called upon to serve on more than one board. No evidence appears of any tendency toward professionalism by the members of the wage boards, nor can it be said that the operation of the law has produced any feeling of class spirit among the unorganized workers affected by it. A better coordination of interest between employer and employee is said to be recognizable, due to the contact secured in carrying out the provisions of the law. The commission itself is powerless to modify findings, but where the provisions are severable it may accept part and reject part.

It has never occurred that a public hearing has resulted in changing tentative recommendations, although there was a re-reference following the hearing in one instance, which resulted in formal rearrangement of subject matter, but no actual change.

An amendment of 1920 gives the commission the right to reconvene the board on its own motion if such action appears to it necessary; and even prior thereto it had taken steps to recommend action by way of petition to meet changes in the cost of living shown by the index figures as presented by the United States Bureau of Labor Statistics. Meetings of the boards are usually held in the office of the commission in the statehouse at Boston and at night, as a rule, so that members residing within short travel distance are not compelled to lose time from their employment. Board members receive their travel expenses and the same compensation as jurors—now $4 per day. This amount is allowed for each meeting held on separate dates, the commission estimating that weekly meetings are preferable and that a

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report should usually be arrived at after six or eight meetings. Members coming from a distance, so that they must remain overnight, are also paid hotel expenses on the submission of proper vouchers.

Proceedings are confidential during their progress. The secretary of the commission acts as secretary of the board, and no member of the board may employ a stenographer or other clerk to take account of the proceedings. The record may be made public if approved by the commission. In their instructions to the boards, the commission lays stress on the advisability of establishing a minimum, not a standard, rate, applying to the average worker rather than to the skilled employee. The term "experienced" does not appear in the Massachusetts law, though it appears regularly in the orders issued under its provisions. The requirements of exactness in the matter of wage classifications are to be avoided in the interests of securing an easily applied and administered decree. The time when the rates fixed should become effective is not set by the law, and the commission invites the board to include this provision in its recommendations. The recommendations are based on the action of the majority of the members of the board, and if provisionally approved, a public hearing is called, which members of the board are expected to attend on the same terms as at a regular meeting of the board. The boards are in a sense continuing bodies, the commission having fixed a term of three years for their continuance, and then they may be reconvened for the purpose of revising the rates.

GENERAL CONSIDERATIONS.

The fundamental requirement that a minimum wage should supply the necessary cost of living and maintain health has remained dominant in spite of the provision that the financial condition of the industry is to be taken into consideration. However, this provision has not been without its effect, especially in times of depressed conditions; thus the brush board reported in January, 1914, that it believed the brush industry was "not in condition to pay as high a minimum wage or to bring it as near the actual cost of living as many other industries in the State." In May, 1915, the laundry board regarded the existing industrial depression as ground for recommending for the present a minimum weekly wage 77 cents below the estimated cost of living; while in August of the same year another board thought that the schedule adopted by it "is as high as the retail stores of the State will be able to pay until industrial and business conditions shall have shown a marked improvement." On the other hand, the candy board, February, 1915, thought that that industry could pay a wage sufficient to cover the estimated cost of living, and the same is true of the paper-box board, which reported in 1920.

The basis of the conclusions of the wage boards is rather the general returns by the commission and the State labor office than any specific representation by employers. Either inadequate or incomparable accounting methods, or reluctance to give information relating to the industry made it impossible for the investigators to arrive at conclusions as to the financial condition of some of the industries. In no case has an employer gone to the court in an attempt to show

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that the payment of the minimum wage would render the conduct of his business unprofitable.

The provisions of the Massachusetts law relate to occupations as separate units, calling for wage boards to consider the occupation in question as distinct from all others. This has led to the appointment of a comparatively large number of boards, and a corresponding variety of conclusions. The commission does not recognize different needs for different employments, and does not approve the variations in the rates fixed. The opinion was expressed that local conditions might properly be considered, but this is not permitted by the law. The principal need, however, was said to be for more flexibility to meet changes in the cost of living, with power to smooth out unjustifiable differences such as have developed under the law as it stands.

As regards minors the commission is free to act without the mediation of a board, though boards are authorized to make recommendations of suitable wages for minors as well as for learners and apprentices. The term "minor" includes persons of both sexes under 18 years of age. The requirement of the law in regard to them is simply that the wage shall be "suitable," which does not imply self-support, the presumption being that in the earlier stages of employment at least they are not solely dependent and are not rendering full service, so that they may properly receive less than a living wage. The prerogative of the boards in regard to fixing learning periods is said to have been abused at times by fixing too long a period for learning, even in semiskilled employments. Little use has been made of substandard licenses, the secretary reporting in June, 1920, that perhaps only 40 in all were in force, that they had only been called for since the advance in rates, and are mainly confined to the clothing industry.

ORDERS AND RATES.

BRUSH INDUSTRY.

The first investigation made applied to the brush industry, this being one of the three already noted as subjects of the commission's activity during the first six months of its existence. These industries were chosen on account of the large proportion of woman workers among the employees, and the low level of wages indicated by previous reports and investigations. In the brush industry, every known establishment in the State employing women was studied. Because of irregularity of employment and defectiveness of records, with other reasons, satisfactory wage data were procurable for only 597 females. Of these 17.6 per cent received less than $4 per week and 66.2 per cent less than $6. Only 42 workers, or 7 per cent of the total, received as much as $9.

Obvious conditions of underpayment called for the organization of a board, which was appointed for a term of three years, though if representatives of either employers or employees changed their status, they thereby vacated their position. The commission also declared its purpose to remove any member of the board failing to attend the meetings or otherwise displaying unfitness for service, vacancies to be filled in such manner as the commission might desig-

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nate. This initial board was constituted of 15 persons, the law requiring at least 13. The industry was relatively a small one, and this fact and the question of expense influenced the commission to recommend an amendment allowing a smaller number to be appointed. The mode of appointment was entirely in the hands of the commission, and it invited nominations from employers and employees. The manufacturers responded in two cases, the employees making three nominations from which two appointments were made. Manufacturers appointed were with a single exception willing to serve, as were also workers, though some of them feared the effect of such service upon the tenure of their positions. This feeling was found to be generally without foundation, though two workers were laid off immediately after their appointment as members of the board—a matter to which the commission directed its attention but was not able to prove that the act of dismissal was due to the appointment.

The board first met in December, 1913, continuing its sessions until June of the following year, reaching its final report on the 12th of that month. This board arrived at a tentative conclusion early in its proceedings that $8.71 was the necessary weekly allowance for the cost of living, though at a later date a budget establishing $8.28 was favored. Certain omissions were noted in the latter budget, and it was concluded that it was not a true living wage, though variations between individuals might make it possible to maintain life and health with an amount not less than $8 but which "in many cases" may rise to $9 or more.

The fact that the industry as a whole paid low wages was regarded as disadvantageous to it, more adequate compensation being regarded as being advantageous to the employer, the employee, and the public. The recommendation was therefore made that a rate of 15½ cents an hour should immediately go into effect, and at the end of a year's time this should be advanced automatically to 18 cents unless the manufacturers in the meantime should justify the recommendation of a lower rate. Learners and apprentices should be paid 65 per cent of this minimum during a period of one year. The rate named, assuming an average week of 50 hours with regular employment, would yield a weekly rate of $7.75, which was above the earnings of 79 per cent of the employees at the time the industry was investigated.

On August 3, 1914, the commission issued its first decree, being effective August 15, embodying only the primary recommendation of a minimum of 15½ cents per hour, with 65 per cent of this amount payable to learners and apprentices and an apprenticeship of not more than one year. The provision as to an advance to 18 cents at the end of one year was omitted.

An inspection of the pay rolls of 23 establishments was made in the months of November and December following the date when the order went into effect, but the change in tariff and the outbreak of the war in Europe complicated the situation so that the conclusions were felt to be of doubtful value. Some employers claimed unemployment by reason of the increased rate which the decree required them to pay, though the commission was of the opinion that the general business depression was largely responsible, while the war in Europe interfered with the procuring of the customary supply

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of bristles. The rate fixed at this early date has remained without change, and has been rather generally accepted with the exception of the period during which the laundry workers led the fight against the constitutionality of the law, when a number of employers in the brush industry announced their purpose to disregard the order.

The order is reproduced on page 313.

LAUNDRY INDUSTRY.

Next in order of time to the decree fixing rates in the brush industry is the one relating to work in laundries, though investigations of other industries preceded the investigation in this industry. However, various causes operated to delay determinations in the corset and confectionery industries, postponing the issuance of decrees for a number of years in both cases.

The investigation of the laundry industry was begun in January, 1914, and included 36 representative establishments in which transcripts of the pay-roll records for each female employee were taken for the preceding year. Of 2,961 women for whom average weekly earnings were obtained, 25 per cent received less than $5 per week and 51.5 per cent less than $6, only 8.2 per cent receiving as much as $9. In some occupations the percentage of low-paid employees was much greater, 93.7 per cent of the shakers receiving less than $6 weekly; 79.1 per cent of the catchers and folders and 78.1 per cent of the feeders fell in the same low-wage class. Striking differences between different establishments appeared in this regard, one paying 33.9 per cent of its women less than $5 per week, another 39 per cent, another 56.1 per cent, and another 57.1 per cent. Other establishments had no workers whatever at these low rates, and others very small percentages, as 1.2 per cent, 2.2 per cent, 3 per cent, etc.

The report clearly warranted the establishment of a wage board. The commission held meetings for laundry workers in the large cities of the State, at which the law was explained to the employees, and they were asked to nominate persons as their representatives on the board. Similar requests were addressed to the Launderers' Association of the State and to other employers. The board as constituted contained six employers and six employees selected from those nominated, and a single representative of the public, who was, of course, the chairman. This board began its sessions in September, 1914, and appointed a subcommittee to investigate living costs for women in laundries in various parts of the State. The board finally agreed on a weekly living cost of $8.77, but in its report in May, 1915, took the view that there was a necessity, due to the financial condition of the business on account of the existing industrial depression, to fix a rate below the estimated cost of living, and accordingly recommended $8 as the minimum for experienced females of ordinary ability. To attain experience, a period of one year was allowed, with a beginning wage of $6 per week, advanced to $6.50 after 3 months, to $7 for the third quarter, and to $7.50 after 9 months' experience. The order became operative on the 1st of September, 1915.

Compliance with this order was rather grudging, a number of employers failing to post the notices, despite the authorization granted the commissioners in this respect by the amendment of 1915. An

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inspection was undertaken in November following the coming into effect of the order to determine the degree of compliance with it. Employers generally declined to comply with the express provision of the law directing them to permit an examination of their records for this purpose, and resort to the legal powers of the commission was made necessary. Employers subpœnaed to appear with their records declined to meet the commission, alleging that the law was unconstitutional. It was this contention, to which reference has already been made, that led to the decision of the supreme court of the State in Holcomb *v.* Creamer (p. 46) in which the law was upheld. The legal contest was prolonged, a decision being announced only in September, 1918. In the meantime the commission was prevented from using its power of publicity against violations of decrees, and was therefore handicapped in its activities in various directions. The action of other existing wage boards was delayed by reason of the same question of constitutionality. In the meantime the Supreme Court of the United States had affirmed, by an equally divided court, the constitutionality of the Oregon statute, which was mandatory, so that no inducement remained for an appeal by the defeated employers in the Massachusetts case.

This decision enabled the first thorough inspection of laundries since the decree went into effect to be made in the early part of the year 1919. Pay-roll records of 2,441 women and girls in 120 laundries in the principal cities and towns of the State were inspected, representing approximately one-half of the women employed in this occupation. Only 16 cases of noncompliance were found, affecting 11 firms. Of these, nine were adjusted by an increase in wages, one employee left the employment before an adjustment was reached, and five were given licenses as substandard workers, the remaining case being of a similar type.

The order appears in full on page 313.

RETAIL STORES.

Next in the order of issue was the decree of the commission regulating the employment of women in retail stores. The field work for the study of this subject was carried on in the autumn of 1914, cooperation with the United States Bureau of Labor Statistics being afforded by the investigation begun by it in Massachusetts in October.[37] Of the total number of women for whom average weekly earnings were obtained, 6,449 in all, 33.9 per cent received less than $6 per week, 66.4 per cent under $8, and but 14.4 per cent received as much as $10. A special study was made of employees in 5-and-10-cent stores, covering 418 female workers. Of these, 84.4 per cent were found to be receiving less than $6 and but 1.2 per cent received as much as $10 weekly.

A board of 15 members was therefore established, which found the cost of living for mercantile employees to be at least $8.50 per week, and probably somewhat more, though it did not deem it necessary to determine in exact terms and in detail what such cost should be. It accordingly recommended a minimum rate of $8.50 per week, one

[37] Unemployment among Women in Department and Other Retail Stores of Boston, Bul. No. 182 of the United States Bureau of Labor Statistics.

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employer refusing to sign the report. This was said to be as high a schedule as "the retail stores of the State will be able to pay until industrial and business conditions shall have shown a marked improvement." This report was dated August 15, 1915, and public hearings were held August 23 and 26, after which the commission on September 15 issued its decree fixing the rate recommended as the minimum for experienced workers. No female should be regarded as inexperienced after one year of service after reaching the age of 18 years. Nonconsecutive services should be taken account of unless the absences were of unreasonable duration. A beginning wage of $5 per week was prescribed, though if the worker had reached the age of 17 years not less than $6 should be paid, and if 18 years of age not less than $7. This report being so nearly unanimous, it was much more widely accepted than had been the case with the laundry decree. The rates became operative January 1, 1916, and notifications of acceptance were received by the commission from proprietors of stores employing about 12,000 women and girls. (See pp. 313 and 314.)

An inspection to determine the degree of compliance with the decree covered 955 establishments and 16,036 full-time workers. In 606 of these, mostly where women were employed only for office work, no changes had been necessary to meet the commission's recommendations. In 115 establishments, employing on the average 13 women and girls, a degree of noncompliance was discovered. In the remaining 234 establishments, employing on the average 54 women and girls and including most of the large department stores, compliance was very general, only 1.6 per cent of the female workers being paid rates lower than the minimum established for the different classes of workers. The wages of nearly 6,000 full-time workers were known to have been raised on or about January 1, 1916, the increases ranging from 50 cents to $4.50 per week. In the noncompliant establishments 48.4 per cent of the women and girls received less than the minimum rates. In view of the facts developed the commission recommended a mandatory law, since these small proprietors were knowingly obtaining an advantage over their more conscientious competitors, and showed no indications of voluntarily abandoning their position.

Later inspections have shown a quite general payment of at least the minimum, and when the matter of revision was being considered by the commission in 1920 it was learned by investigation that a minimum of $10 was pretty generally paid in retail stores, and no further steps were taken at the time.

WOMEN'S CLOTHING.

The next decree made by the Massachusetts commission related to wages in the women's clothing industry, though investigations in other fields either preceded or were contemporaneous with that on this subject. The investigation preceding the organization of the board was made by the commission in May, June, July, and August, 1915, covering 36 establishments in 7 cities and towns of the State. Eliminating those workers who were employed for so brief a time that their earnings could not be considered as a substantial part of their support, records were made of 1,961 females employed in the various branches of this industry. It was found that 50.1 per cent

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of the workers earned less than $6 per week, and only 12.1 per cent earned as much as $9.

Conditions in the industry were further investigated by the wage board, its survey revealing "anarchical conditions." Many small establishments sprang up with little capital, which was often advanced by the large retail stores. This resulted in inefficient management and poor working conditions, unrestrained competition, and a correspondingly high business death rate. The established houses necessarily felt the effect of such competition, "forcing prices down to the cut-throat level." Even where it would seem more probable, there was little uniformity in the management or in rates of wages paid or in methods of cost accounting. When asked the probable effect of a suggested minimum, some replied that it would not affect their business at all, others that better management and more efficient labor would meet the situation, others that their profits would be slightly decreased, and others that they would be put out of business in the State. "The investigation indicated all of these possibilities." The board was organized early in 1915, and consisted of 15 members. It held 16 meetings, reaching its conclusion, which was unanimous, on July 17, 1916, the minimum determined upon being $8.75 for a full week's work by an experienced woman. Minimum rates of $6 and $7 were recommended for learners and apprentices, according to their age and experience.

The report of this board was notable for two things, one being an inclusion in the budget of 25 cents per week as an item for savings. This brought the weekly budget agreed upon, also unanimously, up to $8.98. With the omission of the item for savings, therefore, the budget practically agrees with that accepted by the brush, candy, and laundry boards previously reporting.

The second item of importance is the recommendation by the board that the minimum-wage law should be so amended as to establish "a mandatory minimum wage at the earliest possible date." This "would tend to equalize wages and relieve the more progressive factories of competition with sweatshops and family shops." On the other hand where the better employer accepted the act, it increased the inequality between him and the irresponsible, cut-throat recalcitrant.

The commission accepted the recommendations as to wage rates, and no evidence being submitted at the public hearing to show that the wages were unreasonable, or that the financial condition of the industry forbade such rates, they were established. This hearing was held on August 3, 1916, and the rates were fixed September 28; but in accordance with the recommendation of the board, they came into effect only on February 1, 1917, "in order that the industry may anticipate the change and put its house in order." The weekly rate of $8.75 was to be paid to a woman of ordinary ability "who has been employed in the women's clothing industry for one and one-half years or more, after reaching the age of 18 years." No one of the age of 18 should receive less than $7 per week and younger workers not less than $6, if of ordinary ability.

The first inspection following the coming into effect of this decree was made during the busy spring season, and covered 400 establishments located in 13 cities and towns. It appeared that the great majority of the establishments were complying with the decree,

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clothing factories and custom-tailor shops observing it almost completely; while in custom-dressmaking establishments only about one-half were conforming. A second inspection, less extensive, in November, 1917, disclosed 8.4 per cent of the women receiving less than the minimum wage fixed, for one-third of whom wage adjustments were made, and one special license was granted for a substandard worker.

A reinspection in December, 1918, and January, 1919, showed a considerable increase in rates as compared with the previous inspections, the proportion of women receiving $10 and over per week being 26.2 per cent of the total in the preliminary inspection in 1915, 51.9 per cent in the inspection in 1917, and 87.5 per cent in the inspection of 1918–19. Cases of noncompliance affecting eight persons in two firms were discovered in this latest inspection; of these, two were adjusted by an increase in wages, the remainder being of the special license type.

What is said of another industry is obviously true of this—that though the returns showed a considerable advance in earnings since the time that the rate was fixed, exceeding in many cases the determination of the commission, costs of living had advanced still more. It was to meet this situation that the wage board for women's clothing was reconvened early in 1920, following a petition submitted by the employees in accordance with the provisions of the law, for the purpose of revising the existing rates. It is interesting to note the constitution of this board, all three representatives of the public on the former board being found upon the reconvened board. Of the six employers' representatives, three were on the former board and three were newly appointed; while of the six employee representatives, four former members appeared, two new appointments being necessary. The board met for organization on January 14, 1920. Employee members found the cost of living to total $15.73 per week, including 50 cents for savings. The other members of the board adopted a weekly budget of $15.25, dropping 20 cents from savings, 8 cents from recreation, 5 cents from vacation, 10 cents from church, and 5 cents from doctor and dentist fees. They agreed on the principal features of board and lodging, $9.50, and clothing, $3.25. All agreed also on a laundry bill of 45 cents, 18 cents for education, 20 cents for carfare, and 10 cents for incidentals.

There was unanimous agreement for a minimum wage of $15.25 per week, which at the date of its adoption was the highest entered for any occupation in this State.

A public meeting to consider the recommendations of the board was held on the 24th of April, following which the commission established a decree effective July 1, 1920, making the weekly rate for experienced workers $15.25; for learners and apprentices, who have reached the age of 18 years not less than $12, and for all others not less than $10 per week. Work for 35 weeks was considered a year's work.

The order appears in full on page 314.

A survey running from July to November, 1920, covered 177 establishments, transcripts of the wages of 1,664 women being secured; 157 cases of noncompliance were found in 60 firms, 49 of which were adjusted by the raising of wages. Four special licenses were granted, 10 girls left the employment, and the remaining cases were pending at the date of the report. "The most noticeable effect of this decree

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has been its tendency to standardize wages in the industry. As a result of its operation, the wages of women in the dressmaking establishments, where the workers are unorganized, have been brought more nearly to the level existing in the factories and custom-tailoring establishments where trade agreements exist."

MEN'S CLOTHING AND RAINCOAT TRADES.

The fifth order issued by the commission bears date of October 26, 1917, and relates to women employed in the manufacture of men's ready-made clothing (coats, overcoats, vests, and trousers) and of raincoats. The commission's preliminary study of these occupations was begun in December, 1915, and completed in June, 1916. Transcripts of pay rolls were secured in 28 clothing and 15 raincoat establishments, covering 1,132 workers. As in women's clothing, there is wide diversity of conditions, home and contract work and employment in small establishments complicating the situation. Both the nature of the work and the prevalent conditions conduced to call for higher rates of pay, though not to the extent appearing in succeeding years. It was found that 42.8 per cent of the women in these trades earned less than $6, and 78.1 per cent less than $8, only 13.7 per cent earning as much as $9 per week.

The board of 15 members held its first meeting April 23, 1917, and continued its work until June, holding 11 meetings in all. At that time it was unanimously agreed that the cost of living was not less than $10 per week, but when the effect of such a wage upon the financial condition of the industry was considered, it was felt by all members of the board "that it would be unwise to impose so heavy a burden upon the industry as the budget determined upon would entail." This board was the first to be established to carry on "its work under war conditions, and to face the problem of adjusting a schedule of minimum-wage rates to the rapid changes in the cost of living and in the profits of industry due to the war." These conditions were regarded as abnormal and probably temporary, and the recommendation was made having in view a revision that would presumably be necessary in order to protect the interests of both parties. The weekly rate recommended by the board, $9 for experienced workers and $7 for apprentices, was tentatively approved by the commission and adopted after a public hearing held in August, to be effective January 1, 1918. "Experienced" was held to mean having had one year's employment.

An inspection made early in 1918 to determine the degree of compliance showed that of 99 establishments visited 88 were complying fully with the provisions of the decree. In 11 firms 19 cases of violation were found, representing 1.1 per cent of the total number of women for whom wage data were secured. In two of these cases the wages were adjusted to meet the requirements of the decree, while in 13 special licenses were granted. Comparing wage data for clothing factories for 1915 and 1918, it appears that at the earlier date but 22.5 per cent of the women investigated were receiving as much as $9 per week, while in 1918 the number was 77.8 per cent; while in raincoat factories the number had increased from 25.2 per cent to 86.2 per cent. A reinspection in 1919 showed but one case of

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noncompliance among 1,195 women and girls employed. This was adjusted by raising the wage. Striking increases, due to economic conditions, were discovered, showing that but 5.3 per cent of the women employed were receiving as little as the minimum of $9; however, nearly one-half were earning less than $13 per week.

The increased cost of living led the employees in these industries to petition for a revision of the rates, and the board was reconvened October 24, 1919, with, however, eight new members to supply vacancies in the board. This board unanimously agreed that the minimum was too low and decided upon a revision using as a base their former recommendations and determinations. Five meetings were held, a unanimous report being made November 26, 1919. It was estimated that the cost of living for women in the industry had advanced approximately 50 per cent, calling for a weekly budget of not less than $15. It was also decided that the financial condition of the industry was such at the time as to enable it to "stand a minimum wage which will meet the cost of living." It was therefore recommended that a $15 rate be adopted for experienced workers, learners and apprentices to receive not less than $10, and other workers not less than $7, the rates to become operative February 21, 1920.

The commission provisionally approved this determination and called a public hearing for December 27, 1919. No opposition being offered, a final approval was made on the same date, to be effective at the time named by the board. This order appears in full on page 314. After its inception a survey was made and wage records secured for 2,578 women, employed by 182 firms. In 173 firms, employing 97 per cent of the women, full compliance was found, there being but 12 cases of noncompliance in 9 firms. All of these were adjusted, 7 by raising wages and 5 by the issue of special licenses.

MEN'S FURNISHINGS.

Of even date with the foregoing, a decree was made establishing rates for a considerable range of occupations grouped under the general term "men's furnishings." Included in this decree is the manufacture of men's and boys' shirts, overalls or similar garments, men's neckwear, etc., and men's, women's, and children's garters and suspenders. The field work by the commission in studying these industries was begun in January, 1916, running through until September. Only 23 establishments furnished pay-roll records available for tabulation, giving earnings for 2,658 female workers. Of these 37.7 per cent were found to be receiving less than $6 per week, 71.9 per cent less than $8, and but 15.8 per cent as much as $9. As in the other sewing industries, there were the conditions of home work and small establishments, while some of the products, notably overalls and work shirts, were found to be made in considerable numbers by prison labor.

The board for this industry was the largest up to date, due, no doubt, to the variety of interests affected, and consisted of 7 representatives of employers, a like number of employees, and 3 representatives of the public. Nominations were made by individual employers, but 3 of these were subsequently withdrawn, and the names of 6 persons unanimously selected by a group of 20 manufacturers representing all the various trades were submitted. These

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6 were chosen and 1 other, who had been individually nominated, while 7 of the 15 representatives of employees named and the 3 disinterested persons selected by the commission made up the board of 17 members. This board completed its deliberations on the 4th of October, 1917, its first meeting having been held on the 7th of June, there being eight meetings in all. Without dissent the board took as its basis of discussion a budget of $10.45, this going slightly beyond earlier estimates. Meetings of this board lacked the harmony that had existed in some of the other groups, three of the employer members resigning prior to the sixth meeting, and two more prior to the seventh. The employers were requested to submit evidence as to the suitability of the budget total as a minimum wage, taking into consideration the cost of living of the employees and the expenses and profits of the employers. No evidence was presented on the subject by them, and at the seventh and eighth meetings of the board, attended by the 7 employees and the 3 members representing the public, there was a unanimous agreement to recommend a minimum rate of $9 per week, $1.45 below the estimated cost of living for women over 18 years of age in the manufacture of neckwear, after one year's experience. Beginners, regardless of age, should receive $7 per week, after a six weeks' initial experience, during the first one-half year, and $8 per week during the second similar period, these rates to be effective on or about February 1, 1918.

The commission provisionally accepted these recommendations, and notified employers of a public hearing to be held October 20, 1917. No evidence was submitted at this time to show the undesirability of these rates, and on October 26 the amounts recommended were adopted for the various occupations noted above. This order appears in full on pages 314 and 315.

An inspection begun in February, 1918, covering 39 establishments, found full compliance with the recommendations of the commission in 22 establishments, while in 17 there were 39 cases of violations. Of these 11 were adjusted by an increase in wages, and in two cases licenses for substandard workers were granted. In December, 1918, and in 1919 a somewhat wider survey was made disclosing 25 cases of noncompliance in 14 factories. Of these 16 were of the special license type, 7 cases were met by raising wages, and 2 workers left the employment of the firm, one by discharge and the other voluntarily. Employment conditions in these industries were not as favorable as in the men's clothing and raincoat industries, since while but about 10 per cent had rates below $9 per week, 50 per cent had rates below $12, and very few received as much as $15.

WOMEN'S MUSLIN UNDERWEAR, ETC.

The seventh decree of the commission fixed rates for a group of occupations representing a variety of products, the decree enumerating muslin underwear, petticoats, aprons, kimonos, women's neckwear, and children's clothing. A preliminary investigation was made in this field during the months of March, April, May, and June, 1916, and January, 1917. Fifty-one shops and factories in the various parts of the State were visited, but pay-roll records were available in but 36. However, these were representative of practically all lines of the occupations covered, and gave data for 2,481 female employees.

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There was considerable difference in the wage rates in the different industries, the percentage of the employees engaged in each industry receiving less than $5 per week being as follows: Muslin underwear, 29.1; petticoats, 7.9; aprons and kimonos, 35.3; women's neckwear, 28.9; and children's dresses, 38.3. Taking all groups together, 48.2 per cent received less than $6 per week and 80.2 per cent less than $8; only 10.9 per cent of the total earned as much as $9 per week. The piece-rate system prevailed in the industry, and there was also considerable home work. The industries covered by this decree are affected by somewhat different conditions, many of them being located in small cities and towns where opportunities for employment are comparatively few; while the petticoat industry, in which the number of low-paid employees was least, is centralized in the city of Boston.

The appointment of a board followed the investigation, 15 members being appointed. A meeting was held at which employers were given an opportunity to discuss the facts developed by the investigation, and to indicate their attitude as to the organization of a wage board. They were found ready to cooperate, and the board was organized, holding its first meeting October 24, 1917. Fourteen meetings were held, and on March 15, 1918, the board recommended a minimum rate of $9 per week after one year's experience in the needle trades, one-half of which shall have been in the factory in which the worker is for the time being employed, and lower rates were recommended for beginners, the rates to become effective July 1, 1918.

These findings were based on an estimated cost of living of $9.65 per week, this cost being scaled quite considerably to reach the minimum recommended, as has been the case in the great majority of Massachusetts rulings. It was the opinion of the board that the industry could not properly be called upon to pay a higher rate in view of the conditions of competition with manufacturers in other States. The recommendation finally made received the unanimous vote of all members of the board present, including the three representatives of the public, one representative of the employers, and five representatives of the employees. Some members of the board were not present at the time of this adoption and later proposed that the workers be divided into two classes, machine operators and other workers, and that for the latter group a lower wage be fixed. Other changes were also suggested, but on consideration all were rejected.

The commission provisionally approved the recommendations noted, and a public hearing was set for April 26, 1918. Employers offered a number of objections, principally that the rates for apprentices were unreasonably high, especially for the younger girls. There was also no minimum wage named for beginners. The commission considered these objections of sufficient merit to warrant a resubmission to the board that a more satisfactory conclusion might be reached. At a meeting held June 7 the first recommendations were canceled and a fuller schedule was proposed, starting at $6 per week for inexperienced workers, a minimum of $7 to be paid to females not less than 18 years of age with at least 3 months' experience in the needle trades, $8 to be paid after 6 months, and $9 at the end of one year. A month's delay was made in the date of the order becoming

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effective. These recommendations were signed by the full board, and were approved after a public hearing held June 28, the decree bearing date of July 1. It is given in full on page 315.

An inspection made in November and December following covered 77 firms, and wage records were secured for 1,695 women and girls. Full compliance was found in 59 firms, 39 violations being disclosed in 18 firms. Increases in rates were made in 18 cases, special licenses granted in 11, and 10 women left the employment of the firms. In the inspections made in 1915–16 it was found that but 10.9 per cent of the women were receiving as much as $9 per week, while in 1918 74.3 per cent of the workers were in this class. The commission reports, however, that the advance in wages is not comparable with the increase in the cost of living within the same period.

A reinspection, August to November, 1920, secured records for 1,719 women in 81 places of employment. Only two cases of low wages were found, both being adjusted by the payment of higher wages. One-third of the women were found to be receiving less than $12 per week, and more than one-half (56.6 per cent) less than $15.

RETAIL MILLINERY.

An investigation begun in December, 1916, and extending to March, 1917, studied the wages of women employed in the manufacture and trimming of millinery. The entire field was covered, including the making and trimming of women's and girls' hats and bonnets and the production of millinery goods. The subject was found to fall under four principal heads, hat factories, flower and feather shops, wholesale millinery shops, and retail millinery shops. This last includes workrooms in department stores, the wholesale shops covering establishments in which hats are made up and trimmed for sale to retail dealers. The first group is the only one in which machine processes are used, flowers, feathers, and ornaments being generally made by hand processes.

In all, 190 establishments were visited, though but a few of these furnished data in a form available for the use of the commission. Trimmers and designers were found to be relatively well paid. These, however, were the minority of the workers, the larger part (72.1 per cent) being classed as makers and apprentices, many of them receiving less than a living wage. Nearly one-fourth (24.8 per cent) of the total number of women employed in retail millinery establishments received less than $6 per week, 39 per cent received less than $8, and 33.2 per cent received $10 or more. Trimmers constituted 17.4 per cent of the total, and their relatively high pay is reflected in the fact that 12 per cent of the total number of workers received $14 per week or above.

The wage board constituted for this industry consisted of but seven members. It held its first meeting on April 16, 1918, and on May 7 submitted to the commission a unanimous report. The cost-of-living budget agreed upon amounted to $11.64 per week, but the wage board's recommendation was influenced by the finding "that the retail millinery trade in Massachusetts is not in excellent condition." The weekly scale recommended was a $10 rate for female employees 19 years of age or over, who had at least 4 seasons' experience in millinery workrooms, $7.50 for those 18 years of age or over having

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at least 3 years' experience, $6 for those 18 years of age or over who had at least 2 years' experience, $4.50 regardless of age for those who had at least 1 season's experience, and $3 for beginners, 12 weeks to constitute a season. The very low rates for beginners were advisedly set, inasmuch as "the board does not look with favor upon high wages for young girls in the millinery trade." The older girls, those 17 years of age or over, were to be advanced twice a year during the period of apprenticeship, which was to fall within a period of two years.

A provisional approval by the commission was followed by a public hearing on June 28. No one appearing in opposition to the recommendations, the decree was issued on July 1, to be effective August 1, 1918.

The decree appears in full on pages 315 and 316.

An inspection begun later in the same year and completed in 1919 extended to 174 workrooms, wage records being secured for 562 women and girls. A number of reinspections were also made for the purpose of making wage adjustments. There were 14 cases of violations found in 13 shops, 4 of which were settled at once by wage adjustments, and in 4 others the women left the employment of the under-paying firms. A reinspection showed that in four other cases wages had been raised, and in the two remaining the women had left employment. As against 24.4 per cent of the workers receiving less than $7 per week in 1916, only 7 per cent were in this wage group in 1918–19. The proportion receiving $10 and under $11 was practically the same at the two periods, 14.1 per cent at the earlier date and 14.4 per cent at the later. The number of higher paid employees, those receiving $15 per week and over, advanced from 12.9 per cent to 36.3 per cent.

In the late fall of 1920, but one case of noncompliance was found in 205 workrooms in which 715 women were employed, and this was adjusted by raising the wage. A considerable advance over the rates and earnings shown by the previous inspection was also indicated.

WHOLESALE MILLINERY.

As noted above, the investigation made between December 28, 1916, and March 19, 1917, covered all branches of the millinery trade. The conditions seemed to warrant separate boards for the retail and wholesale branches, and they were accordingly considered separately. In wholesale establishments pay-roll records were available for tabulation for 393 women. Of these it appeared that 23.4 per cent received less than $6 per week, 46.8 per cent received less than $8, and 28 per cent received $10 or more. Only 3.3 per cent received as much as $15.

An investigation of the wages in the wholesale millinery establishments was made by the commission in the summer of 1918. This showed but slight improvement in wage conditions, a substantial number of women still receiving inadequate wages. A conference was therefore held with employers, and the establishment of the wage board was proceeded with. The first meeting was held October 10, and after four meetings, on November 13, the board submitted a unanimous report. Like the retail board this consisted of seven members, and like it found that the cost of living had increased so that

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earlier standards could no longer be accepted. A weekly budget of $12.50 was approved by this board, but the practice of fixing a lower wage rate was again followed, a minimum of $11 per week for experienced workers being recommended, with a scale of rates ranging from $6 to $9 for learners and apprentices. The commission accepted this report and called a public hearing for November 30. No opposition being offered, the commission thereupon entered a decree, to be effective January 1, 1919, adopting the proposed rates. The order is reproduced on pages 316 and 317.

An inspection to determine compliance was begun shortly after the decree became effective, 28 establishments being visited and 841 individual records being secured. Full compliance was found in 22 establishments while in 6 there were 10 cases of noncompliance. In six of these wages were raised, two were of the special license type, one woman left employment, and the other one was discharged. Comparing the conditions at the two inspections, before and after the decree, it appears that in 1916, 26.2 per cent of the workers in wholesale millinery received less than $10 per week; while in 1919 but 1.7 per cent were in this group. In the manufacture of straw hats 20.5 per cent of the workers received less than $7 per week in 1916, none receiving so low a wage in 1919. Those receiving $15 and over comprised 2 per cent of the total in wholesale millinery in 1916 and 19.7 per cent in 1919; while in the straw-hat establishments the percentages were 7.1 per cent at the earlier date and 40.4 per cent at the later.

OFFICE AND OTHER BUILDING CLEANERS.

The subject matter of the tenth wage decree is one that presents problems not appearing in any other occupation. The work is usually done at night when the occupants of the buildings are absent, and was found to occupy from 18 to 56 hours per week of the time of the women employed, a few working even less time. Of 847 women for whom scheduled hours of labor were reported, 23.4 per cent worked less than 30 hours per week and 65.8 per cent less than 38 hours. These figures indicate a considerable amount of leisure time, though a study of supplemental gainful employment showed that but 11.3 per cent of the total number for whom information was obtained had such employment. The women as a class were older than those of the other occupations, two-thirds of those investigated being over 40 years of age. The number reporting that they lived at home or with relatives formed 96.4 per cent of the total giving information on this point. It was necessary therefore to consider the subject in a somewhat different manner than that adopted in other occupations.

The investigation was made in April, May, and December, 1917, and in January, 1918, 201 buildings and institutions being covered. Local customs differed considerably, the majority of the buildings located in Worcester, Springfield, and Lowell, and the four smaller cities studied employing no women. In 101 buildings found to have female employees, wage records were available for a full year for 64, employing 1,249 women. Of these 30.3 per cent earned less than $6 per week, 89.1 per cent earned less than $8 per week, and only 3.7 per cent earned as much as $9.

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The employers of these women were chiefly managers or real estate agents and in but a minority of the cases were they the actual owners of the buildings. Considerable stress was laid by these men upon the importance of keeping down the operating expenses if the stockholders who owned the property were to receive a fair and just return upon their investment. They also claimed that the wages of women in this line had increased considerably during the year of the investigation, and questioned the propriety of establishing a living wage standard for an occupation which was so largely done by part-time work. However, a wage board of 15 members was established, which held its first meeting April 10, 1918, and on June 19 submitted a majority report fixing the minimum cost of living at $11.54 per week. It recommended a minimum rate of 30 cents an hour for nightwork if amounting to less than 40 hours per week, and 26 cents an hour for daywork if amounting to less than 45 hours per week, with provision for a $12 weekly minimum wage in case of day or night work in excess of these hours. This is notable as suggesting a higher minimum wage than the reported cost of living.

A minority report of June 21 recommended a minimum hourly rate of 25 cents. Desiring unanimity, the commission resubmitted the subject to the board on July 15, and a second majority report resulted on July 18, recommending 26 cents an hour for the day shift and 30 cents an hour for the night shift without a minimum weekly rate. Provisionally approving this recommendation the commission called a public hearing for August 12, at which time employers objected to the flat hourly rate as operating unjustly against buildings having a long night shift. In connection with this objection technical questions were raised as to the extent of the powers of a wage board. These were referred to the attorney general, thus somewhat delaying final action; subsequently (August 22, 1918) the minority submitted a second report, acknowledging that outside part-time employment was difficult to secure, and agreeing that 42 hours of this kind of work done at night should constitute a week's work. This report dwelt upon the financial condition of the industry, and recommended a flat rate of 26 cents per hour, which would produce $10.92 for a 42-hour week and $9.36 for a 36-hour week. The commission considered all the evidence, and finally approved the majority report, fixing 30 cents for nightwork (between 7 p. m. and 8 a. m.) and 26 cents for daywork. No provision was made for experience, the nature of the employment being such as the average working woman could easily take up.

An inspection as to the effect of this order, which became effective April 1, 1919, showed increases in weekly rates ranging from 50 cents to more than $2 per week. Inspection was made of 207 office and other buildings employing 1,354 women. Full compliance was found in 200 buildings, 42 cases of noncompliance appearing in the other 7, but all of these were adjusted by an increase in wages to meet the requirements of the decree. Inspections showed that instead of 27.9 per cent of the workers receiving less than $7 per week, as in 1916–17, only 2.9 per cent received less than this sum in 1919, and that 73.5 per cent received $9 and over at the later date as against 5.6 per cent in 1916–17.

In August, 1920, the associate commissioners of the department of labor and industries, acting as a minimum wage commission, voted

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to reconvene the wage board in this occupation. This action was taken independently of any petition of either employers or employees, being authorized by an amendment of the act which had just come into operation. Prior to this petition was necessary, and the women and girls affected by this decree "either did not know about this provision or were afraid to take advantage of it; so that, during the period when the cost of living was steadily advancing, it has been of little protection to them." The commission reported that "owing to the hours of work peculiar to this occupation, approximately one-half of the women averaged less than $10 per week" on the rates established by the existing decree. Supplementary employment being practically unobtainable, the earnings for the 30 or 40 hours worked represent the entire weekly income for most of these women. In accordance with this determination, a meeting of the reconvened board was called for October 21, 1920, consisting practically of the membership of the original board, one public representative and one representative of employers being the only exceptions.

Instead of making a new budget of cost of living this board simply increased the old rates by a percentage corresponding to the increased cost, or 33⅓ per cent, which it derived from reports of the United States Bureau of Labor Statistics. This gave a cost of $15.40 per week, and this amount was accepted as a standard, as was a week of 42 hours. For part-time employment a rate of 37 cents per hour was named. It was found that most workers were employed about 33 hours per week, and earned $10; under the new hourly rate this amount would be increased 22 per cent, making the wage $12.21 for this amount of work. The difference between day and night work was eliminated. The order appears on page 317.

CANDY MAKING.

Although the decree relating to the employment of women in candy factories was not issued until July 19, 1919, and was the eleventh in serial order, the industry was one of the first investigated by the commission. Indeed this industry was one of the four selected for investigation by the preliminary commission on minimum wage boards which was appointed in 1911, and which recommended the legislation of 1912. One of the early acts of the new commission was to arrange for a fuller investigation of this subject with a view to bringing it under the operation of the law at an early date. The field work was conducted in the winter of 1913–14, extending to 14 establishments selected as representative, and securing wage data for 3,326 workers. Though there was considerable variety in the earnings of workers in the different branches of the business, in the aggregate 49 per cent earned less than $5 per week, 92.1 per cent less than $8, and but 2.5 per cent earned as much as $9 weekly. Many of the workers were young girls, and a correspondingly large number of them lived at home. However, the very low rates of pay led the commission to organize a board on the subject, which was done in the spring of 1914. Fifteen members were selected and the board met from time to time for nearly a year, submitting a majority report in February, 1915, which recommended a minimum wage of $8.75 per week for experienced women, and also stated its opinion

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that the industry was able to pay the recommended increase. After two public hearings the commission approved these recommendations and had in mind the issuance of a decree to become effective October 1, 1915. Before action was taken the commission was advised by the attorney general that there had been a technical defect in the organization of the board which would probably invalidate its action. This was due to an amendment to the law which became effective during the time of selecting the wage board members, and to meet the difficulty the commission undertook to reorganize the board. The manufacturers duly nominated their representatives to the new board, but afterwards applied to the courts for an injunction to restrain the commission from proceeding further, alleging both that the new board was illegally formed and that the law itself was unconstitutional. The commission ceased action on this subject and no injunction was issued, the situation remaining unchanged for three years. When the supreme court of the State gave its decision in September, 1918, upholding the constitutionality of the law the commission decided to make a new study of the candy factories as a guide to further action if found desirable.

In view of the earlier investigations it did not seem necessary to go so extensively into the subject as before, and the study was limited to a wage survey of 7 of the 14 firms included in the earlier investigation. These were representative both as to the nature of their products and as to locality. The field work was done in October and November, 1918, pay-roll records being secured for 1,675 women. Of these 1,071 were employed for sufficient periods of time to make their earnings of value for the purposes of the commission, and of these it was found that 17.6 per cent received less than $6 weekly, 45.1 per cent less than $8, and 76.7 per cent less than $10; 8.7 per cent received as much as $12 per week. Compared with the study of 1913, an approximate advance of $3 in weekly rates was discovered; an advance in the age of the employees was also noted.

Following this study the commission called a public hearing on the advisability of establishing a wage board. Employers present asked for opportunity to submit additional data and the commission deferred the organization of the board accordingly. However, after considering the material furnished the organization of the board was determined upon, and 15 persons were again selected to consider this subject. The first meeting was held in May, 1919, 7 meetings being held, until on July 26 a unanimous report was submitted naming $12.50 per week as the minimum requirement to meet the cost of living. This amount was therefore recommended as the minimum rate for an experienced woman of ordinary ability, with an $8 minimum for all other workers. This being provisionally approved, a public hearing was set for July 19. No opposition being offered the commission immediately promulgated the decree according to the recommendations of the board, it taking effect January 1, 1920. Experience involved at least 67 weeks' employment within a period of not less than 78 weeks. The order is reproduced on page 317.

An inspection conducted the first quarter of the year covered 110 establishments, employing 7,050 women. In 82 establishments employing 97 per cent of the women, full compliance appeared; while in 28 there were 206 cases where the rate fell below the minimum. Three of these were adjusted by receiving special licenses, in 177

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wages were raised, 18 employees were discharged, and 8 left employment. In 1918, 8.6 per cent of the women received above $12 per week, while in 1920 this group comprised 53.9 per cent of the workers; 21.6 per cent received less than $9 weekly as against 62.8 per cent in 1918, thus showing a marked change.

CANNING AND PRESERVING.

A study of the wage conditions of women and girls in Massachusetts employed in the canning and preserving industry was carried on during the latter half of the year 1918. Agents visited 60 establishments in 10 localities, securing wage data for 976 women, 587 of whom were employed by fish-canning firms, and 389 in other establishments. However, but 660 records were available for tabulation, and of these it was found that 28.5 per cent were receiving less than $6 per week, 69.7 per cent less than $8, and but 3.2 per cent as much as $10. The organization of a wage board followed, the condition of employees in these industries being regarded as especially difficult because of the seasonal nature of their employment and because, not being "a war industry," wage advances had been slight as compared with the increase in the cost of living. The board comprised but seven members and held its first meeting on May 9, 1919. After seven meetings on June 24 it submitted a unanimous report based on a weekly budget of $11 as the minimum to maintain a self-supporting woman in this occupation. It was pointed out that this amount was somewhat less than recent findings of other boards, which was explained by the reduction in the items for board and lodging and for carfare. It was concluded that the financial condition of the occupation was such as to enable the payment of the full cost found, and a rate of $11 was accordingly fixed as a minimum for experienced employees. Other workers were to receive not less than $8.50 per week. A year's employment, not less than 40 weeks, was to be regarded as qualifying for the standard minimum. A public hearing was held on July 21, when, no opposition appearing, a decree was entered on that date to be effective September 1, 1919. This decree appears in full on pages 317 and 318.

Immediately following the inception of this decree, an inspection was made of the pay rolls in 35 establishments, employing 650 women and girls, to ascertain the degree of compliance. Full compliance was found in 31 establishments, representing 98.5 per cent of the women for whom records were secured. In four establishments there were 10 cases which required adjustment; in 9 of these wages were raised and in the tenth a special license was issued permitting a lower rate. Eleven firms furnished such information as enabled the commission to decide the amounts of the increases made in behalf of 127 women. Of these two received an increase of less than 50 cents; seven of 50 cents and less than $1; 86 of $1 and less than $1.50; three of $1.50 and less than $2; 28 of $2 and less than $2.50; and one of $3 or more.

A reinspection during the fall of 1920 secured records for 734 women in 33 establishments, but four cases of wages below the minimum appearing. In three cases wages were raised, while the fourth was a special license case. Though wages in this industry were still low, the median rate had advanced from $11 and under $12 in 1919 to $13 and under $14 in 1920.

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CORSET INDUSTRY.

As in the confectionery industry, the investigation in the corset industry was begun quite early, but a combination of circumstances prevented the issuance of an order until late in 1919. The first investigation in this field took place in the latter half of 1913 (September and October). Eight factories were studied in three localities, wage records being secured for 2,388 women. Irregular employment, defective records, and work at other than the processes of manufacture of corsets, eliminated 278 persons, leaving 2,110 for actual tabulation. Of these it was found that 9.6 per cent received less than $4, 35.5 per cent less than $6, 68.7 per cent less than $8, and only 16.4 per cent as much as $9 weekly.

A wage board of 15 persons was accordingly organized in February, 1915, and its meetings began, continuing until the autumn of that year. At that date the commission accepted the resignation of one of the representatives of the employees, whereupon the attorney general informed it that it was without power to fill resulting vacancies—a power that the commission had assumed that it held, as is evidenced by its statement to that effect in one of the rules governing the brush wage board. The chairman of the board, a judge, further advised that determinations reached by the board in the absence of a full representation would probably be invalid. The action of this board was therefore suspended. This experience led the commission to suggest legislation empowering it to fill vacancies that might arise on wage boards, but the desired amendment was not enacted until 1919. In the meantime the three-year term for which the board was appointed expired in February, 1918. Following the decision of the supreme court in the same year sustaining the validity of the law a new investigation was made to consider whether it was desirable to establish a new board for this occupation; this began in May, 1919, and was completed in the following month. Pay-roll records were studied in 10 factories, 2 of which were engaged in making custom-made products, the others being the 8 factories represented in the earlier study. These factories employed practically nine-tenths of the women engaged in the industry in this State. The wages of 1,361 women were secured, showing 10.4 per cent of this number receiving less than $6, 27.6 per cent less than $8, and 47.6 per cent less than $10 per week. Only 32.9 per cent received as much as $12.

While these rates showed considerable advances over the earnings at the earlier date, the cost of living had also advanced, so that the appointment of a wage board was determined upon—this time of seven members, taking advantage of the amendment of the law permitting the appointment of smaller boards. The first meeting was held October 2, 1919, and after nine meetings a majority report was submitted December 9, only one member failing to sign. The budget upon which action was based amounted to $13 per week, and the industry was regarded as able to pay this sum. This amount was therefore recommended as the rate for experienced employees, meaning thereby a worker at least 17 years of age who had been employed in the occupation for at least one year. Beginners, 17 years of age and over, were to receive $10 per week, and younger workers $8. These recommendations were provisionally approved, and a public hearing called for December 27. No one appearing to oppose, the de-

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cree was issued accordingly bearing the date named and to be effective March 1, 1920. The text is given in full on page 318.

An inspection made immediately following the date of the inception of the order covered 15 factories and 1,612 women and girls. In 8 establishments with 72.6 per cent of the workers there was full compliance. Of 30 cases of noncompliance, 11 were adjusted by raising wages and 3 by changing women from time to piece rates, at which they were able to make the minimum; 10 were of the special license type, while 6 women left the employment. In 1919 31.8 per cent received less than $10 per week; in 1920 but 8 per cent received less than that amount. Only 15.2 per cent had rates over $15 at the earlier date, while in 1920 39.4 per cent were found in this wage group.

KNIT GOODS OCCUPATION.

The fourteenth decree issued by the Massachusetts board relates to employment in the manufacture of knit goods other than hosiery and underwear. An early investigation had been made covering the entire field of hosiery and knit goods, the study being made in the months of September, October, and November, 1915. At that time 27 establishments in 15 cities and towns selected for their representative value were visited and a transcript of pay rolls obtained. Of the 3,460 workers whose earnings were tabulated it was found that 11.8 per cent received less than $4 per week and 40.7 per cent less than $6; only 13.4 per cent received as much as $9.

Considerable differences in the various branches of the industry were disclosed, and no action was taken at that time regarding the establishment of a wage board. A second investigation of this occupation was made in June and July, 1919, the first intention being to cover all lines of knit goods. It soon appeared that the variations found to exist in 1915 continued, the level of rates in staple lines of hosiery and underwear being above those paid in other branches. The investigation was practically confined therefore to manufactured knit goods other than these classes. A tabulation of the wage records of 344 girls and women employed in 8 factories showed 8.1 per cent receiving less than $6 per week, 35.8 per cent receiving less than $9 per week, and but 23.3 per cent receiving as much as $12.

Following this investigation a wage board was established consisting of seven members, which held its first meeting on November 7, 1919, nine meetings being held, resulting in a report on February 19, 1920, in which a budget totaling $15.30 per week was adopted. Considering the subject of competition with other States and the number of small establishments in which considerably lower rates prevailed, it was decided that an advance to this sum would be too abrupt a change, and a final agreement was reached for a minimum wage of $13.75 per week for experienced employees, i. e., those having 40 weeks' experience in the occupation. Beginners' rates were fixed at $8.50 regardless of age. Approval and a public hearing on March 13, 1920, followed, and on this date the decree was entered, to be effective July 1, 1920. This decree does not cover staple lines of hosiery and underwear, but does apply to lines used for athletic purposes, and special lines such as bathing suits, tights, and infants' garments. The text of this decree is given in full on page 318.

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In 29 establishments employing 1,096 females, but four cases of noncompliance were found on an inspection made following the coming into effect of this order. One of these called for a special license, wages being increased in the others. Marked improvement in the wage situation was in evidence, with a fair assumption that this was largely due to the order. More than one-half (55.6 per cent) were found to be receiving $15 per week or more, as against 9.9 per cent in 1919.

PAPER BOX OCCUPATION.

The fifteenth occupation for which a decree was issued related to the paper-box industry. This is one of the industries in which obstacles were put in the way of final determination by the attitude of the employers. The commission had studied employment conditions in February, March, and April, 1915, investigating 24 establishments in 15 cities and towns of the State. Available wage records were secured for 2,178 women and girls, of whom 16.1 per cent were found to be earning less than $4 per week, 44.5 per cent less than $6, 75.7 per cent less than $8, and but 14.6 per cent as much as $9 weekly. The organization of a wage board was determined upon, and a full board of 15 members was selected in the latter part of 1915, but no meeting was then held, as the employers' representatives declined to go forward with the work of the board until the constitutionality of the act had been passed upon by the courts. Following the decision in the autumn of 1918, a second investigation of the industry was undertaken by the commission, being begun in February, 1919, and completed the following month.

Of the 24 establishments investigated at the earlier date, 16 were covered at the later period, 1,054 wage records available for tabulation being secured. A somewhat later investigation was made by the New England Division of the National Paper Box Association, and though there had been some increase in wages according to the later report, taking into consideration the time involved, the results did not materially differ from those disclosed by the commission's investigation, and neither of them indicated much actual improvement in the wage situation since 1914. However, a considerable advance in money wages is evidenced by the fact that at the time of the commission's second investigation but 8.5 per cent of the workers were receiving less than $6 per week, 26.9 per cent less than $8, and 48.5 per cent less than $10; 31.8 per cent received $12 and more. The appointment of a second board was determined upon, 15 members being again selected. This board did not make its report until the spring of 1920, thus reflecting conditions "at a time when the cost of living is at an unusually high figure." It was also said to be "a critical period in industrial conditions," and the board recommended that the rate suggested "be revised from time to time to meet changes in the cost of living, taking as a basis the index number for retail food prices furnished by the Federal Bureau of Labor Statistics." The budget adopted by the board totals $15.50 per week. Of this, board and room were fixed at $9 per week; clothing, $3.25; laundry, 60 cents; doctor and dentist, 50 cents; church, 15 cents; newspapers and magazines, 25 cents; vacation, 50 cents; recreation and self-improvement, 50 cents; contingent, 40 cents; incidentals, 25 cents; and insurance, 10 cents.

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The industry was regarded as in a condition to pay the cost of living thus determined, and that amount was accordingly required for females of ordinary ability after nine months' employment. Learners 16 years of age and over should receive not less than $11 per week and others not less than $9, the recommendations to take effect on or about July 1, 1920. The board added the statement that the decree was intended only to determine a minimum living wage, and if the cost of living is to be reduced, "it is essential that both employers and employees cooperate to secure a maximum production."

The recommendations of the board received a preliminary approval, and a public hearing was held on May 22, and on the 26th of the same month the decree was issued in accordance with the terms of the recommendation of the board. It appears in full on pages 318 and 319.

The first survey of this industry under the decree showed considerable disregard of its provisions. There were 4,831 records secured in 125 factories. In 68 plants 564 cases of noncompliance were found, of which but 354 had been adjusted at the end of the year. The wages of 110 were raised, 68 time workers were put at piecework and earned the minimum, 25 workers were granted special licenses, 1 was discharged, and 135 left employment. Despite the "serious difficulty encountered in securing compliance" with this order, its benefits are apparent. Before the wage board was established only 6.3 per cent of the women had weekly rates as high as $15, while under the order the proportion was 35.9 per cent. Those receiving under $12 totaled 74.4 per cent before as against 27.7 per cent after the order came into effect.

MINOR LINES OF CONFECTIONERY AND FOOD PREPARATIONS.

A large miscellaneous group of productions investigated in October and November, 1919, was classed under the above general head. The establishments investigated, 91 in number, were located in 25 cities and towns, and pay-roll records suitable for tabulation were secured from 35 establishments. Of these 24 were classed as food-preparation firms, manufacturing flavoring extracts, confectionery, and soda-fountain supplies, and miscellaneous products, such as macaroni, potato chips, peanut butter, maple sirup, prepared flour, and gelatine; while 11 firms represented minor lines of confectionery, as salted nuts, nut brittle, stuffed fruits, chewing gum, and the like. Obviously the employments differed considerably, and establishments were found to vary widely in the rates paid. Thus in minor confectionery, while but 2.8 per cent of the 284 women employed for whom earnings were secured received under $5 per week, one establishment paid 50 per cent of its workers this low rate, 75 per cent receiving under $6. Only 2 of the 11 establishments represented paid less than $5 and only 3 paid less than $6 to any of their adult workers. Similar differences appeared in the establishments producing food preparations, though the latter group as a rule paid lower rates than in minor confectionery. Taking both groups together 9.2 per cent of the workers were found to receive less than $6 per week, 25.6 per cent less than $8, and 50.1 per cent less than $10; only 27.1 per cent received as much as $12 per week.

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A call for nominations for members of the wage board was issued on June 8, 1920, from which six representatives were to be chosen for employers and for employees, respectively, three representatives of the public to be selected by the division of minimum wage. This invitation stated that names would be received up to June 21. However, on the 23d of that month an insufficient number of nominations had been submitted for either employers or employees, and a circular letter was sent out extending the time for submitting names until June 30. Attention was called to the power of the commission to name members without nomination where less than twice the number of names required are submitted. The completion of the wage board was accomplished in October, and a meeting for organization set for October 28, 1920, at the statehouse.

OTHER INVESTIGATIONS.

Hotels and restaurants.—Though no wage board has ever been formed to consider recommendations as to the wages of women employed in hotels and restaurants, this subject has been investigated by the commission. The first inquiry was made in the seven months from July, 1916, to January, 1917, covering 264 establishments, of which 140 were hotels and 124 restaurants. Various parts of the State were visited and tabulatable data for 2,411 woman workers in 51 establishments were obtained; records were also secured for 32 summer hotels employing 803 women.

The situation of workers in these establishments differs from that found elsewhere, inasmuch as some receive board and lodging, some board only, some but one or two meals a day, and some none at all, though they may be able to purchase them at reduced prices; some who receive three meals a day are not employed on Sunday, so that they must have independent arrangements for that day. The receipt of room and board relieves also of the expense of carfare. Some workers receive tips, though some of the more poorly paid are employed where few tips, if any, are given. Part-time work is also the practice in some restaurants, while summer hotels further complicate the problem.

The value of the meals furnished was difficult to estimate, the employers themselves naming rates ranging from $3 to $5.25 per week as the cost of three meals per day. Many complaints were made by workers as to quantity and quality of food, several saying that they found it necessary to purchase food outside the restaurants in which they were employed, in order to be adequately nourished.

The commission estimated that workers receiving both board and lodging should have a minimum wage of not less than $4 per week, though 29 per cent of this group received a smaller sum. If given 3 meals and no lodging, $7 per week was the estimated minimum in cash, yet 85.4 per cent of the workers in this group received less than that amount. In spite of these low rates, when a public hearing was held to consider the formation of a wage board, facts as to wage increases were submitted which led the commission to postpone action. Two supplementary investigations were conducted as to restaurants in 1918, one in February, and the other in July and August. These showed a considerable improvement as compared with the first investigation, though there were still several cases in which wages

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were below the cost of living. The commission therefore issued a letter to restaurant proprietors setting forth the facts and urging the payment of a living wage. This bore date of August 28, 1918, and explained why the appointment of the board had not followed the investigation of 1916, and also stated that the investigation in 1918 had showed a pretty general increase in the minimum wage paid. Since the greatest increase in the cost of living had been in the item of food, and since restaurant workers were generally supplied with meals, it was said that most employers were giving their female employees a sufficient wage to cover the minimum cost. To those who were not measuring up to the standard, an appeal was made for better conditions for their workers in this respect, since by underpaying "they were not only handicapping their workers, but also were thereby operating in unfair competition with the large number of proprietors who had met war conditions by bringing their wage scale up to a living wage." Cooperation was asked for to obviate these inequalities without the establishment of a board. No mention is made of the subject in the report covering the year 1919.

Cotton textiles.—The largest investigation, numerically, ever undertaken by the commission was one covering the cotton textile factories of the State. The field work was commenced in June, 1917, continuing until February of the next year. In all 80 factories were visited, from 72 of which pay-roll data were used. The establishments were representative of a variety of products and of the principal textile centers of the State. The smaller firms as well as the larger were included in order to secure a complete showing. Records for 64,529 female employees were secured, of which 54,345 were used for tabulation. In 55 establishments, not only was a current pay roll obtained, but also a comparable record for the first six months of the year 1915. Comparison showed an approximate increase of from $3 to $4 in weekly rates in the two-year period, "and even more conspicuous advances would be shown if rates for 1918 could be presented."

The number of females employed in 1915 in the 55 establishments used for comparison was 7,973 and in 1917, 9,591. At the earlier date 16.8 per cent of the total were receiving less than $6 per week, while at the later date there were but 1.4 per cent in this group. In 1915, 60.6 per cent received less than $8, while in 1917 but 10.5 per cent were receiving this amount. At the earlier date but 0.5 per cent received as much as $12 per week, while in 1917 the number had advanced to 30.5 per cent of the total.

No steps were taken toward the organization of a wage board for this industry.

Loom harness.—The manufacture of loom harnesses is a minor occupation in respect to the number employed, but was regarded as of distinct interest not only because of its relation to the textile industry of the State, but also because Massachusetts produces the greater part of loom harnesses used in the United States and also exports to the Orient. The level of wages was found to be considerably lower than in the textile factories, to which this industry is a subsidiary. Over one-half of the employees are women, their work being largely unskilled or semiskilled.

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The investigation made in July, 1919, secured earnings of 139 women. Of these 26.6 per cent were receiving less than $9 per week and 38.1 per cent under $11; 37.4 per cent received $15 and over. In the lowest wage group, those earning under $5, there were 16 workers, constituting 11.5 per cent of the total. Although this showing indicated the need of a minimum rate, the commission felt that the number of employees was so small that the money that would be required for the expenditures and costs of a wage board was more needed elsewhere. Action in the matter was therefore deferred.

EFFECT OF THE LAW.

Some account has been given, following a number of the decrees, of the material results disclosed by enforcement inspections. Results of more extended studies have been presented in two of the bulletins issued by the minimum wage commission (Nos. 7 and 12). The first of these is devoted to the effects of the brush decree, and presents conditions as they were discovered to be about a year after the decree went into effect. The year covered by the operation of the order was one of industrial depression, the unemployment situation being almost unprecedented. No improvement was manifested at the end of June, 1915. That the employers in the brush industry were in some cases vigorously opposed to the decree is beyond dispute, and the opponents of the act enumerated certain items of their experience and attitude as furnishing support to their position. A bill to repeal the act was submitted in 1916, and various arguments were offered in an attempt to secure the adoption of this measure. As more satisfactorily meeting the situation, it was suggested that a Federal law might properly be drawn, uniform in its operation throughout the country, in order to control the factor of interstate competition. In the meantime the Legislature of Massachusetts might perhaps properly enact a law giving only investigatory powers to a commission which should be able to secure the necessary data to insure an intelligent procedure. The Merchants and Manufacturers' Association of Massachusetts by its executive committee opposed the law as an attempt to fasten "an insidious and mistaken principle" upon the life of the business of the State. This committee stated that "nearly 200 women out of the 700 affected in the brush industry were discharged the day after the decree became effective because unable to earn the prescribed wage. Many of these women besought the commission to let them go back to work at the early prices, but in vain."

The report of the commission does not bear out the assertion that such wholesale discharges have taken place, and certainly not on account of the operation of the decree. In 16 firms inspected both in 1913, before the issue of the decree, and in 1915, the year following its issue, it was found that the number of women employed was 334 at the later date as against 332 at the earlier date, and that the total number of minors employed had increased from 36 to 51. On the other hand the number of men employed had decreased from 472 to 417, a result that could in no way be attributable to the minimum-wage decree. In summing up its conclusion, the commission found that the decree had been complied with in practically every case,

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that there had been large increases in wages throughout the industry, and at the same time an increase in the capital investment and the value of products. "The employment of women and minors has not given way to the employment of men, nor has the minimum wage tended to become the maximum."

The second bulletin on the effects of the law related to conditions in retail stores. The decree became operative January 1, 1916, following which the commission arranged a systematic inspection of pay rolls to determine the degree of compliance and the effect of the decree where accepted. Wage increases were found to be necessary in about 900 of the 1,000 establishments covered by the commission's investigation, affecting nearly 40 per cent of the women and girls employed therein. In stores where advances were required to meet the minimum set by the commission, the increases amounted to 46 per cent; where wages not less than the minimum had previously been paid, the percentage of wage increases was 20; and in stores where lower wages were paid and no attempt was made to follow the terms of the decree, wage increases amounting also to about 20 per cent were found, which were believed to be due, in part at least, to the publicity given to the commission's recommendations. "Altogether nearly 6,000 women and girls received increases of wages, more than nine-tenths of whom were employed in stores which raised wages in pursuance of the commission's recommendations."

A majority of these increases amounted to at least $1 a week and in many cases to $2 or $3 or more. A comparatively small number of cases was discovered in which rates higher than the minimum were reduced. However, these reductions took place in larger proportions in the stores not complying with the decree. A reduction in the working force, amounting to about 10 per cent, took place during the three years, 1914, 1915, and 1916. This was greatest in the subsidiary employments of counter cashiers, examiners, messengers, and bundlers, mostly young and inexperienced persons. The total amount paid out in wages to women and girls was greater in 1916 than in either of the preceding years, despite the decreased employment. It appeared, therefore, that most of the experienced employees were being paid as much as the minimum, and that most learners and apprentices were employed under more favorable conditions and with better prospects than ever before, and that no such general increase in wages as had taken place would have occurred but for the operation of the law. It was believed that the reduction in working forces was due mainly to other causes than the introduction of the minimum wage, there being already in process in a number of stores a readjustment of methods as to the use of counter cashiers and examiners with a view to dispensing with the services of such employees. A like elimination of messengers, tellers, and cash girls had been in process in progressive department stores for a number of years.

The Boston Social Union appointed a committee of neighborhood workers to advise women and girls who might lose employment on account of the minimum-wage decrees. After nine months of activity this commission reported that employment had been secured for nine-tenths of the total number of persons who had lost employment, while in the great majority of cases other employment had been se-

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cured on better terms. "Their total weekly earnings previous to the enforcement of the wage-board decree were $228.50; their present earnings for a week are $322.70. The surplus on about four months of steady work will, therefore, compensate in the year's total for the weeks of idleness ensuing from their loss of position." Only two records showed lowered earnings in the new employment. Others showed advances giving the workers from $2 to $3.50 per week more than in the employment left. It was found that most of those losing positions on account of the act were not experienced, but were girls who had left grammar school without completing it and had remained in service perhaps four or five years without developing a capacity which made them valuable to their employer. They were let out of positions in which they were earning only $4.50 or $5 per week. A percentage of unadaptable persons and some situated so as to limit their opportunity for employment, with occasional indifference as to securing positions, accounted for a number of those for whom places had not been found.

The report of the commission for the year 1919, during which 10 decrees were in force for part or all of the year, disclosed inspections made of 1,030 establishments, representing 24,815 women. Cases of noncompliance numbered but 196, or seven-tenths per cent of the entire number for whom records were secured. Of these cases 42 were of the special license type, 130 were adjusted by the employers by raising wages, 22 women left the employment of the firm, 3 cases being of discharge, and in 2 cases the women were dropped because the firm was on the verge of bankruptcy. These figures indicate a very high degree of compliance with the existing orders, though the rates fixed by some of the early decrees were so low that compliance was not of much significance.

Inspections were made of 10 occupations during 1920, 6 of them being initial inspections under the decrees for these occupations. They covered the candy, corset, men's clothing and raincoats, knit goods, women's clothing, paper box, office and other building cleaners, canning and preserving, retail millinery, and the muslin underwear industries. For the last four the work was of a follow-up nature, previous inspections having been made. The total number of wage records secured was 23,349 in 1,126 establishments. Additional visits were made in a number of cases in order to secure adjustment where noncompliance was found. The number of cases of noncompliance was 983, or 4.2 per cent of the entire number of persons for whom records were secured during the year. Adjustments were made in 681 cases, leaving 302 unsettled at the date of the report. Of the adjusted cases 366 received an increase of wages; 71 women were changed from time rates to piece rates, at which they were able to earn the minimum or more; 44 special licenses were granted, 21 additional cases being adjudged of this type; while in 159 cases women voluntarily left employment. "As far as could be ascertained, this was due not to the effect of the decrees, but to the general unrest and consequent high labor turnover which characterized the first half of the year, and to the business depression and attendant unemployment of the latter half of the year." There were 20 cases of discharge.

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Of the unsettled cases more than two-thirds (210) were in the paper-box industry, which came under a decree on July 1, 1920; 91 were in women's clothing, the remaining case being one in the canning and preserving occupation in which a special license was in order. These unsettled cases represent but 1.3 per cent of the entire records for the year. Reinspection to secure adjustment had already been instituted with the prospect of material reductions in these numbers.

Comparison of the wages before and after the decrees shows in all cases under recently entered orders a substantial increase in wages. Doubtless other factors contributed to this advance, but "in view of the absence of any very marked advances in the industries of the State in general during this period, it is safe to ascribe a considerable part of the increase in these particular industries to the effect of the wage investigation and the subsequent award."

An interesting result of the order is shown in the methods adopted by a large manufacturer in meeting the requirements for his industry. Each foreman in the factory was made responsible for seeing that the girls under his supervision earned the minimum. Where a girl fell short, the first question considered was as to the need of further instruction, then as to whether she should be transferred to another process. By this method the firm was able to report "that not only were they able to meet the decree without discharging a single employee, but that the efficiency of their workers has been increased and production stimulated."

The report observes that not all employers take this attitude, their unreadiness to comply resulting not only in loss to the workers, who can not collect unpaid balances as in States where the laws are compulsory, but it is also unfair to employers who accept the decrees promptly and who abide by them, besides absorbing a disproportionate amount of the time and labor of the commission at the expense of the public.

The following table shows in summary form the results of the inspections in 10 industries during the year 1920:

SUMMARY OF INSPECTIONS IN SPECIFIED INDUSTRIES IN MASSACHUSETTS IN 1920.

Item.	Candy.	Men's clothing.	Corset.	Office building.	Knit goods.	Women's clothing.	Paper box.	Muslin underwear.	Canning.	Retail millinery.	Total.
Number of records secured	7,050	2,578	1,612	1,350	1,096	1,664	4,831	1,719	734	715	23,349
Number of firms visited	110	182	15	171	29	177	123	81	33	205	1,126
Number of firms with full compliance	82	173	8	169	26	117	55	79	29	204	942
Number of cases of noncompliance	206	12	30	3	4	157	564	2	4	1	983
Cases adjusted	206	12	30	3	4	66	354	2	3	1	681
Wages adjusted	177	7	11	3	3	49	110	2	3	1	366
Left employment	8	.....	6	.....	.....	10	135	.....	.....	.....	159
Special license granted	3	5	6	.....	1	4	25	.....	.....	.....	44
Earning more on piecework	.....	.....	3	.....	.....	.....	68	.....	.....	.....	71
Discharged	18	.....	.....	.....	.....	1	1	.....	.....	.....	20
Special license type, but application will not be made	.....	.....	4	.....	.....	2	15	.....	.....	.....	21
Cases pending	.....	.....	.....	.....	.....	91	210	.....	1	.....	302

The number of women potentially affected by the decrees issued up to April 29, 1920, the date of a report made by the division of mini-

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mum wage of the State department of labor and industries is approximately shown in the following table:

APPROXIMATE NUMBER OF WOMEN IN INDUSTRIES AFFECTED BY MASSACHUSETTS MINIMUM WAGE DECREES.

Industry.	Approximate number of women employed.	Industry.	Approximate number of women employed.
Brush	[1] 700	Office and other building cleaners	[2] 10,000
Laundry	[1] 5,000	Canning and preserving	[1] 500
Retail stores	[2] 25,000	Candy	[1] 5,500
Women's clothing	[1] 5,000	Men's clothing and raincoat	[1] 4,000
Men's furnishings	[1] 4,000	Corsets	[1] 1,600
Muslin underwear	[3] 3,000	Knit goods	[3] 1,900
Retail millinery	[3] 600		
Wholesale millinery	[1] 2,000	Total (14 industries)	67,900

[1] Massachusetts Statistics of Manufacture, 1918.
[2] Massachusetts Decennial Census, 1915.
[3] Estimate based on commission's records.

As to the number of women who received wage increases as a result of the decrees, it was felt that no accurate report could be given. Where the preliminary investigation and inspections subsequent to the issuance of a decree are fairly close together some conclusions can be drawn, but with the greater spread between these two dates the significance of increases discovered at the later date diminishes, on account of the opportunity for other influences to intervene. It seems indisputable, however, that considerable numbers were favorably affected, and that the better type of employer is protected from unfair competition by the influence of the law. No tendency has been disclosed for the minimum rate fixed by the board to become the maximum.

The attitude of the workers toward the law is rather difficult to determine. It has already been noted that in one of the later wage boards formed a sufficient number of nominations were not secured on the first invitation to make up the desired board. An employee representative on the retail board declares that the girls know little of the law and have little interest in it. When the subject was broached of petitioning for a new hearing looking toward an advance in the rates the girls did not care to sign, not so much from fear as from apparent indifference. An employer representative in a peculiar position of advantage to know the conditions in his line regarded the rates as fixed by the boards as generally too low. However, in his trade an organization of the workers dominated the situation so that "the law is recalled only by an effort of memory."

A visit by a representative of the Federal Bureau of Labor Statistics in the summer of 1920 reached 31 establishments in the city of Boston and vicinity, in which about 7,800 women were employed. In the majority of the cases the employers interviewed expressed but little interest in the law, those affected by the older rates having made adjustments long ago; while current industrial conditions dominated the present situation, so that the rates of the decrees were of no concern. Some of the larger department stores had established their own systems of advancement, entrance rates being above the requirement of the law and the minimum attained in a fixed time being in advance of the legal standard. In those factories in which

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union conditions prevailed, and in the clothing industries the minimum-wage law was entirely lost sight of. The managers of a number of office buildings reported schedules in excess of the requirements of the decrees. Only one establishment admitted that any worker had been let out on account of the order, that being a 5 and 10 cent store which spoke of letting out young girls, seeking to obtain more mature salespeople "and make them worth more."

The paper-box order had not yet come into effect, but was in immediate anticipation. One employer reported no effect on his rates by reason of the order, while a small establishment expected to make some adjustments that might affect adversely some who were "old and easy-going."

The investigation, limited though it was, corroborated the commission's conclusion that the older hostility to the law was disappearing. Practically unanimous acceptance of adjustments without requiring the commission to use its powers of publicity is indicative "not only of the reasonableness of the decrees but also of the cooperation of employers in accepting the recommendations of the commission. It indicates, further, a changing attitude in regard to the minimum-wage work; a recognition on the part of many business men that a minimum wage is as much in their interest as in the interest of their employees; that since it is a minimum, and not a standard wage, it protects them from unfair competition by leveling up rates at the lower end of the scale to more nearly approximate those set by representative employers in the occupation."

MINNESOTA.

SKETCH OF THE LAW.

The Minnesota statute enacted in 1913 differs but little in its main provisions from the acts already noted. However, the findings of the commission are mandatory, failure to comply subjecting the employer to punishment as for misdemeanor. The principal difference between this law and that of a number of other States is that the commission may act directly in the determination of a legal minimum wage, the organization and establishment of an advisory board being in its discretion. The function of this board is, as its name indicates, only advisory and its recommendations may be accepted, modified, or rejected as the commission determines.

Preliminary investigations may be made by the commission on its own motion, but are required if not less than 100 persons engaged in any occupation in which women and minors are employed request the same. Public hearings, which employers and others may be subpœnaed to attend, are to be held, witnesses to receive the same mileage and per diem as allowed by the courts in civil cases. A wage is to be established if it appears that one-sixth or more of the women and minors employed in any occupation are receiving less than a living wage.

Advisory boards are to be representative of employers and employees and must contain not less than 3 nor more than 10 representatives of the two groups; one or more disinterested persons, not a greater number than the representatives of either group, are to be appointed by the commission to represent the public. At least one-

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fifth of the membership must be women, and at least one of the representatives of the public is to be a woman. Boards have the same powers as to requiring the attendance of witnesses and making other investigations as the commission itself.

Rates fixed remain in force until reconsideration, which may be had either on petition or in the discretion of the commission. Discrimination against active employees is forbidden, and recovery for balances is authorized where less than the minimum has been paid. Licenses for substandard workers may be issued.

Immediately upon the commencement of the activities of the commission in establishing minimum rates steps were taken by employers and others to prevent the enforcement of the law. One application for a restraining order was made by a shoe manufacturer, appearing as a taxpayer, asking to have the commission restrained from spending any more public money. This was in October, 1914. In the following month an employer asked to have the law declared unconstitutional. An account of the proceedings in these cases is given on pages 42 to 44. Their effect was to suspend the operation of the law from November 23, 1914, to the date of the dissolution of the injunction on the 9th of March, 1918. The commission appointed at the inauguration of the act had ceased to function and reappointments were made April 1, 1918. Subsequently, on the issue of certain orders of general application throughout the State, advancing the earlier rates somewhat, the power of the commission was again attacked, and again a minor court issued an injunction on the ground that the orders restrain the right to make contracts, that they take property without due process, and that they violate the State and Federal Constitutions. The particular point of attack was perhaps the determination by the commission that 48 hours constituted a week's work, but with a provision for overtime work at a fixed hourly rate. The order also applied without distinction to women and to minors, though there was a separate order governing the employment of learners and apprentices both under and above the age of 18 years. The commission took the matter to the supreme court, where a decision was rendered reversing the position of the court below, leaving the commission free to carry out its orders as made (G. O. Miller Telephone Co. *v.* Minimum Wage Commission, see p. 50), every contention of the opponents of the orders being decided adversely to them.

COMMISSION AND STAFF.

In establishing the commission, the law requires it to consist of three persons, one of whom shall be the commissioner of labor who shall act as chairman. The governor appoints two other members, one an employer of women and the other a woman, the latter to act as secretary of the commission. Appointments are for terms of two years. The first employer of women appointed served but a short time after the preliminary investigations had been made. The commission came into active existence on August 1, 1913, and immediately took up the study of wages and the cost of living. Its first meeting for the purpose of determining wage rates was on October 15, 1914, nearly 15 months after its organization. The employer member appointed attended the meeting but refused to take action and tendered his resignation. The remaining members met a week

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later, the attorney general having expressed the opinion that two members have the power to fix wage rates, and promulgated minimum rates in a series of orders to take effect November 23, 1914. Prior to this date the injunction proceedings noted above were instituted. On November 23, the governor appointed a successor to the employer member who had resigned, but in view of the effect of the injunction no real work was done subsequent to that date until the decision by the supreme court of the State and the reorganization of the commission.

At that time the same members of the board were reappointed, and have continued to serve. This has enabled the secretary (the woman member holding this position by virtue of her appointment as such) to carry out the work and policies of the board as originally conceived, except as legal interruptions have caused delay.

The original law appropriated $5,000 for each fiscal year and this amount has continued to be appropriated. The administrative force is therefore necessarily limited, being confined to the secretary, a stenographer, and an office assistant. The work of inspection is done chiefly by the secretary, though there is need of additional assistants. There is a degree of cooperation between the work of the minimum wage commission and the department of labor as a whole, which gives to the commission the benefit of inspections made by employees of the women's division of the department of labor. This division has four inspectors for the enforcement of women's and children's laws, and there is an interchange of information between them and the minimum wage commission.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

The Minnesota law gives to the minimum wage commission power to act on its own initiative or on petition. Its first step following its appointment was to call public hearings on August 20 and September 11, 1913, to obtain suggestions from interested parties as to the lines of action for the commission to undertake. Inasmuch as the fundamental question is a living wage, the opinion was generally advanced that the first point to determine was as to the cost of living of the average working woman.

Two methods of investigation were used, personal inquiry and a questionnaire circulated among working women through the employers. By the latter method 8,000 filled-in blanks were returned from the four principal cities of the State. The investigators visited a large number of localities, studying the subject of living costs, wages, etc., thus securing a very broad view of the situation. The statistics were tabulated by industries and by localities, and furnished the basis for the first series of orders issued in the autumn of 1914.

Although the calling of an advisory board is optional with the commission, boards were organized in two general localities, representing the twin cities of Minneapolis and St. Paul, and the city of Duluth. No movement has been initiated by the employees, as they are evidently afraid to take action, fearing thereby to jeopardize their positions. Though the board is authorized to subpœna witnesses, it has not made use of this power to bring unwilling employees before it who might be placed in jeopardy by appearing.

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The protection of employee witnesses is attempted by the law, their discharge or discrimination against them being a misdemeanor; but even though the commission has felt sure that discharges have taken place, and even the blacklisting of active employees, the difficulty of legal proof has stood in the way of enforcing this provision of the law. The law also provides that employers' records shall be open to inspection, and use is made of them, but effort is made not to antagonize the employers by copying off data where they are unwilling that this should be done.

Where advisory boards are created their powers are the same as those of the commission, but they are subject to the rules prescribed by it, so that they carry out its policies in the above respects. The commission acts on the estimates submitted by the advisory board, and if it approves adopts them as its own, and may issue an order putting them into effect without the formality of a submission to a public hearing as is required in some of the other States. Inasmuch as the findings are only advisory, they may be modified or rejected entirely and the commission may proceed independently.

When rates are agreed upon, either independently or following the recommendations of a board, it is required that they be mailed "so far as practicable" to each employer affected, who shall post a reasonable number of copies, to be determined by the commission, in the various work places in which the interested workers are employed. The newspapers have carried the orders also as news matter, thus giving them quite general publicity. Orders become effective 30 days after issue, and they continue in effect until revised by the commission. Revision must be considered at the request of approximately one-fourth of the employers or employees in an occupation, and may be made by the commission on its own initiative. The revision of 1919, the only one ever made, was a voluntary act of the commission, based on common knowledge of the facts as to the increased cost of living.

Enforcement is effected by the inspection carried out by the limited force of the commission, with such cooperation as the women's division of the labor department affords. Complaints are sometimes received from employees that they are not receiving the minimum, when, if possible, an inspection is made of the employers' pay roll. If the locality is a small one a general survey is made, and every effort is used to avoid directing suspicion to any individual employee. It is said that the cooperation of the employer can usually be secured by a frank discussion of the provisions and purposes of the law. While paying less than the minimum is a misdemeanor, it was said in October, 1919, that no prosecutions had thus far been made, but that the commission was able to get the employer to pay the accrued balance to avoid further difficulty. Considerable sums have been recovered in this way. Employees are also given the right to sue for such balances with costs and attorneys' fees, but such action was said not to have been taken, though a few cases were presented to the "conciliation court" of Minneapolis, which is a local institution of summary jurisdiction.

A policy of more recent adoption is to send notice, either from the office of the commission or from that of the attorney general, directing violators to appear before the commission with their books.

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This has been effective with one or two exceptions, and in one case of flagrant violation a prosecution was decided upon, besides a probable suit to recover unpaid balances.

WAGE BOARDS.

The law makes no provision for the mode of selection of the members of such wage boards as the commission may in its discretion establish, other than that, "so far as practicable," it shall be through election by employers and employees, respectively. Limits of numbers are fixed at not less than 3 nor more than 10 from each group, the numbers to be equal. The boards organized in 1914 were a mercantile board and a manufacturing board for the cities of Minneapolis and St. Paul. Similar boards were later appointed for Duluth, but they decided to join their activities and meet as a single board. The commission was not successful in finding employees who would or could serve on the advisory boards for Minneapolis and St. Paul. Their unwillingness was said to be due to timidity and their lack of organization. There was no method of securing representation in the ordinary sense, and the commission undertook to make selections for itself. Employees were asked to serve only after the employers were consulted, but the unwillingness was not thereby removed, if, indeed, there was not also some degree of indifference. Disinterested persons, not employees, were then chosen to represent them in part.

The situation was rather more favorable in Duluth, the employees being freer to speak, but even here the situation was not free from restraint, whether or not warranted. The employers were asked to suggest nominations, but no organization was consulted, and, as in the case of the other groups, final selections were made by the commission. Those selected generally seemed interested to be present and take part in the discussions, though the attitude of some was said to suggest that they were particularly concerned to see that nothing radical was done.

Public representatives were selected by the commission after consultation, and were said to exert a valuable influence on the board, being really the representatives of the employees because of their failure to speak for themselves. The persons chosen were selected for their qualifications, and it was only because of their sympathetic understanding that the employees could be said to have been effectually represented on the board.

The law makes no provision for the payment of any compensation for expenses of the advisory board, which fact serves to debar employees from attendance where it would involve absence from work or travel expense. The commission was not prepared to give an opinion as to the desirability of paying compensation, arguments appearing on both sides. The payment of compensation might secure the attendance of workers, even though somewhat weary, at evening meetings, while on the other hand if they were vitally interested and concerned in the matter they might be willing to make that sacrifice without compensation. In any case it was felt desirable that there should be an actual employee representation, in order that the discussion of concrete facts by the parties materially concerned might enable each group to arrive at a better understanding.

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It was felt that thus far nothing of the kind had been actually accomplished.

GENERAL CONSIDERATIONS.

The commission is authorized to determine and establish living wages, the term "minimum wage" being declared to have the same meaning, both implying "wages sufficient to maintain the worker in health and supply the necessary comforts and conditions of reasonable life." The commission feels that there has been a measure of failure to carry out the full intent of the law, inasmuch as it has set only "an existence wage," not sufficient to supply the "necessary comforts." The central idea is said to be health, and the proper inclusion of the word "welfare" can only be considered under a more liberal treatment of the subject than has yet been found possible. The wage fixed must of practical necessity contemplate continuous employment, as an existence wage permits no margin, "and no way has yet been found to require employment for 52 weeks in the year."

As to different needs in different occupations, it is said that the first group of orders assumed that certain occupations called for slightly greater expenditures for clothing than others, and a distinction was made accordingly. The revision of 1919 ignored this distinction, taking the ground that inasmuch as merely an existence wage was to be provided, discriminations were not in place. The idea was expressed that future revisions might subdivide more minutely than in the past, which might result in differences in rates, though not necessarily. Local differences have been recognized, the first orders making three classifications showing differences of 50 and 75 cents per week. But two classes were recognized in the 1919 orders. The differences in wages were said not to be sufficient to influence girls to remove from one locality to another, while manufacturers were unable to go to the smaller localities to secure the lower rates, since help was not available except in more populous places.

As to minors, learners, and apprentices, they too are required by the law to receive "wages sufficient for living wages," so that they are in this respect on the same footing as adults. However, the commission has made a measure of discrimination in every case for a limited time, feeling that such a concession is necessary though it casts a temporary burden on the home. Persons desiring employment as apprentices or learners are required to fill out an application blank furnished by the commission if they are to accept employment at less than the minimum wage. The employer is required to keep a record in duplicate on blanks furnished him showing the commencement of employment, the initial rate paid, promotion periods and amounts, the termination of employment, and the number of weeks employed.

The problem of the learner is felt to be one of the difficult ones in the administration of the law, complaints being rather common that applicants for work claim experience in a "related employment," so as to require the payment of more than learners' rates, when in fact they require the treatment and render only the service of beginners. Even employment in a related industry is said to be often not valuable and may even be a hindrance, and one member of the commission expressed a desire that the law receive some amend-

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ment so as to clarify the situation in this respect. Substandard workers may be licensed in the discretion of the commission without any limit, so far as the law is concerned. However, it was stated in October, 1919, that only about 12 such licenses had been issued in the year and a half that the law had been in force, some for old age and others for persons mentally and physically defective. Application for a license for a blind girl in an envelope factory was refused when it was found that she was in fact turning out more than the average amount of work. An interesting display of spirit followed, the employer discharging her for the alleged reason of her physical defect, while she herself did not desire a permit on the ground that it would lower the standards of employment for her group.

ORDERS AND RATES.

EMPLOYMENT GENERALLY.

The method that has been followed heretofore of taking up the wage orders separately is neither necessary nor feasible in the case in hand, in view of the method of procedure in the State. Following the investigation by the commission, covering the State as a whole, and the organization of advisory boards for the two principal urban localities, Minneapolis and St. Paul, and Duluth, boards were organized as already noted. These are all the cities in the State that are known as cities of the first class (over 50,000 population), the city of Winona then standing alone in the second class (20,000 to 50,000 population); cities of the third class have from 10,000 to 20,000 population, and of the fourth class not more than 10,000 population. While the investigation naturally dealt more fully with the larger industrial elements in the cities of the first class, many smaller localities were visited, and the commission has full authority under the law to deal with them without the appointment of local boards. The investigation of the rates in Minneapolis and St. Paul showed 12.5 per cent of all the women employed in those cities for whom data were obtained to be earning less than $6 per week; 20.1 per cent less than $7; and 42.8 per cent less than $8 per week. In Duluth 20.4 per cent received less than $6, 32.4 per cent less than $7, and 46.5 per cent less than $8.

When the matter of suitable wages came to discussion before the boards, a number of employees attended the hearings but took little part in the discussion except at Duluth. On the final vote no employee took part, with the exception of two or three in Duluth. The boards met about twice a month from January to July, 1914, but found difficulty in reaching an agreement. The Twin Cities mercantile board could not get a majority vote on the weekly cost of living, the employers favoring a $7.50 basis, while most of the other members of the board refused to indorse a rate of less than $8.50. The manufacturing board recommended $8.75, while the joint board of Duluth recommended $8.50 as the cost of living. The employers on the Twin Cities manufacturing board finally favored the rate adopted by the Duluth report.

Though the law does not in terms require a public hearing to consider the recommendations of the advisory board, two public hearings were held during September, 1914, following such action as the boards

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had taken, and a third hearing was suggested but was not held on account of lack of interest.

The budgets for food, clothing, and miscellaneous expenses were worked out with much care and in detail, and are reproduced in the first biennial report of the commission, covering its existence from August 1, 1913, to December 31, 1914. However, the amounts are representative of conditions which have changed so much since the investigation was made that they are hardly suggestive of current needs. It may be noted that allowance was made for doctors' bills, recreation including vacation, church, lodge and club dues, insurance, education and reading, besides laundry and carfare. Other items were noted as entitled properly to inclusion, but not commanding sufficient support to be given a place in the budget of essentials.

The orders issued were intended to cover all women employed in the State, the assumption being that the investigation was adequately broad to show the need and warrant the action. As already noted, these orders were not enforced, the injunction issued by Judge Catlin on November 23, 1914, suspending the operation of the law, the commission going practically out of existence until its reappointment April 1, 1918. The orders numbered 1, 2, and 3, all issued October 23, 1914, exactly one month before the issue of the injunction suspending activity, relate to women and minors employed in mercantile, office, waitress, and hair-dressing occupations. The first fixes a $9 weekly rate for cities of the first class, the second an $8.50 rate for cities of the second, third, and fourth classes, and the third an $8 rate for other localities.

A second group was issued on the same date applying to manufacturing, mechanical, telephone, telegraph, laundry, dyeing, dry cleaning, lunch room, restaurant, and hotel occupations. No. 4 applies to cities of the first class, fixing a minimum wage of $8.75 per week; No. 5 to cities of the second, third, and fourth classes, fixing a rate of $8.25; and No. 6 to other localities, fixing an $8 rate. These orders were all to become effective 30 days after date of issue and none of them applied to learners and apprentices.

The first step taken by the commission on its reorganization was to determine rates, on the basis of the earlier orders, applicable to learners and apprentices. The rates fixed correspond to those adopted in 1914 for experienced workers, but instead of making separate rates for cities of the first class and other cities, all were brought under order No. 7, and all classes of employment were grouped together for the purpose of this order. Learners and apprentices under 18 years of age in cities of the first, second, third, and fourth classes should receive not less than $6 per week during the first 4 months, not less than $7 during the second 4 months, and not less than $8 during the third 4 months of employment, after which they should be regarded as workers of ordinary ability. Those above 18 years of age were given a shorter learning time, receiving not less than $6 per week during the first 3 months and not less than $7.50 during the second 3 months, after which the standard minimum for the locality should be paid. Order No. 8 applied to learners and apprentices outside the cities, prescribing for those under 18, $6 per week for the first 4 months, and $7 for the second 4 months, after which the person should be deemed a worker of

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ordinary ability. For those above 18 years of age, the same rates were payable, but for two periods of 3 months each.

A blanket order, No. 9, covering employments not enumerated, applicable throughout the State, fixed a weekly minimum of $8 for women and minors of ordinary ability. The seventh and eighth orders were issued June 26, 1918, to be effective in 30 days, and the ninth was issued August 7, likewise effective in 30 days.

It could not escape notice that the cost of living in 1913–14, on which the foregoing orders were based, had advanced to such an extent that by 1918 the rates fixed were necessarily inadequate. Therefore the board acted under its authority to revise where necessity appeared. Consideration had been given to the subject of advances in November, 1918, but no action was taken beyond sending out circular letters asking employers to make voluntary increases at least to the lowest paid employees, suggesting a weekly minimum of $7. The commission held a meeting in May, 1919, after some other steps had been taken to notify employers of the needs of the situation, and an advance was decided upon at this time. However, the secretary was instructed to investigate the cost of room and board, and was later instructed to attend meetings of the Wisconsin commission to secure information presumably applicable to the State of Minnesota. A tentative order was adopted on the 13th of June, and notice was sent to employers, the newspapers also giving publicity. A public meeting was called for June 30, when some suggestions were made and changes conformable thereto were approved.

Orders Nos. 10 and 11 were issued, bearing date of July 5, 1919, being in force and effect on and after August 5. Order No. 10 was applicable to women and minors of ordinary ability in any occupation whatever in the State. A distinction was made between cities, villages, and boroughs having a population of 5,000 or more, and smaller localities, on the ground that the cost of living is greater in places of larger population. This was the only distinction made, and a rate of $11 was fixed as the weekly wage for a week of 48 hours, this being considered "a general and reasonable weekly standard of employment in this State for women and minors of ordinary ability." A rate of 23 cents per hour was fixed for overtime. In places of smaller population the rate of $10.25 was prescribed, with 21½ cents per hour for work in excess of 48 hours. Provision was made for telephone operators allowed to sleep while on duty, and a fixed allowance made for any meals furnished.

Order No. 11 fixed the wage for learners and apprentices, and was of the same occupational inclusiveness and made the same local distinctions as No. 10. In the larger cities and towns learners under 18 were to receive not less than $7.20 per week during the first 3 months, $8,64 during the second 3 months, and $10 during the third 3 months, this period completing the learning time; those 18 or over commenced at $8.64, advancing to $10 for the second 3 months, this period ending their apprenticeship. In places of smaller population, the younger learners were to receive $6.48 per week for the first 3 months, $7.68 for the second 3 months, and $9.12 for the third 3 months. Those 18 years of age or over were to receive $7.68 per week for the first 3 months and $9.12 for the second 3 months, this period completing their apprenticeship. The 48-hour week was contemplated

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in all cases, and hourly rates were fixed for all classes of workers in each locality. Opposition to these orders by telephone companies has already been noted, resulting in the issue of another injunction and its subsequent dissolution. It is said that employers generally accepted the rates as reasonable and that a number of telephone companies based their only objections on the provision as to night rates, but with this difficulty eliminated they were ready to comply with the order.

On December 1, 1920, the commission issued an order, No. 12, superseding both the foregoing orders. It was said that public hearings had been held, "of which employers, employees, and all other interested persons were advised, and many of whom in all classes appeared and were heard." Each occupation named in the law was also subjected to a "complete investigation," and on the results of these actions the order was based. It changes only the rates in the larger places, those in localities of less than 5,000 population remaining unchanged. A rate of $12 is fixed for workers of ordinary ability for a week of not less than 36 nor more than 48 hours, with 25 cents per hour for overtime work. Learners in cities begin at $7.68 if under 18, and $9.12 if above, with advancement after three months.

This order became effective January 1, 1921; see pages 319 and 320.

EFFECT OF THE LAW.

The suspension of orders from the end of 1914 until midyear of 1918 very much reduced the time for observing results of the law. Indeed the report of the commission for the period ending March 1, 1919, gives but the briefest account of its operation. The rates of $11 in cities and $10.25 in smaller places fixed by order No. 10 were, of course, not in effect until after the end of the period covered by the report, so that no publication of results is available. Under the orders of the commission effective July 26, 1918, the rates ranged from $6 for learners to $9 for experienced workers. A survey of 57,607 women employed in the State during the summer and fall of 1918 (April 1 to December 1) would therefore include time both before and after the orders were effective. This showed 1,977 women receiving less than $6 per week, 6,274 receiving less than $8, and 17,570 receiving less than $10. Only 26,037 received more than $12, "whereas recent studies in the cost of living show that $9 in 1914 would buy what $14 will buy to-day."

The activities of the commission in another field are shown by certificates of employment for apprentices issued from July 26, 1918, to March 1, 1919. It is to be borne in mind that such certificates are issued only when employees are taken on at less than the regular minimum rate, which would mean in all cases less than $9 in mercantile employments of cities of the first class or $8.75 in manufacturing employments and the like, running down to $8 per week as a minimum anywhere in any industry for experienced workers. Only 237 certificates were issued for children 14 and under 16 years of age, 1,279 being issued for learners from 16 to 18 years of age and 979 to those 18 years of age and over, the total number being 2,495. Of these 1,090 were without experience and 1,150 had worked less than

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one year in the occupation or a related one. During the seven months covered by this report 1,090 certificates were returned, 1,405 remaining in force. Of the returns, 894 were of workers who quit employment and 196 of those who were advanced to the minimum.

The foregoing statements are taken from the reports of the commission. Interviews and investigations made by a representative of the United States Bureau of Labor Statistics early in October, 1919, shortly after the higher rates fixed by orders Nos. 10 and 11 went into effect (on August 5, 1919), reflected only the first results of these orders. Consideration must also be given to the fact that this was a period of readjustment following the pressure of war-time production, a number of employers reporting the labor supply still short, the amounts ranging from 10 to 50 per cent. This condition in the large manufacturing and commercial centers of Minneapolis and St. Paul tended to influence the situation regardless of the standard set by the commission's orders. However, a number of cases were found in which the orders were said to be influential.

It was reported by the commission, and seems to be borne out by the employers' reports, that no woman actually lost opportunity for employment by reason of the rates being advanced for experienced workers, though there was doubtless some readjustment of the working force, and women not showing aptitude in one line were compelled to seek employment elsewhere. A shoe manufacturer reported that about 10 women were dismissed as not able to make the minimum, while a millinery establishment, which let out no experienced worker, released several learners who "lacked interest and aptitude." Another manufacturer discharged a few who failed to make the required output, but the shortage of the labor market was said to place the employer at a disadvantage in regard to such workers.

In regard to the employment of children the effect was more marked, as the recommendation that they should be paid a wage adequate for their support limited their opportunities considerably. "Only older children and adults will be employed when the rate is the same for them as for younger children."

Establishments visited in Minneapolis and St. Paul, about 33 in number, employed in the aggregate about 13,600 females. Only a minority of them reported that the establishment of the higher rates made any appreciable effect on their pay roll. Thus a clothing manufacturer with 300 women reported no wage increase, experienced workers receiving from $18 to $32 weekly. Another more than twice as large estimated that 1 per cent of the women had been affected, and still another, a small plant, followed the union scale but had to advance the wages of a few of its workers. Some large millinery establishments had to advance the wages of practically all their learners, but very few, if any, of the skilled workers. Department stores found few salespeople directly affected, but the advance of the lower class of help to the minimum led to other increases affecting the selling force up to the class of $20 clerks. One of the smaller department stores reported about a 10 per cent increase in its pay roll, approximately 30 per cent of the force at that time being paid the minimum. Another reported as much as a 50 per cent increase in its total pay-roll cost, this being an establishment which kept close to the minimum under the old order and had to advance about 350 of its

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900 female workers when the new order became effective. A paper-box factory reported the effect of the order general on its force. A 5 and 10 cent corporation operating in both cities reported that in one instance the law had not affected its rates and in the other that it had advanced the wages of two or three new girls. Its standard entrance rate was $12 a week for girls 16 years of age, advancing to $14 in 6 months and to $16 in 1 year. The largest manufacturing company visited had its own entrance rate of $9 per week for learners, with a more rapid advance than the law prescribed.

The length of learning time was regarded by a number as being too short, though in the majority of cases it was regarded as ample for determining aptitudes, even if not producing highly skilled workers. The majority of the establishments reporting the apprentice term used made more rapid promotions than were required by the law, while others disregarded the terms altogether as involving an unprofitable amount of work for permits and records, still others saying that no one could be secured at entrance rates.

The expressed attitude of employers naturally varied considerably. A clothing manufacturer regarded the law as not desirable; the managers of the 5 and 10 cent stores noted above both approved the principle of the law and the rate, saying it might go higher. A manager of a similar store under another corporation disliked the law very much, saying that it reduced his own income very considerably and that the higher pay does not affect either the interest or the honesty of the girls. This man pointed out that a manager in one of the principal Iowa cities "gets fine-looking girls for $6 a week." Some favorable expressions were that the law tends to stabilize and gives self-respect to the workers; that the employers are glad to have it, as it makes the help better contented; that their attitude is favorable; that the principle is good; that they gladly comply; that they are in hearty cooperation, etc. One regarded the entrance rates as too low, furnishing but a bare subsistence; others reported themselves ahead of the law, intending always to comply, etc. Others favored the principle, but felt that the minimum must not be put so high as to prevent the operation of individual aptitudes and ambitions, or to overstep the bounds of economic conditions that might be anticipated to produce possibly lower costs in normal times. One employer who found the law "all right" declared it had no effect on the stability of the sales force, as the "times are against" the spirit of settled, loyal service. A shoe manufacturer described the law as paternalistic; while a department store which closely followed the minimum regarded it as of "hurt and no help," simply giving the workers more money, making them neither more efficient nor more stable. The comment may be permitted that where the employer reported wages generally above the minimum and a favorable attitude toward the law, the turnover and interest of his workers were likewise subject to a favorable comment, while a close following of the minimum and an attitude of dislike toward the law forecast a heavy turnover and an uninterested working force. The fact remains that at the time of the investigation there was a very evident continuance of the spirit of unrest that had been developed by reason of the ease in obtaining employment and the bidding of employers against each other in their efforts to build up quickly their working forces.

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The effect of the minimum-wage law on industrial conditions was said to be practically nil, though some had a feeling that the future might bring disadvantage to the State on account of the law. Various suggestions were made as to the desirability of a Federal law, so as to make the conditions general. No intimation of the likelihood of any industry leaving the State was made, though there was an unverified report that one employer decided not to enter the State when he found that the minimum would apply. The fact that Wisconsin, the nearest industrial State, had also a minimum-wage law was regarded as being of great help in allaying fears on this subject.

The present rates are a reflex of the estimated advance in the cost of living, and the power of revision residing in the commission to act on the petition of either employers or employees or on its own initiative holds the door open for a change either upward or downward, as economic conditions may suggest. The fact that so many employers found it necessary to pay above the minimum to secure their help has thus far eliminated the possibility of the minimum becoming the maximum or even the standard rate, though it was said that under normal conditions the tendency might be more noticeable.

The employees, though unwilling to take action in any public hearing, expressed their appreciation of the increase in wages, and no complaints have been received that they have lost opportunity for employment on account of the higher rates of pay fixed by the law, though it was suggested that they probably failed to realize that a higher minimum would reduce the opportunities for employment among the less competent.

The attitude of organized labor is one of loyal and substantial support, though this expression comes through the workingmen rather than the women, as the latter are little organized. The chief female support has come through club women and social workers, and it was their cooperation in the advisory boards, to which some of them were appointed, that helped to give the employees representation.

NEBRASKA.

SKETCH OF THE LAW.

One of the eight States that enacted a minimum-wage law in 1913 was Nebraska. The act was copied in all essentials from that of Massachusetts of the previous year. The commission was to be comprised of the governor of the State, the deputy commissioner of labor, a member of the political science department of the State University, and another member, at least one member to be a woman. Terms of two years were provided for. The use of wage boards where the commission found the fixing of a rate desirable, and the general powers of the board and of the commission correspond to the terms of the Massachusetts law; this law was also followed in depending upon publicity and not statutory penalties to secure the observance of the orders.

LACK OF ACTION.

The only appropriation ever made in connection with this act was an initial one of $500. This was turned into the sinking fund of the State, no action ever having been taken under the law and no subse-

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quent appropriation made. The act was repealed by the legislature of 1919, being embraced within the sections of the Revised Statutes repealed by the Civil Administrative Code as adopted by chapter 190, Acts of 1919, approved April 19, 1919. The suggestion has been made that this repeal was inadvertent, portions of the repealed matter having been superseded by other provisions of the Administrative Code on the same subject; and it is certain that its repeal was not known to have taken place by some most directly concerned in the administration of the law, at a date considerably subsequent to it. However, the repeal is explicit.

At the constitutional convention of 1919–20 a number of proposed amendments were adopted for submission to a special election to be held September 21, 1920. Among these was a new section to be added to article 14 of the constitution providing that: "Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage." The effect of this amendment, which was adopted at the election, is said to be to enable the legislature to pass a broader and more effective law "than was perhaps possible under the old constitution."

The attitude of unconcern that left the old law inoperative for six years does not suggest any very strong probability of action at the forthcoming session of the legislature, though the adoption of the amendment indicates at least a measure of interest. An official of the State Federation of Labor, at one time an official of the State government, regarded the old law as not adequate, on account of its lack of enforceability. However, it had been adopted as all that could be secured at the time. Organized labor was said to be favorable to the enactment and enforcement of such a law so far as women are concerned, but the political situation hindered accomplishment; there was also said to be a lack of preliminary organized effort.

The repeal of the Nebraska law is the only instance of retrogression in this field since the Massachusetts statute of 1912 was enacted, strengthening amendments being the rule where any legislative change has taken place.

EMPLOYMENT CONDITIONS.

The failure of the administrative officials to enforce the law at any time of course destroyed the possibility of employers developing any particular attitude toward the law; while its repeal eliminated it from consideration. However, a brief investigation was made in the city of Lincoln as to employment conditions in November, 1919, of which note may be here made. Thirteen establishments were visited, employing approximately 1,100 females. These included department stores, 5 and 10 cent stores, laundries, a publishing house, garment factories, a cafeteria, a candy factory, and a cigar factory. The supply of labor had been inadequate for some time past, the resident population not being industrial to any great extent. The city of Lincoln is the seat of a number of institutions for higher learning, and it was said that the girls went to college rather than to work.

One department store reported an entrance rate of $10 per week, the wages of older workers ranging from $12 to $22.50, besides a discount in the cafeteria connected with the store and on goods pur-

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chased. Another department store reported an entrance rate of $8 per week, saleswomen averaging $16 and some making as high as $35. The 5 and 10 cent stores reported entrance rates of $9 and $10 per week, one requiring girls to be 16 years of age and the other to be 17. Average weekly rates were about $11 or $12.

A cafeteria paid beginners $10 per week and 3 meals a day, advancing to $15 per week and 3 meals a day, so that they were well paid by any standard. Candy making also afforded beginners a weekly remuneration of $12, advancing to $15 and $18 for packing and $16 to $22 for dipping. Cigar workers fell somewhat below these rates, beginners receiving $10 per week, advancing to $12 to $16 on experience. Laundry workers received $8 per week as an entrance wage in one establishment and $10 in another, experienced workers ranging up to $18. Garment factories reported for one an entrance rate of from $7 to $10 per week, and for others of $10 to $11. Experienced workers made from $14 to $25 per week, some earning as much as $30.

It is evident that in most cases the wage would appear adequate for the cost of living in the locality, though some of the employees felt that there was a tendency to bear down to the lowest rate for which labor could be obtained. Both State and union labor officials were of the opinion that wages were somewhat higher in Omaha than in Lincoln, while the cost of living was at least not greater.

The attitude of union labor was favorable to the enactment and enforcement of an effective law, but the sentiment throughout the State, which is predominantly agricultural, was not thought to be such as to anticipate with definiteness any very desirable achievement.

NORTH DAKOTA.

SKETCH OF THE LAW.

The minimum-wage law of this State is one of the most recent, having been approved March 6, 1919. The administration of the act was committed to the workmen's compensation bureau of the State, already in existence. This bureau is authorized to employ the necessary help and assistance within the appropriations made, and to investigate wages, hours of labor, and conditions of employment of women and minors in the State, the term "minor" meaning a person of either sex under the age of 18. The power of the board extends to the fixing of standards of hours and suitable conditions, as well as determining wages.

The law declares it unlawful to employ women and minors for unreasonably long hours under conditions detrimental to health or morals or for inadequate wages; so that the function of the board is merely to fix the standards, the obligation being created by the act to pay adequate wages and to furnish suitable surroundings. Investigations are to be made on the initiative of the bureau, by public hearings and otherwise. Employers are required to keep records of their female and minor employees and to permit the inspection of such records; the usual power of subpœnaing is vested in the bureau to secure the attendance of witnesses either at the public hearings or before the conferences. If an investigation discloses the desirability of fixing a rate or establishing other standards, the bureau may call a conference to consider the situation and make recommendations.

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Recommendations are to be acted upon by the bureau, and if approved will be submitted at public hearings, after which orders may be promulgated, to be effective in 60 days. The bureau may act directly with regard to wages, hours, or conditions of employment of minors. The act contains the usual provisions as to licensing substandard workers and making suitable arrangements for apprentices or learners "in such occupations as usually require learners or apprentices."

The act is of compulsory application, and violations of orders are subject to penalty, as is also any discharge or discrimination affecting active employees. The recovery of unpaid balances may be held by a suit at law.

Despite the unbroken record of favorable action by the higher courts, some of the employers affected by the orders issued went before the district court of Cass County to secure an injunction to prevent the orders becoming operative. However, the matter in issue did not go to the nature of the law, but to the subject of the organization of the commission. One of the commissioners of the workmen's compensation bureau was removed by the governor during the time in which hearings and conferences were being held regarding the minimum wage. The contention was therefore made that the action taken was not legal on account of the absence of this member from the board. The court accepted this position and issued a temporary injunction against the operation of orders Nos. 2, 3, 4, 7, 9 and 12, which had been promulgated during the time of the alleged defective organization. Bonds were required to be given to secure the payment of balances of wages if the orders should be upheld. The supreme court of the State upheld this injunction (Mar. 21, 1921), until such time as the case should be tried on its merits (Northwestern Telephone Exchange *v.* Workmen's Compensation Bureau, 182 N. W. 269).

COMMISSION AND STAFF.

As already stated, the administrative agency for the minimum-wage law is the workmen's compensation bureau of this State. The act creating this bureau was approved March 5, 1918. It directs that the commissioner of agriculture and labor and three commissioners appointed by the governor shall constitute the commission, the appointed members to hold office for terms of 5 years and receive a salary of $2,500 each per year.

For the special work of the bureau in carrying out the provisions of the "maximum hours and minimum wages" law, the sum of $6,000 per annum is appropriated by the act itself, or so much thereof as may be necessary. In its quality as a minimum wage commission the bureau made an appointment of a secretary and special investigator, the work of investigation beginning on August 4, 1919.

By the provision of the law establishing the compensation bureau fixing five-year terms, the terms of the different appointees overlapping, continuity of policies would seem to be fully safeguarded. The recent date of their appointment makes it impossible to record results.

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ESTABLISHMENT AND ENFORCEMENT OF RATES.

Action seems to rest entirely with the initiative of the bureau in regard to the making of the investigations. The provisions relating to the calling of a conference, if the establishment of orders on the subject of hours, sanitation, or wages is desirable, would seem to be optional, the act providing that "said bureau may call and convene a conference." However, the procedure has been to make use of conferences in the fixing of wage rates. The holding of public hearings to consider approved recommendations is obligatory.

Recommendations of conferences may be approved or disapproved in whole or in part, and matter disapproved may be resubmitted to the same or a new conference. When an order is finally agreed upon, the bureau is directed to mail a copy of the order, as far as practicable, to every employer affected by it, a copy of the same to be posted by the employer in each workroom in his establishment. Enforcement is contemplated by subsequent inquiries and inspections, the bureau being directed to "take such steps as may be necessary and to prosecute such employers as are not observing or complying with its orders."

WAGE BOARDS.

As noted above, the appointment of wage boards, or conferences, as they are termed by the act, appears to be optional. However, provision is made that they shall be composed of not more than three representatives of the employers and an equal number of representatives of employees, and not more than three disinterested persons representative of the public; one or more of the commissioners shall also sit. The bureau names and appoints all members of the conference and designates a chairman. Reports or recommendations must receive the support of two-thirds of the members of the conference.

GENERAL CONSIDERATIONS.

The scope of this law gives to the investigators of the bureau quite extensive powers. Hours are not to be unreasonable, surroundings not detrimental to health or morals, and wages not inadequate to supply the necessary cost of living and to maintain workers in good health. While local differences in costs of living are not specifically provided for by the act, the bureau took the position that towns of less than 500 population "would doubtless come under different rulings" from those applicable to more populous places. With regard to different rates in different industries, the fact that different conferences passed upon them would suggest the possibility of arbitrary distinction, while "in the instances where the wage is lower, i. e., telephone, laundry, and manufacturing industries, it was considered that the employees did not need to dress as well for the work which they perform as did the employees in restaurants, stores, and offices."

The bureau is authorized to issue rules and regulations under which physically defective workers may be employed at a lower rate, and learners and apprentices employed at less than the minimum, all under special licenses. The wage of a minor is not necessarily to be a living wage, but may not be "unreasonably low."

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ORDERS AND RATES.

GENERAL INVESTIGATION.

Twelve orders have been issued by the compensation bureau in the exercise of its functions as fixed by the hours and wages act. These all bear date of June 15, 1920, and the date when effective was uniformly fixed for August 16. All bear the attestation of the secretary of the bureau and the signature of the secretary of the minimum-wage department.

The investigation preceding the establishment of these orders was general, being conducted by the secretary and special investigator of the bureau in its capacity as a minimum wage commission. Twenty-seven cities were visited, localities with a population under 500 being omitted for the reason stated above. The number of establishments visited ranged from 40 in Fargo to 3 in Kulm. They included practically every class of employment for women in the State, factory work being practically nonexistent. Wages in 96 retail stores ranged from $6 to $25 per week; in confectionery stores from $7 to $13; in telephone exchanges from $7.50 to $14.50; in laundries from $7 to $11; in hotels and restaurants from $3.50 to $18, and in hospitals from $6 to $7.50. The average weekly wage without room or board was $11.11, and where room and board were furnished, $7.85.

An average estimate for room and board throughout the State was for board $7 and for room $2.25 per week; 30 employees submitted estimates of sundries averaging $3, to which it was estimated that an average weekly expense for clothing of about $4 per week should be added.

Woman workers were divided into two classes—one composed of those required to make a good appearance, while in the other were those who might wear less expensive apparel during working hours. In the first group were placed mercantile employees, office and clerical help, waitresses, and telephone operators; the second class includes laundry workers, chambermaids, factory workers, and kitchen help in restaurants, hotels, and hospitals. The difference in expense was estimated to be 75 cents per week, so that the minimum expense for the two groups was placed at $16.25 and $15.50 per week, respectively.

In presenting her report the investigator made comparisons between local conditions as found by the investigation and the results of studies in the District of Columbia and Massachusetts; apprenticeship schedules were submitted for purposes of comparison, using those adopted in Washington, Oregon, and Minnesota as illustrations. Compilations of the Federal Bureau of Labor Statistics were also used to justify the finding that the present cost of living is such as to warrant the amounts recommended for North Dakota at the date of the report, even though considerably above the amounts named in earlier orders in other States. The recommendations submitted covered hours of labor, practically conforming to the statute of March 6, 1916; sanitary standards to be drawn from those adopted in other States so far as consistent with conditions in the State of North Dakota; and the minimum-wage rates of $16.25 and $15.50 per week respectively for the two groups of employees enumerated. Other recommendations covered the allowance for room and board and apprenticeship schedules.

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This report was submitted in January, 1920, and the bureau proceeded to organize conferences for the establishment of rates. The industries investigated, and for which conferences were organized, were public housekeeping, personal service, office employments, manufacturing, laundries, student nursing, mercantile establishments, and telephones. During the month of February, 1920, public hearings were held in 10 cities in the State. At these hearings employers, employees, and the public were heard, in so far as their participation could be secured, as preliminary to the call of conferences. "At these hearings very little interest was shown by employers and the public alike," though at the conferences a much greater interest was shown. Each conference was formed of three members each of employers, employees, and the public, all selected by the compensation bureau, the same public representatives serving on each. The orders finally issued were unanimously approved at each conference, with the exception of the telephone industry, in which the employers were opposed to the other six members of the conference.

Order No. 1 is simply a regulation as to the keeping of employers' records; No. 2 is a sanitary code for all classes of employment; No. 3 is a general regulation fixing the hours of labor per day and week in towns of over 500 population, though in no locality may there be reemployment on a second date without the intervention of at least 9 hours' rest. Work from 36 to 48 hours is to constitute a full week, entitling to a week's wages. Where a shorter time is worked, hourly rates are established on a proportionate basis. The fourth order regulates the employment of minors, but has no reference to wages.

PUBLIC HOUSEKEEPING.

The wage orders are numbered 5 to 12. No. 5, relating to public housekeeping, fixes a minimum weekly rate of $17.50 for waitresses and counter girls and $16.70 for chambermaids and kitchen help. An apprenticeship of four months is allowed, divided into two periods of two months each. Waitresses, entering at $14, advance to $16 in 2 months, while chambermaids and kitchen help begin at $13.20, advancing to $15.20. Not more than 25 per cent of the help shall be paid a weekly rate less than the minimum. The order also fixes allowances where lodging or lodging and board are furnished. The order appears in full on pages 321 and 322.

PERSONAL SERVICE.

Order No. 6 relates to personal service, including manicuring, hairdressing, barbering and similar work, and the work of ticket sellers and ushers in theaters. The weekly minimum is fixed at $17.50 for experienced workers, learners beginning at $13, the rate being increased by $1 every 3 months for a year. Ushers and ticket sellers are not required to serve any period of apprenticeship. This order appears in full on pages 322 and 323.

OFFICE OCCUPATIONS.

The seventh order relates to office occupations and fixes a weekly minimum of $20 with 9 months' apprenticeship. Beginners are to receive $14 for 3 months, $16 for the second quarter, and $18 for the third. This order is reproduced on page 323.

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MANUFACTURING OCCUPATIONS.

Order No. 8 applies to manufacturing occupations and establishes $16.50 per week as the minimum, with various apprenticeship periods and rates for different classes of employment. Not more than 40 per cent of the employees in any manufacturing establishment shall be apprentices except by special permit. For the full text of this order see pages 323 and 324.

LAUNDRIES.

Order No. 9 relates to laundry work, and prescribes a weekly minimum of $16.50, or $16 if laundry privileges are allowed. An apprenticeship period of four months, equally divided, is allowed, beginners receiving $12, advancing to $14 in two months. The number of learners is limited to 25 per cent of the total number of employees. This order is shown on pages 324 and 325.

STUDENT NURSES.

Student nurses are required by order No. 10 to receive a wage during their first year of training of not less than $4 per month, during the second year not less than $6, and during the third year not less than $8. Full maintenance including uniforms and laundry work is contemplated. If board and room are not furnished, an addition of $10.25 per week is directed. For the order in full see pages 325 and 326.

MERCANTILE OCCUPATIONS.

By order No. 11, women in mercantile occupations are to receive not less than $17.50 per week if experienced. An apprenticeship period of one year with quarterly advances is provided for, beginners receiving $12 per week and $1 additional at the end of each three months. This order appears in full on page 326.

TELEPHONE EXCHANGES.

Work in telephone exchanges is regulated by order No. 12, a weekly minimum of $16.50 being prescribed. Nine months is allowed for apprenticeship, the entrance rate being $12, advancing to $14 after three months, and to $15 after six months. Special licenses are to be granted in establishments which do not require the continuous presence of an operator, lower rates being payable on approval by the bureau. This order appears in full on page 327.

EFFECT OF THE LAW.

It is too soon to announce any particular results of the law, even if its operation had not been interfered with by the injunction. The commission has contact with the employers both with regard to wages and to hours, and the enforcement of the 8-hour law has proved rather difficult. It is the opinion of the minimum wage department's secretary that the minimum-wage law will be better received than the 8-hour law, "because fair employers believe that the basis for competition is made more consistent by the establishment of such a wage."

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OREGON.

SKETCH OF THE LAW.

The Oregon law was enacted in 1913, and created a welfare commission of broad scope, as its name indicates, including maximum hours and standard conditions of labor, as well as wages. Power to declare standards in practically all that affects employment conditions is vested in the commission. Its investigative powers are of the usual scope, and employers are required to keep registers of women and minors employed, such registers to be open to inspection. Public hearings, to which witnesses may be subpœnaed, are provided for.

If preliminary investigation discloses the need of standards, a conference is authorized whose recommendations when passed by two-thirds of its members are the basis of action by the commission. These recommendations may be approved or disapproved, in whole or in part, and any disapproved matter may be referred to the same or a new conference. If approved, public hearings are held, following which an order may be issued, effective in 60 days. Wages for minors and their employment conditions generally are in the hands of the commission without the intervention of a board. Separate orders for the needs of localities and occupations may be made. Observance is compulsory and questions of fact are not subject to appeal. Questions of law may be appealed to the circuit and the supreme court of the State in order.

The Oregon statute is conspicuous in the history of minimum-wage legislation as being the one around which the battle of constitutionality has centered. An account of the legal proceedings is given on pages 33 to 42.

Fortunately for the activity of the commission, the lower court, differing from that in Minnesota, took the position that the law was constitutional and refused to issue any restraining order against the commission. Thus while the commission was to some extent hampered in its activities by the fact of the legal contest, it has never been kept from issuing orders or enforcing them.

The law stands to-day practically as originally enacted. An amendment by the legislature in 1915, not affecting the minimum-wage proposition, relates to the allowance of overtime work in emergencies, while another amendment in 1917 took away from the commission its right to regulate the hours of labor of women in harvesting, packing, curing, canning, or drying perishable fruit, vegetables, or fish.

COMMISSION AND STAFF.

The commission provided by the act consisted of three persons appointed for terms of three years each. One is to represent the interests of the employer class, one those of the employed, and a third is to be "fair and impartial between employers and employees and work for the best interests of the public as a whole." No provision is made for salary, though all authorized and necessary expenses are to be paid by the State. The commission is to effect its own organization and elect a secretary, not a commissioner, who shall receive such salary as shall be fixed by the commission. No provision

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is made for the appointment of a woman, but as a matter of practice one member has always been a woman, and during a considerable part of the time a woman has been secretary. In fact the active secretarial work has always been conducted by a woman, the office staff consisting of the secretary and one stenographer. The statute creating the commission appropriated the amount of $3,500 per annum as a continuing provision. In 1917 an attempt was made to pass a consolidation bill to bring together various State agencies interested in labor. This failed, but the contemplated appropriation in the event of the success of the consolidation was all that was allowed, that is $4,000 for the biennium for the industrial welfare commission and a like amount for the child labor bureau. This reduction of appropriation led to a voluntary consolidation of these two offices, making available the same quarters and the sharing of the time of an assistant secretary. Inspectors of the child labor bureau also render part-time service, while there is a degree of cooperation with the State labor bureau.

The policies of the commission have been practically continuous, the employer representative on the commission having been the same from the first. Changes have occurred in the other two positions due rather to force of circumstances than to any political or other influence that might have occasioned changes in the policies of the commission. Interested groups have taken steps to promote the appointment of desired persons, but the matter has been quite freely in the hands of the governor. The Consumers' League of the State has been active in undertaking to see that a steady advance should be maintained in the establishment of standards and a recognition of changing industrial conditions.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

The preliminary investigations authorized by the law are to be undertaken by the commission without reference to any petition or appeal and may extend to any industry in any locality, either by personal investigations or through authorized representatives. The recommendations of the conferences or wage boards were for some time regarded as not subject to modification, but only to acceptance or rejection in whole or in part. In August, 1919, however, the attorney general ruled that it was within the powers of the commission to modify recommendations and submit its conclusions to the public hearings contemplated by the law. The public hearings are said to be rather perfunctory performances, practically all activity of interested persons being expended on the conferences. The matter of revision of orders is not specifically mentioned in the act, and the procedure for the issuing of new orders is practically the same as for original action. Promulgation is effected by mailing a copy of the orders to employers affected "as far as is practicable." Employers are required to post orders in conspicuous places in their workrooms.

The greatest flexibility with regard to branches of occupations and localities is provided for, conferences being authorized to make different recommendations and the commissions to issue different orders according to varying industrial and local needs. Enforcement is by inspection in which the commissioner of labor statistics in his inspection of factories and workshops and the officers of the

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board of inspection of child labor are directed to cooperate. Considerable information is also furnished by interested parties, members of labor unions, social service agencies, the police departments of cities and towns, etc. Discrimination against or discharge of active employees is penalized, as is failure to pay the prescribed amount. A suit to recover unpaid balances may include also a claim for attorney's fees, and an agreement to work for less than the minimum is no defense in such suit. As is quite commonly found to be the case, suspected discriminations or discharges are difficult of proof. However, few cases are known to have occurred. In the matter of wages, conditions at the time of the investigation (October, 1919) were said to call for higher rates than the minimum fixed by the orders except that in a few cases apprentices were not properly compensated. It was usually found necessary only to call attention to the situation to have it remedied. Where less than the minimum has been paid at any time, no action at law has been taken, the employers preferring adjustment rather than to face criminal prosecution and civil action. The commission has used its moral force, and may direct payments to be made to the office. However, the attitude of employers is said to be generally one of a recognition of the law as a declaration of the State policy to be complied with by them.

WAGE BOARDS.

The law provides that conferences comprising representatives of employers and employees in equal numbers, not more than three of each, and not more than three disinterested persons representing the public, shall be organized to consider the subjects investigated by the commission and referred to them for action. The boards organized have regularly consisted of nine persons, three from each group. No provision is made in the statute for the mode of appointment of these representatives, but nominations are usually made by the members of the commission which represent the respective interests, i. e., the employers' representative on the commission names employer members of the conference, etc. It has been a uniform practice that all nominees shall receive unanimous approval, but it has only rarely occurred that anyone's nominee has been subject to objection by other members of the commission.

No difficulty has been experienced in regard to the willingness of persons to serve, the principal question being to secure competent employee representatives. While the law contemplates separate conferences for the different industries, the practice has grown up to make use of a single conference, calling upon it to act for each industry in turn, though the early orders were based on the organization of conferences made up separately for each industry. The commission is of the opinion that these representatives, especially of the employees, gained in capacity to represent their constituents by such service, and may develop something of a group spirit by virtue of their experience, though this depends, of course, on each woman's own outlook and development. So far as discovered, conference members have not jeopardized their positions by reason of service.

Employer members have freely given a high degree of service, the commission reporting that "there has never been any trouble to get the best and busiest men." It is believed that the mutual contact of

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employers and employees has served to unite the two factions, some employers for the first time coming into such frank and open contact with representatives of their employees. The function of the public representatives is regarded as an important part of the system. "It is the public that foots the bills and its representatives are an essential factor in the situation."

No provision is made for compensation for any members of the wage boards, their service being rendered as a "labor of love." The commission feels that there should be no compensation, and since it has been the practice to select membership from residents of Portland, there has been but little called for in the way of financial sacrifice. "The performance of their duties is a matter of public service, and should be kept free from commercialism."

Witnesses may be called for from any section of the State and are to be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah County. There is some lack of hearty cooperation on the part of witnesses, employees apparently feeling reticent in speaking of their own employment conditions for fear of incurring the displeasure of their employers. So far as employers are concerned, there is no difficulty with regard to access to records.

GENERAL CONSIDERATIONS.

The Oregon statute is based on a general consideration of the needs of employed women, including not only wages adequate to supply the necessary cost of living and maintain health, but also the surroundings and conditions, sanitary or otherwise, that may affect health or morals. The basis for wage regulation is the supplying of actual needs in such an amount as will afford not only the current maintenance of health but relief from worry or fear, which is in itself injurious. The commission is said tacitly to avoid reference to morals, as both employees and employers resent any inferences with regard thereto. Employees also dislike the term "welfare" as too patronizing. The commission is therefore practically restricted to the consideration of health in all its deliberations, though in the case of restaurant employments and ushers in moving-picture theaters at night the question of morals was inevitably involved. It was felt that, in common with most other States, the general tendency was to determine a mere existence rate rather than a living wage in any just sense.

As to the needs of different employments for different wage rates, an examination of the orders in their sequence discloses the fact that in the earlier orders there was a recognition of supposed differences of need, as of clerks and office girls requiring more expensive clothing. No distinction appears in the current orders which are of more recent issue. No difference was ever recognized in regard to quantity or quality of food or the incidental needs of recreation, self-improvement, etc. "Indeed, to recognize differences of this sort would tend to develop undesirable class distinctions."

Allegations as to differences in local conditions are said to have some basis in the fact that in the smaller places the girls more largely live at home, causing a reduction of various expenses, while street-

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car fares also are usually not required. Distinctions in this respect were recognized in orders prior to August, 1919, but the later orders disregarded them. This action was based on reports by the State labor commissioner that the cost of living was actually higher in some of the smaller places than it was in the city of Portland. The present orders are uniform throughout the State.

Minor employees are not to be allowed to receive "unreasonably low wages," and the commission is authorized to act independently of wage conferences with regard to this subject. The law of the State makes the minimum age of employment 14 years, and a separate order covers employment conditions from that age until the eighteenth year of age is attained. The position of the commission of this State is that the younger employees should be enabled only to make contributions to their support, and not to support themselves, especially under the age of 16. This position is taken both to avoid lessening the responsibility of parents, and because high earnings are believed to be injurious to young persons, who are tempted to leave school and become extravagant and impudent, and develop false standards generally. Indeed the attitude of the commission is rather to discourage the employment of those under 16 than to make it easy or profitable. The minor is a learner and not presumably able to render the measure of service that would warrant the payment of a living wage. However, there was a feeling that the provisions for learning time were rather burdensome, as in most occupations the majority of learners demonstrate their fitness or unfitness in a shorter time than the periods fixed by the order, and, if qualified, should receive more rapid advancement. An end that is greatly to be desired is the development of some regulated system that will prevent drifting and secure a definite basis of training, stabilizing the learners as a group and affording them a real apprenticeship. Some complaint is made that learners are shifted from one occupation to another so as to retain them at learners' rates. On the other hand it is difficult to determine arbitrarily as to the question of experience, since, for instance, a salesgirl in a country store would not necessarily be qualified thereby for employment in a city establishment. The commission has established a system of preapprenticeship permits in certain lines of work and for a testing out period before even the learners' rates are required. This has proved quite satisfactory, though the returns also showed a very considerable failure to remain in the service. Thus of 42 such permits issued but 12 remained for the full month of the period; of these eight were in the employment which they first entered.

As in the laws generally, provision is made for the issue of special licenses to substandard workers. The attorney general ruled that the commission had no power to limit the percentage of such workers that the establishment might employ; on the other hand the experience of the commission has shown no great necessity for such restriction. The average was said to be probably not six in a year, though at the time of this inquiry (October, 1919) there was a case before the commission in which 12 or 14 persons in a single establishment were reported as not making the minimum, and the commission was anticipating a request from the employer for licenses; this would require a determination as to whether the employees were really incompetent or whether the rates paid were too low.

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ORDERS AND RATES.

The Oregon law was filed in the office of the secretary of state February 17, 1913, and went into effect June 3 of that year. The governor had previously appointed the commission, which met on June 4 for its organization. On June 6 a secretary was appointed and immediate steps were taken to gather information as to wages, hours, and general conditions of women and minors. Informal hearings were held with employers and employees in retail stores, manufacturing, fruit canning, laundries, restaurants, telephone, and telegraph industries. In all, 16 such hearings were held and special data, not ascertainable at the hearings, were gathered by the secretary. Separate conferences were organized for the first series of orders, but in April, 1916, one set of conferees took up in turn each industry for the revision of existing rates. A second revision was made in 1918, following representations by the Consumers' League that the 1916 rates were inadequate. This action followed a similar conference, which considered the rise in costs of living, and recommended a corresponding increase in the minimum rates then in force.

MINORS.

The commission decided to act immediately, as it might without the appointment of a conference, with regard to the wages and hours of minor girls, restricting this order to female minors, though both sexes up to the age of 18 years were subject to their orders. However, the same provision as to public hearings applied as when conference recommendations were being considered. A public hearing was therefore called in the office of the commission at Portland on August 5, 1913. The questions submitted at that hearing were limited to minimum wages and maximum hours for the employment of girls between the ages of 16 and 18 years. Following this hearing, Industrial Welfare Commission Order No. 1 was issued, to be effective October 4, 1913, fixing a rate of $1 per day as a minimum for girls between the ages of 16 and 18 in manufacturing or mercantile establishments, millinery, dressmaking or hairdressing shops, laundries, hotels, restaurants, telephone, or telegraph establishments or offices. The order was State-wide in its effect, and continued in force until superseded by order No. 21, issued July 3, 1916, and effective September 1 following. This order was of broader inclusiveness, applying to boys as well as girls between the ages of 16 and 18, and fixing a weekly rate of $6. It contained more detailed provisions as to the hours per day and days per week that might be worked, and also as to rest periods and the employment of girls at night.

This order was repealed by No. 35, issued April 12, 1918, effective June 12 following, establishing rates for minors of both sexes between 14 and 15, 15 and 16, and 16 and 18 years of age, the rates being $5, $6, and $7.20 per week, respectively, with an advance of 50 cents per week every 6 months after the age of 16 has been attained until the age of 18 is reached, when the minimum wage for adult workers was required.

The foregoing order was in turn superseded by order No. 46 issued August 12, 1919, to be effective October 14. This carried over the

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details of order No. 35, with an advance in the rates in accordance with the increased cost of living at that date. All these orders make exceptions for apprentice rates that may be otherwise arranged by the commission. The order is given in full on page 232.

MANUFACTURING.

As a result of the informal hearings noted above, the commission, acting on its own initiative, organized a conference relative to the employment of women in manufacturing establishments in Portland. This conference held its first meeting on July 22, 1913, and was called upon to consider the weekly sum required "to maintain a self-supporting woman in frugal but decent conditions of living in Portland." The essentials were said to be respectable lodging, three meals a day, clothing suitable for the work performed and "some provision for recreation, care of health, and self-improvement." Questions as to hours and lunch period were also submitted. The conference report recommended consideration for each industry separately on account of the differing character of the work and permanence of employment. "It is apparent, however, that there must be a minimum below which it is unwise for society as a whole to permit its workers to be employed." It was felt that "consideration must also be given to industry as it exists, and care must be taken that injustice is not inflicted in an effort to remedy abuses that have long existed."

The discussion, so far as it was based on budgets of living costs, was said to be very scattering. The conference recommended a standard minimum of $8.64 per week, "any lesser amount being inadequate to supply the necessary cost of living to woman workers and to maintain them in health." A tentative recommendation was also made with regard to learners and apprentices in manufacturing establishments, suggesting a minimum of $1 per day.

Following a public hearing held September 9, an order was issued effective November 10, 1913 (order No. 2), applicable to experienced adult women, and fixing a rate of $8.64 per week. The foregoing order was superseded on September 1, 1916, by order No. 9 issued July 3 of that year. The new order did not change the standard minimum, but established apprenticeship terms of three equal periods of four months each, with minimum rates of $6, $7, and $8 weekly respectively. The number of learners was limited to 25 per cent of the total. Other details as to hours, scope of the order, etc., were added.

The two foregoing orders related to the city of Portland only. In the meantime a State-wide conference was organized, covering the districts outside the city of Portland, the idea being to "put all of the industries in the smaller towns of the State on an equal footing." This conference was also asked to consider industries in Portland not regulated by previous rulings. It was the indicated intention that this conference should be preliminary to special conferences for different industries. However, this conference submitted a finding "that the sum required per week to maintain a self-supporting woman in frugal but decent conditions of living as an absolute minimum is $8.25." One year's employment was named as adequate for

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securing experience, though not necessary in all cases, and it was recommended that inexperienced workers should receive not less than $6 per week. Other recommendations related to hours of labor and night work.

A public hearing was called for December 9, 1913, following which a general order, No. 5, was issued, to be effective February 7, 1914. This covered all industries in the State paid by time rate, and established the wage recommendations of the conference. This order was rescinded by various orders issued July 3, 1916. Order No. 10 of the same date which related to manufacturing occupations in the State outside of Portland, adopted the same weekly minimum, but modified the provisions as to apprenticeship periods and rates. These were made to conform to the rates fixed for the city of Portland, and the percentage of learners was similarly regulated.

In this connection note may be made of a special provision for preapprenticeship made by the commission on August 31, 1914. A circular letter of that date was addressed to the milliners and dressmakers of the State, announcing a decision of the commission, "in view of the circumstances surrounding the apprenticeship conditions in the millinery and dressmaking trades, to permit a preapprenticeship period of one month to women and girls who wish to learn either of these trades." This was to be regarded as a test period, during which they might be engaged at a rate less than $6 per week. At the end of the 30 days, however, at least this sum must be paid, and the regular yearly term should date from the end of the month's trial. This provision applied only to women and girls who had had no previous experience at dressmaking or millinery.

The foregoing orders as to manufacturing occupations were superseded on June 12, 1918, by an order of April 12, applicable to manufacturing establishments throughout the State, including the city of Portland. This fixed a weekly wage for experienced women of not less than $11.61. The same provisions as to apprenticeship periods and the percentage of learners contained in orders Nos. 9 and 10 were carried over, but the initial rate for learners was $7.20, advancing to $8.40 for the second period and $9.60 for the third.

This order was in turn superseded by No. 39, issued August 12, 1919, effective October 14. This established a weekly minimum of $13.20, the three learning periods calling for payments of $9, $10.50, and $12 per week, respectively. This order appears on pages 328 and 329.

MERCANTILE OCCUPATIONS.

The movement for a mercantile conference was fostered by the merchants themselves, but grew out of the action initiated by the commission in regard to the employment of minors, especially in the matter of closing at 6 p. m., which interfered with the custom of keeping open late on Saturday evening, the order forbidding the employment of any girl under 18 years of age after 6 o'clock. The mercantile conference for retail stores in Portland held its first meeting on July 21, 1913. The same questions were submitted to it as to women in mercantile establishments as were submitted to the conference on manufacturing employments. The Consumers' League submitted a proposition to recommend a rate of $10 per week, employee representatives also claiming that $9 or $10 was the least possible mini-

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mum. An employer claimed that at $10 per week it would not be possible to employ as great a number of clerks as were needed to wait on the public. He also deprecated the exclusion of minors from retail-store employments, "as they secure education and all-round training and culture in the stores." Various budgets were submitted by the employers, ranging from $410 per year to $825. One employer representative who found that the average cost of living for mercantile employees was $580 per year suggested a weekly minimum of $9.25, though the annual budget figured $11.15 per week. A witness protested that not more than $7.50 should be fixed, and that a higher minimum would "put the $6 girls out of their jobs." Employee representatives held out for $40 per month, but the final recommendation was for $9.25 per week for a 50-hour week, work after 6 p. m. being forbidden. This order became effective November 23, 1913, and governed the employment of women in retail stores in Portland until superseded by order No. 7, issued July 3, 1916. This order adopted the same rate per week, but fixed apprenticeship periods covering one year divided into three equal parts, for which minimum rates of $6, $7, and $8, respectively, were established.

On the same date with the foregoing, and like it effective from and after September 1, 1916, was order No. 8, applicable to the mercantile occupation in the State outside of Portland. This adopted a weekly minimum of $8.25, but the apprenticeship periods and rates were the same as for Portland. Orders Nos. 25 and 26 (April 12, 1918), applicable to Portland and the rest of the State, respectively, superseded the foregoing, differing only in regard to the hours of labor per week. The weekly minimum was fixed at $11.10, the rates for learners being $7.20, $8.40, and $9.60 for the three learning periods provided. These were reduced to an aggregate of eight months, the first continuing for one month, the second for three months, and the third for four months.

Orders Nos. 37 and 38, issued August 12, 1919, and effective October 14, are applicable to the city of Portland and the rest of the State, respectively. They are identical throughout with the single exception of permitting outside stores to employ women until 8.30 p. m. instead of only until 6 p. m. as in the city. A weekly minimum rate of $13.20 is established. The apprenticeship terms fixed by orders Nos. 25 and 26 are retained, the rate being $9 for the first month, $10.50 for the next three months, and $12 for the four months following. For the text of order No. 37 see pages 327 and 328.

OFFICE OCCUPATIONS.

A conference was organized on September 3, 1913, to consider the wages and hours of woman employees in offices in Portland. The data at hand were very fragmentary. A public representative reported the average cost of living for stenographers to be $56.41; for general office help, $42.04; averaging $46.15 per month. However, he moved that a $40 minimum be recommended, and the motion was carried without dissent. This order was issued to be effective February 2, 1914, being order No. 4 of the commission. The revision of 1916 retained the $40 rate for the city of Portland (No. 17), fixing an apprenticeship period of one year, divided into three equal parts,

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with minimum rates of $6, $7, and $8 per week, respectively; while outside the city of Portland (No. 18) the weekly minimum was $8.25, with the same apprenticeship periods and rates as above.

Orders Nos. 32 and 33 applied to the city of Portland and the remainder of the State, respectively, fixing the rate of $48 per month for both areas, apprenticeship rates being $7.20, $8.40, and $9.60 per week for the three periods. The only difference is in the number of hours per week, 51 in the city and 54 outside. These orders were issued April 12, to be effective June 12, 1918. Both were superseded by order No. 44, issued August 12, 1919, and effective October 14. This ignored local differences, if any, and adopted a $60 minimum monthly rate, the weekly wage for apprentices being $9 for the first four months, $10.50 for the second, and $12 for the third. This order is given on page 331.

PERSONAL SERVICE.

The first order on the subject of personal service bears the date of the first general revision of orders, i. e., July 3, 1916, effective September 1. Of the same date is a general order (No. 6) relating to employers' records.

To carry out the principle observed in the earlier orders, the personal service occupation was adjudged to call for different rates in the city of Portland and elsewhere in the State, a minimum of $8.64 per week being prescribed for the city and $8.25 elsewhere. One year of apprenticeship divided into three equal periods was provided for, with weekly rates of $6, $7, and $8 for the three periods, respectively; this applied to the city (order No. 11) and to other localities (order No. 12) alike. The employments covered include manicuring, hairdressing, barbering, and other work of like nature, and the work of ushers in theaters.

The revision of 1918, effective June 12, covered all parts of the State, fixing a weekly minimum of $11.61, the three apprenticeship periods calling for $7.20, $8.40, and $9.60 per week, respectively. Pianists who are sheet-music demonstrators were added to the list of those affected. The next order in this field (No. 40) omitted pianists from its scope, and fixed a weekly minimum of $13.20, prescribing $9, $10.50, and $12 as minimum rates for the three periods of the apprenticeship year. This order appears on page 329.

LAUNDRY OCCUPATIONS.

The consideration of employment in laundries was requested by employers. It developed at the hearings that the rates and earnings vary considerably, the week ranging from 42 to 50 hours, the lowest wage being $1.25 per day, though earnings of $5.20 were shown for 48 hours of work per week. One of the difficulties of this occupation is the heavy fluctuation in the amount of work demanded on different days of the week. The chairman of the conference urged the laundrymen to get together and make some proposition looking toward the payment of a weekly living wage, even if full-time work was not furnished the women. Rates as low as $5.20 or $6 per week were said to be impossible of consideration. At the next meeting

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the employers offered a rate of $1.35 per day, or 15 cents per hour, for a 54-hour week, though they could not guarantee the full 54 hours necessary to earn $8.10. They clearly preferred an hourly rate to a guaranty of any weekly wage.

The first orders issued bore date of July 3, 1916, and fixed $8.64 per week for experienced women in the city of Portland and $8.25 elsewhere. An apprenticeship term of one year was fixed, divided into three equal periods, the weekly rates prescribed being $6, $7, and $8, respectively. The two orders (Nos. 13 and 14) were identical in regard to the apprenticeship term.

In 1918 a single order was issued for the State, advancing the weekly rate to $11.61, the rates for the learning periods being $7.20, $8.40, and $9.60, respectively. This rate was advanced to $13.20 as the standard, with rates for learners of $9, $10.50, and $12, by order No. 41 issued August 12, 1919. All these orders limit the number of workers at less than the standard minimum to 25 per cent of the whole number of women employed. The text of order No. 41 appears on pages 329 and 330.

TELEPHONE AND TELEGRAPH OCCUPATIONS.

Orders Nos. 15 and 16 prescribe rates for women employed in telephone and telegraph occupations in the city of Portland and elsewhere in the State, respectively. For the city a weekly minimum of $8.64 was prescribed for experienced women, $8.25 being the minimum elsewhere. The orders are identical so far as apprenticeship terms and rates are concerned, fixing a total period of one year. In telephone establishments there were to be four equal periods of three months each, calling for payments of $6, $6.60, $7.20, and $7.80, respectively; while in telegraph establishments there were three equal periods of four months each, involving the payment of $6, $7, and $8 per week for the respective periods. These orders bore date of 1916.

In 1918 orders Nos. 30 and 31 superseded the above, and established identical wage rates for the city and the State at large, the rate for an experienced worker being $11.61 per week. Apprenticeship rates for telephone establishments were $7.20, $7.92, $8.64, and $9.36 for the four periods, respectively. In telegraph establishments the rates were $7.20, $8.40, and $9.60.

The orders of 1919 on this subject (Nos. 42 and 43) are likewise identical as to wages, fixing a rate of $13.20 for experienced workers, and for apprentices in telephone establishments rates of $9, $10, $11, and $12 for the four periods of the apprenticeship term, the rates in telegraph establishments being $9, $10.50, and $12 for the three periods prescribed. The text of these orders is given on pages 330 and 331.

PUBLIC HOUSEKEEPING.

Orders Nos. 19 and 20 (1916) fixed rates in public housekeeping of $8.64 and $8.25 for the city of Portland and the rest of the State, respectively. An apprenticeship term of one year was prescribed, though this employment, like laundry work, which is similarly regulated in Oregon, is quite commonly regarded as not requiring any protracted period of special training. The employments covered are

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the work of waitresses in restaurants, hotels, etc., and attendants at ice cream and light lunch stands, chambermaids in hotels and lodging houses, janitresses, car cleaners, and kitchen workers. The rates were alike for the two areas covered, being $6 for the first period of four months, $7 for the second, and $8 for the third. Standard charges for board and lodging were also established.

A single order (No. 34) was issued for the entire State on April 12, 1918, advancing the weekly rate to $11.61 and the rates for learners to $7.20, $8.40, and $9.60 for the three periods respectively. The revision of 1919 (No. 45) was likewise of general application, and fixes a weekly minimum of $13.20 for experienced workers. It retains the apprenticeship term of one year, the weekly rates being fixed at $9 for learners, $10.50 for the second period, and $12 for the third. This order is reproduced on pages 331 and 332.

FRUIT PACKING, CANNING, ETC.

The packing, drying, preserving, or canning of any variety of perishable fruits or vegetables is the subject matter of order No. 24, issued May 1, 1917. This subject was taken up on the request of employers who wished to secure uniform rates and systems of payment throughout the State, and a special conference was organized for this industry. The commission decided to fix rates as nearly as possible in harmony with those in force in the neighboring States of California and Washington, and a representative was sent to California for the purpose of conferring with the commission of that State. Rates were fixed for various operations on different kinds of fruit, time rates for experienced workers being fixed at 16 cents per hour and for inexperienced workers at 13 cents. Employment for three weeks was said to be sufficient to constitute experience.

This order was superseded in 1919 by order No. 47, which fixed piece rates in harmony with the advanced costs of living, and made the time rate for experienced workers 27½ cents per hour, and for inexperienced, 22 cents. The order is reproduced on page 333.

OTHER ORDERS.

Other orders, not of direct interest as affecting wages, are No. 22, issued July 23, 1916, effective September 1, establishing a sanitary code, and No. 23 of the same date, making special regulations as to intervals of rest between successive workdays and work for more than one employer, forbidding a teaching charge so as to reduce the wage below the minimum fixed by the order of the commission, and regulating the issue of emergency overtime licenses. This order was revised in 1918 by order No. 36, which added a provision that where business conditions render full-time employment impracticable, the employer need pay only the resultant hourly wage for the hours of actual employment, but must so arrange continuous employment as to give the employee a fair opportunity for work elsewhere so as to earn a full week's wage; also a provision forbidding employment of apprentices by the same employer at less than the proper advanced rate after completing any prescribed period of apprenticeship, unless a permit therefor is issued by the industrial welfare commission.

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EFFECT OF THE LAW.

Experience under the Oregon law relates back to an earlier date than even under that of Massachusetts, its first orders coming into effect in October and November, 1913, while the earliest Massachusetts determination dates from August, 1914; in Washington the earliest date is June, 1914. The welfare commission has not gone into the subject of the effects of the orders in any detailed manner. It discovers less opposition to the wage rates than to other regulations administered by it. In its third biennial report it says that "the commission has met with the cordial cooperation of the employers in adjusting complaints as to overtime, wages, and sanitary and working conditions."

In a study of wage conditions preceding the organization of the conference of 1918 on revision, it was found that of 148 laundry workers, 3 received less than the minimum of $8.64 per week, 89 received from $8.64 to $10, and the remainder earned from $10 to $20 weekly. Of the mercantile workers, numbering 1,836, 237 received from $6 to $7 per week, 117 from $7 to $8, and 77 from $8 to $9.25, or in all 431 workers received less than the minimum for experienced employees; 462 received from $9.25 to $10; and 943, $10 and over.

The United States Bureau of Labor Statistics made a study in 1914 of the effect of the minimum-wage order applicable to retail stores,[38] comparing records for March and April, 1913, with the same two months in 1914, the later period beginning five months after the date when the order relating to the employment of minors went into effect, and a somewhat shorter period following the mercantile occupation order governing the employment of adults. The year of 1914 was one of general business depression, and this injected other matter into the problem of determining the effect of the minimum wage. Furthermore it was too soon to permit the full effect of the order to become known, but certain conclusions were felt to be warranted. The lower rate for minors, i. e., girls under 18, stimulated their employment as errand girls, bundle wrappers, and cashiers, to the exclusion of adults, though this did not extend to the more skilled work of selling, sewing, or office employments. There was no effect of putting men in positions vacated by women because of the advanced rates required for women. It was thought that as a whole the rates of pay for women had increased, though the average rates for inexperienced adults had been reduced slightly. More girls under 18 years of age received over $6 a week than before the order became effective; while not only a larger percentage of experienced women received the legal minimum of $9.25, but also the proportion earning over this amount was increased, as was the proportion of workers receiving over $12 weekly. The minimum therefore did not tend to become the maximum, nor did it cause a displacement of women by men.

In October, 1919, 13 establishments in Portland, employing 5,500 women, and 10 establishments in two smaller cities, with 360 employees, were visited by an agent of the Federal bureau. Laundry employers in the small towns regarded the law favorably, though one

[38] Effect of Minimum-wage Determinations in Oregon, Bul. 176 of the United States Bureau of Labor Statistics.

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of them gave as his reason that it furnished an official basis for meeting radical demands; however, most of his girls were receiving above the minimum wage. In this establishment the apprenticeship period and rates were observed, while in another they were disregarded in favor of better rates for the workers employed. The fruit industry was an important one in these localities. The experience of employers is fairly expressed in the remark of one that the minimum wage did not supply them with workers, so that it was necessary to pay more to secure the desired help; one reported average earnings of $4.50 per day after a week's experience. The three employers interviewed in this industry spoke favorably of the law. Dry goods, telephone, and restaurant workers were receiving above the minimum, and the rate established in 1919 had been of no effect so far as they were concerned.

In the city of Portland but two establishments, both department stores, reported that the higher rate of 1919 affected their pay roll directly, though another quite large one found that the law had the effect of forcing up wages indirectly, since the girls objected to receiving the minimum, as a sort of reflection on their capacity. This store also regarded the law as working a hardship upon the better class of workers, whose rates of pay were said to be kept down in order to pay the less valuable workers the legal minimum. However, it was said that the commission rates had not kept women out of jobs, and that it did not use the learners' rates on entrance upon employment. Another department store which reported a heavy turnover and many girls at wages not much above the minimum regarded the law as of doubtful service, though a help to the less capable. However, few in this store got as low as the minimum if employed any length of time. A 5 and 10 cent store had paid above the old rate but was following the present schedule for learners, experienced sales girls receiving as much as $18 to $20 weekly. The law had never interfered with the employment of girls, nor did it increase the actual selling cost, as attention given to the training of the selling force enabled the workers to become more efficient.

A laundryman had adopted an entrance rate of $13.50 per week, experienced workers receiving up to $20, and favored the law as preventing undercutting, though it might result in depriving some older women of employment, as employers do not care to ask for licenses for substandard workers. Hotel and restaurant employees were found to receive considerably above the minimum, employers reporting the law beneficial, one saying that it afforded satisfaction to both parties to know that the wages paid and received were above the minimum, while another favored it as taking the place of unionism. None of the factories visited felt the effect of the law, market conditions being said to control the wages paid, which were above the minimum. They likewise disregarded the periods of training established by the commission, clothing manufacturers saying that while from three to six months were needed to attain full efficiency, the desirable workers could be picked out in two or three weeks. Another establishment advanced apt workers after two or three weeks' trial, while still another found from one week to one month an adequate training time in his industry. This employer used the piecework system in his factory, and felt that the law was advan-

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tageous in attracting a better class of workers and in stabilizing employment. Most employers regarded the law as having no effect upon the opportunities of women to secure employment, though a clothing manufacturer dismissed a few who could not attain the speed necessary to earn the minimum, his standard being that unless a woman could make from $15 to $18 per week he could not afford to keep her on the machine.

The commission reported that there was no case known of actual deprivation of opportunity to work due to the law. It is felt that employers are becoming more and more friendly, the early opposition being due to a natural objection to being interfered with—a feeling which is being outgrown. In this connection may be noted a comment by an employer that both sides had received beneficial education, employers and the commission alike.

One member of the commission reported that employers were very hostile at first, the rates being of controlling influence when first issued. Industrial conditions are now controlling, and the employers have conceded that the welfare commission has held a steadying hand, and prevented radical and rigid legislation. Another member of the commission felt that the early opposition to the law was due to misunderstanding, and that its general support is favored by a similarity of conditions in Washington and California. Both these men feel that legislative support has been scanty, as many of the members come from agricultural sections, and are not interested in mercantile and manufacturing conditions.

Organized labor feels that the law has been helpful to the unorganized workers, but if women were more permanently employed they would be better served by organization to which the law is a deterrent. However, they have taken little interest in the matter, either for or against the law.

PORTO RICO.

SKETCH OF THE LAW.

The minimum-wage law of Porto Rico was approved June 9, 1919. It is said by the authorities to be patterned after the law of Utah, fixing the standard wage by the act of the legislature. The law applies to women and girls in industrial, commercial, or public service undertakings, and makes it unlawful to pay less than $4 per week to those under 18, or less than $6 to those over said age. The first three weeks of employment are considered as apprenticeship, and are exempt from the provisions of the law. Agriculture and agricultural industries are excluded. Enforcement is intrusted to the bureau of labor.

OBSTACLES TO ENFORCEMENT.

The bureau of labor in the department of agriculture and labor of the island is made the administrative and enforcement agency of the law, but finds itself limited in its activities on account of the lack of funds, and consequently of working force. As soon as the bureau was informed of the approval of the law, it took steps to make it known to employers throughout the island. A copy was sent to each known employer of women, together with a friendly

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letter requesting cooperation and compliance. Objection was at once raised by employers, especially in the embroidery, knitting, sewing, and tobacco-stripping industries, that the law was not applicable to work done by piece or under contract. A very general evasion was undertaken by sending the work to the women's homes. Others continued existing practices and conditions, assuming such liabilities as might be incurred until a decision should be made by the supreme court of the island. Of nearly 35,000 women engaged in work coming within the provisions of the law, scarcely 15 per cent received the benefits intended. "Eighty-five per cent of them work at home, calling at the shops or offices of their employers only to turn in the work done and take new work away."

The bureau of labor undertook to influence public opinion by a general circulation of the decision of the Supreme Court of Oregon on the law of that State, but "notwithstanding the efforts put forth in order to obviate difficulties, these have been constant and invincible." Threats have been made that if the law should be sustained factories would be closed; and, fearful of losing their positions, women have appeared in court to testify in favor of their employers in order to obtain their acquittal; and there have been cases where women have been convicted of perjury, and consequently punished. The recommendation of the bureau is that the law be amended to make it clearer, though it is obvious this would not do away with the employers' contention that the act interferes with their freedom of contract.

TEXAS.[a]

SKETCH OF THE LAW.

The Texas statute is of recent enactment (1919), and was declared by a special provision to be in immediate effect. The act establishes "an industrial welfare commission," with power over hours and conditions of labor as well as wages paid. The commission is made up of State officials, one being the head of the bureau of labor statistics, who is chairman, one the representative of the employers of labor on the State industrial accident board, and the third the State superintendent of public instruction. This commission may act on its own initiative in investigating matters affecting the comfort, health, safety, and welfare of women and minors. Employers are required to furnish all reports and information requested, and to furnish access to their places of business to members of the commission or their employees for the purpose of making investigations authorized by the act. Public hearings to which witnesses may be subpœnaed are provided for, following which wages may be fixed and other standards established. No provision is made for conferences or wage boards.

The law covers women and minors, the latter term meaning persons of either sex under the age of 15 years. Special licenses may be issued to any person subject to the act, authorizing employment at a fixed wage less than the minimum for a period not exceeding six months, subject to renewal for a like period; the number of such

[a] Since this account was put in type the legislature of 1921 repealed this law and passed a new bill, which, however, was vetoed by the governor, so that the State is now without a minimum-wage law.

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licenses may not at any time exceed 10 per cent of the total number of employees in the industry.

The act is of compulsory operation, failure to pay the wages fixed being a misdemeanor. Employees may recover balances over the actual wages paid, together with attorneys' fees, agreements to work for less than the minimum notwithstanding. Discharging or discriminating against employees testifying or about to testify subjects the employer to a penalty. The act excludes domestic servants, nurses, farm and ranch laborers, and students working their way, either in whole or in part, through school or college.

COMMISSION AND STAFF.

As already noted the commission is an ex-officio organization of State officials engaged in the administration of industrial and educational matters. The employment of a secretary and two investigators is authorized at salaries not exceeding $1,800 per annum each. Necessary traveling expenses are allowed within any appropriation made. The composition of the commission means that its members will not necessarily reflect any particular interest or policy with regard to the subject of minimum wages and are subject to such changes as are incident to changing administrations. The continuance of the same secretary and investigators would be more significant of a purpose to maintain a fixed policy. The life of the commission has been too brief to form any conclusions on this point.

The act made an appropriation in the amount of $5,000 to carry out its provisions from its inception, April 3 to August 31, 1919.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

The fixing of rates, as of other standards within the power of the commission, is vested absolutely in it. However, public hearings must be held, of which notice is to be given by publication and by notices mailed to individuals, firms, and corporations to be investigated. Following such hearings the commission may, in its discretion, make a mandatory order, to be effective in 60 days, establishing rates and standard conditions of employment for women and minors in the occupation in question. This order is to be published in at least one newspaper in six principal cities, a copy mailed to the county clerk of each county, there to be recorded without charge, and also to each employer in the occupation in question, who is to post the same in a conspicuous place in the building in which women or minors affected are employed. Publication and mailing to county clerks are conclusive of service.

Enforcement rests with the commission. Action may be taken either by investigation or on complaint; if complaints are submitted they must be verified and proceedings taken by the commission to enforce the payment of the established wage. Upon request of the commission, the labor commissioner of the State shall cause statistics and such other information as the commission may require concerning wages and working conditions of women and minors to be gathered.

Findings of fact made by the commission, acting within its powers, shall in the absence of fraud be conclusive. Court review is pre-

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scribed on compliance with certain requirements, but the determinations of the commission may be set aside only if it appears that it acted without or in excess of its powers or on insufficient grounds, or that the determination was procured by fraud. Determinations set aside by the court may be recommitted to the commission for further proceedings. Either the commission or the party aggrieved may appeal to the higher courts.

Where wages or other standards have been established, the commission may at any time on its own initiative or upon petition call a public hearing and rescind, alter, or amend any prior order.

GENERAL CONSIDERATIONS.

The purpose of the act is to secure the welfare of women and minors in the State, including thereunder comfort, health, and safety. With the exceptions of domestic and farm labor, nurses, and students, the act is of general application to employees working by time, piece, or otherwise. Wages and conditions for separate industries are clearly contemplated, but no reference is made to different rates for different localities. Indeed the phrasing of the law suggests that orders are to be uniform throughout the State, and it was this fact that was seized upon to delay its coming into effect. It was claimed that labor conditions vary considerably in different sections of the large territory covered, and that the classes of workers on the southern border are quite different from those dominant elsewhere. The act makes no provision in terms for substandard workers or for learners, though this may be assumed to be covered by the provision that special licenses may be issued for periods of six months, issuable "to any persons subject to this act," and authorizing the payment of less than the standard minimum wage. Some dispute arose, however, as to whether the 10 per cent limitation on the number of these licenses did or did not include apprentices, but it was on the question of zoning, or the recognition of local differences, that the discussion was chiefly based which led to proposals for the postponement of the operation of the law.

Not only were there said to be differences in the cost of living in towns and cities of larger and smaller population, but there was also manifest a feeling of opposition to establishing the same rates where large proportions of Mexicans were affected as in localities in which the principal labor supply was white native women. Opposed to this was the expression that the law should be measured by "its benign purposes to protect and improve the motherhood of this State, whether it be white, Mexican, or Negro." The discussion resulted in the signing of a petition by 24 members of the State senate, more than two-thirds of that body, requesting the commission not to undertake the fixing of wage rates for any industry until after the legislature of 1921 had opportunity to adopt clarifying amendments. A joint resolution to this effect was later adopted. The continuance of investigations was recommended so that the commission would be in a position to make definite reports as to industrial conditions to the legislature, together with recommendations as to the amendments by which the law can be made workable and meet the various local needs. The commission agreed to suspend wage promulgation for the time being, but continued investiga-

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tions in the various industries employing women. Indeed investigators had been actively at work since early in the history of the law, though no orders had been issued. These investigations had been initiated by the commission, which found employees ready to give information freely, though in a few cases the commission felt that employees had been instructed and intimidated. The general attitude of the employers was also found to be cooperative, though here too there were exceptions. It was felt to be due largely to the activity of "employer lobbyists" that the resolution was adopted by the called session of 1920 of the legislature asking the commission to withhold the setting of any wage until the 1921 session.

In the prosecution of the investigations the discharge of an employee witness was found by the county court of Harris County to have been due to action in appearing before the commission, and a fine of $100 was assessed as penalty therefor. This judgment was on appeal affirmed. (See p. 52.)

The investigations reported (Nov. 1920) cover telephone, mercantile, laundry, and factory industries, employers' statements as to wages being available for 13,311 employees in 40 cities; while costs of living in the same industries were compiled upon investigation of 2,028 employees. The results of these investigations showed an average weekly wage throughout the State in these industries of $11.98, and an average cost of living of $14.78. Statements were summarized showing averages for the State by separate industries, averages in all these industries in six districts into which the State was divided, and averages in cities classified according to population. These summaries are as follows:

AVERAGE WEEKLY WAGE AND COST OF LIVING OF FEMALE EMPLOYEES IN SPECIFIED INDUSTRIES IN 40 CITIES IN TEXAS, BY INDUSTRIES, DISTRICTS, AND POPULATION OF CITIES.

Item.	Wage.	Cost of living.
Industry.		
Telephone	$12.31	$14.14
Mercantile	12.98	15.44
Laundry	9.39	13.78
Factory	11.52	14.65
District.		
North	13.02	15.38
South	11.39	14.57
East	11.38	12.77
West	10.44	12.20
Central	12.31	15.61
Northwest	14.58	23.38
Population of cities.		
Cities from 3,000 to 10,000	11.52	12.77
Cities from 10,001 to 40,000	12.27	14.27
Cities from 40,001 to 175,000	11.92	15.26

The investigation on which this report was based was said by the commission to be "more comprehensive than any subsequent investigations of the commission will be." It covered a period of 8 months in 1919–20, the women interviewed being asked to fill in and swear to questionnaires covering actual living expenses under current conditions. The report is therefore assumed to be representative of existing facts and not of assumed desirable expenditures. The highest average cost of living was found to prevail in the congested oil section, where

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abnormal conditions exist. Otherwise the figures discount the general impression that a very great difference exists in the cost of living in diverse sections of the State. A similar conclusion was reached in reference to the effect of population on living costs, the figures indicating "that no appreciable difference exists in the cost of living between the small town and large city in the matter of living essentials." Car fare is responsible for most of the increase in large cities. Rents, while higher in the large city, are largely offset by the increased cost of clothing and food in the small town.

ORDERS AND RATES.

PRINCIPAL OCCUPATIONS.

Following its investigations, the commission reached the conclusion that the legislature would be able to amend the law more effectively if it were actually in operation. Therefore on November 20, 1920, it promulgated an order, effective February 7, 1921, applicable to telephone and telegraph companies, mercantile establishments, laundries, and factories. In doing so the commission felt that it had not disregarded the resolution of the legislature to withhold action until it could act, since the legislature meets on January 11, and the order does not become effective until nearly a month later. In any case, a resolution of the legislature is not binding, and only a legislative enactment could restrain the commission from carrying out its sworn duty. Doubtless also there was a feeling of security due to the decision of the court of criminal appeals in sustaining the constitutionality of the law in the Poye case (see p. 52), this being reported as a final decision and not subject to future appeal.

The scope of the order has already been indicated, and it includes the principal occupations in which women and minors are employed throughout the State. It is of general application, geographically, fixing a uniform minimum rate of 25 cents per hour or $12 per week of 48 hours, work in excess of 48 hours to be paid for at proportional rates. The learning time is limited to one year, divided into two equal periods, the rate for the first six months being not less than 15 cents per hour and for the second not less than 20 cents. Deductions for meals may not exceed 20 cents each; provision is also made for part-time workers, pieceworkers, and substandard employees. For the text of the order see pages 333 to 335.

In arriving at the rate of $12 the commission made use of its own investigations, with the exception of a group of minor expenditures for which the figures of the California commission were adopted. This made up a weekly budget of $13.60, though to arrive at this rate a deduction was made from the costs of clothing found by the commission. This was based on current tendencies, merchants submitting an estimate that by January 1, 1921, there would be a reduction of one-third in the costs found by the commission at the date of its inquiry. Employers objected to the $13.60 finding claiming it to be a threat to the industries of the State, and also that the Mexican women largely employed on the border would be overpaid at this rate. The commissioner of labor nevertheless held out for the $13.60 rate but accepted the majority position to the extent of signing the decree as determined by the majority. As may be seen, the legal 54-hour week would produce practically this sum.

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UTAH.

SKETCH OF THE LAW.

The Legislature of Utah had before it at its session of 1913 a measure closely patterned after the provisions of the Massachusetts law, due largely to the activity of the Federation of Women's Clubs of the State. Objection was made to the organization of a new administrative office, and various changes were approved, until finally a very different measure was adopted. This act, approved March 18, 1913, established by legislative fiat three rates, one for minors under the age of 18, who were to be paid not less than 75 cents per day; another for adult learners and apprentices, of not less than 90 cents per day; and a third for adults of one year's experience for whom a minimum rate of $1.25 per day was fixed. The law applies only to female workers and was to be enforced by the commissioner of immigration, labor, and statistics. The powers of this official were transferred to the industrial commission by chapter 100, Acts of 1917.

COMMISSION AND STAFF.

The action of the legislature in placing the enforcement of the law in the hands of the commissioner of immigration, labor, and statistics precluded any special consideration of the matter of his interest in minimum-wage legislation. However, the commissioner was active in enforcing the law, using the resources of his bureau to secure its observance, as well as compliance with other laws with whose enforcement he was charged. On the organization of the industrial commission in 1917 a female labor inspector was assigned to the enforcement of the minimum-wage law directly, though other members of the commission's staff cooperate and report violations when discovered. The commission itself is appointed by the governor for terms of four years. While the law makes no provisions as to their qualifications, other than political, the members of the commission were selected by the governor so as to represent employers, organized labor, and the public.

Under the law there is no duty as to the minimum-wage law intrusted to the commission or its agencies, except that of enforcement. Questions of policy would therefore arise only as to such subjects as the treatment of violators of the law and the supervision of apprenticeship. When the law went into effect, May, 1913, it was of real influence in spite of the low rates established. The commissioner of labor in a statement in January, 1914, reported investigating some 200 or more cases of alleged violations which had merit, and a number that had not. Assuming that the prime objection of the law makers was to secure the payment of the wages, prosecutions were not pushed where there was a disposition on the part of the employer to settle with his employees in accordance with the law. More than $6,000 was collected in the eight months covered by the report, with but four prosecutions.

A later statement covering a full year showed recoveries of more than $8,000, the highest individual sum being $125. Seven cases of prosecutions were then reported, six of which had been won, the seventh being open at that time. One case in which recovery was

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had was appealed to the supreme court, but decision being deferred pending action of the United States Supreme Court, the defendant died in the meantime and the case was dropped.

The principal method of enforcing the law was by means of inspection of pay rolls, though occasional complaints were received. Cases of discharge on account of complaint are suspected, but are difficult of proof. In one case the girl who complained refused to testify, having been promoted by her employer. The commission was satisfied that ground was given for prosecution for perjury, but the beneficial results of such a step were reported as doubtful, and the case was dropped.

EFFECT OF THE LAW.

It was estimated that in 1913 there were about 11,500 females employed in this State, those under 18 years of age constituting about 6 per cent of the total. A majority of the latter were employed as cash girls and wrappers in department stores and received about $4 per week or $18 per month. Millinery stores that were paying girl apprentices from $2.50 to $5 per week dismissed some of the less proficient, while in establishments where the piece system was used a few girls were discharged on account of not being able to reach the minimum at the rates paid. Inexperienced adult workers formed about 10 per cent of the female employees, and the wages of about 3 per cent of these had to be raised to meet the minimum, while some were dismissed. "Perhaps not more than 5 per cent of the whole number of female employees were discharged because of this law going into effect, and many of those who lost their employment found employment in other like establishments or in other lines." One class that was largely driven out of employment was "the little errand girl in some establishments who was drawing from $2.50 to $3.50 per week." The commissioner expressed his opinion that the law is "a fairly good one and I have yet to learn where it is causing any considerable amount of oppression or injustice to anyone"; adding that no establishment was known in which any considerable number of females was employed that was compelled to increase its pay roll more than 5 per cent, while the average was probably within 2 and 3 per cent.

A great majority of employers were found to be friendly to the law and its administration, the commissioner stating (June, 1914) that "I believe that I am justified in saying that 90 per cent of employers of women and girls are well satisfied with the law as it now stands and is enforced."

It is obvious that conditions have changed to such an extent since the date last mentioned as to suggest the need of a different minimum. This fact is recognized in the report of the industrial commission for 1917–18, in which it is said that "the minimum-wage law should be amended to increase both the minimum and the maximum. The wage established by law was inadequate from the beginning. Since the increased cost of living it is pitifully low and works great hardship on the girls or women who are forced to accept it." However, a visit to 13 establishments employing about 2,000 females in Salt Lake City in November, 1919, indicated that the number of persons who were receiving the statutory minimum was quite small.

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In the establishments visited the opinion was generally expressed that the law had been lost sight of or was really of no effect. Some regulation of rates for women was said to be desirable, though a general observance was favored, some speaking of the need of interstate regulation to equalize the matter of competition. In a shirt factory it was said it had no use for the 90-cent rate, as the "chair was worth more"; this establishment had an entrance rate of $1.25 and average earnings of $11.75 per week, skilled employees making $16 and $18 or more. A knitting factory reported it impossible to secure workers for less than $1.50 a day, earnings running up to $15 and $18 per week. Two box factories used the same entrance rate, while two manufacturers of candy and confectionery employed most of their help at $1.50 a day for beginners, though one reported a few young girls doing simple work at $1.25. Experienced workers made $15 to $18 per week. Five and 10 cent stores reported entrance rates of $8, $8.50, or $9 per week according to the estimate as to the desirability of the applicant, experienced workers earning as much as $15 and in some cases more per week. One department store reported 2 or 3 girls at $6, though that class of employees was not desired. A few girls began work at $8 but more at $9 or $10, the average for experienced workers being $15 per week. Another large store reported beginners' rates of $1.50 and $1.75 per day. These three establishments all spoke of the law as decidedly desirable or good in principle, but felt that the rate was too low.

An effort was made at the last session of the legislature to secure an advance in the rates, but it was unsuccessful and it was thought that the attempt would be renewed in 1921. The employees were favorable to the law, as is organized labor, which was active in the effort to secure an increase in the rates. There was also said to be a generally favorable attitude on the part of the public, which was said to be quite generally informed with regard to the law.

WASHINGTON.

SKETCH OF THE LAW.

The statute of Washington creating an industrial welfare commission is one of the group of such laws enacted in 1913. The commission was organized on the 23d of July, the act by its terms going into effect June 12.

As the title of the commission indicates, the law includes not only the subject of wages but also the conditions of labor of women and minors in the various occupations in which they are employed in the State. By the term "minors" is meant persons of either sex under the age of 18. The commission charged with the administration of the act is composed of five persons, appointed by the governor for terms of four years each. The original appointments were so made that one of the four appointed commissioners retires on January 1 of each year, the fifth member being the commissioner of labor, who serves ex officio. No person is eligible to appointment as a commissioner who has, within five years prior to the date of appointment, been a member of any manufacturers' or employers' association

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or of any labor union. Three members constitute a quorum. The positions are unsalaried, but the commission may employ a salaried secretary, and may also be reimbursed for expenses incurred.

The commission has power to examine books, pay rolls and records, and to hold public hearings at times specified by it, at which all persons interested may appear and give testimony. It is also authorized to subpœna witnesses and administer oaths; witnesses thus subpœnaed are to receive the same mileage and per diem as in civil cases before the superior court. Following the public hearing, if the commission finds that wages are inadequate or the conditions of labor are injurious, it may call a conference composed of equal numbers of representatives of employers and of employees in the occupation involved, together with one or more disinterested persons representing the public; public representatives may not exceed the number of representatives of either of the other groups. A member of the commission shall be a member of the conference and chairman thereof. Recommendations of the conference are subject to review, and may be approved or disapproved separately or as a whole; disapproved matters may be referred to either the same or a new conference. If approved, an obligatory order may be issued effective in 60 days. However, a longer period may be fixed if the commission thinks that unusual conditions warrant such action.

The law contains provision for special licenses for substandard workers, and may inquire into and regulate conditions of labor of minors, without the intervention of a conference. Discrimination against or discharge of active employees subjects employers to penalties, as does a failure to pay the minimum wage prescribed, or any violation of the act. Unpaid balances may be recovered by a suit at law, together with costs and attorney's fees. An appeal lies to the courts on questions of law only, questions of fact being finally decided by the commission.

As in other States in which a mandatory law is in existence, the Washington statute was subjected to a test as to its constitutionality, the case being one of a suit to recover the difference between the wage actually paid and a sum claimed under the order of the commission. The facts in the case (Larsen *v.* Rice) are discussed on page 46, and it is sufficient here to say that the law was sustained as constitutional; it was also ruled that no compromise could be made by the parties in interest, the exact standard fixed by the law as a minimum being mandatory.

A later conflict (Spokane Hotel Co. *v.* Industrial Commission) rose on the claim by the plaintiffs that certain constitutional questions had not been fully disposed of in earlier decisions. This case was also decided favorably to the enforcement of the law (see p. 49).

COMMISSION AND STAFF.

As noted above, the commission consists of the commissioner of labor, ex officio, and four appointed members. The law contains no provision with regard to the sex of the members of this commission, the only restriction being as to membership within five years in employers' or employees' associations. The first commission appointed consisted of four women, one a physician, but on the discovery that

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one of the appointees was an honorary member of the International Typographical Union, her place was filled by the appointment of a man.

The original appointments were made on July 12, the governor on the same date urging the State labor commissioner to convene the commission at as early a date as possible. A temporary organization was accordingly effected on July 23, the commissioner of labor volunteering to care for the secretarial work until a choice could be made. However, plans for conducting investigations were immediately devised, and blanks drawn up for securing the desired information. The members of the commission undertook various lines of work, including a study of the organization of minimum wage commissions in Wisconsin, Massachusetts, and Oregon. Personal investigations were made of various industries, together with a special study of the apprenticeship situation. A permanent organization was effected September 8, the commissioner of labor being elected permanent chairman, and a man appointed as secretary. The service of the latter was brief, however, he retiring on January 4, 1914. He was succeeded by a woman of expert training and wide experience, temporarily loaned by the Industrial Welfare Commission of Oregon to prepare the report of the commission. This summed up the results of prior investigations and of further research made by the acting secretary as a special investigator for the commission. In June, 1914, a woman was elected secretary, retaining her position for nearly five years.

The succession of commissioners made for a continuity of policies, the larger number being reappointed on the expiration of their terms. This rule prevailed until the year 1920, when various causes operated to occasion dissatisfaction, resignations following in rapid order. The commissioner whose term expired January 1, 1920, was not reappointed, and the woman named to succeed her declined appointment. Later, however, the place was filled, but on September 27 and 28, 1920, two other members and the secretary resigned, two of these having been on the commission practically from the beginning. Three new members were then appointed, so that the present commission is entirely new since June 1, 1920. The present commissioner of labor has been in office since January 1, 1916.

Until the latter part of 1919, therefore, it may be said that the policy of the commission was continuous, it being a practice of the governor to confer with existing commission members as to appointments to fill vacancies, and terms of service being terminated only by force of circumstances rather than political or factional influences. Practically the only salaried persons are the secretary and a stenographer, though, on occasions, investigators have been employed on a per diem basis. Appropriations have regularly been $5,000 per year until 1919, when $14,850 was appropriated for the biennium. These sums have been practically exhausted annually. It is said that the average expense of holding a conference is $200.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

As provided by the law, preliminary investigations are made by the commission to determine the desirability of orders to fix rates and conditions of employment. The subjects of wages, conditions

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of labor, and cost of living in the mercantile, factory, telephone, and laundry industries of this State were first investigated, blanks being mailed to employers and employees calling for indicated data. Following this, six industrial conferences were held from March 31, 1914, to December 4 of the same year. The reports of such conferences are subject to approval or disapproval, in whole or in part, but not to modification. The commission is not required to hold hearings after the conference findings have been submitted to it, but it has been the uniform practice to call public hearings to consider the recommendations finally agreed upon. Up to October, 1919, it was reported that only once had an objection been offered at such public meeting to the findings of the conference approved by the commission; and in only a single instance has the commission rejected a recommendation of the conference as a whole. In this case a new conference was called whose recommendations were adopted.

Promulgation of orders is to be by mailing a copy of the same "so far as practical to each employer in the occupation," the order to be posted in each room where women affected by it are employed. The commission has not found it practical to reach all employers directly, though notices are sent to many of them. Much reliance is placed on the public press.

Enforcement of the law is in the hands of the labor department, though the welfare commission can file complaints. Deputies in five industrial centers of the State assist in the enforcement of all laws that are in the hands of the State labor commissioner, including the minimum-wage law. The commission itself is naturally chiefly interested, though its report says that "in the enforcement of the law the bureau of labor has lent a very helpful hand, for at all times when called upon to assist in enforcement of the law its best offices were at the command of the commission and promptly given." The number of prosecutions is relatively small, but considerable sums have been collected through the instrumentality of the commission, this undertaking lying "next to the enforcement of a proper observance of the law itself."

Early in the history of the law a laundry proprietor undertook to reduce costs of operation by deducting what he called "standing time" from the actual time on duty of his workers, though this idle or standing time was the result of his own planning, the women being in no way responsible, being on duty the full eight hours per day. The arrangement was condemned by the court, the defendant being found guilty, and a minimum fine was imposed without costs. This leniency seems not to have been appreciated, however, as the employer withstood claims for the balance due; judgment was rendered against him with accumulated interest. In another case the owner and manager of a hotel were found guilty of subterfuge in paying women workers at the rate of $7 per week, instead of the minimum of $9, claiming the deduction for the rent of a room, regardless of their use or nonuse thereof. A fine was imposed and the balances recovered. The largest case arising during the first year of the operation of the law involved a balance amounting to $700. The total amount recovered up to November 20, 1916, amounted to $6,263.61. By November 1, 1918, an additional $11,046.24 was collected, while for the next period, November 1, 1918, to September 15, 1920, less than half

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this amount, or $5,251.34, was collected. Up to the last date named there were but nine cases in which the employer refused to settle with the employee without suit. These cases were taken to court, and both wages and fine collected; one case was carried to the supreme court of the State, the decision of the lower court being there affirmed.

In making these collections the commission safeguards the employees in doubtful cases by having the checks sent to the office, which are then sent to the claimants. This was shown to be necessary in cases such as where an employer persuaded his girls to indorse the checks made out to them and leave them with him. On complaint by one of them to the commissioner, the secretary called upon the employer to make an inquiry, whereupon the man laughingly called out to his stenographer to make out new checks, as "I didn't get that thing over." The secretary then took the new checks and gave them to the girls so that they could get them cashed themselves. The total amount recovered in a little over six years was $22,561.19 from 586 different employers, and for 932 employees.

The method of discovering short payments is mostly by complaints and by inspection, though one of the fruitful methods is by checking up on the applications made for apprenticeship licenses. These require a statement of the nature of the work, the term of employment, and the rate of wages, so that complete data are furnished for disclosing compliance or noncompliance, as the case may be.

An interesting sequel to the opposition of the hotel keepers, etc., to the public housekeeping order was the accumulation of balances in the workers' favor during the period of the legal conflict. The order went into effect June 2, 1920, and the case was finally decided December 11. It was estimated that a balance amounting to $100,000 was then due workers as the difference between wages received and those due under the order, and their payment was promptly begun.

Wages once fixed may not be changed until after one year. Under the law, revisions may be made on the request of either of the parties interested, the commission then acting in its discretion; it apparently also has the power to initiate revisions. Data as to costs of living furnished by the United States Bureau of Labor Statistics have been the chief reliance in making the revisions thus far carried out.

WAGE BOARDS.

The law provides for the submission of the results of preliminary inquiries to conferences, as they are termed by the act, whose duty it is to make further investigations and such recommendations as they shall deem desirable with regard to the industry, and this provision has been held to be mandatory. Separate orders are contemplated for each industry or occupation. The method of selecting members is for each member of the commission to suggest persons whom they know or with whom they have come in contact in the pursuit of the preliminary investigations, and from the whole number of names thus presented final selections are made. The number of conferees is not limited except that they shall be equal as between employers and employees, the number of public representatives not to exceed those of either group. In practice, three of each class have been uniformly selected. Considerable difficulty was found in selecting conferees for the early conferences, especially from among the work-

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ers, as they seemed to be afraid that they might lose their positions or suffer disadvantage otherwise because of such participation. That this fear was not ungrounded is evident from the discharge of a laundry worker in Seattle after she had been a member of the first laundry and dye works conference; and though the commission promptly prosecuted the employer and obtained his conviction, this fear is not yet wholly dispelled, though much less in evidence. Only two cases approximating this are known to have occurred, and they were both in the early history of the law. One was that of a retail clerk whose friendly employer kept her as long as he remained in business, but when he went out she was unable to secure work elsewhere in the city and perhaps in any large city in the State. It was said to be due to her efforts that a $10 rate for mercantile employees was secured as against $9.50 or $9.75. She found employment in California and declared that she was glad to have done what she did. The other case was that of a telephone operator who had been active in securing an advanced rate; though she was not discharged she was made uncomfortable in her employment and finally went out into other work for which she had made some previous preparation.

The first biennial report states that for the six industrial conferences held in 1914, "the commission had to take into consideration as many as 50 or 60 persons in arranging for each conference." In 1919 it was stated that two reasons had operated to relieve this situation, one the law of supply and demand that worked in favor of the employees at that time, and the other an increasing organization among the workers. A possible improvement in the attitude of employers toward the law was also suggested. The first reason was said to be the more influential. It was said further that it would not be profitable for employers to discriminate against employees for taking their stand alongside of the State officials. There seemed to be noticeable differences in the attitude of different classes of workers, office and mercantile employees being much more frank and outspoken than laundry and factory girls. At some of the more recent conferences, prominent labor leaders have been in attendance and their presence has helped to give the girls a sense of security. The friendly attitude of the commission has also encouraged them, while there seems to have developed a sense of self-help, in part perhaps from their experiences with the welfare commission; at least the commission has recognized a growing self-confidence and independence, whatever the causes. The feeling seems to be general that the employee members chosen were representative.

In selecting members of the conferences it has been necessary to pay attention to the industrial needs of the different sections of the State, the area east of the mountains being predominately agricultural, while western Washington is more largely industrial—a difference which has manifested itself in a variety of ways.

The employers are reported to have been willing without exception to serve, giving their time without stint and showing continuous interest. While a few seem to have been on guard to prevent high rates, it was felt that the majority seemed to regard the place as one for service and not especially to protect class interests. Members of the commission expressed the opinion that there had been many cases of closer contact and better understanding between employers and employees by reason of their mutual experience on the wage boards.

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Up to the end of 1919 conference reports have been recommended by unanimous vote on almost every occasion, and the commission has never rejected such recommendations except in a single instance. The manufacturing conference in 1920 developed wide differences.

The foregoing sincere expressions of opinion, based on long experience, stand out in contrast with the recent conduct of groups of employers who in 1920 "came in large numbers, filling the senate chamber to capacity, mute themselves, with a paid spokesman, an attorney, to represent them. These attorneys filed protests on the holding of the conferences, appearing at the public hearings with their same legal form of protest, attacking every move of the commission. * * * During the proceedings leading up to the forming of the manufacturing conferences a group of Spokane manufacturers, through their attorney, warned the commission that they intended to 'fight' all proceedings."

The public representatives have been felt to be a most essential element in the conferences. Persons of ability and influence, with an understanding of the problems in hand, have been chosen and their services have gone far toward making the law successful and preventing the adoption of unduly low rates. Suggestions have come from them which have been adopted by both employers and employees.

No provision is made for the compensation of the members of the conferences, though their expenses are met. The commission seems to feel that it is not desirable to provide for such payment, though possibly there is some hardship in the case of employees who have to give up their time; but it would not be desirable to pay one class and not all. Cases have been known in which the employer paid for the time that his employees spent at the conferences, some going so far as to give notice of the fact of their establishments being represented by an employee, which they regarded as an honor. Some efforts have been made to avoid burdening employees by selecting girls about to leave the employment to be married, or those recently married, who are thus economically independent. However, this is not regarded as a very desirable proceeding and it has been less used recently. The personnel of the different conferences has been changed, differing from the continuing arrangement under the Massachusetts proceedings. This is said to be satisfactory as working against any attitude of professionalism, though on the other hand a demonstrated intelligent interest and ability might make it desirable to reappoint former members on a subsequent conference.

GENERAL CONSIDERATIONS.

So far as wages are concerned the commission is to act where they are inadequate to supply female employees with the necessary cost of living and to maintain them in health; they are also to take action where they find that the "conditions of labor are prejudicial to the health or morals of the workers." Wages and conditions of labor of minors are to be "suitable." The preamble of the act calls for the protection of women and minors from the pernicious effect on their health and morals of inadequate wages and unsanitary conditions. While therefore the questions of wages and morals are not directly correlated, the commission finds that there is an indirect relation existing and that lack of nourishment not only weakens the physical

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condition of the woman, but also "her mental poise and her outlook on life," which may lead to immoral practices, while an abandonment of adequate shelter and food for the resumption of an inadequate wage in some industrial employment is hardly to be anticipated.

It was not felt that in passing upon a desirable wage there was any analysis possible of the factors involved, though health is, of course, the principal consideration. The inclination was to take a general view of the whole subject and make a determination on the basis of the general welfare. The needs of different classes of workers are subject to consideration by reason of the provision of the law that authorizes the commission to take up "any occupation, trade, or industry" separately. However, the commission has acted on industries as a whole, and while the early orders recognized different rates for different classes of workers, the war emergency order of 1919 was of general application to all industries throughout the State, establishing a uniform rate for females over 18 years of age.

The budgets submitted in the early conferences showed considerable variation in specific items of expenditure for different classes of workers. Thus mercantile employees were found to spend noticeably more than factory workers for board and room, explained by the necessity of taking the noon lunch downtown. On the other hand mercantile employees were able to secure clothing, with all the incidentals therein included, at a lower rate than most other employees. The cost of stockings, underwear, and corsets was especially high for waitresses, these articles being subject to excessive wear and strain by reason of the nature of their employment; waitresses also have an expenditure for laundry more than double that of any other group of workers considered in the first six conferences—more than four or five times as much as most groups of workers. These differences were only partially reflected in the rates fixed upon in the first series of orders, a $10 weekly rate being fixed for mercantile employees, one of $8.90 for manufacturing establishments, $9 for laundries and dye works, and a like amount for telephone and telegraph employees. The hotel and restaurant conferences recommended an $11 weekly rate for waitresses and $9 for other employees; this was protested by the hotel men's association of the State, and a final determination was in favor of a uniform $9 rate. The minimum for office help was fixed at $10 per week.

The bases of these differences are not entirely clear, and they undoubtedly reflect personal opinions and attitudes of the members of the different conferences quite as much as actual economic conditions. The secretary of the commission was of the opinion that if the needs of the different groups are not identical they are practically equivalent, and if any gap exists it should be closed rather than widened. This conforms with the conclusions of a conference of minimum-wage workers representing the Pacific coast, held September 26 and 27, 1919. These students of the problems involved found that "women show a tendency to gravitate to the higher paid industries, and that where there is a different wage for each industry it accentuates classes." Uniformity as far as possible was therefore favored for all industries.

A different feeling was expressed with regard to local distinctions, which the law of Washington does not contemplate. The opinion

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was expressed that city costs of food and the item of street-car travel call for a higher rate in urban localities, while in rural communities there was also a larger percentage of workers living at home. The difference in industrial development between eastern and western Washington was also emphasized.

In regard to minors, the attitude of the commission was that their employment should be discouraged rather than encouraged, so that they might be left to complete their school work, while employers would make use of the older persons on account of the rather high rate fixed for the employment of minors.

A system of licenses is in use for learners, rates and periods of service being definitely set forth, the employer and employee each having a copy. The periods set are intentionally short, but are long enough to lead up to the ability to earn the minimum fixed, though not necessarily to full expertness. The issue of licenses to substandard workers has been carefully guarded, none being issued without a special personal investigation. The fourth biennial report shows but 58 such licenses issued between June, 1914, and August, 1920. Some of these were for persons permanently physically defective or crippled, though most of them were for persons temporarily partially disabled, and their licenses have expired.

ORDERS AND RATES.

In conformity with the provisions of the law, the first work of the industrial welfare commission consisted of a survey of the general field of its operations. The industries in which the larger number of women and children were employed were naturally first considered, approximately six months being consumed in a general study of the field. This began in the autumn of 1913, and about 10 special inspectors were employed. All the principal cities were visited, as well as many smaller localities. Information was obtained from employers' records, and many women were interviewed in their homes. Employers were generally ready to furnish the information desired, and some went as far as to say that the workers might as well be interviewed at the establishment where they were all together, but most others were reluctant and even hostile, while the women quite generally did not care to be interviewed in the place of business. It was said that the commission had no doubt whatever as to the necessity of wage advances before this investigation was made, but that specific information was necessary in order to act intelligently and with a spirit of fairness toward employers and employees.

A preliminary question that arose as to the power of the commission related to the scope of operation of any order that might be issued, and the attorney general took the position that the law required any order fixing a minimum wage to be general throughout the State, as to the particular trade or industry affected. Another inquiry was as to the power of the commission to determine what was to be construed an occupation, trade, or industry. To this it was replied that the commission was authorized to exercise a reasonable discretion in making proper classifications.

As previously stated, six lines of industry were investigated during the first year, and six conferences held during the year 1914; each of these resulted in the fixing of a rate, thus establishing con-

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ditions of employment for the great bulk of women and minors employed in this State.

MERCANTILE OCCUPATIONS.

Order No. 1, bearing date of April 28, 1914, followed the holding of the first conference organized by the commission. Its first meeting was held March 31, 1914, and it completed its work on the following day. Employers, employees, and the public were represented by three persons each, called from cities in different sections of the State. This conference had before it the full data collected by the commission showing average annual expenditures for the various items held to be included in a proper and necessary cost of living. This showed for women in mercantile occupations an annual expenditure of $520, which would require the earning of $10 per week every week in the year, with no provision for emergencies or savings other than the estimate of $6.83 for insurance and association dues. The most usual weekly wage rate was about $8, 55.6 per cent of the workers receiving under $10.

Several weekly budgets were submitted, an employer representative suggesting $9 and the three employee representatives $11.98, $12, and $13.20, respectively. A public representative moved that a rate of $10.75 be adopted, a representative of the employers proposing $9.50, and an employee representative $10.25. A public representative seconded this last motion, whereupon the employers urged the consideration of the smaller stores, those working on narrow margins, referring also to competition of mail-order houses and the fact that Washington was a "young State." A public representative questioned the right of the commission to consider the effect on business or employment conditions, the problem being one of "a minimum wage of living for women." A compromise proposal of $10 as a meeting point for all was then suggested, but on raising the question as to the right to employ apprentices at lower rates, the first day's session adjourned without reaching a conclusion. At the next day's session employers produced a schedule for apprentices leading up to a $10 minimum, but the public representatives were unwilling to make a conditional award as it was "our business to recommend a minimum wage for women and nothing else."

All the members of the commission were present at this conference, one member being ex-officio chairman. As this was the first conference, considerable interest attached to the outcome, and there was a strong plea for a unanimous conclusion, and in any case a recommendation that could be acted upon by the commission.

The final recommendation of the conference was made unanimously, favoring a $10 weekly rate. Other points acted upon were time for lunch and sanitary arrangements. These recommendations were approved and the order issued on April 28, to be effective June 27, 1914. An order of the same date established a $6 weekly minimum for persons of either sex under the age of 18 years, this being order No. 2.

What was in effect an additional order, though designated as "Mercantile form 1," was a regulation of the issue of licenses to apprentices to be employed in mercantile establishments. This required application to be made on printed blanks furnished by the

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commission, no license being valid for a longer period than one year. An entrance rate of not less than $6 per week should be paid for the first six months, not less than $7.50 per week to be paid during the second six months of employment. The number of apprentices was limited to 17 per cent (1 to 6) of the total number of adult female employees, while not more than 50 per cent of the apprentices were to receive less than $7.50 per week. At least one license could be procured in the establishments employing less than six females. The rates fixed by these orders continued in effect until the issue of the war emergency order of September 10, 1918, effective on November 10, superseding during the period of the war order No. 1; while order No. 2 was superseded by an order of September 14, 1917 (unnumbered), fixing a $6 weekly rate for minors under 16 years of age, the rate for those 16 to 18 years of age being at least $7 per week.

MANUFACTURING OCCUPATIONS.

The second conference held took up the subject of manufacturing occupations, meetings covering two days, May 12 and 13, 1914. As in the first conference, there were nine representatives of employers, employees, and the public, the full commission being again in attendance. As was natural in view of the difference in interstate competition between mercantile occupations and manufactures, there was much discussion as to the development of new and untried industries, the scarcity of labor, and the danger of sweat-shop and convict-labor competition from the East; also the danger of displacing women by men, or of debarring elderly women from employment, if the wages were placed too high. The matter of vocational schools, shop training, and costs and periods of learning were discussed, the opinion being expressed that while it was not fair to require employees to carry the burden of experimental industries, neither should employers be required to pay employees more than they were worth during their learning time.

The commission reported that 71.2 per cent of 1,753 workers investigated earned less than $10 weekly. Employers offered annual budgets ranging from $399 to $635, the employees' budgets ranging from $565 to $601, while those offered by the public ranged from $493 to $526; the average expenditure for this class of workers was found to be $462.80. The highest and lowest budgets were considered item by item, an employer finally offering a motion that a weekly rate of $8 be recommended. There was no second, and another employer moved for a $9 rate, which was seconded by a public representative. One employer and two public representatives voted for this, there being six votes in the negative. An employee then moved for a $10 rate, another employee seconding, and this was carried by a vote of five to four, the three employers and a public representative voting in the negative. On reconsideration a committee representing the various groups was appointed to bring in a recommendation, but no agreement was reached. An employee then suggested $9 as a compromise, while employers held out for $8.50, but discussion and counter-suggestion led to the unanimous adoption of $8.90 as a compromise recommendation, and this rate was promulgated as order No. 3 by the commission on June 2, to be effective August 1, 1914. Like the mercantile order, this was superseded by the war emergency order of

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1918. Order No. 4 was of the same date and established a $6 minimum for minors, and it, too, was superseded by the minor order of September 14, 1917.

LAUNDRY AND DYE WORKS OCCUPATION.

The third conference, relating to occupations in laundries and dye works, was convened May 14, 1915, under similar circumstances to the first and second. A slightly different procedure was adopted, employers and employees alone submitting budgets, the public representatives being regarded more in the light of mediators. The amounts submitted were so divergent that the chairman declared it to be unfair to the public to require them to consider such extremes as a basis for any real recommendation. A special committee of three was then appointed to arrange a basis of action, but failed, as did a second committee. Various rates were then proposed, the highest being $9 per week, offered by a public representative. An amendment reducing this amount to $8.90 was carried, but on a final vote the sum was rejected, the three employer representatives and two employee representatives voting against it. An employer then moved a rate of $8.50, another employer seconded it, and this was carried against the votes of the three employee representatives and one of the public. This recommendation was submitted to a meeting of the commission on the 15th of May, and since their investigations had shown that the cost of living of laundry and dye workers exceeded $8.50 per week, this recommendation was rejected and a new conference organized. The average annual expenditure for laundry workers was found by the conference to be $468.

The membership of the second conference was entirely different from the first, and again employers and employees submitted budgets. Employees' budgets worked out a cost of $10.30 per week, but employers showed but $8.33. A committee was appointed to work out a basis for action, but failed, and was after a second failure discharged. On a motion made and seconded by employers a rate of $8.64 was voted upon, and rejected 3 to 6. Counter proposals continued, each group voting solidly together, until after several votes a rate of $9 was recommended, two employees and two representatives of the public voting in the negative. This recommendation was favorably acted upon by the commission on June 25, the order becoming effective August 24, 1914, continuing until superseded by the war emergency order of 1918. Order No. 6 fixed a rate of $6 for minors in this occupation, and was in force until the order of September 14, 1917, which limited the $6 rate to minors under 16, those above that age to receive at least $8.

TELEPHONE AND TELEGRAPH OCCUPATIONS.

The next conference followed on June 26 and completed its work on the next day, having for its consideration the cost of living and necessary wages for telephone and telegraph employees. Employee representatives submitted budgets very closely approximating, the weekly amounts being $8.17, $8.10, and $8.19. Employers' budgets were not far different, being $8.02, $8.04, and $7.77. Public representatives submitted independent budgets at this time, the amounts being $8.89,

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$9.51, and $9.14, respectively, or an average of $9.18. Average annual expenditures were found to be $468, or $9 per week.

A peculiar situation arose at this time in that the employees differed but little from the employers, and "were inclined to ignore the actual requirements of a self-supporting woman and to join passively the employers in the contention that a great majority of the girls employed in the industry were living at home, part of their living expenses thus being borne by their parents." The public representatives strongly opposed this position, "contending that, should less than a minimum wage be established the parents would, as a matter of fact, be subsidizing the industry to the extent of the deficiency." A subcommittee appointed to bring in a report to the conference failed to reach an agreement, whereupon the public representatives moved and seconded that a rate of $9 per week be fixed. Employers offered a substitute motion for $8.25, the three employers and one employee supporting this rate. The other two employees moved and seconded a rate of $9.50, which two public representatives joined them in supporting. Following this failure, the original motion was carried, against the solid vote of the employers. The commission accepted the rate of $9 thus recommended and issued its order July 9, effective September 7, 1914, this being order No. 7. Order No. 8, issued at the same time, fixed a $6 weekly minimum for minors. This last order was amended August 7 following so as to make its provisions as to scope more inclusive and explicit, the amending order being No. 9; this was in turn superseded by an order (unnumbered) bearing date of September 14, 1917, which fixed the rate for minors in or in connection with telephone and telegraph establishments at not less than $6 per week for those under 16 years of age and not less than $7 for those between 16 and 18 years of age. This order was in turn superseded during the period of the war by order No. 19, issued September 19, 1918, fixing a rate of $9 for minors under 18 years of age.

During this conference in June, 1914, a protest was urgently presented by representatives of the small or independent telephone companies against requiring them to pay the $9 minimum, as, coupled with the observance of the 8-hour law, this would result in the absolute discontinuance of service in the rural communities throughout the State. However, in the face of the attorney general's ruling that the commission had no power to recognize local conditions by fixing different rates, the $9 rate was adopted as of uniform application, but with the understanding that no attempt would be made to enforce it until a further investigation was made. The Independent Telephone Association of the State later requested a special hearing that it might present the facts with reference to its operating conditions. The hearing was arranged for and a meeting held with representatives of 30 small companies on February 9, 1915, in which previous and existing practices were set forth, under which they had been able to maintain service until the 8-hour law intervened. One of the outstanding features of their plan had been to secure a person at a salary of about $40 per month plus house rent to manage a small exchange, such assistance as might be required usually being given by other members of the household. The legal difficulty confronting both parties gave rise to the suggestion that the law be amended, granting the commission discretionary power in such cases. The

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State's legal department recommended that, rather than attempting an amendment, a special act be drafted applicable only to conditions of labor in rural telephone exchanges, and a bill to this effect was drawn.

The drafted measure covered localities having a population of less than 5,000; this was amended so as to extend only to those having 3,000 or less and, thus amended, came into effect June 10, 1915. This gave the commission authority to classify the different companies and fix rates according to the conditions found. The regular order providing for the legal $9 wage on the basis of an 8-hour day remained applicable to the companies operating in cities of more than 3,000 population, this being known as class A. Other classes were made, known as B, C, D, and E, and orders numbered 14, 15, 16, and 17 were made applicable to them, respectively. Each of these orders applied to both adults and minors. Females over 18 in class B were to receive not less than $35 per month and to work not longer than 9 hours per day, 9 hours or any fraction thereof being a day's work. However, if the employment were relief duty for less than 6 hours per day, the rate was to be 16 cents per hour. Night operators were to receive $25 for not less than 10 hours' work, and to be furnished with suitable sleeping accommodations. Special permits were required for minors under the age of 18 employed at less than the above rates. In class C (order No. 15) the same monthly rates were fixed, but day operators might work 10 hours and night operators 14. Class D required a wage of $30 per month for not more than 10 hours for daywork and $22.50 for not more than 14 hours for night operators; while for class E (order No. 17) no rate was fixed, each company being considered on its individual merits, taking into consideration the portion of the time of the operator which might be devoted to other employment. Orders Nos. 16 and 17 were later superseded by order No. 20, the two classes B and E being consolidated and a new class D being formed, including exchanges having less than 150 subscribers in which the continuous attention of an operator is not required.

In the latter part of 1919 reports were called for to decide whether it would be necessary to revise the old orders and raise the wages. A basic minimum of $50 was decided to be necessary, and the investigation showed that only a few companies reported any smaller wage than this. Reclassifications were made, and at the date of the fourth biennial report in August, 1920, all but three of the companies whose cases had been taken up as paying less than $50 had raised their wages to the desired amounts, these three being under consideration at that date, and some 12 companies remaining to be heard from. The text of orders 14, 15, and 20 is given on pages 335, 336, and 339.

OFFICE OCCUPATIONS.

The next order following the original telephone order relates to the subject of office help and office employees (order No. 10, issued December 21, 1914), though the conference on this subject followed that relating to hotel and restaurant employees. The office help conference met December 3 and 4, being the sixth and final conference of the year. This conference was unique in the ready agreement of employers and employees as to a suitable wage, their estimates as

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to the cost of living being practically the same. Therefore, the representatives of the disinterested public were not called upon to exercise their mission of compromise. It was also the only conference in which no subcommittee was appointed as a step toward securing unanimous agreement. A weekly minimum of $10 was recommended and this was embodied in an order effective February 20, 1915, this continuing until superseded by the war emergency orders of September, 1918. Order No. 11, of the same date as order No. 10, fixed a weekly rate of $7.50 for minors between 16 and 18 years of age, and of $6 for younger employees in any line of clerical office work in effect until the order of 1917.

HOTEL, RESTAURANT, AND LUNCH-ROOM OCCUPATIONS.

The fifth conference met December 1 and 2, 1914, to consider rates for employees in hotels, restaurants, and lunch rooms, each of the nine members submitting a budget. Those submitted by the employees ranged from $13.23 to $16.23 per week; those by the employers from $11.75 to $15.37; those by the public from $8.04 to $11.26; the general average for all was $14.20. The subcommittee to which the matter of an acceptable rate was referred reported disagreement, the difficulty being that what was a suitable wage for the cities could not be paid in the smaller towns. An employer moved to recommend $8.50 per week, but the employees objected to less than $9. It was suggested that waitresses be separated from other employees, one argument being that they had to wear better clothing. It was also said that if the wages of chambermaids should be advanced they would be discharged and Japanese men would be employed in their stead. A recommendation was therefore made that waitresses be paid $11 per week and other employees $9. This conference also considered the subject of establishing a 6-day week, but the motion was withdrawn.

Before action was taken on these recommendations the Washington Hotel Men's Association formally protested to the commission against the $9 wage, objecting also to a recommendation for prohibiting the employment of girls in cigar stands or at cigar counters, and the commission granted a hearing for December 29, at which further delay was requested and allowed. It had been decided, however, that the commission was without authority to prohibit the employment of mature women in any lawful occupation, so that the recommendation as to cigar stands was dismissed.

Pending the later hearing the commission took up the question of the $11 rate for waitresses, with the result that this was rejected by the commission. The investigation showed that waitresses "even in the smaller towns and villages seldom receive less than $6 per week, exclusive of room and board, while in the larger towns and cities they seldom receive less than $8.50 and often $10.50 per week, exclusive of room and board." This did not take into account tips quite generally received. It was felt therefore that waitresses were "the most independent group of wage earners the commission has thus far considered." However, it was only in hotels and restaurants that these conditions prevailed, and waitresses in lunch rooms, boarding houses, and other places not properly classified as restaurants remained for consideration.

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Following these various delays and investigations, the commission on June 18, 1915, approved the rate of $9 per week for all other employees than waitresses in hotels and restaurants, allowing $3.50 a week to be deducted for 21 meals, $2 for lodging, and not more than $5 for both. This was order No. 12. Order No. 13 fixed a rate for minors of $7.50 per week, subject to the same deductions; minors were forbidden employment at selling cigars and tobacco in hotels and restaurants, the power of the commission being held to extend to them, though not to adults. These orders, like most of the foregoing, were superseded by the war-emergency orders of September, 1918, and the minor order of 1917.

MINORS.

Reference has been made under the various orders to an order of September 14, 1917, bearing no number, which superseded prior orders regulating the employment of minors (Nos. 2, 4, 6, 9, 11 and 13). This is therefore in the nature of a blanket order. The first paragraph, relating to employers, defined "person" as including corporations, partnerships, etc., while the second fixed for mercantile, manufacturing, printing, laundry, dye works, sign painting, machine or repair shops, and parcel delivery service a minimum of $6 for minors under 16 years of age and $7 for those between 16 and 18. The third paragraph applied to minors employed in or in connection with telephone or telegraph establishments, fixing the same rates for the same age groups; while the fourth paragraph, covering office employments, fixed the rate of $6 per week for minors under 16 years of age, but for those between 16 and 18 established a rate of $7.50. Minors employed in the occupations named in the foregoing paragraphs must receive an advance of 50 cents per week after every 6 months of service until the minimum for adults is paid. The rate for minors under 16 in hotels, lodging houses, restaurants, and lunch rooms was made not less than $7 per week, and not less than $8 for those between 16 and 18. This order became effective November 14, 1917, remaining in force until superseded for the period of the war by order No. 19, effective November 20, 1918.

WAR EMERGENCY ORDERS.

The constant advance in living costs during the war caused the commission to consider the adoption of some remedy not involving a permanent disarrangement of existing plans, but adapted to a temporary and abnormal condition. To this end "it sought to offer employers the opportunity of meeting voluntarily the advance in living costs of their woman workers, rather than to invoke a compulsory law to obtain the necessary results." The commission therefore issued a proclamation bearing date of January 7, 1918, setting forth that living costs at the time when the various rates were promulgated were 35 per cent lower than at present; taking the ground that these conditions were temporary, and that, being reluctant to invoke legal methods for establishing a higher scale, the commission "appeals to the patriotic sense of duty and obligation resting upon the employers of the State to grant to their employees in these groups a proper increase of wages to cover this period." It was added that a failure to receive a full and proper response would necessitate other action.

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The commission became convinced that while some employers had made suitable advances action had not been as uniform as was desirable, and the need of a survey was felt. Lack of funds led to an attempt to conduct this survey by mail, and letters were sent out early in April to representative establishments asking a report of the wages paid in January, 1917, and in the same month in 1918. Taking as a basis the rate of $9 per week fixed in some of the existing orders, and adding thereto the estimated necessary 35 per cent advance, developed the wage of $12.15 as the necessary minimum at that time. A tabulated result of this survey, which covered 8,509 employees, showed 5,415, or 63.6 per cent, receiving less than $12.15 per week in January, 1918. These reports were obtained from 256 representative establishments in nine industrial classes. Comparing January, 1917, with January, 1918, all industries showed a decrease in the number of workers receiving less than the minimum fixed by the orders, while a majority also showed a reduction in the percentage receiving $12.15 or less. The number receiving more than $12.15 per week had increased in most groups, the increases ranging from 5 to 66 per cent, though this higher paid class had decreased by 1 per cent in the case of theaters and 3 per cent in photographic studios. This showing was held to indicate a substantial number of woman workers receiving less than a living wage under war conditions, and a war emergency conference was decided upon to fix a rate regardless of occupation or industry. This was not in strict conformity with the provision of the law for separate industrial conferences, but funds were not available for such conferences, and furthermore many occupations had been entered into during the war which had previously been followed only by men. The calling of separate conferences for all lines of industry was therefore held to be impracticable, and the war-time emergency was believed to furnish sufficient warrant for adopting the course pursued.

Accordingly, a conference was called in the usual form, made up of nine persons, with the chairman of the commission as chairman, "the members of the commission sitting as a judicial body." The conference was held August 28 and 29, 1918. The chairman set forth the peculiar conditions leading up to the situation, stating that "this increased cost of living has not, in the judgment of the commission, been met by a proportionate increase in the wages of woman workers." The secretary then reviewed the existing orders and announced the results of the investigation of the commission, citing also the budget of the United States Bureau of Labor Statistics of April, 1918. Various questions were submitted as to the minimum wage necessary and whether the new wage should be a flat minimum or a percentage of increase over the various existing orders. Other questions related to the exclusion of women from night work, limitations on lifting weights, rest periods, equal pay with men, etc. There was a general feeling that some advance could be made, though eastern Washington, not having shared in the strong industrial development that had affected the western section, was afraid and unwilling to make the advance too great. A Seattle merchant with 900 employees stated that only one-third of them would be affected by a minimum of $15 per week. He declared the existence minimum at the time to be $12 or $13, while $13 to $14 might be classed as a comfort minimum,

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though the market required $14 or $15; the conference should fix a rate between bare existence and comfort, leaving the law of supply and demand a scope for operation. On the other hand, those east of the mountains thought $12 per week a suitable minimum. Committees on the various questions were appointed, and a flat rate was recommended as stabilizing employment in the various lines of industry. Employers moved and seconded a rate of $12, which was lost by a vote of 3 to 6. Employees moved and seconded a rate of $15, whereupon a subcommittee was appointed, which brought in a report recommending $13.50, with a minority report for $12.50. In explanation of the rate fixed a member of the subcommittee stated that a concession had been made to the conditions of eastern Washington, and after some discussion an adjournment was taken to permit the subcommittee to attempt to reach a unanimous conclusion. It agreed to recommend $13.20 as a flat rate, and this was unanimously approved by the conference and subsequently issued by the commission September 10, 1918, and effective November 10. This superseded for the period of the war orders Nos. 1, 3, 5, 7, 10, and 12. It prohibited occupations injurious to health, morals, or womanhood, and those unavoidably disfiguring, adopting the position of the United States War Labor Policies Board, the State council and the county councils of defense in regard to the classes of employment. This order was No. 18. (See pp. 336 and 337.)

On September 19 a war-emergency order was issued for minors fixing a uniform rate of $9 per week for all minors, eliminating the classes "under 16" and "16 to 18," and superseding during the period of the war the order of September 14, 1917. (See pp. 337 to 339.)

PUBLIC HOUSEKEEPING.

Orders Nos. 18 and 19 by their terms superseded prior orders "during the period of the war." In the absence of a treaty or other formal action by the Government, technically the war is not over, so the rates of $13.20 and $9, respectively, have continued uniformly in force except where superseded by later orders. Under the law a rate once specified "shall not be changed for one year from the date when such minimum wage is so fixed." Therefore, though costs of living increased steadily during 1919, the commission could not change the wage until the expiration of one year, or November 10, 1919. However, appeals were made to it, and the facts were so obvious that a decision was made on November 14, 1919, to consider revisions, and the public housekeeping industry was selected to begin with. This decision was influenced by the fact that the war-emergency order (No. 18) had had appended to it by the commission a note to the effect "that this order shall be interpreted to mean an 8-hour day and a 6-day week, or 48 hours' service weekly, or at the rate of 27½ cents per hour." Hotel employers disregarded this note, and a prosecution followed in the case of one Moore, manager of a hotel in the city of Spokane. A chambermaid had rendered service for more than 48 hours, but less than 56, during a week of 7 days, but had not worked more than 8 hours in any one day and had been paid the minimum rate of $13.20. Conviction in a justice's court was reversed in the superior court, the judge holding that the commission had no authority to establish the 6-day week, which had not been

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acted upon by the conference. While, therefore, the order was in no way invalidated by this opinion, workers in hotels and the like were compelled to labor 7 days for the same weekly wage received by workers in other occupations for six days' labor. A survey was begun December 23, 1919, and on January 16, 1920, the commission decided to call a conference for March 3 and 4. It was decided at this time to ask the State hotel men's association to recommend a member of this conference, and, as a like concession, to secure a nomination by the waitresses' union of Tacoma. The nominations were made, and they with other members were formally chosen on February 11, rules and regulations adopted, and a list of questions prepared to be presented to the conference. On the same day the report of the survey was printed so as to be available for consideration.

This survey was personally made by investigators who interviewed each woman, and while not complete, it was felt to be representative, covering 830 women employed in the various occupations found in hotels, rooming houses, boarding houses, restaurants, cafés, apartment houses, hospitals, etc. It is obvious that this order covers the same field as the earlier order No. 12, for hotel and restaurant occupations, issued June 18, 1915. However, the basis for the investigation was order No. 18, fixing the $13.20 rate during the period of the war.

Of the 830 women whose weekly wage was secured, 259 received less than this sum in cash; 195 of these were in receipt of room or board, and "there were no technical violations of the law, although the margin was very small in most cases." Some of this group were being charged full commercial rates for their meals. The war-emergency order contained no limitation on the amounts chargeable, such as existed in order No. 12. Ninety-six were in receipt of $13.20, 5 of whom received part board. Sixty-four workers received more than $18, while 235 received over $13.20 to $15, and 176 from $15 to $18. Some of these also received board or partial board and a few board and room. Of the total, 472 were found to be working 7 days per week.

The first day of the conference was spent in general discussion, and on the second the conferees met in executive session and unanimously recommended a rate of $18 per week, or $3 per day, or 37½ cents per hour, limiting the employment of females over 18 years of age "in any occupation in the public housekeeping industry throughout the State" to six days in any one week. Deductions for board were fixed at $1 per day and for room at $2 per week. Other recommendations related to places where uniforms were required to be worn, rest periods, etc. Public hearings were held, one in Olympia and two in Seattle. The recommendations were considered at a meeting of the commission on April 3, and an order issued, to become effective June 2, 1920. This order appears on pages 339 and 340. The legal battles waged by employers against this order, and their result, in favor of the commission, are noted on pages 49 and 50.

On the same day an order was issued regulating the employment of minors in public housekeeping occupations, fixing a $12 weekly minimum, to be increased $1 per week after each four months of service until the minimum adult wage is reached. This order is reproduced on pages 340 and 341.

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MANUFACTURING CONFERENCES.

Considerable complaint was made that, with the work time reduced to 44 hours per week, pay at the rate of $13.20 per week under the war-emergency order provided earnings of only $12.10. By reason of these complaints and because of a contemplated change in the apprenticeship schedule involved, a manufacturing conference was next decided upon. The survey was begun in February and the conference was called for April 28 and 29, 1920. A nominee by the Spokane manufacturers was chosen and the first day was made one for general discussion, as usual. "At this conference the employers were represented by their attorneys and employed public accountants, and, except in a very few instances, themselves refused to discuss any of the questions which were presented to the conference." Representatives of organized labor were present with cost-of-living estimates, ready for discussion, but the conference adjourned at the end of the two days with no wage recommendation. Resolutions covering conditions of labor were presented, but the concluding section, permitting their "suspension or alteration to meet the particular conditions existing in a particular industry or to meet emergencies in a particular plant or factory whenever such suspension is necessary to the promotion of the industries of the State of Washington," was held to stultify the whole set. The commission therefore felt compelled to reject the resolutions and call a new conference in an attempt to secure wage recommendations. This was set for May 18, 1920, and new conferees were chosen by the commission, "regardless of recommendations from the outside." An attorney for a group of Seattle manufacturers asked for postponement; this was considered but not granted. An employer appointment was protested by a group of Seattle manufacturers, but the protest was held not to be sufficiently grounded, and the conference met as contemplated. The same process as before was carried out on the part of the employers, and the estimates of costs of living made by the employed public accountants showed considerable reduction in the face of continued increases in prices. Thus an estimate at the first conference of $16.50 was after a few weeks reduced to $14.45, another of $15 to $13.75, while two others offered budgets totaling $13.91 and $12.95, respectively, "as the necessary amount to maintain a woman in health." Factory workers themselves estimated $22.09 as required, while the Monthly Labor Review of the United States Bureau of Labor Statistics was cited as showing the requirements in Washington, D. C., to be $19.94 without savings. On a vote of 5 to 4 a minimum of $18 per week was recommended, one of the employers later signing the resolution. Unanimous recommendations were made regarding conditions of labor. These were considered at a public hearing held on June 3 in Seattle, at which protests were made by manufacturers and indorsements by workers. The commission met on June 15 for final action, but the four members then constituting the commission were evenly divided as regards the adoption of the rates, etc., recommended, so that no action could be taken.

LAUNDRY CONFERENCE.

A survey of the laundry occupation was begun in April, 1920, and completed in May and the date of June 3 and 4, 1920, set for the con-

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ference. By reason of the necessity of calling a second manufacturing conference this date was reconsidered and left indefinite. Thirteen petitions, signed by 396 laundry workers throughout the State, were in hand requesting hearings; also numerous letters from individual workers, setting forth the difficulties involved in an attempt to live upon the $13.20 wage in effect.

APPRENTICESHIPS.

The provisions of the Washington law with reference to inexperienced workers are sufficiently broad to permit a full handling of the situation by the commission. The law provides that where there are apprentices in any occupation in which a minimum-wage rate has been established the commission may issue a special license authorizing employment at less than the legal minimum wage, the rate being fixed by the commission, the license to be in force for such length of time as the commission shall decide to be proper. The question of apprenticeship was discussed at the very first conference, the merchants' representatives proposing a schedule as a prerequisite to their assenting to a named rate. However, the decision was reached that the conference was not charged with the determination of this question, but that it rested with the commission. The question recurred at practically all conferences, though not formally submitted to them.

In its action the commission was engaged in pioneer work and naturally found it necessary to make adjustments from time to time as experience developed. It was necessary to prevent a displacement of skilled workers by cheaper, untrained employees, and also to give an incentive to the employer actually to afford the apprentice opportunity for improving herself, while also encouraging the apprentice to continue in a settled service so as to gain the advantage contemplated, at the same time rendering a fair return for the progressive rates provided. The learning time for the different occupations naturally differed, some lines of work being of such a nature as to make it practically unnecessary to fix any learning time, while others call for considerable training. It was the announced purpose of the commission in determining the various periods to afford opportunity for adjusting workers to suitable occupations, seeking to eliminate the misfits while encouraging workers to "properly fit themselves to earn the minimum wage"; it did not undertake to establish such periods as would permit the complete mastering of a trade or the attainment of a high degree of efficiency in it, this not being regarded as a prerequisite for the earning of a subsistence minimum. The first step taken toward the establishment of apprenticeship periods bears even date with the issue of the first order, and like it applies to mercantile employment. While order No. 2 simply establishes a $6 weekly minimum for workers under 18 years of age, this apprenticeship regulation prescribes that application must be made for licenses for apprentices, to be valid for not more than one year. The $6 rate is allowed for the first six months, following which a rate of $7.50 must be paid as a minimum during the second six months' period. There was no restriction on the line of employment in which the apprentices might be engaged, the policy being "to give the learner an opportunity

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to become sufficiently experienced in the different occupations involved to enable her to command the minimum wage at the expiration of the time." Following this an apprenticeship of one year in millinery and dressmaking establishments was established, 17 weeks at $3 per week, 17 weeks at $5, and 18 weeks at $7.50. Manicuring and hairdressing called for four periods of 13 weeks each, $1.50 per week for the first, $4 for the second, $6 for the third, and $8 for the fourth.

Telephone companies had an established system calling for 18 months' apprenticeship, but this seemed to the commission to be unnecessarily long and unjust; the time was therefore reduced to nine months, broken into two or four periods according to the locality in which the exchange was operated. Learners began at $6 per week, attaining $7.80 for the last portion of the term in the larger exchanges and $7.50 in the smaller, but in each case they were to receive the $9 minimum at the end of the nine months' period of training.

The apprenticeship provided for laundering was 3 months at $6 per week and 3 months at $7.50, not more than 25 per cent of the employees to be allowed as apprentices. Only 2 months were allowed as time necessary to learn to feed a mangle. Factory apprenticeships afforded greater difficulty on account of the diversity of the occupations involved, the learning periods ranging from 6 weeks to 1 year, beginning with the minimum of $6 per week and approaching by degrees the adult minimum of $8.90. Office apprenticeships were regarded as less important, as school training presumably largely qualifies for the work, so that only time for becoming familiar with the particular needs of the establishment was necessary. As a rule a weekly rate of not less than $7.50 was prescribed, with no term of apprenticeship in excess of 6 months.

Difficulty was early experienced with those trades or industries, such as millinery, dressmaking, manicuring, and hairdressing, in which there was a custom as to student employees by which they not only rendered their services without compensation, but were actually charged "a tuition fee under the guise of instruction"; the commission felt it "difficult to find any other term for such gross injustice than exploitation." After a careful study, a definite line was drawn between the so-called school and the purely business establishment. Bona fide schools for instruction were encouraged, but where products of different kinds were prepared by the pupils for sale or to meet the business requirements of the proprietor, the issue of a license and the payment of wages were definitely prescribed. Special instructions were issued to millinery proprietors, and also to hairdressers and manicurists, and a special conference called in December, 1916, to consider what regulations would be just to the learners in these occupations and trades.

As stated above, the matter of determining proper apprenticeship periods was experimental and progressive, and the reports showing the conclusion of nearly 3 years' experience indicated a number of refinements in the distinctions made for the various occupations, with extensions to other classes than those passed upon in the first instance. From January 27, 1914, to December 1, 1916, 7,977 licenses were issued, 2,328 remaining in force at the latter date. The great bulk of these were for 3 groups of workers—mercantile, 2,393; factory, 2,731; and telephone workers, 2,281.

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The original limitation of 17 per cent as the proportion of apprentices that might be employed was found not to be exceeded on the first survey when the total number of minors and apprentices together was considered; while the survey made in the latter part of 1916 showed that apprentices and minors combined constituted 14.1 per cent of the number of female workers, or nearly 3 per cent less than had been found 2 years earlier, so that no tendency to make use of apprentices to displace experienced help was disclosed.

The conclusion reached by the commission in its latest (fourth biennial) report is "that our State has used the best system, that of licensing each apprentice and limiting the number." Blanks are furnished applicants for employment as apprentices, to be filled out on the date the employee begins her work and forwarded to the office of the commission. When the license is issued it is dated the day of the application, thus covering the full period of employment. No "trying-out" period is contemplated by the law, and any time not covered by the license is subject to compensation at the rate of the full minimum wage. Licenses are issued in duplicate, one copy to the employer and one to the employee. They show the name of the employer, the name and occupation of employee, the date of the beginning and end of each stage of the period of apprenticeship, and the weekly wage payable for each. The two parties therefore are exactly informed as to the conditions of the employment during the entire term of the apprenticeship. Applications are required to state the age, the occupation desired to be followed, any previous employment or experience in service of any kind, the wages received, whether or not a prior license has been issued, family condition, education, health, etc. The number of minors and apprentices combined may not exceed 25 per cent of those employed in any establishment excepting offices. No apprenticeship is considered necessary in the public housekeeping industry and in canneries. The various apprenticeship periods in force at the date of the fourth biennial report (August, 1920) are shown on pages 341 and 342.

Though not directly connected with the matter of a minimum wage, note may be taken of the statement of the commission as to its attempt to secure vocational education training in the schools of the State as a substitute for apprenticeship, the provisions of the Smith-Hughes law being relied on to accomplish this end. Beginnings have been made both in day and night classes in some of the larger cities, and a growing interest was apparently indicated.

The conditions in 1919–20 were such as to lead a large majority of the employers to volunteer shorter periods and higher rates for their apprentices, many even abandoning all schedules and starting their workers at the standard minimum wage. During the year August 13, 1919, to August 13, 1920, only 2,724 apprentices' licenses were issued, of which about one-half, 1,417, were in manufacturing and the majority of the remainder, 1,106, in the telephone industry. Mercantile employment called for but 169, office work 20, and telegraph occupations 12; none whatever were asked for laundry workers. It is interesting to note that 74 per cent of the licenses for manufacturing industries were issued to six establishments; 50 per cent to four establishments in Spokane; 366, or over one-fourth of the total, were issued to one establishment in this city; and 278, or 19 per cent, were issued to one establishment in Seattle. "This indi-

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cates the spirit of a few employers in the State, which forces legislation to protect the woman workers."

EFFECT OF THE LAW.

The orders of 1914 became operative at a time just preceding a considerable industrial depression, so that their effects could hardly be discussed without leaving a margin for the influence of business conditions. However, taking identical establishments in three important industries, using the pay rolls for the week ending September 20, 1913, and the corresponding week of 1914, there was a net decrease of but 66 workers, the mercantile employments doubtless showing most accurately the effects of the slowing up of business, having a decrease of 87. The same is true both as to cause and result to a considerable extent in the laundry industry, where a decrease of 30 appeared, while in the telephone employment there was an increase of 51. The net results are not sufficient to warrant any conclusion to the effect that the minimum wage, which was of general application, was the cause of the decrease in employment. Each of the three industries covered by the commission's survey shows an increase in the average wage rate. In 1913, 1,758 girls in 24 mercantile establishments were receiving less than $10 per week, while in 1914 there were but 561 in that class; 276 were receiving the beginner's wage of $6, while 5 millinery apprentices received $3 per week. Twenty workers received this low rate in 1913. In 1913 but 370 women in these stores were receiving $10, while in 1914 this number was increased to 1,323; again, in 1913 there were but 1,061 workers receiving more than $10 per week; in 1914 the number was 1,218. Obviously the general effect of the minimum-wage law was to improve the condition of the mercantile employees affected by it. Few, if any, lost employment on account of the increased wage; a very considerable number had their wages directly increased, and the minimum showed no tendency to become the maximum. In fact, the wages of the better-paid girls were sympathetically increased in many cases on the advance of the lower-paid workers.

In the laundry industry, for which a rate of $9 per week was fixed, there were, in 1913, 286 women receiving less than this amount, while in 1914 but 46 minors or apprentices were in this wage group. Only 66 girls were receiving $9 in 1913, while in 1914, there were 267 in this class in the 11 establishments visited; 322 workers received more than $9 per week in 1914, while in 1913 the number was 313. It is evident that the chief advance in this industry affected those receiving less than $9.

Telephone employments investigated covering a number of the largest exchanges, employing 1,091 girls, showed that in 1913 603 girls were receiving less than $9 per week, while in 1914 there were but 359 in this class; 64 girls received $9 in 1913, the number being doubled under the order. The number receiving in excess of $9 per week was also increased from 437 to 732.

These immediate effects, disclosed after but a few months' operation of the law, were corroborated by an investigation made after it had been in force practically two and one-half years. A survey of the mercantile industry at that time, covering 37 firms, disclosed 5 firms reporting dismissals when the minimum-wage law went into

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effect, 2 letting out 2 females each and 3 letting out 1 each. Two of these vacancies were filled by employing other saleswomen, however, while in one male help was employed; in another the owner did his own work; one vacancy was not filled, and no intimation was given as to the other two. Employers were asked whether the establishment of a standard wage was a protection against unfair competition, to which 21 answered affirmatively and 4 negatively, 2 giving no information. The average wage of these 27 representative firms had advanced from $11.46 for the first 6 months of 1913 to $12.47 for the second six months of 1915; the number of females regularly employed was 80 more at the latter period than at the earlier.

Of 17 manufacturers reporting but 2 reported any females displaced when the law came into effect. One firm released its stenographer, using a public stenographer instead; while the other let out 3 females and did not fill their positions. The effect on efficiency was reported to be good by 2 firms, while 10 had discovered no benefit, and 5 gave no information. Seven firms thought there was a tendency to protect just employers against unfair competition, while 6 answered in the negative and 4 gave no information.

Only 6 laundry and dye works reported to the commission the effects of the law at this time, 2 stating that women had been displaced when the law went into effect. One firm discharged a female and replaced her with a man, while the other let out two women and employed a man and boy. Four firms reported no influence on efficiency, while two gave no information. Five found that the law gave protection against unfair competition, while one made no statement.

Other industries were included in the investigation, 29 firms employing office help showing 4 females dismissed and younger girls employed in their stead; 8 hotels and restaurants showed no displacements.

The status which developed under the war emergency orders is measurably disclosed by the surveys undertaken in connection with the issuance of new orders in 1920. Some account of this has been given on pages 206 and 211.

The reports contained little discussion as to the effect of the law on the employment of children. The commission was very willing that its regulations should have the effect of reducing the amount of employment of younger children in order that they might remain in school for better preparation, and further that they might be kept from competing with adult labor and decreasing the earning capacity of the adult members of the family, who are its natural supporters. The investigations showed with practical uniformity that the number of minors and learners taken together was below the number allowed by the orders. The school records, however, showed a lessened attendance of children over 14 years of age during the years 1917 and 1918 when the pressure of war work was most intense. A lack of coordination between the school authorities and the labor officials is apparent, and new legislation is said by the commission to be desirable.

On the date of the investigation by the Federal bureau, October, 1919, 14 employers in Seattle, with 4,000 female employees, and a like number in Tacoma, having between 1,100 and 1,200 female

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workers, were interviewed. The war emergency rate of $13.20 was then in effect. Except in 5 and 10 cent stores very few employers admitted any effect of this rate on their pay roll, though one small department store reported an average wage before the 1918 order of about $12 per week, so that 80 per cent of his female employees were affected by the order. One 5 and 10 cent store reported an average weekly wage of $15; two others said that the minimum controlled in their establishments. Elsewhere entrance rates at or above the minimum were said to prevail in nearly every case. This included the principal department stores in the two cities, laundry workers (largely unionized), clothing, candy and biscuit factories, telephone and telegraph companies, etc. In one large department store it was said that the law brought up the average, but has not tended to become the maximum, that girls who could not earn $18 a week were not desirable, though the minimum should not be fixed so high as it must be a real minimum for the marginal worker, the matter of adjustment of the better workers being left subject to their own attainments. Another large store reported the average weekly wage for the rank and file of the saleswomen to be $23, and that it would like to have a minimum of $18 established.

The schedule for learners was said by some to be useful as a stimulus for the development of interest in order to qualify for advances, though most employers reported that they did not follow the periods marked out for apprenticeship, but advanced more rapidly.

Of particular interest, in view of the action of certain employers in connection with the conferences of 1920, practically amounting to a strike against the law, is the indorsement of the act as it was then in force by the employers interviewed almost without exception. One department store manager described the law as "a splendid thing, only the rate is too low"; another, "minimum not adequate"; another, "is a good thing"; a fourth, "I approve"; and a fifth, "would like higher minimum"; another declared he would not go back to the old system; still another, "it is a good thing as it equalizes conditions and helps to a better status," the last one interviewed saying that he always favored the law as it makes for efficiency. A manufacturer "had no objections to the law"; others regarded it as "beneficial," "a good thing," "no complaint," "is O. K.," "is fair," etc. In the 5 and 10 cent stores one employer spoke of it as necessary, another thought it helped the low-grade girls but hurt others who were able to do better, while a third reported himself as favoring the law.

One manufacturer declared himself as believing in a living wage, but did not believe that the minimum-wage law afforded the solution as it did not furnish material incentive to the workers; if any law was enacted it should be of interstate effect. Another manufacturer was not enthusiastic as some failed to earn the minimum fixed, though he would rather pay it than take the trouble with permits and classifications.

It must be remembered that these employers were all in the cities of Seattle and Tacoma, and that the flourishing business conditions of 1918 and 1919 were changed but little, if any. The workers affected by the law were apparently uniformly in favor of it; while organized labor, as represented by various federation officials, claimed

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complete credit for the enactment of the original law, saying that "it was organized labor's bill." The objection was raised, however, that it stands in the way of organization which would secure a really adequate wage, many being content with what the "Government gives us." A secretary of one of the unions interested complained that the enforcement fund was inadequate and regarded organization as essential, though the law was passed for the unorganized and had given them valuable assistance. The State federation, at its convention of 1919, adopted a resolution urging a higher rate for women and apprentices, but was opposed to a bill that had recently been introduced in the legislature proposing to fix a minimum for all workers, regardless of age or sex.

WISCONSIN.

SKETCH OF THE LAW.

The law of Wisconsin providing for the establishment of minimum-wage rates was approved July 31, 1913, to be in immediate effect. It was of the compulsory type, the State industrial commission being intrusted with authority to investigate conditions and determine reasonable classifications so as to provide a living wage for "any female or minor employed," unless specially licensed. The term "minor" as used in this law is not specially defined, and the usual legal definition controls. The commission makes the age of 17 the dividing line between young and standard workers.

The commission may take action on its own initiative, and on verified complaint of any person setting forth the fact of insufficient wages must investigate and determine whether there is reasonable cause to believe that the wages paid to any female or minor employed are not a living wage. If the investigation discloses inadequacy, an advisory wage board is to be appointed, representative of employers, employees, and the public, to assist in the investigations and determinations. The law leaves the industrial commission free to conduct the investigations and to make its determinations by the use of such methods as it may choose. It has power to subpœna witnesses and compel the inspection of papers, books, accounts, etc. The witnesses thus attending receive fees and mileage as in civil cases of courts of record. Employers discharging or threatening discharge or other discrimination against employees for testifying are subject to punishment upon conviction, as are employers paying less than the living wage established by the order.

Special licenses may be granted any female or minor not able to earn a living wage, establishing a rate determined by the commission. The law authorizes the indenture of every minor working in an occupation for which a living wage has been established if the occupation is a trade industry, though this provision is subject to such exceptions as the commission may prescribe.

Though the law of Wisconsin is compulsory, its constitutionality has never been challenged in the courts, nor has any case been reported in which its application or construction has been made the subject of litigation. This may be explained in part by the action of the commission in delaying the establishment of rates until the outcome of the suit in regard to the constitutionality of the Oregon

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statute is known. The report for the year June 30, 1915, stated that the depressed industrial condition due to the European war, leading to low wages and unemployment, "probably would have made it extremely difficult to reach any findings that might be applied in normal times, and for that reason the delay occasioned by the Oregon litigation may be considered not entirely untoward or a hindrance to the successful working out of the minimum-wage principle in Wisconsin."

COMMISSION AND STAFF.

Under the consolidated system of administration in force in Wisconsin labor legislation generally is in the hands of the industrial commission. This consists of three members appointed by the governor for terms of six years each, one appointment expiring every two years. No limitation is placed upon the appointment of the commissioners, but there is practically observed a representation of labor, employers, and the public. One of the most interested members, serving from 1913 to 1919, was reappointed in 1919. The terms of his fellow members under their original appointment are still effective, so that the same commission has been in control during the entire active operation of the law, only investigative action having taken place during the first several years of its existence.

The fact that the industrial commission has the enforcement of a number of laws in its hands makes it possible to use such members of the staff as are needed in the enforcement of the minimum-wage law. A director and four or five deputies are especially interested in the subject of woman labor, one woman giving all her time to that of minimum wage, and others as may be required. An allotment is made from a general appropriation, the estimate in 1919 being that about $3,600 would be needed for this special work. Deputies receive $1,200 and $1,400 each, one $1,400 deputy being assigned to the subject of the minimum-wage law.

ESTABLISHMENT AND ENFORCEMENT OF RATES.

As stated, the commission acts on its own initiative or on complaint, and on a finding of need for action a representative advisory wage board is to be appointed. Employers of three or more females or minors are required to register with the industrial commission, stating the number of females and of minors employed, giving their age, sex, wages, nature of work done, and such other information as may be required. Witnesses before the commission have been furnished by the unions; employers' records have not been called for, as the inquiry was based on the needs of the workers, and the use of the records was not necessary.

The findings of the board are advisory only, as an aid to the commission, and may therefore be modified by it or otherwise dealt with as it may decide. However, modifications have been made thus far only in matters of subordinate importance.

The law makes no provision for public hearings, but they have been held to consider recommendations. Orders finally determined upon are published in an official newspaper of the State and are in effect 30 days after publication. As an essential to the real knowl-

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edge of the existence of the orders, notices are generally mailed to the affected employers.

Enforcement follows complaints or violations discovered on inspection. Where complaints have been received, letters and a copy of the order are sent suggesting that the employer was probably ignorant of the law, and instructing him to date payments from the incipiency of the order. If no answer is received the negligent employer is summoned to appear at Madison or other place at the convenience of the commission and show cause why he should not be prosecuted. This has usually sufficed to secure an immediate compliance and future cooperation. Complaints are treated confidentially, an inspector visiting the establishment and asking to see the pay roll, thus making the discovery of the short payment in course, and calling for an adjustment without reference to any action of the individual concerned. The small number of complaints received indicates a general acceptance of the law, though the order was too recent to permit of any definite conclusions. This procedure is felt to be more satisfactory than immediate prosecution, which would bring hostility, and it has also aided in securing compliance with other orders of the commission.

Inasmuch as the first order under the law became effective August 1, 1919, there has been but little experience with regard to enforcement or discrimination against employees. In October, 1919, only one case of discharge was suspected, that being a case of a woman who complained of underpayment; the circumstances in this case did not appear to be such as to warrant any attempt at enforcement of penalty. It was thought that large employers could probably be dealt with, but that prosecutions of small employers were not likely to be desirable. The commission has no authority under the law to attempt the collection of balances where underpayment has been practiced, but feels it a part of its duty to use its influence to this end. Regular inspections of pay rolls and reports as contemplated by the law are expected to furnish a means of keeping fully in touch with the degree of observance of the act. The commission regards any order that it may issue merely as a finding by way of definition, the law imposing upon every employer the duty and obligation of paying not less than a living wage, even in the absence of a determination by the commission. No waiver of an employee's rights is therefore possible, even by her own agreement.

WAGE BOARDS.

While the law directs the appointment of an advisory wage board, the same to be fairly representative, it makes no provision as to numbers, manner of selection, or procedure. When the organization of an advisory board was undertaken, 12 members were named—4 representing labor, 4 employers, and 4 representatives of the public. The employee representatives were not actually employees to be affected by the orders, but represented organized labor and were nominated by it. They recognized that they lacked something of a representative capacity, in that they did not argue from an actual personal experience of the conditions involved; but, on the other hand, "Can a girl who has not the force and ability or experience to have advanced beyond a bare minimum render service of value on a wage

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board?" The State Federation and the Milwaukee Federated Trades Council furnished a list from which the commission made selections. employers' associations also making nominations. This mode of securing employee representatives was felt to be quite satisfactory, and indeed the only practical method of securing members who could speak freely and intelligently.

The fact that the wage board of 1918–19 was of general scope led to some complaint in regard to the representative capacity of the board, as not all important industries affected were represented thereon. There was also some complaint that not all sections of the State were represented. However, this would be possible only by the appointment of a considerably larger board.

No provision is made for the compensation of board members, though expenses are reimbursed. Employee representatives were salaried officials of the unions, and employer representatives gave their time freely, not always demanding expenses. The public representatives were not uniformly in attendance, but the system was said to be quite satisfactory. However, as against the opinion that service on such a board was for the public good, and should be rendered by persons interested and not by those seeking emolument, an official of the commission thought that employees losing pay should be compensated. The employee representatives, though not in this instance affected by loss of wages, thought that, on principle, services on wage boards should be compensated.

Employee representatives interviewed questioned the value of public representation, taking the view that such representatives acted rather as arbitrators, leading to a reduction of the demand of the labor representatives, when more might have been obtained. The attitude of arbitrators was disclaimed by the public representatives. Others closely interested in the administration of the law, however, felt that the representatives of the public were impartial and a desirable or even an essential factor in its operation, as without the concession obtained by their agency a working basis could probably not have been secured.

The advisory board appointed is regarded as a continuing body, the idea being to make it advisory also as regards administration. This was conceded to develop a sort of professionalism, but not objectionable, and this could be avoided only by an entire departure from the chosen policies of the commission. The employee representatives in particular, being union officials, have this professional attitude, but the familiarity of the entire group with the matters in hand is regarded as advantageous.

GENERAL CONSIDERATIONS.

The basis of the law is the interest of the State in securing the payment of a living wage sufficient to maintain a worker under conditions consistent with his or her welfare. The term "welfare" is defined to include "reasonable comfort, reasonable physical well-being, decency, and moral well-being." The commission did not regard these items as severable, and considered the subject of welfare in its inclusive sense. A representative of the public took the position that the board was not called upon to secure a desirable wage, but a minimum below which wages could not be driven without danger.

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"We do not wish to take the place of the labor union or other bargaining agencies with regard to wages, but simply to protect the weakest laborer." Another public representative used practically the same language, saying that he did not think that a State should use its power to get as much as the labor union might reasonably get or as individual efficiency might secure. "If the employees have not the capacity or independence or popular support to get together, and thereby obtain the wages which they consider they ought to have, then the State should not substitute its power for their initiative. All that it should do is to establish a minimum below which their weakness can not be pushed. * * * Either their own organizations or their individual efficiency should be expected to raise them above what the State can be expected to do for them."

Labor representatives do not regard the basic elements on which the law rests as capable of distribution, saying that the standard adopted was not one of adequacy but of improvement over existing conditions. The welfare of the worker would not be subserved by fixing so high a rate that industries would be driven out of the State by a sudden burdensome increase. However, there was a feeling that the compromise effected under the pressure of the influence of employers and the public was one that would require revision after a short educative experience.

As to different needs for different classes of workers, the labor representatives felt that, with the limitation of a "living wage," it should be regarded as securing American standards of living for all classes of workers, and since it was a minimum, no distinctions could be drawn. The commission reported the subject as having been sharply debated, and while variations were pointed out as existing, it was decided that they were largely compensatory and efforts to establish different standards were dropped. Local differences were likewise difficult to recognize, as such action would tend to emphasize existing distinctions and raise the question of whether rural workers would be drawn from cities for a higher wage or manufacturers to rural sections to secure cheaper labor.

The Wisconsin statute does not have the provision found in a number of laws giving independent authority to the commission to fix rates for minors, while requiring conferences or wage boards for women; nor does it name any different standard or basis for fixing the wages of minors, but both groups must receive such an amount as will enable them to maintain themselves. This made the rates for minors one of the chief subjects of debate in the wage boards, employee representatives asking the same rate for minors as for women. Though the employers objected to this, they yielded as a compromise with a view to change if experience should indicate adequate grounds therefor. However, the law does not apply where there is an apprenticeship indenture under the provisions of another law of the State. This law looks toward a systematic apprenticeship and the carrying out of a system of training in accordance with standards fixed by the commission; such standards have been established in a limited number of industries. On this account some employers sought to have an apprenticeship system declared in their establishments for lines of industry where no organized system of apprenticeship was in existence. The commission then asked for a description of their

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processes and modes of instruction, the result being in general that no real grounds for an apprenticeship exemption were disclosed. In any case, individual contracts must be approved by the commission whether or not under its own standards, but the commission is avowedly in favor of an extension of actual apprenticeship training where applicable.

The licensing of substandard workers was said to involve three classes, those mentally deficient, those physically incapacitated, and those enfeebled by age. There was no question as to the propriety of licensing workers whose ability was impaired by age, but if a cripple or otherwise defective person rendered service of a standard value, she should receive the standard wage, even though not capable of performing every process in the service with equal facility. Mere unwillingness to apply one's self to develop skill or speed should not be a basis for licensing a slow worker, but she should be left to feel the need of closer application. In practice no licenses were granted during the first three months of the operation of the act, though some tentative inquiries had been received. These came chiefly from tobacco warehouses, where it was claimed that older women wished to work at their leisure at stemming, and either could not or did not care to exert themselves to earn the minimum. Further developments in regard to this subject are considered on page 229.

ORDERS AND RATES.

EMPLOYMENT GENERALLY.

As has been stated, the actual operation of the law was deferred on account of doubt as to the constitutionality of legislation of this type. The decision of the Oregon case, affirmed by the Supreme Court of the United States by an equally divided bench, cleared the way for action in 1917. Previous to this, preliminary work had been undertaken, the commission having carried on an investigation in the latter part of 1913 and the first half of 1914 covering 1,299 establishments in Milwaukee and 1,086 in other cities of the State; these establishments employed approximately 48,000 women. The data gathered covered wages, living conditions, differentials for those living at home and those away from home, cost of living, etc. Before its tabulation was accomplished, the commission suspended action under the law pending the outcome of the suit attacking the Oregon statute.

The law was peculiar in that it authorized voluntary action by the commission during the first year of the existence of the act, but made action obligatory on petition after July 1, 1914. On October 8, 1914, a petition signed by seven residents and citizens of the city of Milwaukee was presented to the commission with the statement that they "were credibly informed and verily believed" that many industries were being carried on in the city and county of Milwaukee where less than living wages were paid; action to establish a living wage was therefore requested. In response to this petition the industrial commission called a public hearing in the city of Milwaukee to consider the appointment of an advisory board under the law. Notice was given and suggestions requested as to the number of persons, and the names of suitable persons to represent employers, employees, and the public. A meeting was accordingly held and appointments made

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from a tentative compiled list of committee members. Several employer representatives resigned, but at the close of the year ending June 30, 1915, a board of 11 members had been secured. However, it had taken no action, nor had the commission proceeded further for reasons already stated.

In the meantime the matter of publishing the data collected in 1913–14 was taken up, the data then secured being supplemented by an investigation as to cost of women's board and staple articles of clothing and of food in various cities of the State, with additional individual budgets of expenditures of working women. A summary of the study, covering information procured of approximately two-fifths of the total number of woman wage earners in the State, showed 18 per cent of wage-earning women living away from home, while those living at home often supplied "the main factor in the support of the family," though for them the actual cost of maintenance differs little from the worker living away from home. A minimum budget of $9.50 was fixed upon for Milwaukee, $6.50 going for board and room, $1.90 for clothing, 40 cents for laundry, 20 cents for dentist and medical attendance, and 50 cents for carfare. Other localities would differ only in regard to amounts needed for carfare. Nothing was included for sickness or emergencies, church or social activities, insurance, newspapers, recreation or vacation. "It allows only for the bare necessities that make possible 'reasonable comfort, reasonable physical well-being, decency, and moral well-being.'" The commission announced that it should be distinctly understood that this does not embody the conclusion which the commission is expected to reach, the findings forming but one part of the evidence on which its determinations will be based. The foregoing report was issued May 1, 1916, and remained the principal step taken until after the decision by the United States Supreme Court, April 9, 1917, sustaining the Oregon law.

Though no action had been taken to determine a minimum rate prior to the court decision above noted, the commission "did everything possible to make the employers see the economy of a living wage," and through its women's department accomplished much in an educational way to raise standards of pay for women and children throughout the State. On May 21, 1918, the Wisconsin Federation of Labor, the Consumers' League of the State, and the Central Council of Social Agencies of Milwaukee requested a determination of rates for minors and women in the State to meet the terms of the law.

"With the filing of this petition the duty of the commission is clear. It is specifically required by law to proceed with the establishment of a minimum wage for women and children." The commission thereupon "conducted an investigation to determine whether there was reasonable cause to believe the allegations in the petition." The findings of the commission were in the affirmative, and an advisory wage board was accordingly appointed as a general board to investigate conditions throughout the State and establish such a rate as would meet the conditions found, the same to be applicable to all forms of industries. As preliminary to the appointment of the board, the same steps were taken as in 1914, i. e., a public hearing and the receipt of suggestions as to membership and the number

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of persons desired to constitute the board. A hearing was held in Milwaukee on September 21, 1918, and nominations received for employer and employee representatives. From these the commission selected eight members on November 4 who met with the commission on November 12 to select representatives of the public. This selection was completed December 9, and frequent meetings were thereafter held with the commission and members of its staff, the advisory board acting either as a body or through committees.

Some difficulty was experienced in confining the discussion to the subject in hand, a disposition being shown by employers to discuss the principles of the law rather than to proceed with the duties devolving upon the board. Employer and employee representatives were $4 apart in their estimates as to what was a reasonable weekly minimum. In April a public representative was inclined to accept a rather low basis as a starting point, naming the $9.50 per week found by the cost-of-living report as the minimum necessary to meet the cost of living, to be followed by increases to $10 in 1920 and $11 in 1921. An employers' representative substantially indorsed this position. Fear was expressed that if too high a rate was at once adopted it would be "almost certain to bring on a reaction or be a dead letter."

However, at the meeting on June 9 a somewhat more liberal provision was adopted by a majority vote, changing from a daily rate to an hourly rate, and recommending the sum of 22½ cents per hour as the standard for female and minor employees throughout the State. This was to be reached by stages, a rate of 19½ cents per hour to be effective for the remainder of the year 1919, and 20½ cents per hour throughout the year 1920, the 22½-cent rate to be effective January 1, 1921. Based on the customary working time of 50 hours per week, this would have given $9.75 per week at once, $10.25 in 1920, and $11.25 thereafter. Public hearings were held at five principal cities of the State, both employers and employees attending in considerable numbers and representatives of the commission and of the advisory board being present. The commission also extended its investigations to determine present costs and living conditions, all this matter being placed before the advisory board for its consideration before final action. The final meeting of the board was held on July 20, 1919, at which it was unanimously voted to recommend a minimum of 22 cents per hour for "any experienced female or experienced minor employee over 17 years of age in any occupation, trade, or industry throughout the State." Six months were allowed for learning, during the first half of which 18 cents per hour should be paid, and 20 cents during the second half. Other recommendations related to children, the number of apprentices allowed, deductions for board and lodging, etc.

The commission regarded these recommendations as "fair and reasonable," needing to be modified only in minor respects. The position taken in favor of establishing an hourly rate rather than a daily rate "is supported by testimony that many items in the cost of living of female and minor employees vary directly with the number of hours they are required to work." Those working shorter hours are not exhausted, and have both strength and time to do their own laundry, repair work, and similar self-service, and are also less likely to become ill, fatigue being an important cause of sickness. The age

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of 17 was recognized as a suitable dividing line, and gradations for learners over 17 and for those below were approved. "In recognizing as distinct classes learners over 17 years of age, minors between 16 and 17 years of age, and minors under 16 years of age, our purpose is to afford an opportunity to beginners to secure employment and a training in industries which offer them a prospect of steady and remunerative employment." The lower rates must not be used to secure cheap labor, and the 25 per cent limitation on the number of workers employable under the minimum rate was approved, though discretion was retained to meet exceptional conditions. No learning time was thought desirable in seasonal industries which offer no opportunity for steady employment.

Order No. 1 was therefore issued on June 27, 1919, to become effective August 1, 1919, establishing the rate of 22 cents for experienced workers and limiting the allowance for board to $4.50 per week and for lodging to $2 where these are furnished by the employer. The order appears in full on pages 342 and 343.

Though this order applies to canneries, some special provisions were adjudged necessary for their regulation on account of emergencies that might arise, and also to care for piecework as practiced in some establishments. These appear on page 344.

TELEPHONE COMPANIES.

Telephone companies are clearly employers within the meaning of the minimum-wage law, and therefore subject to the provisions of order No. 1, which is of general application, but special problems were presented with regard to the hours of labor of the operators in different classes of exchanges. Nearly all companies were found to give service for 24 hours a day and for 7 days per week. However, in the smaller exchanges there are often long periods when there are no calls at all, especially at night. Attendance is nevertheless required, and some claim was made that full time should be paid in all cases. This was felt to be unfair, since there were long periods of uninterrupted rest in many exchanges, available for sleep if at night or for other work if during the day.

The commission regarded the order of June 27 as applicable to all companies, but on August 14, 1919, it addressed a circular letter to all employers in this class advising them that while the order was controlling, the commission would deal with the matter of the number of hours for which the operators should be paid in a supplementary order. It was to be understood that the findings made in each case would refer back to August 1, when the general order became effective. A record of actual calls was requested for day and night operators separately, showing the number of calls during each hour. Investigations were also made by the women's department of the commission, by which the point of view of both operators and managers was obtained. A public hearing was held on October 8, 1919, attended by a large number of managers and a few operators. The companies were also represented at subsequent meetings of the advisory wage board, and upon each occasion additional statements were submitted as to the nature of their problem.

Various meetings were held in October and November, and recommendations were arrived at by the advisory wage board in December.

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The relation between the number of telephones served and the average work time was carefully worked out, and also conditions prevailing where the exchange was in a private residence, in a store, or in a separate office. Exchanges in connection with stores offered little difficulty, it being the duty of the employer to pay his employees the standard minimum wage, whatever be the work at which he sets them; his receipts from the telephone company were not a subject of concern to the commission.

Exchanges in private residences permit the attendant to look after her own housework, with interruptions varying according to the number of calls to be attended to. However, it was felt that these small exchanges should not be allowed to pay their operators a lesser wage "because they are working in their own homes and are supplying their own office quarters." On the basis of an average service a rate of 50 cents per month per telephone was recommended by the board and approved by the commission.

The prime difficulty arose in connection with exchanges in separate offices, some of them quite small, while others exacted the full time of one or more attendants. However, even where some time for sleep was available at night it was often so broken as to require a portion of the daytime to be set apart for rest, and a determination of estimated service time was found necessary in proportion to the number of telephones served. The 24-hour day was divided into two periods—a day period of 16 hours from 6 a. m. to 10 p. m. and a night period from 10 p. m. to 6 a. m. Day work is therefore compensated on the basis of payment for so many sixteenths of the time, exchanges having less than 200 telephones being required to pay for eleven-sixteenths of the time, with gradations up to those having 275 or more, when full time on duty must be paid for. Corresponding provisions are made for night service, the details appearing in the order which is reproduced on pages 343 and 344.

HOSPITALS AND SANITARIUMS.

The third order issued by the commission was of more limited application than the foregoing, and like it has to do only with the subject of the work time in the establishments to which it refers, the hourly rate being regarded as fixed by order No. 1. No account is given of the procedure by which this determination was arrived at; the order fixes 55 hours as the standard work time on which pay shall be computed. For the text see page 344.

HOME WORK.

Order No. 4 directs that pay at piece rates for home workers must yield the standard rates when compared with factory employees of the same employer. For the text see page 344.

INTERMITTENT WORKERS.

The commission promulgated as order No. 5 a regulation for computing the termination of the learning period of workers whose employment is irregular, fixing 600 hours as the equivalent of 3 months' and 1,200 as the equivalent of 6 months' experience. The order is reproduced on page 344.

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TOBACCO STEMMING WAREHOUSES.

Reference has already been made to early evidences of dissatisfaction with the minimum-wage order on the part of tobacco warehouse men. The number of applications received for licenses for alleged substandard employees led the commission to hold a public hearing on the subject of the application of the minimum-wage law to tobacco warehouses on October 8, 1919. Extensive investigations were also made by deputies of the commission and a further hearing had on March 2, 1920, with the representative of a company which controlled the output of a large percentage of the tobacco stemming warehouses in the State. It was fully established that the wages earned in most of these places were much lower than those prevalent in most other industries employing women and minors, for which there were two reasons—one the advanced age of a considerable percentage of the workers and the other an inadequate piece rate. The industry was said to be one "exceptionally well adapted to employees of an advanced age, so that naturally it employed an unusually large number of elderly women." Investigations also showed a direct relationship between age and wage, though this was not uniform. It seemed a fair conclusion that women over 50 years of age, and still more clearly those over 60 years of age, are unable to do as much work as younger women.

However, the commission was convinced that this factor was not the only cause, but that the rate of 3 cents per pound paid in a great majority of the warehouses was inadequate to enable employees of average ability to earn the minimum living wage. Where 3½ cents was paid "there are practically no women who earn less than the minimum living wage, and there is no problem of special licenses." The commission therefore reached the conclusion that such a rate would yield a living wage to workers of average ability, and embodied its finding in order No. 6, bearing date of March 30, 1920. The text of this order appears on page 344.

BEAUTY PARLORS.

Chapter 605 of the Laws of 1919 regulates employment conditions in beauty parlors, placing them under the inspection and control of the State board of health. Proprietors must be licensed, and apprentices or learners as well. The inspector of beauty parlors under the State board of health called the attention of the commission to a special difficulty in applying the provisions of the general order No. 1 to learners in these places of employment. It appeared that two methods had been followed, one by instruction and training in a private school or in a commercial beauty parlor which makes a charge to learners, the other by instruction and training in a commercial parlor for which no charge is made. A learner can become proficient in about six months, but after two months it can be determined whether she has talent for the work and is worth the minimum of 18 cents per hour prescribed by the law for learners. The inspector further testified that no learners had been taken on by beauty parlors in the State and paid the legal rate of 18 cents per hour.

In view of the fact that the occupation is a remunerative one, it was felt to be undesirable that the administration of the minimum-

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wage act should in any manner hamper learners in their opportunities for obtaining instruction and training in such parlors as would instruct them without requiring them to pay for such training. Accepting the inspector's statement as to the trying-out time of two months, and not regarding the occupation as one for which an apprenticeship provision could be made under the apprenticeship law, the commission issued an order authorizing the employment of learners for two months without the payment of the minimum rate. This recognition of this employment as a distinct class of work was made so as to enable learners to acquire the training without the expense of attending a private school. However, these two months are construed by the commission as forming a part of the first half of the learning period during which an 18-cent minimum prevails, so that after three months' experience, for but one of which the 18-cent rate need be paid, the minimum of 20 cents per hour is required, and 22 cents after six months' employment. The text of the order is set forth on page 344.

Quite important for an understanding of the foregoing orders is a series of "interpretations and rulings" made by the commission relative to the law and the orders issued under it. These are reproduced on page 345.

EFFECT OF THE LAW.

The investigation by the Federal bureau early in October, 1919, was too soon after the order came into effect for its results to be known to any great extent. However, employers and others had had the matter under consideration before the order became operative, and had also had some experience. It was the opinion of State officials that while employers were not as a class particularly favorable to the law, most of them were ready to accept it as a matter of course, while some who had paid pretty good wages were anxious for the minimum in order to eliminate low-paying competitors. The attitude of the tobacco warehouse men was rather one of opposition, some of them spreading the report among their workers that they must earn the minimum or they would be discharged. As a matter of fact, the commission instructed against discharges until the various cases should be considered on their merits. So far as reports indicated at the time of the visit of the agent of the Federal bureau, discharges were quite few, perhaps 25 or 30 in the tobacco warehouses throughout the State. There was no case known of women who had been receiving more than the minimum having their wages reduced. On the other hand, employers were known to have advanced the pay above the minimum so as to keep experienced workers who might be tempted to go elsewhere for the new rates, while others had made sympathetic advances to preserve the relative position of such workers to the newly advanced minimum-wage earners.

The effect on the employment of children could hardly be determined, since vacation permits had all been issued before the order became effective. However, when the time came for applications for permits to work during the school term, there was a decrease of about 1,000, as compared with the number called for the previous year. It could not be known whether this was due to the minimum-wage law,

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to the "back-to-school" drive, or to other causes. The principal falling off was in the city of Milwaukee, in which practically one-half the woman and child workers of the State find employment.

The order is said to have effected important advances in the earnings of woman workers in telephone, mercantile, and manufacturing establishments in the order named. One result of the law was reported to be the shortening of hours from 49½ or 50 per week to 48, this being due to the hourly basis for wage payments. The suggestion was made that this was perhaps due to the opinion that the 48-hour week furnished the best rate of production per hour, but this was only a surmise. Employee representatives claimed to know of cases of tobacco workers whose wages had been reduced, while also reporting a number of merchants as making sympathetic advances to their better-paid workers, three-fourths of the advances being of this class. An employer representative reported himself as not favorable to the establishment of the minimum wage on principle and doubted that there was any coming together in the attitude of employers and employees as a result of their meetings on the wage boards. He suggested the dropping of incompetent workers found unable to earn the minimum, but the current situation did not indicate danger in that respect.

Organized labor in the State was committed to a full trial of the law and, indeed, had been its chief supporter as far as both enactment and employee representation were concerned. There was some feeling expressed that this was rendering benefit to the unorganized at the expense of the organized, adding that it rendered this service for the sake of the benefits secured for a defenseless group of workers. The extension of the law to all classes of workers was proposed in a measure which passed the State senate of 1919, but it was opposed by organized labor. One State labor official went so far as to say that if woman had the franchise she should not require such a law, but it would be a long time before the spirit of self-help through organization would become sufficiently operative to dispense with legislation in behalf of women and minors. Another thought if they could be led to organize they would better themselves in a larger sense, though the speaker "would not perpetuate misery in order to stimulate effort in this direction."

On account of the shortness of experience under the law, only a few employers were interviewed by the Federal bureau representative in October, 1919, these being chiefly in the city of Milwaukee. A representative of a number of tobacco warehouses throughout the State announced his opposition to the law, but said he would comply, though the discharge of incompetent workers would be necessary. The employment is seasonal and supplemental and can not be regarded as a main support for the worker. It was stated that experts averaged 31 cents per hour, though this did not apply to a very considerable number of the employees, of whom it was said that many did not try to earn the minimum, while others could not if they should try. A representative of many small telephone companies said that a very large percentage of the employees were affected by the advance, but no one would lose employment on account of the law. There has been an improvement in the class of applicants at

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the better pay and more stabilized employment conditions due to the law, but even so the economic principle was regarded as doubtful.

A manager of a 5 and 10 cent store reported a better class of applicants, and was favorable to the law, though the older clerks were inclined to complain that new girls got too nearly the same pay that they received. Another manager of a similar store regarded the effect of the law on his establishment as negligible. The law was said to be "all right," though at the rate fixed he was not interested, as it was too low to be influential. A large department store reported about 25 per cent of its employees affected, mostly indirectly, while a large telephone company reported 10 to 15 per cent affected. The manager of an office building in which 35 women were employed as cleaners, etc., was paying in advance of the minimum, so that the law produced no effect unless possibly indirectly. These three employers either regarded the law favorably or as not in any sense interfering with their business. A telephone corporation felt that there was need for a distinction between urban and rural rates, and made the minimum the standard rate in some smaller places, saying that it met the cost of living there, while in the cities more experienced workers must be paid higher rates.

Subsequently the report of the industrial commission covering the years July 1, 1918, to June 30, 1920, gave a brief account of the effect of the order. The adjustments of wages in telephone offices according to the standards noted above had continued, but were not complete. However, 206 women or minor employees had received $22,439.23 as back pay due to adjustments made. "The increase in wages has in many instances been more than 100 per cent and for the industry as a whole probably exceeded 33⅓ per cent."

Quite similar to the foregoing was the experience of women in the tobacco stemming warehouses. A revision of pay was made in this occupation, affecting 1,442 women, who received a total in back pay of $5,564.76. The numerous requests for special licenses for tobacco stemmers were acted on with deliberation, as were the smaller numbers from other classes of employers, the result being that up to June 30, 1920, but nine special licenses in all had been issued. The rule has been formulated that no pieceworkers will receive licenses unless paid the same rates as others in the occupation, such rates to be sufficient to yield at least 25 cents per hour to 75 per cent of the women and minor employees.

Exact data do not exist for a comparison of rates before the order became effective with earnings since then; "it is probable, however, that before the adoption of minimum wage order No. 1 one-fourth to one-third of the woman employees of the State, not including learners, were paid less than 22 cents an hour." Employers also stated that they were obliged to make many increases to higher paid workers in sympathy with the advances from below the minimum. Therefore "the minimum has not become the maximum," nor has there been any reduction of opportunities for employment. "On the other hand, it is probable that the minimum-wage order had a lot to do with the reduction in the number of child-labor permits issued during the summer and fall of 1919, as 18 cents per hour was then considered a high wage for children."

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SUMMARY.

The foregoing review of the laws and their operation reflects the difference in the types of the laws and the methods of their enforcement as well as the differences in the industrial development of the State and the length of operation of the laws. But little needs to be said with regard to statutory determinations such as exist in Arkansas and Utah, the inflexibility of such a method being too evident a disadvantage to call for comment. Administration through a commission is so obviously advantageous and so fully vindicated as a legal method of procedure that no hesitation can be felt with regard to this method of administration so far as this phase of the question is concerned. The plea of economy which was made when the Utah law was enacted merely raises the question as to whether or not an effective and useful law is desired. There remains the question of a separate commission, as in Oregon, Washington, and California, or of a commission of more general powers, administering other labor laws and having charge of minimum-wage matters as one of its responsibilities; such provisions appear in Massachusetts and Wisconsin. Doubtless the consolidation of activities makes it possible to practice certain economies, both in the way of preliminary investigation and of enforcement. On the other hand, there is a necessity in a State of any industrial importance of constant attention to enforcement provisions and close contact with industrial conditions calling for changes in wage rates. However, the organization of a minimum wage division, as in Massachusetts, might be found adequate to all needs, while permitting economical and effectual coordination with other activities of the general organization of which it is a part.

The employment of subsidiary bodies, known as wage boards or conferences, is so general as to suggest that their desirability may be taken for granted. However, they are not provided for in all States, and their use is optional in others; nor are the results of their action of equal weight where they exist. The expense of organizing a wage board and holding a series of hearings is a serious one, especially in those States in which there is a tendency to a rather minute subdivision of industries. Furthermore, no one can read the account of the obstructive attitude of some of the wage boards, where members have accepted appointment and then refused to act, without questioning the wisdom of placing the functioning of a law at the mercy of irresponsible individuals who are willing to take advantage of a temporary opportunity to block action.

The permanent administrative commission in every State is authorized to make investigations, having power to subpœna witnesses and to examine records. In some States it may proceed immediately to fix wages, and with such safeguards as public hearings and adequate publicity the intervention of a subordinate body, at least of more than advisory capacity, would seem to be open to question. The cooperative value of the members of wage boards in securing the acceptance of orders and rates has been stressed in several cases, but the fact that such persons are but a minute fraction of the total involved, and that they have no continuing official status or mode of public influence, tends to minify the weight of such suggestions; though

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their influence may be considerable where the members of the boards are chosen by large and active organizations of employers and workers, to which they report, and from which they receive instructions, before which also they have on occasion become champions of the law and the orders under it.

The divergence between the recommendations of wage boards meeting in close succession, or even contemporaneously, suggests the lack of scientific accuracy in their conclusions. That the essential elements of living costs vary only to a negligible extent in the occupations in which women are employed is the consensus of opinion throughout, with possible exceptions where there are excessive demands for laundry, or an unusually destructive wear of clothing. It should be stated in this connection that, while deploring such unjustifiable differences, members of commissions feel that the benefits of the cooperative effort of representatives of the groups affected offset the disadvantages. The order is felt to be something in which they themselves have had a part, and not merely a determination imposed upon them by authority. It can not at least be regarded as unfortunate that different laws make different provisions in these respects, since thus contrasting experiences will accumulate, and their results be open to valuation.

The composition of wage boards is in the great majority of cases such as to represent three presumedly different interests—employers, employees, and the public; though in California, for instance, public representatives are lacking. That the current practice in the various jurisdictions commands the support of the administrative agency suggests a degree of satisfaction with whatever type of law has been enacted, as well, perhaps, as a measure of State pride. The fact remains that each method is felt to provide satisfactory machinery for the functioning of the law. The conclusion seems practically inevitable that where the commission can not act in the absence of a recommendation by a wage board, some arbitral or approximately neutral element must be injected into the wage board to avoid either a deadlock or the bearing down of one side by the other. It must be admitted that this conclusion is based on the actual results where such third party provision existed; and if the two parties were brought together with a sense of the necessity of an agreement on the basis of proved facts, it is not impossible that there might be an adjustment of minds and a recommendation made by agreement rather than as the result of arbitration.

Some of the foregoing considerations raise the further question of the desirability of the subdivision of industry, as in California, where there are 10 orders, and Massachusetts, where there are 15 with rates ranging from $8 to $15.50 per week, or of the grouping of employments under an order of general coverage as in Minnesota, Texas, and Wisconsin. Unequal rates in different industries, so far as they control at all, must have the effect of attracting workers to the higher paid employments, as well as increasing the difficulty of law enforcement. The Wisconsin method of a general order with subsidiary orders caring for such differences as the industry may develop would seem to provide adequately for any situation; while to fix a rate for the year, as has been done for a series of years in California, and then issue separate orders for each occupation, suggests an unnecessary detail of work and expense of printing and of records.

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The question of local differences, as between cities and rural localities, is differently answered in different States, following experience. The first set of orders in Oregon provided higher rates in cities than in villages, while later orders placed them on the same basis. In Minnesota, on the other hand, cities and towns of 5,000 population form a dividing line for rates differing in amount. A different problem arises in a State of the extent of Texas, in which there are also considerable differences in the type of population affected. The finding of the commission in this State that actual costs of living differ little, and the appeal to care equally for the motherhood of the State, actual or potential, regardless of race or color, diminish the force of any plea for differences. Contrasting with this is a jurisdiction of the compactness and homogeneity of the District of Columbia, in which the population affected is exclusively urban. The fact remains that where distances are short and street car fare unnecessary, other savings perhaps also being possible on account of the living conditions in village and rural localities, there is apparent ground for some differences in rates; however, this would affect mercantile rather than manufacturing interests, as the latter almost of necessity require an urban labor supply.

As to the results of minimum-wage legislation, it can not be gainsaid that there have been general wage increases as the initial result of every order or piece of legislation. Orders have been outgrown and legislative rates left behind as a result of industrial changes, but this only indicates that a more efficient administration of the law with prompt adjustment methods was needed, as higher costs have regularly accompanied higher wage rates and even advanced beyond them. The fear that the minimum fixed by law would become the maximum in practice has been unrealized thus far, and some experience under a falling labor market is in the records; however, the experience of the years of wider application and more varied conditions will be of interest, though there would seem to be no danger of such a development.

The disinclination of employers to submit to public regulations in such matters as wage rates, hours of labor, and the number of days women may be employed per week is the survival of the individualistic attitude that has been compelled to give way to a large body of legislation affecting other fields throughout a number of years, though more recently coming into action in regard to these particulars. However, many employers have given hearty approval to both principle and results, following experience under minimum-wage laws. They adopt the position that the regulation of competition is desirable and that the benefit is not to the workers alone, who are guaranteed by the law at least a minimum living cost and a sense of stability in their positions as against cheap, underbidding workers, but they are themselves as employers likewise safeguarded against competitors who are disposed to make use of the least expensive types of woman labor or to underpay that employed.

Employees have been made use of both as witnesses at public hearings and as plaintiffs in actions at law to support the contention that the minimum wage was an injurious interference with individual rights, but the vast majority of women affected, so far as investigation has disclosed opinion, has been in favor of such legislation.

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The attitude of union labor has been referred to in various instances and may be regarded as officially determined by the resolutions of a number of State conventions in favor of minimum-wage laws for women and minors, as well as by the action of members and officers in favor of such legislation and aiding in its enforcement. The fact remains that there is a considerable feeling that the women are content to accept the benefits of the law when otherwise they might come into the unions to work for a betterment of their condition; though there is with this a general concession of the fact that large numbers of women are not sufficiently industrially minded to care for organization, so that there is a practical need which the law may in a measure fill. On the other hand, reports are made of more success in organization since the enactment of such a law. Some few expressions of opinion were made in favor of a law of general operation, without regard to age or sex, but organized labor does not favor such action, nor is there any general demand therefor apparent.

Extension of legislation in this field has been comparatively slow, but this is to be explained in part by the long-continued doubt as to its constitutionality. The second fruitless and presumably final attempt of certain employers in the State of Washington to overthrow their law would also seem to be adequate as a warning to all interested that this type of legislation comes within the police powers of the State. In other words, the problem is not legal, but social and economic.

In but one jurisdiction, the District of Columbia, has it been proved that the law was enacted by common consent of both employers and employees. Probably such a situation can not develop in a community less compact, and the efforts to be made during the current legislative year in New York, Ohio, and elsewhere will doubtless meet opposition as they have in the past. The fact of the current reorganization of industry is an argument both for and against action, employers feeling that there is need of free and rapid adjustment to meet changing conditions, while the proponents of this form of regulation regard it as necessary in an unusual degree in order to steady conditions that are in danger of working undue injury to the group of workers for whose benefit such laws are enacted.

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TEXT OF MINIMUM-WAGE LAWS.

ARIZONA.

ACTS OF 1917.[1]

CHAPTER 38.—*An act to provide for a minimum wage for women and fixing penalty for violation thereof.*

SECTION 1. No person, persons, firm or corporation, transacting business within the State of Arizona, shall employ any female in any store, office, shop, restaurant, dining-room, hotel, rooming house, laundry or manufacturing establishment, at a weekly wage of less than ten dollars per week; a lesser amount being hereby declared inadequate to supply the necessary cost of living to any such female to maintain her health, and to provide her with the common necessaries of life. Rate of ten dollars.

SEC. 2. Any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days, nor more than sixty days, or by both such fine and imprisonment, for each separate offense. Violations.

Approved March 8, 1917.

ARKANSAS.

ACTS OF 1915.

ACT No. 191.—*An act to regulate the hours of labor, safeguard the health and establish a minimum wage for females in the State of Arkansas.*

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, or by any express or transportation company, in this State, for more than nine hours in any one day, or more than six days, or more than fifty-four hours in any one week: *Provided, however*, That the present law governing the employment of children under 16 years of age shall not be repealed by this act. Hours of labor.

* * * * *

SEC. 5. Every employer shall keep a time book or record of every female employed in any establishment or occupation named in section 1 of this act stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and ending such work and the hours of beginning and ending the recess allowed for meals. Such time books or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section or makes any false statements therein or refuses to exhibit such time book or record, or makes a false statement to any official authorized to enforce this act in reply to any question put in carrying out the provisions of this act shall be liable for violation thereof. Records.

SEC. 6. The commissioner of labor and statistics, or any person duly authorized by him, may, in the discharge of their duties enter Enforcement.

[1] A referendum petition filed against this act was declared null and void by the supreme court of the State, leaving the act in full force and effect from June 7, 1917.

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any establishment or occupation where females are employed mentioned in section 1 of this act as often as practicable during reasonable hours and shall cause the provisions of this act to be enforced therein, and shall have full police power in enforcing compliance therewith.

Minimum wage rate.

SEC. 7. It shall be unlawful for any employer of labor mentioned in section 1 of this act to pay any female worker in any establishment or occupation less than the wage specified in this section, to wit, except as hereinafter provided: All female workers who have had six months' practicable [practical] experience in any line of industry or labor shall be paid not less than $1.25 per day. The minimum wage for inexperienced female workers who have not had six months' experience in any line of industry or labor shall be paid [?] not less than $1 per day: *Provided*, That any inexperienced female workers or apprentices shall be given a certificate by their employers showing the amount of experience they have had, and all time served as inexperienced workers, or apprentices, shall be cumulative. All female workers working less than nine hours per day shall receive the same wages per hour as those working nine hours per day.

* * * * *

Piecework.

SEC. 9. All females employed in any industry in this State, who are paid upon a piecework basis, bonus system, or any other manner than by the day, shall be paid not less than the rate per day herein specified for female employees who are working on the day rate system, and a commission, consisting of the commissioner of labor and statistics and two competent women, one to be appointed by the governor, and one by the commissioner of labor and statistics, shall investigate, upon complaint, any line of industry wherein females are employed and if in their judgment said system of piecework is working an injury to the general health of the employees, they may, after hearing, duly held, issue an order compelling said firm to abolish piecework, or any other injurious system, and establish a daily rate of wages for all female employees, said rate not to be less than the rate specified in section 7 of this act.

Findings of commission.

SEC. 10. *Provided, however*, That if said commission should find, after an investigation, that a lower minimum rate of wages is adequate to supply a woman, or minor female worker engaged in any occupation, trade, or industry, the necessary cost of proper living, and to maintain the health and welfare of such woman, or minor female workers, [it] may, after a public hearing duly held, at which time all interested employers and employees are given a reasonable opportunity to present their arguments, issue an order establishing a minimum wage rate that in their judgment is reasonable, and said rate so established shall be the legal minimum wage in the industry or occupation effected [affected], and should said commission find, after said investigation, that the minimum wage specified in section 7 in this act is insufficient to adequately supply a woman or minor female worker engaged in any occupation, trade, or industry, the necessary cost of proper living and to maintain the health and welfare of such woman or other female worker, [it] may, after public hearing duly held, at which time all interested parties are given a reasonable opportunity to present their argument, issue an order establishing a higher minimum wage for female workers that in the judgment of the commission, is reasonable, and said minimum wage rate so established by said commission, shall be the legal minimum wage in the industry or occupation affected.

Hotels and restaurants.

SEC. 11 (as amended by act No. 275, Acts of 1919). Said commission, after a public hearing duly held, at which all interested persons are given an opportunity to present arguments, may establish regulations governing the employment of females in hotels and restaurants: *Provided*, Said rules and regulations shall not permit female workers to be employed in excess of nine hours in any one day, nor at a lower rate of wages than will supply said female employees the cost of proper living, and safeguard their health and

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welfare. The rate of wages established by the commission shall not be greater than the rate of wages specified in section 7.

Violations.

SEC. 12. Any person, or persons, company, or corporation, who violates the provisions of this act, or does not comply with the provisions of this act, shall, upon conviction in any court of competent jurisdiction, be punished by a fine of not less than $25 nor more than $100, and each day of noncompliance shall constitute a separate offense.

Provisions severable.

SEC. 13 (as amended by act No. 275, Acts of 1919). Should any section, or sections of this act be held invalid by the court, it shall not thereby be understood as affecting and shall not affect the other provisions of this act: *Provided*, This act shall not apply to cotton factories, or to the gathering of fruits or farm products in Arkansas.

Exceptions.

Approved March 20, 1915.

CALIFORNIA.

CONSTITUTION.

ARTICLE 20.—*Minimum wages—Protection of employees.*

Power of legislature.

SECTION 17½. The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

Amendment adopted Nov. 3, 1914.

ACTS OF 1913.

CHAPTER 324.—*An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.*

Commission established.

SECTION 1.—There is hereby established a commission to be known as the Industrial Welfare Commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: Two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years: *Provided, however*, That at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

Per diem of commissioners.

SEC. 2. The members of said commission shall draw no salaries but all of said members shall be allowed $10 per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts,

Employees.

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and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

Commission to investigate wages, etc.

SEC. 3. (*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California and to make investigations into the comfort, health, safety and welfare of such women and minors.

(*b*) It shall be the duty of every person, firm, or corporation employing labor in this State:

Employers to furnish reports.

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

Commission to have access to places and records.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers, of such person, firm, or corporation relating to the employment of labor and payment therefor by such person, firm, or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purposes of this act, a minor is defined to be a person of either sex under the age of 18 years.

SEC. 3½ (added by ch. 204, Acts of 1919). Any member of the commission or deputies duly authorized by it in writing, shall have the power and authority to issue subpœnas to compel the attendance of witnesses or parties and the production of books, papers, pay rolls, or records, and to administer oaths and to examine witnesses under oaths and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act, or any of its orders, rules, or regulations: *Provided*, That no witness shall be compelled to attend on said commission outside of the county in which said witness resides or at a distance greater than fifty miles from his place of residence.

Obedience to subpœnas issued by the commission or its duly authorized representatives shall be enforced in the superior courts of the county or city and county in which subpœnas were issued.

Preliminary hearings.

SEC. 4. The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpœna, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

Wage board.

SEC. 5. If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper

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living or the hours or conditions of labor are prejudicial to the health, morals, or welfare of the workers, the commission may call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed $5 per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission it shall be the duty of such wage board to report to the commission its findings, including therein:

Rules for wage board.

Findings of wage board.

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade, or industry in question the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation, trade, or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of such women and minors.

SEC. 6 (as amended by ch. 204, Acts of 1919). (*a*) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

Power to fix wages, etc.

1. A minimum wage to be paid to women and minors engaged in any occupation, trade, or industry in this State, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade, or industry in this State: *Provided*, That the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State.

(*b*) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, and Sacramento and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, Eureka, San Diego, Long Beach, Alameda, Berkeley, and Stockton, and by mailing a copy of said notice to the county recorder of each county in the State to be posted at the courthouse of each county, or city and county, and to each association of employers or employees of fifteen or more members within the State of California which shall file with the commission a written request for such notice of such hearing and purpose thereof; which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

Hearings upon determinations.

(*c*) After such public hearing the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, and the maximum hours:

Orders.

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Provided, That the hours specified shall not be more than the maximum for women or minors in California, and the standard conditions of labor for said women or minors: *Provided, however*, That no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the State, and such copy shall be filed without charge. The industrial welfare commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

Reconsideration.

SEC. 7. Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade, or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for the original hearing, rescind, alter, or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

Special licenses.

SEC. 8 (as amended by ch. 571, Acts of 1915). (*a*) For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

Same.

(*b*) For any occupation in which a minimum wage has been established, the commission may issue to an apprentice or learner, a special license authorizing the employment of such apprentice or learner, for such time and under such conditions as the commission may determine at a wage less than such legal minimum wage; and the commission shall fix a special wage for such apprentice or learner.

Limitation.

(*c*) The commission may fix the maximum number of women, and minors under eighteen years of age, to be employed under the licenses provided for in subdivisions (*a*) and (*b*) of this section in any occupation, trade, industry or establishment in which a minimum wage has been established.

Investigations by labor commissioner.

SEC. 9. Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

Discharging, etc., employees.

SEC. 10. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

Violations.

SEC. 11 (as amended by ch. 571, Acts of 1915). The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $50, or by imprisonment for not less than 30 days, or by both such fine

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and imprisonment; and every employer or other person who, either individually or as an officer, agent, or employee of a corporation, or other persons, violates or refuses or neglects to comply with the provisions of this act, or any orders or rulings of this commission, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine or not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Enforcement.

SEC. 11b (added by ch. 204, Acts of 1919). It shall be the duty of the industrial welfare commission to enforce the provisions of this act and compliance with its orders, rules, and regulations. Full power and authority is hereby vested in the commission to take such action as may be deemed essential for such purposes.

Prosecutions.

SEC. 12 (as amended by ch. 571, Acts of 1915). In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work, and the standard conditions of labor fixed by the commission as herein provided, shall be prima facie presumed to be reasonable and lawful, and to be the living wage, the maximum hours of work, and the standard conditions of labor required herein. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: Within 20 days from the date of the determination, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within 20 days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on 10 days' notice of the other. Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

Grounds for setting aside determinations.

(1) That the commission acted without or in excess of its powers.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

Right to recover.

SEC. 13. Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Complaints.

SEC 14. Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Reports.

SEC. 15. The commission shall biennially make a report to the governor and the State legislature of its investigations and proceedings.

Appropriation.

SEC. 16. There is hereby appropriated annually out of the moneys of the State treasury, not otherwise appropriated, the sum of $15,000, to be used by the commission in carrying out the pro-

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visions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Arbitration during strike or lockout forbidden.

SEC. 17. The commission shall not act as a board of arbitration during a strike or lockout.

SEC. 18. (*a*) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

Constitutionality of act.

(*b*) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Scope of act.

SEC. 19. The provisions of this act shall apply to and include women and minors employed in any occupation, trade, or industry, and whose compensation for labor is measured by time, piece, or otherwise.

Approved May 26, 1913.

COLORADO.

ACTS OF 1917.

CHAPTER 98.—*An act for the determination of minimum wages and proper conditions of labor for women and minors.*

Basis.

SECTION 1. The welfare of the State of Colorado demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals, and it is therefore hereby declared, in the exercise of the police and sovereign power of the State of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Commission.

SEC. 2. The Industrial Commission of Colorado is hereby made and constituted a minimum wage commission for this State, and the word "commission" as hereinafter used refers to and means said Industrial Commission of Colorado, and the "commissioner" as hereinafter used refers to and means a member of said commission. The act and decision of a majority of said commission, or any deputy when duly authorized by the commission, shall be deemed the act or decision of said commission, and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission.

Employees.

SEC. 3. The commission may appoint a secretary, who shall devote his entire time to the duties of the office, and shall receive a salary of $1,800 per annum, payable monthly. The commission may employ and fix the compensation of such deputies, expert, clerical, and other assistants as may be necessary to carry out the purpose of this act, and may include among its expenses the traveling expenses of the members of the commission and its employees. All employees shall hold office at the pleasure of the commission. The commission may incur other expenses not exceeding the annual appropriations therefor, and shall be provided with a suitable office in the State capitol.

Employment forbidden.

SEC. 4. It shall be unlawful to employ women in any occupation within the State of Colorado for wages which are inadequate to supply the necessary cost of living and to maintain the health of women so employed; and it shall be unlawful to employ minors in any occupation within the State of Colorado for unreasonably low wages; and it shall be unlawful to employ women or minors in any occupation within this State under conditions of labor detrimental to their health or morals.

Investigations.

SEC. 5. It shall be the duty of the commission to inquire into the wages paid to women employees above the age of eighteen

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years, and minor employees under eighteen years of age; also into the conditions of labor surrounding said employees, in any occupation in this State, if the commission has reason to believe that said conditions of labor are detrimental to the health or morals of said employees, or that the wages paid to a substantial number of employees are inadequate to supply the necessary cost of living and to maintain such employees in health. The word "minor" as used in this act refers to and means any person of either sex under the age of eighteen years, and the word "woman" as used in this act refers to and means a female person of or over the age of eighteen years. At the request of not less than twenty-five persons engaged in any occupation in which women or minors are employed, the commission shall forthwith make such investigation as is herein provided. The commission may, at any time, make such investigation upon its own initiative.

Wages.

SEC. 6. The commission is hereby authorized and empowered to ascertain and determine, and shall ascertain and determine, the minimum wages sufficient for living wages for women and minors of ordinary ability, including minimum wages sufficient for living wages, whether paid according to time rate or piece rate; also the minimum wages sufficient for living wages for learners and apprentices; also standards of conditions of labor and hours of employment not detrimental to health or morals for women and for minors, and what are unreasonably long hours for women and minors, and what are unreasonably low wages for minors, in any occupation in this State.

Powers of commission.

SEC. 7. The commission shall, for the purposes of this act, have full power and authority to investigate and ascertain the conditions of labor surrounding said women and minors, also the wages of women and minors in the different occupations in which they are employed, whether paid by time rate or piece rate, in the State of Colorado. The word "occupation" as used in this act shall be so construed as to include any and every vocation, trade, pursuit, and industry. The commission shall have full power and authority as a commission, or through any authorized representative or any commissioner, to inspect and examine and make excerpts from any and all books, reports, contracts, pay rolls, documents, papers and other records of any employer of women or minors, that in any way appertain to or have bearing upon the question of wages of any such women workers or minor workers in any of said occupations, and to require from any such employer full and true statements of the wages paid to all women and minors by any employer. Every employer of women and minors shall keep a register of the names, ages, dates of employment, and residence addresses of all women and minors employed, and it shall be the duty of every such employer, whether a person, firm, or corporation, to furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof; also to allow the commission, any authorized representative, or any commissioner, free access to the place of business of such employer for the purpose of making any investigation authorized by this act.

Duties of employers.

Hearings.

SEC. 8. The commission may hold public hearings at such times and places as it deems proper for the purpose of investigating any of the matters it is authorized to investigate by this act, at which hearings employers, employees, or other interested persons may appear and give testimony as to the matter under consideration. The commission, or any member thereof, shall have power to subpœna and compel the attendance of any witnesses and to administer oaths; also, by subpœna, to compel the production of any books, papers, or other evidence at any public hearing of the commission or at any session of any wage board called and held,

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as hereinafter provided. All witnesses subpœnaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the district court of the State of Colorado.

If any person shall fail to attend as a witness, or to bring with him any books, papers, or other evidence when subpœnaed by the commission, or shall refuse to testify when ordered so to do, the commission may apply to any district court or county court in this State to compel obedience on the part of such person, and such district court or county court shall thereupon compel obedience by proceedings for contempt, as in cases of disobedience of any order of said court in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules and procedure and shall not be bound by the technical rules of evidence. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe.

Procedure.

SEC. 9. If, after investigation, the commission is of the opinion that the conditions of employment surrounding said employees are detrimental to the health or morals, or that a substantial number of women workers in any occupation are receiving wages, whether by time rate or piece rate, inadequate to supply the necessary costs of living and to maintain such workers in health, the commission shall proceed to establish minimum wage rates, either directly or by the indirect method hereinafter described. If it selects the direct method, the commission shall establish the minimum wage rates. If it adopts the indirect method, the commission shall establish a wage board, consisting of not more than three representatives of employers in the occupation in question, and of an equal number of persons to represent the female employees in said occupation, and of an equal number of disinterested persons to represent the public, and some one representing the commission, if it so desires. The commission shall name and appoint all members of such wage board and designate the chairman thereof: *Provided, however*, That the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively, subject to approval and selection by the commission, as aforesaid. At least one representative of the employers, at least one representative of the employees, and at least one representative of the public shall be a woman. The members of the wage board shall be compensated at the same rate and fees for service as jurors in counties of the second class, and they shall be allowed their necessary traveling and clerical expenses incurred in the actual performance of their duties, these payments to be made from the appropriations for the expenses of the commission. The proceedings and deliberations of such wage board shall be made a matter of record, for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. Each wage board shall have the same power as the commission to subpœna witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpœnaed by a wage board shall be allowed the same compensation as when subpœnaed by the commission.

Wage boards.

Duty of wage boards.

SEC. 10. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid or material to the subject of inquiry in the occupation in question. Each wage board shall endeavor to determine, if requested so to do by the commission, the standard conditions of employment; also the minimum wage, whether by time rate or piece rate, adequate to maintain in health and to supply with the necessary cost of living, a female employee of ordinary ability in the occupation in question, or in any branches thereof; also suitable minimum wages (graded, so far as practicable, on a rising scale toward the minimum allowed experienced workers) for learners and apprentices; also suitable minimum wages for

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minors below the age of eighteen years. When a majority of the members of a wage board shall agree upon standard conditions of employment or minimum wage board determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto. A majority of the members of any such wage board shall constitute a quorum.

Reports to commission.

SEC. 11. Upon receipt of a report from a wage board, the commission shall review the same and may approve or disapprove any or all the determinations, or may recommit the subject to the same or a new wage board. If the commission approves any or all of the determinations of the wage board, said commission shall publish notice not less than once a week for two successive weeks in a newspaper of general circulation published in the county or counties in which any business directly affected thereby is located, that it will, on a date and at a place named in said notice, hold a public meeting, at which all persons in favor of or opposed to said recommendations will be given a hearing; and after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employees in the occupation directly affected thereby to preserve and comply with such recommendations and said order. Said order shall become effective in thirty days after it is made and rendered and shall be in full force and effect on and after the thirtieth day following its making and rendition. After said order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order, or to employ any woman worker in any occupation covered by said order at lower wages or under other conditions than are authorized or permitted by said order.

Hearings.

Notice to employers.

Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman or minor for more hours per day or per week than the maximum now fixed by law: *Provided, however*, That in case of emergencies which may arise in the conduct of any industry or occupation, overtime may be permitted under conditions and rules, and for increased minimum wages, which the commission, after investigation, shall determine and prescribe by order, and which shall apply equally to all employers in such industry or occupation.

Overtime.

Reconsideration.

SEC. 12. Whenever a minimum wage rate, or a new standard of conditions of employment established in any occupation, has been established in any occupation, the commission may, if it deems proper or necessary so to do, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board: *Provided, however*, That, pending any new determination, any minimum wage rate and any new standard of conditions of employment theretofore established shall be and continue in force and effect.

Special licenses.

SEC. 13. For any occupation in which a time rate only has been established, the commission may issue to any woman physically defective or crippled by age or otherwise, or less efficient than women workers of ordinary ability, a special license authorizing the employment of the licensee at such wage less than said legal minimum wage as shall be provided by said commission and stated in said license: *Provided*, That the number of such persons so specially licensed shall not exceed one-tenth of the whole number of workers in any establishment.

Minors.

SEC. 14. The commission may at any time inquire into the wages paid to minors and the conditions of their employment in any occupation, and may, after public hearings, determine minimum

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wages and working conditions suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.

Protection of employees.

SEC. 15. Any employer who discharges or threatens to discharge, or in any other way discriminates against an employee because such employee serves upon a wage board, or is active in its formation, or has testified or is about to testify, or because the employer believes that said employee may testify in any investigation or proceeding relative to enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $200, nor more than $1,000 for each such misdemeanor. The commission shall, from time to time, investigate and report to the proper prosecuting officials whether employers in each occupation investigated are obeying its decrees, and members and employees of the commission may cause informations to be filed with, and prosecutions to be instituted by, the proper prosecuting officials for any violation of any of the provisions of this act.

Violations.

SEC. 16. The minimum wages for women and minors fixed by the commission, as in this act provided, shall be the minimum wages to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, individually or as an officer, agent, or employee of a corporation, or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be deemed guilty of a misdemeanor, and upon convictio thereof shall be punished by a fine of not less than $100, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Presumptions.

SEC. 17. In every prosecution for the violation of any provision of this act, the minimum wage established by the commission, as herein provided, shall be prima facie presumed to be reasonable and lawful and to be the wage required herein to be paid to women and minors. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive, and the determination made by the commission shall be subject to review only in the manner hereinbefore prescribed.

Wages below standard.

SEC. 18. An employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Complaints.

SEC. 19. Any person may register with the commission complaint that the wages paid to an employee for whom a rate has been established are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than accords with such rate.

Reports of commission.

SEC. 20. The commission shall, on or before the first day of January of the year nineteen hundred and nineteen, and biennially thereafter, make a succinct report to the governor and the general assembly of its works and any proceedings under this act during the preceding two years.

Appropriation.

SEC. 21. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of $3,000 to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act for the years nineteen hundred and seventeen and nineteen hundred and eighteen. The expenditures authorized shall be payable at the end of each month, upon certificate made by the commission to the auditor of state, who shall draw his warrant upon the state treasurer; and the auditor of state is hereby authorized and directed to draw said warrants, as aforesaid, upon receipt of certified vouchers of the chairman of said commission, attested by the secretary.

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SEC. 22. Whenever this act or any part thereof is interpreted by any court, it shall be liberally construed by such court. Construction.

SEC. 23. If any part, section, subsection, sentence, clause, or phrase of this act is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The general assembly hereby declares that it would have passed this act, and each part, section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more parts, sections, subsections, clauses, phrases, word or words, be declared unconstitutional. Provisions severable.

Approved April 20, 1917.

DISTRICT OF COLUMBIA.

ACTS OF UNITED STATES CONGRESS, 1917–18.

ACT No. 215.—*An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.*

SECTION 1. Where used in this act—

The term "board" means the Minimum Wage Board created by section two; Definitions.

The term "commissioners" means the Commissioners of the District of Columbia;

The term "woman" includes only a woman of eighteen years of age or over;

The term "minor" means a person of either sex under the age of eighteen years;

The term "occupation" includes a business, industry, trade, or branch thereof, but shall not include domestic service.

SEC. 2. There is hereby created a board to be known as the "Minimum Wage Board," to be composed of three members to be appointed by the commissioners of the District of Columbia. As far as practicable, the members shall be so chosen that one will be representative of employees, one representative of employers, and one representing the public. Board created.

The commissioners shall make their first appointments hereunder within thirty days after this act takes effect, and shall designate one of the three members first appointed to hold office until January first, nineteen hundred and nineteen; one to hold office until January first, nineteen hundred and twenty; and one to hold office until January first, nineteen hundred and twenty-one. On or before the first day of January of each year, beginning with the year nineteen hundred and nineteen, the commissioners shall appoint a member to succeed the member whose term expires on such first day of January, and such new appointee shall hold office for the term of three years from such first day of January. Each member shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of the board shall be filled by appointment by the commissioners for the unexpired portion of the term. Terms.

A majority of the members shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of the board; and no vacancy shall impair the right of the remaining members to exercise all the powers of the board. Quorum.

SEC. 3. The first members appointed shall, within twenty days after their appointment, meet and organize the board by electing one of their number as chairman and by choosing a secretary, who shall not be a member of the board; and on or before the tenth day of January of each year thereafter the board shall elect a chairman and choose a secretary for the ensuing year. The chairman and Organization. Secretary.

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the secretary shall each hold office until his successor is elected or chosen; but the board may at any time remove the secretary. The secretary shall perform such duties as may be prescribed and receive such salary, not in excess of $2,500 per annum, as may be fixed by the board. None of the members shall receive any salary as such. The board shall have power to employ agents and such other assistants as may be necessary for the proper performance of its duties: *Provided*, That until further authorization by Congress, the sum which it may expend, including the salary of the secretary, shall not exceed the sum of $5,000.

Expenses.

Hearings.

SEC. 4. At any public hearing held by the board any person interested in the matter being investigated may appear and testify. Any member of the board shall have power to administer oaths and the board may require by subpœna the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any such public hearing or at any session of any conference held as hereinafter provided. In case of disobedience to a subpœna the board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpœna the court may issue an order requiring appearance before the board, the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Witnesses.

Rules.

SEC. 5. The board is hereby authorized and empowered to make rules and regulations for the carrying into effect of this act, including rules and regulations for the selection of members of the conferences hereinafter provided for and the mode of procedure thereof.

Annual reports.

SEC. 6. The board shall, on or before the first day of January of the year nineteen hundred and nineteen, and of each year thereafter, make a report to the commissioners of its work and the proceedings under this act.

Appropriation.

SEC. 7. There is hereby authorized to be appropriated, out of the revenues of the District of Columbia, for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of $5,000, or so much thereof as may be necessary, to carry into effect the provisions of this act.

Investigations.

SEC. 8. The board shall have full power and authority: (1) To investigate and ascertain the wages of women and minors in the different occupations in which they are employed in the District of Columbia; (2) to examine, through any member or authorized representative, any book, pay roll or other record of any employer of women or minors that in any way appertains to or has a bearing upon the question of wages of any such women or minors; and (3) to require from such employer full and true statements of the wages paid to all women and minors in his employment.

Register.

Every employer shall keep a register of the names of the women and minors employed by him in any occupation in the District of Columbia, of the hours worked by each, and of all payments made to each, whether paid by the time or by the piece; and shall, on request, permit any member or authorized representative of the board to examine such register.

Duty of commissioners.

To assist the board in carrying out this act the commissioners shall at all times give it any information or statistics in their possession under the act of Congress approved February twenty-fourth, nineteen hundred and fourteen, entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia." (Pub. No. 60, 63d Congress.)

Power of board.

SEC. 9. The board is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (*a*) Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women

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workers to maintain them in good health and to protect their morals; and (*b*) standards of minimum wages for minors in any occupation within the District of Columbia, and what wages are unreasonably low for any such minor workers.

Conference.

SEC. 10. If, after investigation, the board is of opinion that any substantial number of women workers in any occupation are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health and protect their morals, it may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by the board and submitted by it to such conference. The conference shall be composed of not more than three representatives of the employers in such occupation, of an equal number of representatives of the employees in such occupation, of not more than three disinterested persons representing the public, and of one or more members of the board. The board shall name and appoint all the members of the conference and designate the chairman thereof. Two-thirds of the members of the conference shall constitute a quorum, and the decision or recommendation or report of the conference on any subject submitted shall require a vote of not less than a majority of all its members.

The board shall present to the conference all the information and evidence in its possession or control relating to the subject of the inquiry by the conference, and shall cause to be brought before the conference any witnesses whose testimony the board deems material.

Report of conference.

SEC. 11. After completing its consideration of and inquiry into the subject submitted to it by the board, the conference shall make and transmit to the board a report containing its findings and recommendations on such subject, including recommendations as to standards of minimum wages for women workers in the occupation under inquiry and as to what wages are inadequate to supply the necessary cost of living to women workers in such occupation and to maintain them in health and to protect their morals.

Piece rates.

In its recommendations on a question of wages the conference (1) shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to women workers in such occupation of average ordinary ability and to maintain them in health and protect their morals; and (2) shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices in such occupation and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which wages shall be less than the regular minimum wages recommended for the regular women workers in such occupation.

Learners.

Action on recommendations.

SEC. 12. Upon receipt of any report from any conference, the board shall consider and review the recommendations, and may approve or disapprove any or all of such recommendations, and may resubmit to the same conference, or a new conference, any subject covered by any recommendations so disapproved.

If the board approves any recommendations contained in any report from any conference, it shall publish a notice, once a week, for four successive weeks in a newspaper of general circulation printed in the District of Columbia, that it will, on a date and at a place named in the notice, hold a public hearing at which all persons in favor of or opposed to such recommendations will be heard.

After such hearing the board may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry them into effect, requiring all employers in the occupation affected thereby to observe and comply with such order. Such order shall become effective sixty days

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after it is made. After such order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of its terms or provisions, or to employ any woman worker in any occupation covered by such order at lower wages than are authorized or permitted therein.

The board shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers are employed.

Substandard workers.

SEC. 13. For any occupation in which only a minimum time-rate wage has been established, the board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the board and stated in the license.

Minors.

SEC. 14. The board may at any time inquire into wages of minors employed in any occupation in the District of Columbia, and determine suitable wages for them. When the board has made such determination it may make such an order as may be proper or necessary to carry such determination into effect. Such order shall become effective sixty days after it is made; and after such order becomes effective and while it is effective it shall be unlawful for any employer in such occupation to employ a minor at less wages than are specified or required in or by such order.

Branches of occupations.

SEC. 15. Any conference may make a separate inquiry into and report on any branch of any occupation, and the board may make a separate order affecting any branch of any occupation.

Compliance with orders.

SEC. 16. The board shall from time to time investigate and ascertain whether or not employers in the District of Columbia are observing and complying with its orders, and shall report to the corporation counsel of the District of Columbia all violations of this act.

Appeals to courts.

SEC. 17. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by the board, and there shall be no appeal from the decision of the board on any such question of fact; but there shall be a right of apeal from the board to the Supreme Court of the District of Columbia from any ruling or holding on a question of law included or embodied in any decision or order of the board; and, on the same question of law, from such court to the Court of Appeals of the District of Columbia. In all such appeals the corporation counsel shall appear for and represent the board.

Violations.

SEC. 18. Whoever violates this act, whether an employer or his agent, or the director, officer, or agent of any corporation, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment.

Discharging, etc., employees.

SEC. 19. Any employer and his agent, or the director, officer, or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on any conference, or has testified or is about to testify, or because such employer believes that said employee may serve on any conference or may testify in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100.

What are violations.

SEC. 20. Any act which, if done or omitted to be done by any agent or officer or director acting for such employer, would constitute a violation of this act, shall also be held to be a violation by the employer and subject such employer to the liability provided for by this act.

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SEC. 21. Prosecutions for violations of this act shall be on information filed in the police court of the District of Columbia by the corporation counsel. Prosecutions.

SEC. 22. If any woman worker is paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of the board, she may recover in a civil action the full amount of such minimum wage, less any amount actually paid to her by the employer, together with such reasonable attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action. Recovery of wages.

SEC. 23. This act shall be known as the "District of Columbia minimum-wage law." The purposes of the act are to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living; and the act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes. Title, etc., of act.

Approved September 19, 1918.

KANSAS.

ACTS OF 1915.

CHAPTER 275.—*An act to establish an industrial welfare commission for women, learners and apprentices, and minors, prescribing its powers and duties and providing for the fixing of wages, hours, and the standard conditions of labor for such workers: providing penalties for the violation of the same.*

SECTION 1. The State of Kansas exercising herewith its police and sovereign power declares that inadequate wages, long continued hours and unsanitary conditions of labor, exercise a pernicious effect on the health and welfare of women, learners and apprentices, and minors. Basis of law.

SEC. 2. It shall be unlawful to employ women, learners, and apprentices and minors in any industry or occupation within the State of Kansas under conditions of labor detrimental to their health or welfare and it shall be unlawful to employ women, learners, and apprentices and minors in any industry within the State of Kansas at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare, except as hereinafter provided. What employment unlawful.

SEC. 3. There is hereby created a commission to be known as the Industrial Welfare Commission for the State of Kansas to establish such standard of wages, hours, and conditions of labor for women, learners and apprentices, and minors employed within this State as shall be held hereunder to be reasonable and not detrimental to health and welfare. This commission shall consist of the commissioner of labor and two others appointed by the governor, no two of whom shall be from any one congressional district. At least one member of this commission shall be a woman. The first appointment shall be made within sixty days after the passage of this act. One member shall be appointed to serve until January 1, 1917, a second to serve until January 1, 1918. Thereafter each member shall be appointed for a term of four years and until his successor is appointed and qualifies. The governor shall have the power of removal for cause. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term. The commission shall have power to elect its own chairman, a secretary, and such other employees as it may require. Two members of the commission shall constitute a quorum at all regular meetings: *Provided*, That no person shall be appointed on such commission, who is related by blood or marriage to the commissioner of labor, or to any State officer, or to any member of any other State board or commission. And no person shall be appointed to any place or position on said Commission created.

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commission or be employed by such commission in any way, who is related by blood or marriage to any member thereof, or to any of its chief officers or heads of departments.

Expenses.

SEC. 4. Each member of the commission shall be paid all traveling and other necessary expenses incurred in the performance of his or her official duties, but shall serve without salary. The commission may incur other necessary expenses not exceeding the appropriation therefor and shall be provided with an office in the statehouse.

Powers and duties.

SEC. 5. The commission may at its discretion investigate wages, hours and sanitary and other conditions affecting women, learners and apprentices and minors in any industry or occupation in the State. Upon the request of not less than twenty-five persons engaged in any occupation in which women, learners and apprentices and minors are employed, it shall become the duty of the commission to make such investigation as is herein provided. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all pay rolls or other wage records of all persons, firms or corporations employing women, learners and apprentices and minors as to any matter that would have a bearing upon the question of wages, hours, or labor conditions of such employees.

Registers.

SEC. 6. Every employer of women or of learners and apprentices, or of minors shall keep a register of all such persons employed by him in such form as the commission shall prescribe, and every such employer shall on request permit the commission, or any of its members, or agents to inspect such register.

Hearings.

SEC. 7. The commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any matters it is authorized to investigate by this act. At any such public hearings, any employee, or employer or other interested person may appear and give testimony as to wages, hours, sanitation and other pertinent conditions of the occupation or industry under investigation. The commission or any member thereof shall have power to subpœna witnesses, to administer oaths, to compel the production of all wage records, papers, and other evidence, and to make findings and report such findings to the commission; but no order shall be made by less than a majority of the commission. Witnesses subpœnaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by statute to witnesses in civil cases in the district court.

Boards.

SEC. 8. If after investigation the commission is of the opinion that in any occupation the wages, hours and conditions, sanitary and otherwise, are prejudicial to the health or welfare of any substantial number of the classes of employees named in this act and are inadequate to supply the necessary cost of living and to maintain the worker in health it shall establish a wage, hour, or sanitary board as the conditions developed may demand, which shall hereinafter be described as the "board" consisting of not less than three representatives of employers in the occupation in question, of an equal number of persons to represent the employees in the occupation in question, and of one or more disinterested persons appointed by the commission to represent the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the board, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the board. The members of the board shall be compensated at the same rate as jurors in civil cases in the district court, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties.

Duty of boards.

SEC. 9. The commission may transmit to each board all pertinent information in its possession relative to the wages, hours,

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and sanitary conditions of the occupation in question. Each board shall endeavor to determine the minimum wage, whether by time rate or piece rate, required in the case of a woman worker of ordinary ability in the occupation in question to supply the necessary cost of living and the number of hours and other sanitary conditions necessary to maintain her health, and suitable minimum wages, hours, and sanitary conditions for learners and apprentices, and minors: *Provided, however*, That such board may recommend different minima hours and standards for each class in an occupation of different localities in the State, when, in the judgment of said board, the different conditions obtaining justify such action. When a majority of the members of a board shall agree upon minimum wage, standard of hours, or sanitary determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto.

Report.

SEC. 10. Upon receipt of the report of the determinations of a board, the commission shall consider and review the same; and it may approve any or all of such determinations or disapprove any or all of them; and it may resubmit to the same board, or a new board, any subject covered by any determination so disapproved. If the commission approves any determination contained in a report from a board, it shall publish a notice, not less than once a week for four successive weeks in the official State paper, that it will on a date and at a place named in said notice, hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, the commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such determinations and carry the same into effect, and require all employers in the occupation affected thereby to observe and comply with such determinations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the 60th day following its making and rendition. The commission shall, in so far as it is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment.

Commission to review report.

Orders.

SEC. 11. Whenever wages, hours, or conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion reopen the question and reconvene the former board or call a new one, and any determinations made by such board shall be dealt with in the same manner as were the original determinations.

Reconsideration.

SEC. 12. For any occupation in which only a minimum time wage has been established, the commission may issue to an employee physically defective or crippled, or of less than ordinary ability, or learners, apprentices, and minors a special license authorizing the employment of such person at a wage and for a number of hours less than that fixed by said commission to be stated in said license.

Special licenses.

SEC. 13. The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. The words "learners" and "apprentices" shall include only such learners and apprentices as are minors or are women. Any board may make a separate inquiry into and report on any branch of any occupation; and the commission may make a separate order affecting any branch of any occupation. A "minor" shall mean a person, male or female, under 18 years of age. A "woman" shall mean any female 18 years of age and over. Any board may include in its determinations definitions of "learner" and "apprentice" and the commission shall have power to make such rules and regulations and to issue such orders relating to the same as it deems necessary to make effective the object of this act.

Definitions.

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Appeals to courts.

SEC. 14. Any employer or employee or other person who shall be interested therein, who shall be dissatisfied with any order, ruling, or holding of the commission may, within thirty days from the making thereof, commence an action in the district court of Shawnee County or in the district court in the county in which the person so complaining shall reside or have his principal place of business against the industrial welfare commission, as defendant, to vacate and set aside such order, ruling, or holding on the ground that the same is unauthorized by law, confiscatory, or unreasonable, and in any such action all determinations of questions of fact which shall have been made by the commission under the foregoing provisions of this act shall be presumed to be correct and the burden of proof shall be upon the plaintiff to show the incorrectness of such determinations. In all such actions, the attorney general shall appear for and represent such commission. All such actions shall have preference in any court and on motion shall be advanced over any civil cause of a different nature pending in such court and such actions shall be tried and determined as other civil actions. Appeal from any decision of the district court may be taken from the district court to the supreme court in the same manner as provided by law in other civil actions and shall have precedence in the supreme court over civil cases of a different nature. During the pendency of any such action the orders, rulings, and holdings complained of shall, unless temporarily stayed or enjoined by the court, remain in full force and effect until final judgment. Service of summons on any member of the board shall be sufficient service on the board.

Violations.

SEC. 15. A violation of any provision of this act shall constitute a misdemeanor, and anyone convicted thereof shall be punished by a fine of not less than twenty-five ($25) dollars, nor more than one hundred ($100) dollars for each such misdemeanor.

Discharging, etc., employees.

SEC. 16. Any employer who discharges, or in any other manner discriminates against any employee because such employee has signed or agreed to sign any request to the commission to investigate wages, hours, or sanitary, or other labor conditions, or has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings or sign any request relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars for each such misdemeanor.

Penalties.

SEC. 17. Any employer who employs any woman, or minor, learner, or apprentice in any occupation at less than the minimum wage or for a greater number of hours in a day or week fixed, or under sanitary or other conditions forbidden by order or license issued by the commission, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars for each such misdemeanor.

Damages.

Any woman or minor or learner or apprentice who shall receive less than the minimum wage or shall be compelled to work for a greater number of hours than that fixed by order or license issued by the commission, shall be entitled to recover in a civil action the full amount of the legal minimum wage, and compensation at the same rate for the number of hours of overtime work as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage or greater number of hours. In such action, however, the employer shall be credited with any wages which have been paid upon account.

Enforcement.

SEC. 18. The commission shall, from time to time, investigate and ascertain whether or not employers or employees in the State of Kansas are observing and complying with its orders

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and take such steps as may be necessary to have prosecuted such employers and employees as are not observing and complying with its orders.

Duty of bureau of labor.

SEC. 19. The commissioner of labor and the several inspectors of the bureau of labor shall, at any and all times, give to the commission any information or statistics in their respective offices that may assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

Reports.

SEC. 20. The commission shall biennially make a report to the governor and legislature of its investigations and proceedings, and such reports shall be printed and distributed as in the case of other executive documents.

Act construed.

SEC. 21. This act is to be construed as supplemental to existing laws regulating the employment of women, learners, and apprentices and minors.

Approved March 6, 1915.

MASSACHUSETTS.

GENERAL LAWS.

CHAPTER 251.—*Establishment of minimum wages for women and minors.*

[The functions of the minimum wage commission, created by chapter 706, Acts of 1913, were by an act of 1919 (chapter 350) transferred to the department of labor and industries, being vested specifically in the three associate commissioners of the department, who also constitute the board of conciliation and arbitration.]

Commission to investigate wages.

SECTION 1. The board of conciliation and arbitration of the department of labor and industries in performing the duties required by this chapter shall be known as the Minimum Wage Commission, in this chapter called the commission. It shall investigate the wages paid to female employees in any occupation, if it has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Wage boards.

SEC. 2. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, it shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by it to represent the public; but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall give notice to employers and employees in said occupation by publication or otherwise of its determination to establish a wage board and of the number of representatives of employers and of employees to be chosen therefor, and shall request that said employers and employees, respectively, nominate such representatives by furnishing names to it.

Selection of members.

Appointments.

The representatives of employers and employees shall be selected by the commission from names furnished by the employers and by the employees, respectively: *Provided*, That the same are furnished within ten days after such request: *And provided farther*, That at least twice as many names respectively are furnished as are required. If less than this number of names are furnished for representatives, either of employers or of employees, at least one-half the names so furnished shall be selected, and the remaining places necessary may be filled by the com-

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mission by appointments made directly from employers, including officers of corporations, associations, and partnerships, or from employees in the occupation, as the case may be. The commission shall designate as chairman one of the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the wage boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the wage boards. The members of wage boards shall be compensated at the same rate as jurors, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission. The commission may fill vacancies arising in a duly constituted wage board by appointing a sufficient number of suitable persons to complete the representation of the employers, employees, or public, as the case may be.

Filling vacancies.

Duties of wage boards.

SEC. 3. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors under eighteen. When a majority of the members of a wage board shall agree upon minimum wage determination they shall report such determination to the commission, together with the reasons therefor and the facts relating thereto.

Review of report.

Public hearing.

Decree.

Publication of names of employers.

Exemption in certain cases.

SEC. 4. Upon receipt of a report from a wage board, the commission shall review the same, and may approve or disapprove any or all of the determinations recommended, or may recommit the subject to the same wage board or to a new one. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to it, who fail or refuse to accept such minimum wage and agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial or superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court finds the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with its recommendations. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect its right to publish the names of those employers who comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller

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than that in which the news matter of the newspaper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Revision of decrees.

SEC. 5. Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, or if in its opinion such action is necessary to meet changes in the cost of living may without such petition, reconvene the wage board or establish a new one, and any recommendation made by such wage board shall be dealt with in the same manner as the original recommendation of a wage board.

Special licenses.

SEC. 6. For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the license for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage fixed for that person.

Rates for minors.

SEC. 7. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable therefor. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to it by a wage board.

Records.

SEC. 8. Every employer of women and minors shall keep a register of the names, addresses and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and if the commission shall so require, shall also keep for a specified period, not exceeding six months, a record of the hours worked by such employees, and shall, on request of the commission or of the department of labor and industries, permit the commission or any of its members or agents, or the department or any duly accredited agent thereof, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors, and the hours worked by such employees. Any employer failing to keep a register or records as herein provided, or refusing to permit their inspection or examination shall be punished by a fine of not less than five nor more than fifty dollars. The commission may also subpœna witnesses, administer oaths, and take testimony and require the production of books and documents. Such witnesses shall be summoned in the same manner and be paid by the Commonwealth the same fees as witnesses before the superior court.

Statistical information.

SEC. 9. Upon request of the commission, the department of labor and industries shall cause to be gathered such statistics and other data as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission in reference to the minimum wage.

Discrimination against employees.

SEC. 10. No employer shall discharge or in any other manner discriminate against any employee because such employee has testified, or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify, or may serve upon a wage board, or may give information concerning the conditions of the employee's employment, in any investigation or proceeding relative to the enforcement of this chapter. Whoever violates this section shall be punished by a fine of not less than two hundred and not more than one thousand dollars.

Penalty.

Inspection to determine compliance.

SEC. 11. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section four the name of any employer whom it finds to be violating any such decree.

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Newspapers refusing to publish findings.

SEC. 12. Any newspaper refusing or neglecting to publish the findings, decrees, or notices of the commission at its regular rates for the space taken shall be punished by a fine of not less than one hundred dollars.

No action for damages.

SEC. 13. No member of the commission and no newspaper publisher, proprietor, editor, or employee thereof, shall be liable to an action for damages for publishing the name of any employer as provided for in this chapter, unless such publication contains some wilful misrepresentation.

Posting notices.

SEC. 14. The commission may require employers in any occupation to post notices of its hearings or of nominations for wage boards, or of decrees that apply to their employees, in such reasonable way and for such length of time as it may direct. Whoever refuses or fails to post such notices or decrees, when so required, shall be punished by a fine of not less than five nor more than fifty dollars. The department of labor and industries shall enforce this section.

Annual report.

SEC. 15. The commissioner of labor and industries shall make an annual report of the acts of the commission in performing the duties required by this chapter.

Approved, June 4, 1912.

MINNESOTA.

ACTS OF 1913.

CHAPTER 547.—*An act to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.*

Commission established.

SECTION 1. There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within 60 days after the passage of this act for a term ending January 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the 1st day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term.

Investigations.

SEC. 2. The commission may at its discretion investigate the wages paid to women and minors in any occupation in the State. At the request of not less than 100 persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

Records of wages and hours.

SEC. 3. Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

Public hearings.

SEC. 4. The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpœna witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpœnaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

When wage to be established.

SEC. 5. If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the

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commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

Action directly by commission.

SEC. 6. The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective 30 days thereafter, making the wages thus determined the minimum wages in said occupation throughout the State, or within any area of the State if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other work place in which affected workers are employed. The original order shall be filed with the commissioner of labor.

Advisory board.

SEC. 7. The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than 3 nor more than 10 persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards: *Provided*, That the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively.

Rules for advisory board.

Power of advisory board.

SEC. 8. Each advisory board shall have the same power as the commission to subpœna witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpœnaed by an advisory board shall be allowed the same compensation as when subpœnaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by price [piece] rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

Action by commission.

SEC. 9. Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

Reconsideration.

SEC. 10. All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

Special licenses.

SEC. 11. For any occupation in which a minimum-time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in

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said occupation; and the commission may fix a special wage for such person: *Provided*, That the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

Employment at less than minimum wage.

SEC. 12. Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission; and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

Discrimination against employees.

SEC. 13. It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

Right to recover.

SEC. 14. Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

Enforcement.

SEC. 15. The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

Reports.

SEC. 16. The commission shall biennially make a report of its work to the governor and the State legislature, and such reports shall be printed and distributed as in the case of other executive documents.

Expenses, etc.

SEC. 17. The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of $1,800 annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the State auditor for payment by warrant upon the State treasurer.

Appropriation.

SEC. 18. There is appropriated out of any money in the State treasury not otherwise appropriated for the fiscal year ending July 31, 1914, the sum of $5,000, and for the fiscal year ending July 31, 1915, the sum of $5,000.

Violation.

SEC. 19. Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than $10 nor more than $50 or by imprisonment for not less than 10 nor more than 60 days.

Definitions.

SEC. 20. Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The term "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex 18 years of age or over.

(5) The term "minor" shall mean a male person under the age of 21 years, or a female person under the age of 18 years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

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(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which women or minors are employed.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved April 26, 1913.

NEBRASKA.

CONSTITUTION.

ARTICLE XIV.

SECTION 8.—*Employment of women and children.*

Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage.

Adopted September 21, 1920.

NORTH DAKOTA.

CHAPTER 174.—*An act to protect the lives and health and morals of women and minor workers, and to establish maximum hours and minimum wages therefor; authorizing and empowering the workmen's compensation bureau to fix such maximum hours and minimum wages and standard conditions of labor for such workers; providing penalties for violation of this act; making an appropriation therefor and repealing all acts or parts of acts in conflict with the provisions of this act.*

SECTION 1. When used in this act the term "bureau" means the workmen's compensation bureau. Definitions.

The term "commissioner" means a member of the workmen's compensation bureau.

The term "minor" means a person of either sex under the age of eighteen years.

The term "women" includes only women eighteen years of age or over.

The term "occupation" includes a business, industry, trade or branch thereof, but shall not include agricultural or domestic service.

SEC. 2. The said bureau is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: Powers of bureau.

(*a*) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the State of North Dakota. Hours.

(*b*) Standards of conditions of labor for women or for minors in any occupation within the State and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation; Sanitary, etc., conditions.

(*c*) Standards of minimum wages for women in any occupation in the State and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; Wages.

(*d*) Standard of minimum wages for minors in any occupation within the State of North Dakota and what wages are unreasonably low for any such minor workers; Same.

(*e*) To prepare, adopt, and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences; Rules, etc.

(*f*) To employ any and all necessary help and assistance for the purpose of carrying out the provisions of this act and to fix their compensation and bonds, providing that the total amount of Assistance.

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such compensation shall not exceed the amount appropriated therefor by the legislative assembly;

Investigations.

(*g*) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the State of North Dakota;

Inspection of records.

(*h*) Either through any authorized representative or any commissioner, to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers in any of such occupations;

Reports from employers.

(*i*) To require from any such employer full and true statements of the wages paid to and the hours of labor and conditions of labor, of all women and minors in such employment.

Unlawful acts.

SEC. 3. It shall be unlawful to employ women or minors in any occupation within the State for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health, or morals; and it shall be unlawful to employ women in any occupation within the State for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State for unreasonably low wages.

Registers.

SEC. 4. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said bureau to inspect and examine such register.

Meetings, hearings, etc.

SEC. 5. Said bureau may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said bureau may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said bureau or any commissioner shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpœnaed by said bureau shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the district court.

Conferences.

SEC. 6. If, after investigation, said bureau is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving inadequate wages to supply them with the necessary cost of living and maintain them in health, said bureau may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said bureau and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said bureau shall name and appoint all members of such conference and designate the chairman thereof. Said bureau shall present to such conference all information and evidence in the possession or under the control of said bureau which relates to the subject of the inquiry of such conference; and said bureau shall cause to be brought before such conference any witness whose testimony said bureau deems material to the subject of the inquiry of such conference. After completing its consideration of any inquiry into the subject sub-

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mitted to it by said bureau, such conference shall make and transmit to said bureau a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit:

Recommendations.

(*a*) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers;

(*b*) Standards of conditions of labor for women workers and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women workers;

(*c*) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health.

In its recommendation on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such two-thirds on any subject submitted shall be deemed the decision or recommendation or report of such conference.

Action of bureau.

SEC. 7. Upon receipt of any report from any conference said bureau shall consider and review the recommendation contained in said report; and said bureau may approve any or all of said recommendations or disapprove any or all of said recommendations; and said bureau may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said bureau approves any recommendations contained in any report from any conference, said bureau shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in the State, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said bureau may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at a lower wage than are authorized or permitted by said order. Said bureau shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said bureau shall authorize or permit the employment of any women for more hours per day or per week than the maximum now fixed by law.

Orders.

Power as to minors.

SEC. 8. Said bureau may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said bureau has made such determination, it may issue an obligatory order in the manner herein before

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provided; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said bureau shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Enforcement.

SEC. 9. Said bureau shall, from time to time, investigate and ascertain whether or not employers in the State are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Appeals.

SEC. 10. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said bureau, and there shall be no appeal from the decision of said bureau on any such question of fact; but there shall be a right of appeal from said bureau to the District Court of Burleigh County, from any ruling or holding on a question of law included in or embodied in any decision or order of said bureau, and, on the same question of law, from said district court to the supreme court of the State. In all such appeals the attorney general shall appear for and represent said bureau.

Special licenses.

SEC. 11. For any occupation in which the minimum wage has been established the bureau may issue to a female physically defective by age or otherwise or to an apprentice or learner in such occupations as usually require learners or apprentices, a special license authorizing the employment of any such licensee at a wage less than the minimum wage to be fixed by the bureau, such license to be issued under such rules and regulations as the bureau may establish therefor.

Limit on hours.

SEC. 12. Nothing in this act shall authorize or empower the bureau to increase the hours of labor for women or in any manner impair or affect the provisions of an act entitled "For an act regulating and fixing the hours of labor for females and providing penalties for the violation thereof," adopted at the sixteenth legislative session of this State.

Violations.

SEC. 13. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or by imprisonment in the county jail for not less than ten days nor more than three months or by both such fine and imprisonment in the discretion of the court.

Discharge, etc., of employees.

SEC. 14. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

Recovery of balances.

SEC. 15. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said bureau, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid her by said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Reports.

SEC. 16. Said bureau shall, on or before the first day of November of the year 1920 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

Appropriation.

SEC. 17. There is hereby appropriated out of the moneys in the State treasury, not otherwise appropriated, the sum of six thou-

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sand dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

Approved March 6, 1919.

OHIO.

CONSTITUTION—AMENDMENT OF 1912.

ARTICLE II.—*Labor legislation.*

SECTION 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety, and general welfare of all employees; and no other provision of the constitution shall impair or limit this power.

Wage and safety laws.

OREGON.

ACTS OF 1913.

CHAPTER 62.—*An act to protect the lives and health and morals of women and minor workers, and to establish an industrial welfare commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act.*

Whereas, the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; therefore, be it enacted * * *:

SECTION 1. It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

Certain hours, conditions, and wages unlawful.

SEC. 2. There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word "commission" as hereinafter used refers to and means said "industrial welfare commission"; and the word "commissioner" as hereinafter used refers to and means a member of said "industrial welfare commission." Said commissioners shall be appointed by the governor. The governor shall make his first appointments hereunder within 30 days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the 1st day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said 1st day of January; and such new appointee shall hold office for the term of three years from said 1st day of January. Each commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said commission shall be filled by appoint-

Commission established.

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ment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission. The governor shall, so far as practicable, so select and appoint said commissioners—both the original appointments and all subsequent appointments—that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

Organization.

SEC. 3. The first commissioners appointed under this act shall, within 20 days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the 10th day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform said duties as may be prescribed and receive such salary as may be fixed by such commission. None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other State expenses and expenditures are audited and paid.

Expenses.

Powers of commission.

SEC. 4. Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (*a*) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (*b*) standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (*c*) standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (*d*) standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

Investigations.

SEC. 5. Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

Employers to keep registers.

SEC. 6. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor," as used in this act, refers to and

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means any person of either sex under the age of 18 years; and the word "women," as used in this act, refers to and means a female person of or over the age of 18 years.

Hearings.

SEC. 7. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said commission shall have power to subpœna and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpœnaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah County.

Conference or wage board.

SEC. 8. If, after investigation, said commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the represenatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit: (*a*) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (*b*) standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (*c*) standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at

Duties of conference.

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such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

Review of recommendations.

SEC. 9 (as amended by ch. 35, Acts of 1915). Upon receipt of any report from any conference said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in 60 days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law: *Provided, however,* That in case of emergencies which may arise in the conduct of any industry or occupation overtime may be permitted under conditions and rules which the commission, after investigation, shall determine and prescribe by order and which shall apply equally to all employers in such industry or occupation.

Overtime.

Special licenses.

SEC. 10. For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

Minimum wages, etc., for minors.

SEC. 11. Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the manner provided for in section 9 of this act, and after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

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SEC. 12. The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

Orders for separate occupations or localities.

SEC. 13. Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Compliance with orders.

SEC. 14. The "commissioner of labor statistics and inspector of factories and workshops" and the several officers of the "board of inspection of child labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

Assistance by other State offices.

SEC. 15. Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

Rules for enforcement and for conferences.

SEC. 16. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact, but there shall be a right of appeal from said commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney general shall appear for and represent said commission.

Court review.

SEC. 17. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100 or by imprisonment in the county jail for not less than 10 days nor more than 3 months or by both such fine and imprisonment in the discretion of the court.

Penalty for violation of act.

SEC. 18. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punshed by a fine of not less than $25 nor more than $100.

Discrimination against employees.

SEC. 19. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorneys' fees as may be allowed by the court and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Right of recovery.

SEC. 20. Said commission shall, on or before the 1st day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

Report.

SEC. 21. There is hereby appropriated out of the general fund of the State of Oregon the sum of $3,500 per annum, or so much

Appropriation.

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thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

Filed in the office of secretary of state February 17, 1913.

PORTO RICO.

ACT No. 45.—*Establishing minimum wages for workingwomen, and for other purposes.*

Rates fixed.

SECTION 1. It shall be unlawful for any employer of women, girls inclusive, in industrial occupations, or commercial, or public-service undertakings in Porto Rico, to pay them wages lower than those specified in this section, to wit:

Women under 18 years of age at the rate of four (4) dollars a week, and over said age at the rate of six (6) dollars a week. The first three weeks of apprenticeship shall be exempt from the provisions of this section. The provisions of this act shall not be applicable to agriculture and agricultural industries.

Violations.

SEC. 2. Any employer paying any woman, girls included, wages lower than those specified in section 1 shall be guilty of misdemeanor, and upon conviction shall be punished by fine not to exceed fifty (50) dollars nor less than five (5) dollars.

Enforcement.

SEC. 3. The bureau of labor shall be intrusted with the enforcement of this act.

Approved, June 9, 1919.

TEXAS.

ACTS OF 1919.

CHAPTER 160.—*An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor, and fixing penalties for violating this act.*

Commission established.

SECTION 1. There is hereby established a commission to be known as the Industrial Welfare Commission, hereinafter called the commission. Said commission shall be composed of three persons as follows: The head of the bureau of labor statistics, who shall be chairman of the commission, the representative of employers of labor on the industrial accident board, and the State superintendent of public instruction. Two members of the commission shall constitute a quorum, the concurrence of two members shall be necessary to determine any question that may arise for decision, and a vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

Secretary, etc.

SEC. 2. The commission may employ a secretary and two (2) investigators to carry out the purpose of this act, and shall fix the compensation of such employees, not to exceed the sum of $1,800 per annum for each one, and all necessary traveling expenses, within the appropriation made therefor.

Duty of commission.

SEC. 3. (*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of Texas, and to make investigations into the comfort, health, safety, and welfare of such women and minors.

Duty of employers.

(*b*) It shall be the duty of every person, firm, and corporation employing labor in this State—

1. To furnish to the commission, at its request, any and all reports or information which the commission may require pertaining to the working conditions and wages paid women and minors to carry out the purpose of this act; such reports and information

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to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any of its duly authorized employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making an investigation authorized by this act, relating to the working conditions and wages of women and minors.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purpose of this act a minor is defined to be a person of either sex under the age of fifteen years. Minors.

SEC. 4. The commission may specify times to hold public hearings, at which time employers, employees, or other interested persons may appear and give testimony as to the matter under consideration. The commission or any member thereof, or the secretary or any investigator employed by said commission, shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the fee and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof or any subpœna, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of any district court or the judge thereof, to whom application is made, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by technical rules of evidence. Hearings.

SEC. 5. [(*a*)] The commission shall have further power, after a public hearing before any member of the commission, or before any investigator employed by said commission, and upon its own motion or upon petition, to fix— Power to fix wages.

1. A minimum wage to be paid to women and minors engaged in any occupation, trade, or industry in this State, which shall not be less than a wage adequate to supply such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State.

(*b*) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper published in the county where the hearing is to be held, and by mailing a copy of said notice to the county clerk of such county where the hearing is to be held, and to the individual, firm, or corporation to be investigated, which notice shall state the time and place of such hearing to be held, which shall not be earlier than ten days from the date of publishing and mailing such notice.

(*c*) After such public hearing the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women and minors in the occupation in question and the standard conditions of labor for said women and minors: *Provided, however*, That no such order shall become effective until November 1st, 1919. Orders.

Such order shall be published in at least one newspaper in the cities of Dallas, Houston, San Antonio, Ft. Worth, El Paso, and

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Austin, and a copy thereof mailed to the county clerk of each county in the State, and such copy shall be recorded without charge, and copies shall be mailed to each employer in the occupation in question, and each employer in the occupation in question shall be required to post a copy of such order in a conspicuous place in the building in which the women or minors affected by the order are employed. Failure of the employer to receive such notice shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to the county clerk shall be conclusive to the service.

Review.

SEC. 6. Whenever wages or conditions of labor have been so made mandatory in any occupation, trade, or industry, the commission may at any time in its discretion upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter, or amend any prior order. Any order rescinding a prior order shall have the same effects as herein provided for in an original order.

Special licenses.

SEC. 7. For any occupation in which a minimum wage has been established, the commission may issue to any person subject to this act, a special license authorizing the employment of such person for a period of six months for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person: *Provided,* That at no time shall the special licenses exceed ten per cent of the total number of employees in said industry. Any such license may be renewed for a like period of six months.

Investigations.

SEC. 8. Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered and investigation made, as the commission may require pertaining to the wages and working conditions of women and minors.

Discharging, etc., employees.

SEC. 9. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than ten ($10) dollars nor more than one hundred ($100) dollars, or by imprisonment in the county jail of not more than thirty days, or by both such fine and imprisonment.

Failure to pay wages.

SEC. 10. The minimum wage for women and minors fixed by said commission, as in this act provided, shall be the minimum wage paid to such employees, and the payment to such employees of a less wage than the minimum wage so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten ($10) dollars nor more than one hundred ($100) dollars, or by imprisonment of not more than thirty days in the county jail, or by both such fine and imprisonment.

Evidence.

SEC. 11. In every prosecution for the violation of any provision of this act the minimum wage established by the commission as herein provided, shall be prima facie presumed to be reasonable and lawful, and to be the living wage required herein to be paid women and minors. The finding of facts made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the determinations made by the commission shall be subject to review only in a manner and upon the grounds following: Within thirty days from the date of determination, any party aggrieved thereby may commence action in the district court in and for the county in which the aggrieved party resides, or in

Appeal to courts.

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the district court of Travis County, against the commission for review of such determination. In such action a complaint which shall state the grounds upon which a review is sought shall be served with the summons. Service upon the secretary of the commission or upon any member of the commission shall be deemed a complete service. The commission shall file its answer within twenty days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it and of its findings and determinations in the matter. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice to the other. Upon such hearing the court may confirm or set aside such determination, but the same shall be set aside only upon the following grounds:

(1) That the commission acted without or in excess of its powers, or on insufficient grounds.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said district court.

Recovery of balances.

SEC. 12. Any employee receiving less than the minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, and an additional amount for attorneys' fees, notwithstanding any agreement to work for such lesser wage.

Commission to act.

SEC. 13. Any person or persons for whom the commission may have established a living wage may register a complaint with the commission that the wages paid to him or them are less than that rate, and the commission shall thereupon investigate the matter and take all proceedings necessary to enforce the payment of such established wage.

Reports.

SEC. 14. The commission shall biennially make a report to the governor and the State legislature of its investigations and proceedings.

Appropriation.

SEC. 15. There is hereby appropriated out of the moneys of the State treasury, not otherwise appropriated, the sum of five thousand ($5,000) dollars, or so much thereof as may be necessary, to be used by the commission in carrying out the provisions of this act to August 31, 1919, and the comptroller is hereby directed from time to time to draw warrants upon presentation of properly itemized, verified, and approved vouchers on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Arbitration.

SEC. 16. The commission shall not act as a board of arbitration during a strike or lockout.

Construction of act.

SEC. 17. (*a*) Whenever this act, or any part or section thereof is interpreted by a court, it shall be liberally construed by such court.

(*b*) If any section or subsection or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause, and phrase thereof; irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, or clauses or phrases is declared unconstitutional.

Scope.

SEC. 18. The provisions of this act shall apply to and include women and minors employed in any occupation, trade, or industry and whose compensation for labor is measured by time, piece, or otherwise, except those engaged as domestic servants, nurses, student nurses, farm or ranch labor, and students in schools and col-

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leges while actually attending such schools and colleges during their session or in vacation and who are working their way through such school or college, either in whole or in part.

Approved April 3, 1919.

UTAH.

ACTS OF 1913.

CHAPTER 63.—*An act to establish a minimum wage for female workers providing a penalty for violation of the provisions of this act, and providing for its enforcement.*

Unlawful to pay less than scale.

SECTION 1. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman (female) less than the wage in this section specified, to wit:

Minimum wage scale.

For minors, under the age of 18 years, not less than 75 cents per day; for adult learners and apprentices not less than 90 cents per day: *Provided,* That the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than $1.25 per day.

Certificate of apprenticeship.

SEC. 2. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Penalty for violations.

SEC. 3. Any regular employer of female workers who shall pay to any woman (female) less than the wage specified in section 1 of this act shall be guilty of a misdemeanor.

Enforcement.

SEC. 4. The commissioner of immigration, labor and statistics [powers transferred to industrial commission by ch. 100, acts of 1917] shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, State, and county prosecuting officers in the same manner as in other cases of misdemeanor.

Approved March 18, 1913.

WASHINGTON.

ACTS OF 1913.

CHAPTER 174.—*An act to protect the lives, health, morals of women and minors, workers, establishing an industrial welfare commission for women and minors, prescribing its powers and duties, and providing for the fixing of minimum wages and the standard conditions of labor for such workers and providing penalties for violation of the same, and making an appropriation therefor.*

Purpose of act.

SECTION 1. The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Certain conditions and wages unlawful.

SEC. 2. It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

Commission established.

SEC. 3. There is hereby created a commission to be known as the "Industrial welfare commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women.

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SEC. 4. Said commission shall be composed of five persons, four of whom shall be appointed by the governor, as follows: The first appointments shall be made within 30 days after this act takes effect; one for the term ending January 1, 1914; one for the term ending January 1, 1915; one for the term ending January 1, 1916; one for the term ending January 1, 1917: *Provided, however,* That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as a commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment a member of any manufacturers or employers association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The commissioner of labor of the State of Washington shall be ex officio member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

Payment of commission.

SEC. 5. The members of said commission shall draw no salaries. The commission may employ a secretary whose salary shall be paid out of the moneys hereinafter appropriated. All claims for expenses incurred by the commission shall, after approval by the commission, be passed to the State auditor for audit and payment.

Expenses.

Duties and powers of commission.

SEC. 6. It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matter that would have a bearing upon the question of wages of labor or conditions of labor of said employees.

Employers to keep registers.

SEC. 7. Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

Minor defined.

SEC. 8. For the purposes of this act a minor is defined to be a person of either sex under the age of 18 years.

Hearings.

SEC. 9. The commission shall specify times to hold public hearings, at which times employers, employees or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

Conference or wage board.

SEC. 10. If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions or labor

Rules for conference.

Duties of conference.

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demanded for the health and morals of the employees. The finding and recommendations of the conference shall be made a matter of record for the use of the commission.

Review of recommendations.

SEC. 11. Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them and recommit the subject or the recommendations disapproved of, to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in 60 days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over 18 years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupations. The commission shall send by mail so far as practicable to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

Reconsideration of orders.

SEC. 12. Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion reopen the question and reconvene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

Special licenses.

SEC. 13. For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

Minimum wages, etc., for minors.

SEC. 14. The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the State and may determine wages and conditions of labor for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

Commissioner of labor to furnish statistics.

SEC. 15. Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

Discrimination against employees.

SEC. 16. Any employer who discharges, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from $25 to $100 for each such misdemeanor.

Penalty for violation of act.

SEC. 17. Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other

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of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than $25 nor more than $100.

Investigation of complaints.

SEC. 17½. Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

Right of recovery.

SEC. 18. If any employee shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employee shall be entitled to recover in a civil action the full amount of the legal minimum wage, as herein provided for, together with costs and attorney's fees, to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid on account.

Court appeal.

SEC. 19. All questions of fact arising under this act shall be determined by the commission, and there shall be no appeal from its decision upon said question of fact. Either employer or employee shall have the right of appeal to the superior court on questions of law.

Report.

SEC. 20. The commission shall biennially make a report to the governor and State legislature of its investigations and proceedings.

Appropriation.

SEC. 21. There is hereby appropriated annually out of any moneys of the State treasury not otherwise appropriated, the sum of $5,000 or as much thereof as may be necessary to meet the expenses of the commission.

Approved by the governor March 24, 1913.

ACTS OF 1915.

CHAPTER 68 (as amended by ch. 29, Acts of 1917).—*Minimum wages in telephone and telegraph offices.*

Offices in rural, etc., localities.

SECTION 1. The Industrial Welfare Commission is hereby authorized, in such manner as it shall deem advisable and upon notice and hearing to parties directly affected thereby, to ascertain and establish such standard of wages, hours of work, and conditions of labor of women and minors, employed in telephone and telegraph industries in rural communities and in cities of less than three thousand (3,000) population, as shall be found reasonable and not detrimental to the health and morals of such women and minors and which shall be sufficient for the decent maintenance of such women and minors, and not withstanding any statute heretofore passed or regulation of such commission heretofore made relative thereto: *Provided*, That nothing in this act contained shall be construed to amend or repeal any law or any regulation relating to wages, hours of labor or condition of labor of women or minors excepting as in this act, authorized.

Approved March 15, 1915.

WISCONSIN.

LAWS OF 1913.

CHAPTER 712.—*An act to create sections 1729s–1 to 1729s–12, inclusive, of the statutes relating to the establishment of a living wage for women and minors, and making an appropriation, and providing a penalty.*

SECTION 1. There are added to the statutes 12 new sections to read:

Definition of terms.

Section 1729s–1. The following terms as used in section 1729s–1 to 1729s–12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm, or corporation, agent, manager, representative, contrac-

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tor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece, or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living wage" shall mean compensation for labor paid, whether by time, piecework, or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

Living wage to be paid.

Sec. 1729s–2. Every wage paid or agreed to be paid by any employer to any female or minor employee, except as otherwise provided in section 1729s–7, shall be not less than a living wage.

Violation.

Sec. 1792s–3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employee a wage lower or less in value than a living wage shall be deemed guilty of a violation of sections 1729s–1 to 1729s–12, inclusive, of the statutes.

Commission to determine and fix living wage.

Sec. 1729s–4. It shall be the duty of the industrial commission and it shall have power, jurisdiction, and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders determining the living wage, and to carry out the purposes of sections 1729s–1 to 1729s–12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceedings in sections 2394–41 to 2394–70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729s–1, 1729s–2, 1729s–3, 1729s–4, 1729s–5, 1729s–6, 1729s–7, 1729s–8, 1729s–9, 1729s–10, 1729s–11, and 1729s–12 of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s–1, 1729s–2, 1729s–3, 1729s–4, 1729s–5, 1729s–6, 1729s–7, 1729s–8, 1729s–9, 1729s–10, 1729s–11, and 1729s–12 of the statutes.

When commission shall act.

Sec. 1729s–5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within 20 days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employee is not a living wage.

Advisory wage board.

Sec. 1729s–6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a living wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees, and the public, to assist in its investigations and determinations. The living wage so determined upon shall be the living wage for all female or minor employees within the same class as established by the classification of the commission.

Special licenses.

Sec. 1729s–7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

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Sec. 1729s–8. 1. All minors working in an occupation for which a living wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386, inclusive, of the statutes. Minors to be indentured.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine, and declare what occupations and industries are included within the phrase a "trade" or a "trade industry." Trade industry.

3. All minors working in an occupation for which a living wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of 14 and 16 as provided in section 1728c–1 of the statutes.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable. Exceptions.

Sec. 1729s–9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages, and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires. Registration of employers.

Sec. 1729s–10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of $25 for each offense. Discrimination against employees.

Sec. 1729s–11. Each day during which any employer shall employ a person for whom a living wage has been fixed at a wage less than the living wage fixed shall constitute a separate and distinct violation of sections 1729s–1 to 1729s–12, inclusive, of the statutes. Violation of act.

Sec. 1729s–12. Any person may register with the industrial commission a complaint that the wages paid to an employee for whom a living wage has been established are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage. Complaints.

Approved, July 31, 1913.

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TEXT OF ORDERS.

ARKANSAS.

ORDER NO. 2.[1]—*Mercantile establishments in Fort Smith.*

Rates. The minimum wage to be paid female employees in the mercantile industry in the city of Fort Smith, Ark., shall be:

(1) For experienced female employees, not less than $13.25 per week.

(2) For inexperienced female employees, not less than $11 per week.

(3) Nothing in this order prevents employers from paying more than the rates fixed by the commission as the minimum rates.

Scope. (4) This order applies to all females employed in the mercantile industry (establishments) in the city of Fort Smith, Arkansas.

Basis. (5) These rates are based on full-time work, by which is meant the full number of hours required per week by employers and permitted by the laws of the State.

Experience. (6) For the purpose of defining and determining "experienced female employees" and "inexperienced female employees," section 7, act 275, Acts of 1915, and acts amendatory thereto shall govern, in the meaning of this order.

Order mandatory. (7) No person, firm, or corporation shall employ or permit any female to be employed in any mercantile establishment except in accordance with the provisions of this order of the minimum wage and maximum hour commission and the statutes governing the employment of females.

Posting. (8) Copy of this order shall be posted by employers in all establishments affected thereby.

This order shall become effective on September 1, 1920, and shall be in force and effect from said date, until amended or revoked.

Dated at Little Rock, Arkansas, this 4th day of August, 1920.

CALIFORNIA.

[Order No. 1, issued February 14, 1916, fixing rates in the fruit and vegetable canning industry, was superseded by order No. 3, dated April 16, 1917, since which date all revisions of this order have carried the number 3. Order No. 2 was a sanitary order, applicable to the fruit and vegetable canning industry, was dated February 14, 1916, and was superseded by order No. 4, which number subsequent revisions thereof have retained. Sanitary orders are not here reproduced.]

ORDER NO. 3.—*Fruit and vegetable canning industry.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women and minors employed in industry the

[1] Order No. 1 relates only to hours of employment in hotels and restaurants.

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necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

1. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed in the fruit or vegetable canning industry, or in any department thereof, when the employment is on a time-rate basis, at wages less than the following day-work rates (except as otherwise provided in section 7 of this order): Time or day rates.

(*a*) Experienced women and experienced female minor day workers at not less than 33⅓ cents an hour or $16 a week. Women and female minor workers are deemed experienced when they have been employed in the establishment one week at time rates. Experienced women and female minors.

(*b*) Inexperienced women day workers employed on a time-rate basis at not less than 25 cents an hour or $12 a week. Inexperienced women.

(*c*) Inexperienced female minor day workers employed on a time-rate basis at not less than 22 cents an hour or $10.56 a week. Inexperienced female minors.

(*d*) Male minor day workers employed on a time-rate basis at not less than 30 cents an hour or $14.40 a week. Male minors.

2. No person, firm, or corporation shall employ, or suffer or permit any woman or female minor to be employed in the fruit or vegetable canning industry in the preparation of fruit and vegetables when the employment is on a piece-rate basis, unless the piece-rate wage scale adopted yields to at least 66⅔ per cent of all of the women and female minors employed in such work in the individual establishment, and paid in accord therewith, a wage of not less than 33⅓ cents an hour, and then only upon compliance with the other terms and conditions hereinafter set forth. Piece rates.

(*a*) The piece-rate wage scale adopted in connection with the preparation of fruit and vegetables shall not be less than the following: Rates fixed.

Asparagus per 100 lbs	$0.22	Pears per 100 lbs	$0.62
Cherries do	.75	Plums do	.18
Apricots do	.50	Thompson seedless grapes, per 100 lbs	1.00
Cling peaches do	.38	Muscat grapes, per 100 lbs	.75
Free peaches do	.22	Tomatoes (finished product) 12 qts	.05½
String beans do	1.50		
Hand peeling peaches, per 100 lbs	.50		

and for all other fruit and vegetables, such piecework rates as may be adopted by the individual establishment.

In the event that during any given week the piecework rate paid according to the scale adopted in the individual establishment does not yield to at least 66⅔ per cent of all women and female minors operating thereunder the minimum hourly wage of 33⅓ cents, as above required, then the piecework rate scale theretofore adopted shall be uniformly raised by such percentage as may be required in order to yield to at least 66⅔ per cent of all women and female minors operating thereunder the said hourly wage of 33⅓ cents. Auditing.

(*b*) Any person, firm, or corporation desiring to adopt for any individual establishment a piece-rate scale of wages under the provisions of the preceding paragraph hereof, or to avail him or itself of the orders of this commission permitting the inclusion within his or its force of operatives engaged in the preparation of fruit and vegetables of one-third of learners shall file with the commission his election so to do on or before June 10, 1920, together with his agreement to pay for such audits as may be reasonably required by the commission in order to obtain accurate verification of the payments made thereunder. Method of payment.

(*c*) Every person, firm, or corporation shall provide that rates per box shall be based on the maximum weight capacity of the box, which shall be fixed for each product for the season. This maximum weight shall be established upon the average weight of sixteen (16) boxes filled to capacity, one box being placed upon another. The rate per pound and the maximum weight Rates fixed on weight of box.

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capacity of the box so determined for each product shall be posted upon a bulletin board placed in plain sight of the cutters.

Rates for canning.

3. For the canning of all varieties of fruit and vegetables, piece rates may be fixed by individual establishments: *Provided, however,* That all adult women and female minors (between the ages of 16 and 18 years) employed at such piece rates shall be guaranteed during the first week in an establishment not less than the following:

Schedule for first week for canners.

	Regular time rate.	Overtime rate.	Double time rate.
Adult women	25 cents an hour.	31 cents an hour.	50 cents an hour.
Female minors (between 16 and 18)	25 cents an hour.	No overtime for minors.	

and that all adult women and female minors (between the ages of 16 and 18 years) employed at such piece rates shall be guaranteed *after* the first week in an establishment not less than the following:

Schedule for experienced canners.

	Regular time rate.	Overtime rate.	Double time rate.
Adult women	33⅓ cents an hour.	41⅔ cents an hour.	66⅔ cents an hour.
Female minors (between 16 and 18)	33⅓ cents an hour.	No overtime for minors.	

The computation of the above rates is to be made on a weekly basis, regular time, overtime, and double time being computed separately.

Rates for labeling.

4. For the labeling of all varieties of fruit and vegetables, piece rates may be fixed by individual establishments: *Provided, however,* That all adult women and female minors (between the ages of 16 and 18 years) employed at such piece rates shall be guaranteed not less than the following:

Schedule for labelers.

	First week of employment.	After first week of employment.
Adult women	25 cents an hour	33⅓ cents an hour.
Female minors (between 16 and 18)	25 cents an hour	33⅓ cents an hour.

Hours of labor of minors.

5. (*a*) No person, firm, or corporation shall employ, or suffer or permit any minor to work in the fruit or vegetable canning industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, or before the hour of six (6) a. m. or after the hour of seven (7) p. m.

NOTE.—Under the provisions of the Federal child labor tax law, no child under the age of fourteen may be employed in any cannery.

Hours for labelers.

5. (*b*) No person, firm, or corporation shall employ, or suffer or permit any woman or minor to work at labeling in the fruit or vegetable canning industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week.

Overtime emergency work.

5. (*c*) No person, firm, or corporation shall employ, or suffer or permit any adult woman to work in the fruit or vegetable canning industry more than eight (8) hours in any one day or more than

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forty-eight (48) hours in any one week or more than six (6) days in any one week, except in case of emergency: *Provided, however,* That the provisions of this section shall not apply to those occupations coming under the provisions of the Statutes of California, 1913, chapter 352, "An act limiting the hours of labor of females," etc.

Emergency work defined.

Emergency work shall be all work performed by any woman in excess of eight (8) hours in any one day or in excess of six (6) days in any one week. All work performed by any woman in excess of eight (8) hours and up to twelve (12) hours in any one day shall be paid for at a rate of wages not less than one and one-quarter times the time or piece rates herein provided, and all work performed by any woman in excess of twelve (12) hours in any twenty-four (24) hours shall be paid for at a rate of wages not less than double the time or piece rates herein provided.

Rates.

Day of rest.

5. (*d*) Every woman and minor employed in the fruit or vegetable canning industry shall be entitled to one day's rest in seven: *Provided, however,* That nothing in this section shall apply to any case of emergency as specified in section 5 (*e*) of this order.

Sunday as day of rest.

5. (*e*) Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom designating the day of rest for all women and minors: *And provided, further,* That all work performed on the day of rest shall be paid for at the rate of time and one-quarter of the time or piece rates paid for the first eight hours and double said time and one-quarter thereafter.

Records.

6. (*a*) Every person, firm, or corporation employing women or minors in the fruit or vegetable canning industry shall keep a record of the names and addresses, the hours worked and the amounts earned by such women and minors. Minor employees shall be marked "minor" on the pay roll. Such records shall be kept in a form and manner approved by the industrial welfare commission.

Failure to keep such records shall constitute a misdemeanor.

Pay-roll records shall be kept on file for at least one year.

Reports.

6. (*b*) Every person, firm, or corporation employing women or minors in the fruit or vegetable canning industry shall furnish to the commission at its request any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

Inspection.

Every person, firm, or corporation shall allow any member of the commission or any of its duly authorized representatives free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm, or corporation, relating to the employment of women and minors and payment therefor by such person, firm, or corporation, or for the purpose of making any investigation authorized by the act creating the commission.

Permits.

7. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage, and the commission shall fix a special minimum wage for such woman.

Women eligible for permits working on the preparation of fruit and vegetables shall be eliminated from the audit.

Order to be posted.

8. Every person, firm, or corporation employing women or minors in the fruit or vegetable canning industry shall post a copy of this order in a conspicuous place in the general workroom and one also in the women's dressing room.

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Enforcement.

9. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order.

This order shall become effective sixty (60) days from the date hereof, or June 26, 1920.

Dated at San Francisco, Calif., this 27th day of April, 1920.

ORDER No. 5.—*Mercantile industry.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco, on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Experienced workers.

1. No person, firm or corporation shall employ, or suffer or permit an experienced woman or experienced minor to be employed in the mercantile industry in California (except as otherwise provided in section 13 of this order) at a rate of wages less than $16 a week ($69.33⅓ a month).

An adult woman is deemed experienced when she has been employed one year in the mercantile industry.

A minor is deemed experienced when he or she has been employed one year and a half in the mercantile industry.

Learners.

2. No person, firm or corporation shall employ, or suffer or permit learners to be employed in the mercantile industry for less than the legal minimum wage of $16 a week, except at the rates and under the conditions hereinafter set forth:

(*a*) No person, firm or corporation shall suffer or permit the employment of over 33⅓ per cent of the total number of females (exclusive of the office force, the millinery workroom force, and the female workers regulated by order No. 12) as learners, at less than the legal minimum wage of $16 a week. In computing the total number of females, special and part-time workers shall not be included.

Inexperienced adults.

(*b*) Adult female learners shall be paid not less than the following rates:

Wage first 6 months: $12 a week; $52 a month.
Wage second 6 months: $14 a week; $60.66⅔ a month.
Thereafter not less than $16 a week; $69.33⅓ a month.
Length of apprenticeship, 12 months.

Inexperienced minors.

(*c*) Minor learners shall be paid not less than the following rates:

Wage first 6 months: $10 a week; $43.33⅓ a month.
Wage second 6 months: $12 a week; $52 a month.
Wage third 6 months: $14 a week; $60.66⅔ a month.
Thereafter not less than $16 a week; $69.33⅓ a month.
Length of apprenticeship, 18 months.

NOTE.—A minor girl who is still a learner upon reaching the age of eighteen years shall be paid not less than the rates specified for adult learners.

Registration of learners.

(*d*) Every person, firm, or corporation employing learners shall make application for the registration of such learners at the end of two weeks' employment, and, pending the issuance of certificates of registration, shall pay to all learners not less than the minimum rate for the wage group in which they belong.

Failure to register.

(*e*) All women and minor learners for whom applications for learners' certificates have not been made to the industrial welfare commission at the end of two weeks' employment will be rated by the commission as experienced workers, to be paid not less than $16 a week.

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A learner is a woman or minor whom the industrial welfare commission permits to work for a person, firm, or corporation for less than the legal minimum wage, in consideration of the provision by such employer of reasonable facilities for learning the mercantile industry. Learner defined.

Learners' permits will be withheld by the commission where there is evidence of attempted evasion of the law by firms which make a practice of dismissing learners when they reach their promotional periods.

3. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed as a part-time worker (except waitresses[2]) at less than the following rates and under the following conditions: Part-time workers.

(*a*) Adult female part-time workers and experienced minor part-time workers at not less than 40 cents an hour.

(*b*) Inexperienced minor part-time workers at not less than 30 cents an hour.

(*c*) All adult and minor part-time workers shall be registered with the commission. Registration of part-time workers is accomplished by sending to the commission, at the end of two weeks' employment, the following information concerning each part-time worker: Name, age, address, hours to be worked a week, amount to be paid a week, and for minors under sixteen years of age, the kind of working permit. Registration.

(*d*) The total number of adult and minor female part-time workers shall not exceed 10 per cent of the total number of females employed. Number limited.

(*e*) Any person, firm, or corporation may employ students attending accredited vocational, continuation, or cooperative schools at part-time work on special permits from the commission, and at rates to be determined by the commission. Students of vocational, etc., schools.

A part-time worker is one who is employed on an hourly basis for less than eight hours in one day. Part-time worker defined.

4. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed, as a special worker at less than the following rates: Special workers.

(*a*) Adult special workers at not less than $2.66⅔ a day.

(*b*) Minor special workers at not less than $2 a day.

A special worker is one who is employed on a full-day basis for less than six days a week.

5. (*a*) Every person, firm, or corporation employing women or minors in the mercantile industry shall pay all office workers in accordance with the provisions of the Industrial Welfare Commission Order No. 9, amended, 1920. Office workers.

(*b*) A woman or minor who has been employed in the selling force of a mercantile establishment shall, when she enters the office force of that establishment, be granted one-third of her selling experience, to be applied on her office experience.

(*c*) A woman or minor who has been employed as an office worker in a mercantile establishment shall, when she enters the selling force of that establishment, be granted one-third of her office experience, to be applied to her selling experience.

6. No person, firm, or corporation shall employ, or suffer or permit the employment of seasonal millinery workroom apprentices for less than the legal minimum wage of $16 a week, except at the rates and under the conditions hereinafter set forth: Millinery apprentices.

(*a*) No person, firm, or corporation shall suffer or permit the employment, in the millinery workroom of any mercantile establishment, of over 33⅓ per cent of the total number of females employed in the millinery workroom, as apprentices, at less than the legal minimum wage of $16 a week. Number.

(*b*) Seasonal millinery apprentices shall be paid not less than the following scale: Rates.

[2] The rates for part-time waitresses are regulated by Industrial Welfare Commission Order No. 12, amended, 1920.

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First season: First 4 weeks, $8 a week; second 4 weeks, $9 a week; third 4 weeks, $10 a week.

Second season: First 4 weeks, $12 a week; second 4 weeks, $13 a week; third 4 weeks, $14 a week, and thereafter not less than $16 a week.

Registration.

(*c*) Every person, firm, or corporation employing seasonal millinery workroom apprentices shall make application to the industrial welfare commission for the registration of such apprentices at the end of two weeks' employment.

Experience granted to saleswomen.

(*d*) A woman or minor who has been employed as a seasonal millinery worker in a mercantile establishment shall, when she enters the selling force of that establishment, be granted one-third of her millinery workroom experience, to be applied on her selling experience.

Women in food-catering departments.

7. Every person, firm, or corporation employing women or minors in the mercantile industry shall pay all female workers (including combination women) in food-catering department in accordance with the provisions of Industrial Welfare Commission Order No. 12, amended, 1920.

A combination woman is one who acts both as waitress and saleswoman.

Present employees.

8. Every person, firm, or corporation now employing women or minors in the mercantile industry shall rate and pay such women and minors in accordance with their periods of employment, as specified in sections 1, 2, and 6 of this order.

Deductions for cash shortage.

9. No person, firm, or corporation shall make a deduction from the minimum wage of any woman or minor for a cash shortage, unless it be shown that the shortage is caused by the willful or dishonest act of the employee, notwithstanding any contract or arrangement to the contrary.

Commission, bonus, or piece rates.

10. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong.

Records

11. (*a*) Every person, firm or corporation employing women or minors in the mercantile industry shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the rates paid, the hours worked and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm or corporation employing women or minors in the mercantile industry, failing to keep records as required in section 11 (*a*) of this order, shall be guilty of a misdemeanor.

Hours of women and minors.

12. No person, firm or corporation shall employ, or suffer or permit any woman or minor to work in any mercantile establishment more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week, or more than six (6) days in any one week. The hours of labor of women and minors employed in the food-catering departments of mercantile establishments are regulated by Industrial Welfare Commission Order No. 12, amended, 1920.

Permits.

13. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum for such woman.

Reports.

14. (*a*) Every person, firm or corporation employing women or minors in the mercantile industry shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission, such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the commission.

Inspection.

(*b*) Every person, firm or corporation shall allow any member of the commission, or any of its duly authorized representatives,

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free access to the place of business of such person, firm or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents or papers of such person, firm or corporation, relating to the employment of women and minors and payment therefor by such person, firm or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

Order to be posted.

15. Every person, firm or corporation employing women or minors in the mercantile industry shall post a copy of this order in the general workroom and one in the women's dressing room.

Enforcement.

16. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order.

This order shall become effective sixty (60) days from the date hereof, or July 31, 1920.

Dated at San Francisco, Calif., this first day of June, 1920.

ORDER No. 6.—*Fish-canning industry.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Experienced workers.

1. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed in the fish canning industry in California (except as otherwise provided in section 5 of this order), at less than the following rates:

Experience defined.

(*a*) Experienced women and experienced minor workers at not less than 33⅓ cents an hour or $16 a week.

Women and minor workers are deemed experienced when they have been employed in the establishment for four weeks or 150 hours.

Employment for less than full week.

If an employer does not provide a full week's employment during any week, except during the weeks in which the following legal holidays occur—New Year's Day, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas—he shall pay to all experienced women and all experienced minor workers not less than the minimum wage of $16, or 38 cents an hour for the number of hours worked.

Learners.

(*b*) Inexperienced women and inexperienced minor workers at not less than the following rates:

First week, $12 a week or 25 cents an hour; second week, $13 a week or 27 cents an hour; third week, $14 a week or 29 cents an hour; fourth week, $15 a week or 31 cents an hour.

Employment for less than full week.

Provided, however, That if an employer does not provide a full week's employment during any week, except as specified in section 1 (*a*) of this order, learners shall be paid not less than the minimum wage for the wage group in which they belong, or the following hourly rates for the number of hours worked:

First week, $12 a week or 30 cents an hour; second week, $13 a week or 32 cents an hour; third week, $14 a week or 34 cents an hour; fourth week, $15 a week or 36 cents an hour.

Commission, bonus, or piece rates.

2. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong.

Hours of labor of minors;

3. (*a*) No person, firm or corporation shall employ or suffer or permit any minor to work in the fish canning industry more

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than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, or before the hour of six (6) a. m. No minor may work after the hour of ten (10) p. m. and no minor under the age of sixteen (16) may work after the hour of seven (7) p. m.

NOTE.—Under the provisions of the Federal child labor tax law, no child under the age of fourteen may be employed in any cannery.

Labelers.

(*b*) No person, firm or corporation shall employ or suffer or permit any woman or minor to work at labeling in the fish canning industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week.

Overtime emergency work.

(*c*) No person, firm or corporation shall employ or suffer or permit any adult women to work in the fish canning industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, except in case of emergency: *Provided, however,* That the provisions of this section shall not apply to those occupations coming under the provisions of the Statutes of California, 1913, chapter 352, "An act limiting the hours of labor of females," etc.

Emergency work defined.

Emergency work shall be all work performed by any woman in excess of eight (8) hours in any one day or in excess of six (6) days in any one week, or before the hour of six (6) a. m. or after the hour of ten (10) p. m. All work performed by any woman in excess of eight (8) hours and up to twelve (12) hours in any one day and all work performed before the hour of six (6) a. m. or after the hour of ten (10) p. m. shall be paid for at a rate of wages not less than one and one-quarter times the rate herein provided, or 41⅔ cents an hour, and all work performed by any woman in excess of twelve (12) hours in any twenty-four (24) hours shall be paid for at a rate of wages not less than double the rate herein provided, or 66⅔ cents an hour.

Rates.

Day of rest.

(*d*) Every woman and minor employed in the fish canning industry shall be entitled to one day's rest in seven: *Provided, however,* That nothing in this section shall apply to any case of emergency as specified in section 3 (*c*) of this order.

Sunday as day of rest.

(*e*) Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom, designating the day of rest for all women and minors: *And provided, further,* That all work performed on the day of rest shall be paid for at a rate of wages not less than one and one-quarter of the above specified rates for the first eight hours and not less than double said time and one-quarter thereafter.

Records.

4. (*a*) Every person, firm, or corporation employing women or minors in the fish canning industry shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked, and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm, or corporation employing women or minors in the fish canning industry failing to keep records as required in section 4 (*a*) of this order shall be guilty of a misdemeanor.

Reports.

(*c*) Every person, firm, or corporation employing women or minors in the fish canning industry shall furnish to the commission at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

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(*d*) Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm, or corporation relating to the employment of women and minors and payment therefor by such person, firm, or corporation; or for the purpose of making any investigation authorized by the act creating the commission. Inspection.

5. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum wage for such woman. Permits.

6. Every person, firm, or corporation employing women or minors in the fish canning industry shall post a copy of this order in a conspicuous place in the general workroom and one also in the women's dressing room. Order to be posted.

7. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order. Enforcement.

This order shall become effective sixty (60) days from the date hereof, or July 24, 1920.

Dated at San Francisco, Calif., this twenty-fifth day of May, 1920.

ORDER NO. 7.—*Laundry and dry-cleaning industry.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of such hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

1. No person, firm, or corporation shall employ, or suffer or permit an experienced woman or experienced minor to be employed in the laundry and dry-cleaning industry in California (except as otherwise specified in section 10 of this order) at a rate of wages less than $16 a week ($69.33⅓ a month). Experienced workers.

An experienced woman or minor is one who has been employed in the laundry and dry-cleaning industry for six months. Experience defined.

2. No person, firm, or corporation shall employ, or suffer or permit learners to be employed in the laundry and dry-cleaning industry for less than the legal minimum wage of $16 a week, except at the rates and under the conditions hereinafter set forth: Learners.

(*a*) Learners shall be paid not less than the following scale: Rates.

First 3 months: $12 a week; $52 a month. Second 3 months: $14 a week; $60.66⅔ a month. Thereafter not less than—$16 a week; $69.33⅓ a month. Length of apprenticeship, 6 months.

(*b*) Every person, firm, or corporation employing learners shall make application for the registration of such learners two weeks from the date of starting employment, and pending the issuance of certificates of registration, shall pay to all learners not less than the minimum rate for the wage group in which they belong. Registration of learners.

All women and minor workers for whom applications for learners' certificates have not been made to the industrial welfare commission at the end of two weeks' employment will be rated by the commission as experienced workers, to be paid not less than $16 a week.

(*c*) No person, firm, or corporation shall employ, or suffer or permit the employment of over 33⅓ per cent of the total number of females (exclusive of office workers) as learners at less than the legal minimum wage of $16 a week. Number limited.

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Learner defined.

A learner is a woman or minor whom the industrial welfare commission permits to work for a person, firm, or corporation for less than the legal minimum wage in consideration of the provision, by such employer, of reasonable facilities for learning the laundry and dry-cleaning industry.

Learners' permits will be withheld by the commission where there is evidence of attempted evasion of the law by firms which make a practice of dismissing learners when they reach their promotional periods.

Employment for less than full week.

3. Every person, firm, or corporation failing to provide a full week's employment during any week, except during the weeks in which the following legal holidays occur—New Year's Day, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day, and Christmas—shall pay to all women and minor workers not less than the minimum wage for the wage group in which they belong, or the following hourly rates for the number of hours worked:

First 3 months, 30 cents an hour, or the minimum of $12. Second 3 months, 35 cents an hour, or the minimum of $14. Experienced woman or minor, 38 cents an hour, or the minimum of $16.

Part-time workers.

4. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed as a part-time worker at a rate of wages less than 40 cents an hour for the number of hours worked.

A part-time worker is one who is employed on an hourly basis for less than eight hours in one day.

Office workers.

5. Every person, firm, or corporation employing women or minors in the laundry and dry-cleaning industry shall pay all office workers in accordance with the provisions of Order No. 9, amended, 1920, of the industrial welfare commission.

Present employees.

6. Every person, firm, or corporation now employing women or minors in the laundry and dry-cleaning industry shall rate and pay such women and minors in accordance with their periods of employment, as specified in sections 1 and 2 of this order.

Commission, bonus, or piece rates.

7. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong.

Records.

8. (*a*) Every person, firm, or corporation employing women or minors in the laundry and dry-cleaning industry shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

Hours of women and minors.

(*b*) Every person, firm, or corporation employing women or minors in the laundry and dry-cleaning industry failing to keep records as required in section 8 (*a*) of this order shall be guilty of a misdemeanor.

9. (*a*) No person, firm, or corporation shall employ, or suffer or permit any woman or minor to work in any laundry or dry-cleaning establishment more than eight (8) hours in any one day, or more than forty-eight (48) hours in any one week, or more than six (6) days in any one week.

(*b*) No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed before 6 a. m. or after 10 p. m.

Permits.

10. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum for such woman.

Reports.

11. Every person, firm, or corporation employing women or minors in the laundry and dry-cleaning industry shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of

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the act creating the commission; such reports and information to be verified by oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm, or corporation relating to the employment of women and minors and payment therefor by such person, firm, or corporation; or for the purpose of making any investigation authorized by the act creating the commission. Inspection.

12. Every person, firm, or corporation employing women or minors in the laundry and dry-cleaning industry shall post a copy of this order in a conspicuous place in the general workroom and one in the women's dressing room. Order to be posted.

13. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order. Enforcement.

This order shall become effective sixty (60) days from the date hereof, or July 31, 1920.

Dated at San Francisco, Calif., this first day of June, 1920.

ORDER NO. 8.—*Fruit and vegetable packing industry.*

THIS ORDER APPLIES TO THE PACKING BUT NOT TO THE CANNING OF ALL FRUITS AND VEGETABLES.

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

1. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed in the fruit and vegetable packing industry in California, when the employment is on a time-rate basis (except as specified in section 7 of this order), at less than the following rates: Time rates.

(*a*) Experienced women and experienced minor workers at not less than 33⅓ cents an hour or $16 a week. Experienced workers.

Women and minors are deemed experienced in the citrus industry, in the dried fig and in the layer raisin packing industries when they have been employed in those industries for four (4) weeks. Experience defined.

Women and minors are deemed experienced in any branch of the fruit and vegetable packing industry, except in the citrus industry and in the dried fig and layer raisin packing industries, when they have been employed for two (2) weeks.

Every employer in the fruit and vegetable packing industry shall, when demand is made by any woman or minor employed, furnish such employee with a statement setting forth the period of employment of such employee in his establishment.

(*b*) Inexperienced adult women workers at not less than 25 cents an hour or $12 a week. Inexperienced workers.

(*c*) Inexperienced minor workers at not less than 22 cents an hour or $10.56 a week.

2. Every person, firm, or corporation operating on a piece-rate basis in the packing of fruit and vegetables shall guarantee to all adult women employed on such piece rates not less than the following: Piecework rates.

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(*a*) All adult women employed in the packing of citrus fruits of dried figs and of layer raisins, to be guaranteed not less than 25 cents an hour or $12 a week for the first four weeks of employment, and thereafter not less than 33⅓ cents an hour or $16 a week.

(*b*) All adult women employed in the packing of all other varieties of fruits and vegetables to be guaranteed not less than 25 cents an hour or $12 a week for the first two (2) weeks of employment, and thereafter not less than 33⅓ cents an hour or $16 a week.

Commission or bonus basis.

3. Every person, firm, or corporation making payment of wages upon a commission or bonus basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong.

Scope.

4. The following branches of the industry are included:

1. Citrus fruits.
2. Deciduous fruits and grapes.
3. Vegetables.
4. Dried fruit.
5. Raisins.
6. Olives.
7. Pickles.

Hours of labor of minors;

5. *Dried fruit, raisins.*—(*a*) No person, firm, or corporation shall employ or suffer or permit any minor to work in the dried-fruit industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, or before the hour of six (6) a. m. No minor may work after the hour of ten (10) p. m. and no minor under the age of sixteen may work after the hour of seven (7) p. m.

NOTE.—Under the provisions of the Federal child labor tax law no child under the age of fourteen may be employed in any workshop.

Women.

(*b*) No person, firm, or corporation shall employ or suffer or permit any woman to work in the dried-fruit industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, or before the hour of six (6) a. m. or after the hour of ten (10) p. m.

Day of rest.

(*c*) Every woman and minor employed in the dried-fruit packing industry shall be entitled to one day's rest in seven: *Provided, however,* That nothing in this section shall apply to any case of emergency as specified in section 5 (*d*) of this order.

Sunday.

(*d*) Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom, designating the day of rest for all women and minors: *And provided further,* That all work performed on the day of rest shall be paid for at a rate of wages not less than one and one-quarter the time rates herein provided.

Hours of labor of minors.

6. *Fresh fruit and vegetables.*—(*a*) No person, firm, or corporation shall employ or suffer or permit any minor to work in the fresh fruit and vegetable packing industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, or before the hour of six (6) a. m. No minor may work after the hour of ten (10) p. m. and no minor under the age of sixteen (16) may work after the hour of seven (7) p. m. (Federal Child Labor Tax Law.)

Overtime emergency work.

(*b*) No person, firm, or corporation shall employ or suffer or permit any adult woman to work in the fresh fruit and vegetable packing industry more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week, except in case of emergency: *Provided, however,* That the provisions of this section shall not apply to those occupations coming under the provisions of the Statutes of California, 1913, chapter 352, "An act limiting the hours of labor of females," etc.

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Emergency work shall be all work performed by any woman in excess of eight (8) hours in any one day or in excess of six (6) days in any one week. All work performed by any woman in excess of eight (8) hours and up to twelve (12) hours in any one day shall be paid for at a rate of wages not less than one and one-quarter times the rate herein provided for the first eight hours, and all work performed by any woman in excess of twelve (12) hours in any twenty-four (24) hours shall be paid for at a rate of wages not less than double the rates herein provided for the first eight hours. Definition.

(*c*) Every woman and minor employed in the fresh fruit and vegetable packing industry shall be entitled to one day's rest in seven: *Provided, however,* That nothing in this section shall apply to any case of emergency as specified in section 6 (*b*) of this order. Day of rest.

(*d*) Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases, a written or printed notice shall be posted in the workroom designating the day of rest for all women and minors: *And provided, further,* That all work, performed on the day of rest shall be paid for at a rate of wages not less than one and one-quarter the time rates herein provided for the first eight (8) hours, and not less than double said time and one-quarter thereafter. Sunday as day of rest.

Rates to be paid for work performed on day of rest. Rates for work on day of rest.

	First 8 hours.	After 8th hour.
Experienced adult women	41⅔ cents an hour	83⅓ cents an hour.
Experienced minors	41⅔ cents an hour	No overtime.
Inexperienced adult women	31 cents an hour	62½ cents an hour.
Inexperienced minors	27½ cents an hour	No overtime.

(*e*) No person, firm, or corporation shall employ, or suffer or permit any woman to be employed before the hour of six (6) a. m. or after the hour of ten (10) p. m. Night work of women.

7. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum wage for such woman. Permits.

8. (*a*) Every person, firm, or corporation employing women or minors in the fruit and vegetable packing industry shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll. Records.

(*b*) Every person, firm, or corporation employing women or minors in the fruit and vegetable packing industry failing to keep records as required in section 8 (*a*) of this order shall be guilty of a misdemeanor.

Every person, firm, or corporation employing women or minors in the fruit and vegetable packing industry shall furnish to the commission at its request any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the commission. Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place Reports.

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Inspection.

of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents or papers of such person, firm, or corporation, relating to the employment of women and minors and payment therefor by such person, firm, or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

Order to be posted.

9. Every person, firm, and corporation employing women or minors in the fruit and vegetable packing industry shall post a copy of this order in a conspicuous place in the general workroom and one also in the women's dressing room.

Enforcement.

10. The commission shall exercise exclusive jurisdiction over all questions as to the administration and interpretation of this order.

This order shall become effective sixty (60) days from the date hereof, or July 24, 1920.

Dated at San Francisco, Calif., this twenty-fifth day of May, 1920.

ORDER No. 9.—*General and professional offices.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco, on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Experienced women and minors.

1. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed in any general or professional office (except as otherwise specified in section 8 of this order) at less than the following rates:

Experience defined.

(*a*) Experienced women and experienced minors at less than $16 a week or $69.33⅓ a month.

An adult woman is deemed experienced when she has worked for six months in general or professional offices.

A minor is deemed experienced when he or she has been employed for one year in general or professional offices.

Inexperienced women and minors.

(*b*) Inexperienced women and minors at not less than the following rates:

Beginning age:

18 years and over—

First 3 months, $12 a week, $52 a month.
Second 3 months, $14 a week, $60.66⅔ a month.
Thereafter not less than $16 a week, $69.33⅓ a month.
Length of apprenticeship, 6 months.

Under 18 years [3]—

First 3 months, $10 a week, $43.33⅓ a month.
Second 3 months, $11 a week, $47.66⅔ a month.
Third three months, $12 a week, $52 a month.
Fourth 3 months, $14 a week, $60.66⅔ a month.
Thereafter not less than $16 a week, $69.33⅓ a month.
Length of apprenticeship, 1 year.

Number of learners.

(*c*) No person, firm, or corporation shall suffer or permit the employment of over 33⅓ per cent of the officer workers as learners at less than the legal minimum wage of $16 a week.

Part-time workers.

2. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed as a part-time worker at less than the following rates:

(*a*) Adult female part-time workers at less than 40 cents an hour for the number of hours worked.

[3] A minor girl who is still a learner upon reaching the age of 18 years shall be paid not less than the rates specified for adult learners.

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(*b*) Minor part-time workers at less than 30 cents an hour for the number of hours worked.

A part-time worker is one who is employed on an hourly basis for less than eight hours in one day.

(*c*) Any person, firm, or corporation may employ students attending accredited vocational, continuation, or cooperative schools at part-time work on special permits from the commission, and at rates to be determined by the commission. Students of accredited vocational, etc., schools.

3. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed on a temporary basis for less than two (2) weeks at a rate of wages less than $2.66⅔ a day. Temporary workers.

4. Every person, firm, or corporation now employing women or minors in any general or professional office shall rate and pay such women and minors in accordance with their periods of employment, as specified in section 1 of this order. Present employees.

5. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong. Commission, bonus, or piece rates.

6. (*a*) Every person, firm, or corporation employing women or minors in any general or professional office shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked, and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll. Records.

(*b*) Every person, firm, or corporation employing women or minors in any general or professional office failing to keep records as required in section 6 (*a*) of this order shall be guilty of a misdemeanor.

7. (*a*) No person, firm, or corporation shall employ or suffer or permit any woman or minor to work in any general or professional office more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week, or more than six (6) days in any one week. Hours of labor.

(*b*) Every woman and minor employed in any general or professional office shall be entitled to one day's rest in seven. Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom designating the day of rest for all women and minors: *And provided further*, That all work performed on the day of rest shall be paid for at the rate of time and one-quarter of the above-specified rate. Day of rest.

(*c*) No person, firm or corporation shall employ or suffer or permit any minor to be employed before the hour of six (6) a. m. or after the hour of ten (10) p. m. Night work by minors.

8. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum for such woman. Permits.

9. Every person, firm or corporation employing women or minors in any general or professional office shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the commission. Reports.

10. Every person, firm or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents or papers of such Inspection.

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person, firm or corporation relating to the employment of women and minors and payment therefor by such person, firm or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

Order to be posted.

11. Every person, firm or corporation employing women or minors in any general or professional office shall post a copy of this order in a conspicuous place in the general workroom and one in the women's dressing room.

Deductions for cash shortage.

12. No person, firm or corporation shall make any deduction from the minimum wage of an employee on account of a cash shortage unless it be shown that the shortage is caused by the willful or dishonest act of the employee, notwithstanding any contract or arrangement to the contrary.

Women executives.

13. Women occupying executive, executive secretarial or executive accounting positions, receiving $125 a month or over, may be exempt from the provisions of this order (except from the provision of section 7 (*a*)) under an exemption permit granted by the industrial welfare commission upon receipt of applications from such employees.

This order shall become effective sixty (60) days from the date hereof, or July 31, 1920.

Dated at San Francisco, Calif., this first day of June, 1920.

ORDER NO. 10.—*Unclassified occupations.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of such hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Time rates.

1. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed in any unclassified occupation in California (except as otherwise specified in section 7 of this order) at less than the following rates:

Experienced adult women.

(*a*) Experienced adult women workers at not less than 33⅓ cents an hour or $16 a week.

Experience defined.

An adult woman is deemed experienced when she has been employed for three (3) weeks in an establishment.

Experienced minors.

(*b*) Experienced minor workers at not less than 25 cents an hour or $12 a week.

Experience defined.

A minor is deemed experienced when he or she has been employed for three (3) weeks in an establishment.

Inexperienced adult women.

(*c*) Inexperienced adult women workers at not less than 25 cents an hour or $12 a week.

Inexperienced minors.

(*d*) Inexperienced minor workers at not less than 22 cents an hour or $10.56 a week.

Rates for less than full week of employment.

(*e*) Every person, firm, or corporation failing to provide a full week's employment during any week, except during the weeks in which the following legal holidays occur—New Year's Day, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day, and Christmas—shall pay to all women and minor workers not less than the minimum wage for the wage group in which they belong, or the following hourly rates for the number of hours worked:

Experienced adult women, 38 cents an hour or the minimum of $16; inexperienced adult women, 30 cents an hour or the minimum of $12; experienced minors, 30 cents an hour or the minimum of $12; inexperienced minors, 25 cents an hour or the minimum of $10.56.

Part-time workers.

2. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed as a part-time worker at less than the following rates:

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(*a*) Adult women part-time workers at less than 40 cents an hour.

(*b*) Minor part-time workers at less than 30 cents an hour.

A part-time worker is one who is employed on an hourly basis for less than eight (8) hours a day.

Commission, bonus, or piece rates.

3. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for wage groups in which they belong.

Present employees.

4. Every person, firm, or corporation now employing women or minors in any unclassified occupation shall rate and pay such women and minors in accordance with their periods of employment as specified in section 1 of this order.

Records.

5. (*a*) Every person, firm, or corporation employing women or minors in any unclassified occupation shall keep, in a form and manner approved by the Industrial Welfare Commission, records of the names and addresses, the hours worked, and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors are to be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm, or corporation employing women or minors in any unclassified occupation, failing to keep records as required in section 5 (*a*) of this order shall be guilty of a misdemeanor.

Hours of labor.

6. (*a*) No person, firm, or corporation shall employ, or suffer or permit any woman to work in any unclassified occupation for more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week.

Day of rest.

(*b*) Every person, firm, or corporation employing women or female minors in any unclassified occupation shall provide for one full day of rest a week for every female minor, and for every adult woman who is employed for more than six (6) hours a day. Women who are employed for six (6) hours a day or less may be employed seven (7) days a week.

Minors.

(*c*) No person, firm, or corporation shall employ or suffer or permit any minor to work in any unclassified occupation for more than eight (8) hours in any one day, or more than forty-eight (48) hours in any one week, or more than six (6) days in any one week, or before the hour of six (6) a. m. No minor may work after the hour of ten (10) p. m. and no minor under the age of sixteen years may work after the hour of seven (7) p. m.

NOTE: Under the provisions of the Federal child labor tax law, no child under the age of fourteen may be employed in any factory or workshop.

Permits.

7. A permit may be issued by the commission to a woman physically disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum wage for such woman.

Reports.

8. Every person, firm, or corporation employing women or minors in any unclassified occupation shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purpose of the act creating the commission, such reports and information to be verified by the oath of the person, member of the firm or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

Inspection.

Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm, or corporation relating to the employment of women and minors and payment therefor by such person, firm, or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

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Order to be posted.

9. Every person, firm, or corporation employing women or minors in any unclassified occupation shall post a copy of this order in a conspicuous place in the general workroom and one in the women's dressing room.

Enforcement.

10. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order.

Definition.

The term "unclassified occupations" shall include all employment not classified under the mercantile, manufacturing, laundry, or canning industries, office or professional occupation, fruit and vegetable packing establishments, telephone or telegraph establishments, hotels or restaurants, domestic labor or the skilled trades, or to the harvesting, curing, or drying of any variety of fruit or vegetables.

This order shall become effective sixty (60) days from the date hereof, or July 31, 1920.

Dated at San Francisco, Calif., this first day of June, 1920.

ORDER NO. 11.—*Manufacturing industry.*

Pursuant to and by virtue of the authority vested in it by the statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Rate for experienced women and minors.

1. No person, firm, or corporation shall employ, or suffer or permit an experienced woman or experienced minor to be employed in any manufacturing industry in California (except as otherwise specified in section 12 of this order) at a rate of wages less than $16 a week ($69.33⅓ a month).

Experience defined.

An adult woman is deemed experienced when she has been employed six months in any manufacturing industry.

A minor is deemed experienced when he or she has been employed nine months in any manufacturing industry.

Learners.

2. No person, firm, or corporation shall employ, or suffer or permit learners to be employed in any manufacturing industry for less than the legal minimum wage of $16 a week, except at the rates and under the conditions hereinafter set forth:

Number limited.

(*a*) No person, firm, or corporation shall employ, or suffer or permit the employment of over 33⅓ per cent of the total number of female factory workers (exclusive of part-time workers) as learners, at less than the legal minimum wage of $16 a week, provided that, in highly seasonal industries, a permit may be granted by the industrial welfare commission to provide for an increase in the number of learners on proof that a sufficient supply of experienced workers is not available. Such permits will limit the number of learners allowed and the conditions under which they may be employed.

Definition.

A learner is a woman or minor whom the industrial welfare commission permits to work for a person, firm, or corporation for less than the legal minimum wage in consideration of the provision, by such employer, of reasonable facilities for learning the industry.

Learners' permits will be withheld by the commission where there is evidence of attempted evasion of the law by firms which make a practice of dismissing learners when they reach their promotional periods.

Registration.

(*b*) Every person, firm, or corporation employing learners shall register such learners with the industrial welfare commission two weeks from the date of starting employment.

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(*c*) All women and minor workers not registered with the industrial welfare commission at the end of two weeks' employment will be rated by the commission as experienced workers, to be paid not less than $16 a week.

(*d*) Female learners entering employment 18 years of age and over shall be paid not less than the following scale: Inexperienced adult women.

Wage first 3 months: $12 a week, $52 a month. Wage second 3 months: $14 a week, $60.66⅔ a month. Thereafter not less than $16 a week, $69.33⅓ a month. Length of learner's period, 6 months.

(*e*) Minor learners, male or female, entering employment under 18 years of age shall be paid not less than the following scale: Inexperienced minors.

Wage first 3 months: $10 a week, $43.33⅓ a month. Wage second 3 months: $12 a week, $52 a month. Wage third 3 months: $14 a week, $60.66⅔ a month. Thereafter not less than $16 a week, $69.33⅓ a month. Length of learner's period, 9 months.

NOTE.—A minor girl who is still a learner upon reaching the age of 18 years shall be paid not less than the rates specified for adult learners.

(*f*) All adult and minor learners during the first two weeks of employment shall be paid not less than their piece-rate earnings: *Provided, however,* That learners who remain in an establishment for thirty days shall, at the end of that period, be paid the difference between their piece-rate earnings for the first week and the minimum time rate for the same period; and that learners who remain in an establishment for sixty days shall, at the end of that period, be paid the difference between their piece-rate earnings for the second week and the minimum time rate for the same period. All adult and minor learners discharged within two weeks shall be paid the guaranteed rate for time worked. Rates for first two weeks.

3. Every person, firm, or corporation failing to provide a full week's employment during any week, except during the weeks in which the following legal holidays occur—New Year's Day, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day, and Christmas—shall pay to all women and minor workers not less than the minimum weekly wage for the wage group in which they belong, or the following hourly rates for the number of hours worked: Rates for less than a full week of employment.

Adult women:
- In first 3 months, 30 cents an hour or the minimum of $12.
- In second 3 months, 35 cents an hour or the minimum of $14.
- Experienced, 38 cents an hour or the minimum of $16.

Minors:
- In first 3 months, 25 cents an hour or the minimum of $10.
- In second 3 months, 30 cents an hour or the minimum of $12.
- In the third 3 months, 35 cents an hour or the minimum of $14.
- Experienced, 38 cents an hour or the minimum of $16.

4. No person, firm, or corporation shall employ, or suffer or permit any woman or minor to be employed as a part-time worker except at the rates and under the conditions hereinafter set forth: Part-time workers.

(*a*) Adult female part-time workers at not less than 40 cents an hour.

(*b*) Minor part-time workers at not less than 30 cents an hour.

(*c*) Minor workers employed for eight hours on Saturdays and holidays shall be paid not less than $2 a day.

(*d*) All part-time workers shall be registered with the commission at the end of two weeks' employment. Registration of part-time workers is accomplished by sending to the commission the following information concerning each part-time worker: Name, age, address, hours to be worked a week, amount to be paid a week, and, for minors under 16 years of age, the kind of working permit. Registration.

(*e*) Any person, firm, or corporation may employ students attending accredited vocational, continuation, or cooperative schools at part-time work on special permits from the commission and at rates determined by the commission. Students of vocational, etc., schools.

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Part-time workers.

A part-time worker is one who is employed on an hourly basis for less than eight hours in one day.

Office workers.

5. Every person, firm, or corporation employing women or minors in any manufacturing industry shall pay all office workers in accordance with the provisions of Order No. 9, amended, 1920, of the Industrial Welfare Commission.

Present employees.

6. Every person, firm, or corporation now employing women or minors in the manufacturing industry shall rate and pay such women and minors in accordance with their periods of employment, as specified in sections 1 and 2 of this order.

Commission, bonus, or piece rates.

7. Every person, firm, or corporation making payment of wages upon a commission, bonus, or piece-rate basis shall guarantee to all women and minor workers on each pay day not less than the minimum time rates for the wage groups in which they belong. Bonuses paid to secure regularity of attendance may not be counted as part of the minimum wage.

Home work.

8. (*a*) No person, firm, or corporation employing women or minors in any manufacturing industry shall suffer or permit any female employee who has worked for eight (8) hours in any one day, or forty-eight (48) hours in any one week, to take work to be performed by her outside of the place of business of such person, firm, or corporation.

Report on home work.

(*b*) Every person, firm, or corporation employing home workers in any manufacturing industry shall report the fact of such employment to the industrial welfare commission, such report to include the statement of the character of work performed and the piece rates paid therefor.

Records.

(*c*) Every person, firm, or corporation employing women or minors in any manufacturing industry shall keep a record of the names and addresses of all female and minor employees who are given work to perform at home or outside of the place of business of such person, firm, or corporation. This record shall include the amount of work performed and the wages earned weekly by each such worker and the piece rate paid shall be specified.

Rates for home workers.

(*d*) Every person, firm, or corporation employing women on home work or work performed outside of the place of business of such person, firm, or corporation, shall pay to such women a piece rate equal to a rate which will yield to sixty-six and two-thirds ($66\frac{2}{3}$) per cent of the women employed within the factory not less than $33\frac{1}{3}$ cents an hour.

Hours of labor.

9. (*a*) No person, firm or corporation shall employ, or suffer or permit any woman or minor to work in any manufacturing establishment more than eight (8) hours in any one day or more than forty-eight (48) hours in any one week or more than six (6) days in any one week.

Minors.

(*b*) No person, firm or corporation employing women or minors in any manufacturing industry shall employ or suffer or permit any minor to work before six (6) a. m. No minor may work after the hour of ten (10) p. m. and no minor under the age of sixteen (16) may work after the hour of seven (7) p. m.

NOTE.—Under the provisions of the Federal child-labor tax law, no child under the age of fourteen may be employed in any factory.

Night work for women.

10. (*a*) No person, firm or corporation employing women in any manufacturing industry shall employ, or suffer or permit any woman to work before the hour of six (6) a. m. or after the hour of eleven (11) p. m. without a permit from the industrial welfare commission. Such permits will define the conditions under which such night work may be performed and will be issued only when the work to be performed is a continuous process which can not be controlled in any other way, and upon the further provision that all work performed under such permits shall be paid for at not less than rate and one-half of the day rates paid.

Records.

11. (*a*) Every person, firm or corporation employing women or minors in the manufacturing industry shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked and the amounts

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earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm or corporation employing women or minors in the manufacturing industry failing to keep records as required in section 11 (*a*) of this order shall be guilty of a misdemeanor.

Permits.

12. A permit may be issued by the commission to a woman physically disabled by age or otherwise authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum for such woman.

Reports.

13. (*a*) Every person, firm or corporation employing women or minors in the manufacturing industry shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by oath of the person, member of the firm or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the commission.

Inspection.

(*b*) Every person, firm or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents or papers of such person, firm or corporation relating to the employment of women and minors and payment therefor by such person, firm or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

Order to be posted.

14. Every person, firm or corporation employing women or minors in the manufacturing industry shall post a copy of this order in a conspicuous place in the general workroom and one in the women's dressing room.

Enforcement.

15. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order.

This order shall become effective sixty (60) days from the date hereof, or September 25, 1920.

Dated at San Francisco, Calif., this twenty-seventh day of July, 1920.

ORDER No. 12.—*Hotels, restaurants, and allied industries.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission at the city hall in the city and county of San Francisco, on Wednesday, March 24, 1920, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

Rate for women and female minors.

1. No person, firm, or corporation shall employ or suffer or permit any woman or female minor to be employed in any hotel, lodging house, or apartment house, or in any restaurant, cafeteria, or other place where food or drink is sold to be consumed on the premises, or in any food-catering department of any mercantile establishment, or in any hospital, with the exception of graduate nurses, nurses in training, or other professional women, at a rate of wages less than $16 a week ($69.33⅓ a month).

Laundering uniforms or aprons.

If an employer requires waitresses to wear a uniform or apron which is not laundered by the establishment, an allowance of 75 cents a week shall be paid in addition to the minimum wage.

Allowance for meals.

2. (*a*) No person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall make a charge for board in excess of the following

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scale: Breakfast, 25 cents; lunch, 30 cents; dinner, 45 cents: *Provided, however*, That these shall be bona fide meals.

Room.

(*b*) No person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall make a charge for a room in excess of $3 a week.

Part-time rates.

3. No person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall employ or suffer or permit any woman or female minor to be employed as a part-time worker at less than the following rates:

Employed three hours a day or less, 40 cents an hour. Employed more than three hours a day, 38 cents an hour or the minimum wage of $16.

Part-time worker defined.

A part-time worker is one who is employed on an hourly basis for six or less hours in one day.

Commission or bonus rates.

4. Every person, firm, or corporation making payment of wages upon a commission or bonus basis shall guarantee to all women and minor employees not less than the minimum time rates specified in sections 1 and 3 of this order.

Tips and gratuities.

5. No person, firm, or corporation may construe tips or gratuities as being part of the legal minimum wage.

Hours of labor.

6. (*a*) No person, firm or corporation employing women or female minors in the establishments named in section 1 of this order shall employ or suffer or permit any woman to work more than eight (8) hours in a period not to exceed thirteen (13) hours in any one day, or more than forty-eight (48) hours in any one week.

Day of rest.

(*b*) Every person, firm or corporation employing women or female minors in the establishments named in section 1 of this order shall provide for one full day of rest a week for every female minor, and for every adult woman who is employed for more than six (6) hours a day. Adult women who are employed for six (6) hours a day or less may be employed seven (7) days a week.

(*c*) Sunday shall be considered the day of rest for all female minor workers and for all adult women employed for more than six (6) hours a day, unless a different arrangement is made by the employer, providing another day of the week as the day of rest.

Emergency work.

(*d*) Every person, firm or corporation may, in case of emergency, employ adult women upon their day of rest: *Provided*,

(*d–1*) That women so employed shall be paid not less than rate and one-quarter of the legal minimum daily rate of $2.66⅔, or $3.33⅓.

(*d–2*) That the total number of hours worked by any woman during the day of the emergency shall not exceed eight (8).

(*d–3*) That firms employing women on their day of rest in case of emergency, shall, within the week in which the emergency occurs, mail to the industrial welfare commission a statement of the nature of the emergency, the names of the women employed on their day of rest, the number of hours worked by them during the day and the amounts paid them.

Hours of labor of female minors.

(*e*) No person, firm or corporation shall employ, or suffer or permit any female minor to be employed in the establishments named in section 1 of this order for more than eight (8) hours in a period not to exceed thirteen (13) hours in any one day or more than forty-eight (48) hours in any one week, or more than six (6) days in any one week, or before the hour of six (6) a. m. or after the hour of ten (10) p. m.

Records.

7. (*a*) Every person, firm or corporation employing women or minors in the establishments named in section 1 of this order, shall keep, in a form and manner approved by the industrial welfare commission, records of the names and addresses, the hours worked and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors are to be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm or corporation employing women or minors in the establishments named in section 1 of this order,

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failing to keep records as required in section 7 (*a*) of this order shall be guilty of a misdemeanor.

8. Every person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall provide a room where the women may change their clothing in privacy and comfort. Sufficient and adequate provision shall be made for the proper and safe keeping of the outer clothing of the women workers during working hours, and of their working clothes during the nonworking hours. Clean and decent toilet accommodations shall be provided. Dressing rooms.

9. A permit may be issued by the commission to a woman disabled by age or otherwise, authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix a special minimum wage for such woman. Permits.

10, Every person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission. Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of or excerpts from all books, reports, contracts, pay roll, documents or papers of such person, firm, or corporation relating to the employment of women and minors and payment therefor by such person, firm, or corporation; or for the purpose of making any investigation authorized by the act creating the commission. Reports. Inspection.

11. Every person, firm, or corporation employing women or female minors in the establishments named in section 1 of this order shall post a copy of this order in a conspicuous place in the women's dressing room. Order to be posted.

12. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretaton of this order. Enforcement.

This order shall become effective sixty (60) days from the date hereof, or July 31, 1920.

Dated at San Francisco, Calif., this first day of June, 1920.

ORDER NO. 14.—*Agricultural occupations.*

Pursuant to and by virtue of the authority vested in it by the Statutes of California, 1913, chapter 324, and amendments thereto, and after public hearing duly had on motion of the commission in Parlor F, Hotel Alexandria, in the city of Los Angeles, in the county of Los Angeles, on Monday, October 6, 1919, notice of said hearing having been duly given in the manner provided by law, and the industrial welfare commission thereafter finding and determining that the least wage adequate to supply to women employed in industry the necessary cost of proper living is $16 a week, the Industrial Welfare Commission of the State of California does hereby order that:

1. No person, firm, or corporation shall employ or suffer or permit any woman or minor to be employed in the cutting and pitting of fruit for drying, when the employment is on a piece-rate basis, at less than the following rates: Cutting and pitting fruit.

Free peaches	Per 100 pounds, 22¢
Pears	Per 100 pounds, 22¢
Apricots, for fruit running less than 12 to a pound	Per 100 pounds, 40¢
Apricots, for fruit running more than 12 to a pound	Per 100 pounds, 50¢

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Other agricultural occupations.

2. No person, firm, or corporation shall employ or suffer or permit any adult woman to be employed in any agricultural field occupation other than the cutting and pitting of fruit for drying at a rate of wages less than 33⅓ cents an hour, or $16 a week.

Commission, bonus or piece-rates.

3. Every person, firm or corporation making payment of wages upon a commission, bonus, or piece-rate basis, except for the cutting and pitting of fruit for drying, shall guarantee to all adult women workers not less than the time rates specified in section 2 of this order.

Hours of labor.

4. (*a*) No person, firm, or corporation shall employ or suffer or permit any woman or minor to work in any agricultural field occupation for more than eight (8) hours in any one day of more than forty-eight (48) hours in any one week or more than six (6) days in any one week, except in case of emergency: *Provided, however,* That the provisions of this section shall not apply to those occupations coming under the provisions of the Statutes of California, 1913, chapter 352, "An act limiting the hours of labor of females," etc.

Emergency work.

Emergency work shall be all work performed by any woman in excess of eight (8) hours in any one day or in excess of six (6) days in any one week. All work performed by any woman in excess of eight (8) hours and up to twelve (12) hours in any one day shall be paid for at a rate of wages not less than one and one-quarter the time or piece rates herein provided, and all work performed by any woman in excess of twelve (12) hours in any twenty-four (24) hours shall be paid for at a rate of wages not less than double the time or piece rates herein provided.

Day of rest.

4. (*b*) Every woman employed in any agricultural field occupation shall be entitled to one day's rest in seven: *Provided, however,* That nothing in this section shall apply to any case of emergency as specified in section 4 (*a*) of this order.

Sunday as day of rest.

4. (*c*) Sunday shall be considered the day of rest for all women unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom designating the day of rest for all women: *And provided, further,* That all work performed on the day of rest shall be paid for at the rate of time and one-quarter the time or piece rates herein provided for the first eight hours, and double said time and one-quarter thereafter.

Records.

5. (*a*) Every person, firm, or corporation employing women or minors in any agricultural field occupation shall keep in a form and manner approved by the industrial welfare commission records of the names and addresses, the hours worked, and the amounts earned by all woman and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

(*b*) Every person, firm or corporation employing women or minors in any agricultural occupation failing to keep records as required in section 5 (*a*) of this order shall be guilty of a misdemeanor.

Reports.

(*c*) Every person, firm, or corporation employing women or minors in any agricultural occupation shall furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of the act creating the commission; such reports and information to be verified by the oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

Inspection.

(*d*) Every person, firm, or corporation shall allow any member of the commission, or any of its duly authorized representatives, free access to the place of business of such person, firm, or corporation, for the purpose of making inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm, or corporation relating to the employment of women and minors and payment therefor by such person, firm,

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or corporation; or for the purpose of making any investigation authorized by the act creating the commission.

6. [Sanitary standards.]

7. The commission shall exercise exclusive jurisdiction over all questions arising as to the administration and interpretation of this order. Enforcement.

This order shall become effective sixty (60) days from the date hereof, or July 24, 1920.

Dated at San Francisco, Calif., this twenty-fifth day of May, 1920.

DISTRICT OF COLUMBIA.

[Order No. 1 relates to the form in which employers' records are to be kept; it bears date of June 13, 1919.]

ORDER No. 2.—*Printing, publishing, and allied industries.*

Pursuant to the authority in it vested by act of Congress (Pub. No. 215, 65th Congress) and after public hearing duly held in Washington, D. C., on Friday, June 13, 1919, the Minimum Wage Board of the District of Columbia does hereby order that:

1. No person, firm, association, or corporation shall employ an experienced female, irrespective of age, in the printing, publishing, or allied industries at a weekly wage of less than $15.50, any lesser wage being hereby declared inadequate to supply the necessary cost of living of female workers in such industries and to maintain them in health and to protect their morals. Rate.

2. The term "experienced female," as used in this order, means one who has been employed in these industries one year or more. Experience.

3. The weekly wage for learners may be less than the wage for experienced workers: *Provided*, That— Learners.

(*a*) Learners shall be paid a weekly wage of not less than $8 for the first three months of employment, of not less than $9 for the second three months of employment, of not less than $11 for the third three months of employment, of not less than $12 for the following three months of employment, and thereafter shall be considered experienced workers, and shall be paid not less than the minimum wage prescribed for experienced workers.

(*b*) All learners shall be registered with the board not later than three days from the date their employment begins, and it shall be the duty of the employer to require a certificate of such registration, and the learner shall apply in person to the board for such certificate. Pending receipt of this certificate the learner shall be paid not less than the minimum rate for the wage group in which she belongs.

4. The total number of female learners in any establishment shall not exceed one to every four experienced females employed: *Provided*, That in establishments where less than four experienced females are employed one learner's certificate of registration shall be valid. It is further provided that if, after making reasonable efforts, an employer is unable to secure all the experienced workers needed, he may, after first notifying the minimum wage board, employ such inexperienced females as may be necessary: *Provided*, That within two days thereafter he file with the board a written statement showing the efforts made by him to obtain experienced workers, the reasons for his inability to do so and a record giving the name, residence, length of experience in this kind of work, and wage of each inexperienced female so employed. Proportion of learners.

5. All females now employed in the printing, publishing, and allied industries shall be rated and paid in accordance with their period of employment at not less than the rates specified for such period in section 3a. Present employees.

6. A license may be issued by the board to a woman whose earning capacity has been impaired by age or otherwise authorizing her employment at a rate less than the minimum, such special rate to be fixed by the board. Substandard workers.

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Questions.

7. The board shall have jurisdiction over all questions arising as to the administration and interpretation of this order.

Scope.

8. The term "printing, publishing, and allied industries" shall include printing, publishing, bookbinding, engraving, lithographing, multigraphing, duplicating, addressographing, and similar processes connected wth these industries.

This order shall become effective sixty (60) days from date hereof, to wit: August 13, 1919.

June 13, 1919.

ORDER No. 3.—*Mercantile industry.*

Pursuant to the authority in it vested by act of Congress (Pub. No. 215, 65th Congress) and after public hearing duly held in Washington, D. C., on Friday, August 29th, 1919, the Minimum Wage Board of the District of Columbia does hereby order that:

Rate.

1. No person, firm, association, or corporation shall employ an experienced woman or minor in the mercantile industry at a weekly wage of less than $16.50.

Experience.

2. A woman shall be considered experienced who has been employed in the mercantile industry for seven months. A minor shall be considered experienced who has been employed in the mercantile industry for one year.

Learners.

3. The weekly wage for learners may be less than the wage for experienced workers: *Provided*, That:

(*a*) Learners, male or female, entering employment under eighteen years of age, shall be paid a weekly wage of not less than $10 for the first five months of employment, of not less than $12.50 for the next three months of employment, of not less than $14.50 for the following four months of employment, and thereafter shall be considered experienced workers and shall be paid not less than $16.50. A minor girl who, upon reaching the age of eighteen years, is still a learner, shall be paid not less than the rates specified for adult learners.

[For revision of this paragraph see supplement below.]

(*b*) Women learners shall be paid a weekly wage of not less than $12.50 for the first three months of employment, of not less than $14.50 for the following four months of employment, and thereafter shall be considered experienced workers and shall be paid not less than $16.50.

(*c*) All learners shall be registered with the board not later than one week from the date their employment begins, and it shall be the duty of the employer to require a certificate of such registration, and the learner shall apply in person to the board for such certificate. For the period prior to the receipt of this certificate the learner shall be paid not less than the rate for the wage group in which he or she belongs.

Present employees.

4. All women and minors employed in the mercantile industry at the time this order becomes effective shall be rated and paid in accordance with their period of employment at rates not less than those specified for such period in sections 3a and 3b.

Scope.

5. The term "mercantile industry" shall include all establishments operated for the purpose of trade in the purchase or sale of any goods or merchandise.

Learners.

6. The term "learner" as used in this order means a woman or minor to whom the board has issued a certificate to work for less than the legal minimum wage in consideration of such person being provided with reasonable facilities for learning the mercantile industry. Learners' certificates will be withheld by the board when it is convinced that the establishment by which the learner is to be employed is endeavoring to evade this order by dismissing learners when they are entitled to an increase in pay.

This order shall become effective sixty (60) days from date hereof, to wit, October 28, 1919.

August 29, 1919.

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ORDER No. 3 (supplement).—*Mercantile industry—Wages of minors.*

Pursuant to the authority in it vested by act of Congress (Pub. No. 215, 65th Congress), the Minimum Wage Board of the District of Columbia does hereby order that the following shall supersede the provisions of M. W. B. Order No. 3 relative to the wage rates and learning periods of minors:

Learners, male or female, entering employment in the mercantile industry under eighteen years of age shall be paid a weekly wage of not less than $10 for the first four months of employment, of not less than $11.50 for the next four months of employment, of not less than $13 for the next four months of employment, of not less than $14.50 for the following six months of employment, and thereafter shall be paid not less than $16 until the age of eighteen is reached: *Provided*, That for any minor time served in the industry prior to his or her sixteenth birthday and prior to October 28, 1919, shall not be considered as experience in determining the minimum wage to which he or she is entitled. Learners.

A minor girl, who, upon reaching the age of eighteen, has had seven months' experience, shall be paid a weekly wage of not less than $16.50. A minor girl, who, upon reaching the age of eighteen, has had less than seven months' experience, shall be paid not less than the rates specified for adult learners.

This order shall become effective sixty (60) days from date hereof.

October 14, 1919.

ORDER No. 4 (amended).—*Hotels, restaurants, and allied industries.*[4]

Pursuant to the authority in it vested by the act of Congress approved September 19, 1918, known as the District of Columbia minimum wage law (40 Statutes at Large 960) and after public hearing duly held in Washington, D. C., on Monday, March 22, 1920, the Minimum Wage Board of the District of Columbia does hereby order that:

1. No person, firm, association, or corporation shall employ a woman or minor girl in any restaurant, cafeteria, or other place where food is sold to be consumed on the premises or in any hotel, lodging house, apartment house, club, or hospital, at a rate of wages less than 34½ cents per hour, or less than $16.50 per week, or less than $71.50 per month. This shall not be construed to include nurses in training. Rate.

2. When bona fide meals are furnished by the employer to any woman or minor girl employed in the establishments named in section 1 of this order as part payment of the wages of such employee, not more than 30 cents per meal may be deducted by such employer from the weekly wage of such employee. A record shall be kept of the number of meals furnished each woman and minor girl per week and of the deductions made from the weekly wage for the same; otherwise the full minimum wage rate shall be paid in cash. Meals.

3. When lodging is furnished by the employer to any woman or minor girl employed in the establishments named in section 1 of this order as part payment of the wages of such employee not more than $2 per week shall be deducted by such employer from the weekly wage of such employee. Lodging.

4. Tips and gratuities shall not be construed as part of the legal minimum wage. Tips.

This order shall become effective sixty (60) days from the date hereof, on which date it shall supersede order No. 4 of the minimum wage board, dated March 26, 1920. The said order No. 4 shall remain in effect until superseded by this order.

May 4, 1920.

NOTICE: This order will become effective July 4, 1920.

[4] The amendment consists solely in a rearrangement of terms in the first paragraph, the substantive provisions remaining unchanged.

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ORDER No. 5.—*Laundry and dry-cleaning industry.*

Pursuant to the authority in it vested by act of Congress (40 Statutes at Large 960) and after public hearing duly held in Washington, D. C., on Tuesday, January 18, 1921, notice of such hearing having been duly given in the manner provided by law, the Minimum Wage Board of the District of Columbia does hereby order that:

Experienced workers.

1. No person, firm, association or corporation shall employ an experienced woman or experienced minor girl in the laundry and dry-cleaning industry at a wage of less than $15 for the full working week of the establishment.

A woman or minor girl shall be considered experienced who has been employed in the laundry and dry-cleaning industry for six months.

Learners.

2. No person, firm, association or corporation shall employ a learner in the laundry or dry-cleaning industry at less than the legal minimum wage of $15 a week except at the rates and under the conditions hereinafter set forth.

(*a*) Learners shall be paid a weekly wage of not less than $9 for the first two months of employment, of not less than $11 for the next two months of employment, and not less than $13 for the following two months of employment and thereafter shall be considered experienced workers and shall be paid not less than $15.

(*b*) All learners shall be registered with the board not later than one week from the date their employment begins, and it shall be the duty of the employer to require a certificate of such registration and the learner shall apply in person to the board for such certificate. For the period prior to the receipt of this certificate the learner shall be paid not less than the rate for the wage group in which she belongs.

(*c*) All women and minor girls who have not been registered with the board at the end of one week's employment will be rated by the board as experienced workers, to be paid not less than $15 per week.

(*d*) The total number of learners in any establishment shall not exceed 25 per cent of the total number of women and minor girls employed.

Present employees.

3. All women and minor girls employed in the laundry and dry-cleaning industry at the time this order becomes effective shall be rated and paid in accordance with their periods of employment, at rates not less than those specified for such periods in section 2*a*.

This order shall become effective sixty (60) days from date hereof.

January 18, 1921.

NOTICE: This order will become effective March 19, 1921.

KANSAS.

[Order No. 1 established a sanitary code for laundries; No. 2 related to employers' records; No. 3*a* to the hours of labor in mercantile establishments; No. 4 to hours of labor in laundries; No. 5 is a sanitary code for mercantile establishments; and No. 8 fixes hours of labor in public-housekeeping establishments. Nos. 6, 7, 9 and 10 relate to wages.]

ORDER No. 6.—*Mercantile establishments.*

Rate.

No person shall employ any experienced female worker in any mercantile establishment in the State of Kansas at a weekly wage rate of less than $8.50.

Experience.

An experienced female worker is any worker who has served the apprenticeship period. Any female worker who can show to the satisfaction of the commission that she has had experience equivalent to such apprenticeship shall receive the minimum wage

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without the apprenticeship in this State. The length of the apprenticeship term for female workers in mercantile establishments shall be one year, and such apprenticeship term shall be divided into two periods of six months each.

Learners.

No person shall employ any female worker except as hereinafter provided in any mercantile establishment for the first period at a weekly wage rate of less than $6; or for the second period at a weekly wage rate of less than $7.

Minor employees.

Minors employed in mercantile establishments in the capacity of bundle wrappers and cash boys or cash girls shall be paid not less than $5 a week. After six months of service shall be paid not less than $5.50 a week, and after 12 months not less than $6 per week. Not more than 20 per cent minors and apprentices shall be allowed in any one establishment.

Said order shall become effective on and after March 18, 1918.

Jan. 6, 1918.

Order No. 7.—*Laundries.*

Hours.

Nine hours shall constitute a regular day's work for female laborers in laundries in the State; and no female person shall be required to work more than nine hours in any one day nor more than fifty-four hours in any one week. Said nine hours shall be consecutive except that not less than one hour shall be allowed for lunch, and no female person shall be compelled to work more than six consecutive hours without such allowance of time for lunch.

Posting order.

Each employer in any laundry in the State of Kansas shall, within five days from the time this order takes effect, post and thereafter keep posted in a conspicuous place within five feet of the main entrance or not more than five feet from the floor in the rooms in which female persons are employed, a printed notice stating the number of hours of work required of each of them each day, the hours of beginning and stopping work and the hours when the time allowed for lunch begins and ends.

Rate.

The minimum wage to be paid to any female employee in laundries shall be not less than $8.50 per week for fifty-four hours' labor, provided she shall have served a six months' apprenticeship in laundry work, for which the wage shall be not less than $6.50 per week.

Said order shall become effective on and after May 14, 1918.

March 14, 1918.

Order No. 9.—*Telephone operators.*

Work time.

Eight hours shall constitute a basic day and six days shall constitute a basic week for all women and minor telephone operators.

Overtime.

For all time served in excess of the basic day, the operator shall be paid at the rate of one and one-half times the hourly rate of a basic day.

Sundays and holidays.

Sunday and holiday work shall be paid for at the rate of a basic day, and if any operator is called for work on such days and reports on duty by reason of such call, and is then excused at the convenience of the employer for all or part of such day, such operator shall be paid for one basic day.

Tours.

Operators other than night operators shall perform the basic day's work in two shifts or "tours," one of which shall not exceed five hours' duration. Operators regularly employed after 10.30 o'clock p. m. shall be considered night operators.

Night operators.

Rest and sleep time for night operators shall not be considered work time. The total work time plus rest and sleep time of night operators shall be performed within twelve consecutive hours. All such operators shall be paid for work time equal to the pay of one basic day.

The minimum weekly wage to be paid women and minor telephone operators shall be as follows:

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Rates.

First.—At any exchange serving a city, town, village, or community of less than 1,000 population, the weekly rate of pay shall be not less than six dollars during the first six months of service, not less than six and 50/100 dollars during the second six months of service and not less than seven dollars after one year of service.

Second.—At any exchange serving a city or town of 1,000 and less than 5,000 population, the weekly rate of pay shall be not less than six dollars during the first six months of service, not less than seven dollars during the second six months of service, and not less than seven and 50/100 dollars after one year of service.

Third.—At any exchange serving any city or town of 5,000 and less than 20,000 population, the weekly rate of pay shall be not less than six dollars during the first six months of service, not less than seven dollars during the second six months of service, and not less than eight dollars after one year of service.

Fourth.—At any exchange serving any city of 20,000 and over population, the weekly rate of pay shall be not less than six and 50/100 dollars during the first month of service, not less than seven dollars during the succeeding five months of service, not less than eight dollars during the second six months of service, and nine dollars after one year of service.

This order shall take effect and be in force from and after the 5th day of September, 1918.

July 8, 1918.

ORDER No. 10.—*Manufacturing establishments.*

No person, firm or corporation shall employ or suffer or permit any woman or minor to work in any factory in which the conditions of employment are below the standards hereinafter set forth.

WORKING CONDITIONS.

[Omitted.]

HOURS.

Basic day.

Eight hours shall constitute a basic day. The basic day shall be divided into two periods. Not more than five hours shall be worked in any one period without relief for meals, the meal relief to be not less than forty-five minutes.

Night work.

Women and minors shall not be employed between 9 o'clock p. m. and 6 o'clock a. m.

Week.

Employment for women and minors shall be limited to six days in a week, with one day of rest in every seven days.

Overtime.

Overtime shall not be permitted except in case of emergency, and the total work time, inclusive of overtime, of any female or minor shall not exceed fifty-five hours in any one week. Time in excess of the basic day shall be paid for at the rate of time and one-half of the hourly rate of the basic day.

WAGES.

Rates.

No person, firm or corporation shall employ any experienced female worker in any factory in the State of Kansas at a weekly wage of less than $11.

Experience.

An experienced worker shall be considered here to be one who has served the apprenticeship period. The length of apprenticeship term for female workers shall be six months, and such apprenticeship term shall be divided into two periods of three months each.

Learners' rates.

No person shall employ any female worker in any factory in the State of Kansas for the first period at a weekly wage rate of less than $7, or for the second period at a weekly wage rate of less than $9.

February 21, 1919.

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MASSACHUSETTS.

Brush making.

1. The lowest time wage paid to any experienced female employee in the brush industry shall be 15½ cents an hour. Standard wage.

2. The rate for learners and apprentices shall be 65 per cent of the minimum, and the period of apprenticeship shall not be more than one year. Learners.

3. These findings shall apply also to all minors. Minors.

4. If in any case a piece rate yields less than the minimum time rate, persons employed under such rate shall be paid at least 15½ cents an hour. Piece rates.

5. This decree shall take effect on August 15, 1914, and shall remain in effect until altered by the commission. Order in effect.

August 3, 1914.

Laundries.

1. No experienced female employee of ordinary ability shall be employed in any laundry in Massachusetts at a rate of wages less than $8 a week. Standard wage.

2. No female employee of ordinary ability shall be deemed inexperienced who has been employed in laundries for one year or more. Experienced, when.

3. A female employee shall be deemed to have been employed in the industry for a year if her absences from her place or places of employment during twelve months, whether consecutive or nonconsecutive, have not been of unreasonable duration. Year's employment.

4. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided,* Learners.

(*a*) That no female employee of ordinary ability who has been employed in laundries for nine months shall be employed at a rate of wages less than $7.50 a week.

(*b*) That no female employee of ordinary ability who has been employed in laundries for six months shall be employed at a rate of wages less than $7 a week.

(*c*) That no female employee of ordinary ability who has been employed in laundries for three months shall be employed at a rate of wages less than $6.50 a week.

(*d*) That no other female employee of ordinary ability shall be paid at a rate of wages less than $6 a week.

5. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided,* That the conditions of section 9, chapter 706, Acts of 1912, as amended, are complied with. Substandard workers.

6. These recommendations shall take effect on September 1, 1915, on which date all female employees of ordinary ability who have been employed in the industry for one year or more shall be deemed to have served an apprenticeship of one year, and all others shall be deemed to have begun their apprenticeship and to be entitled to the rates as specified above. Order in effect.

July 1, 1915.

Retail stores.

1. No experienced female employee of ordinary ability shall be employed in retail stores in Massachusetts at a rate of wages less than $8.50 a week. Standard wage.

2. No female employee of ordinary ability shall be deemed inexperienced who has been employed in a retail store or stores for one year or more, after reaching the age of eighteen years. Experienced, when.

3. A female employee shall be deemed to have been employed in the industry for a year if her absences from her place or places of employment during twelve months, whether consecutive or nonconsecutive, have not been of unreasonable duration. Year's employment.

4. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided,* Learners.

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(*a*) That no female employee of ordinary ability who has reached the age of eighteen years shall be employed at a rate of wages less than $7 a week.

(*b*) That no female employee of ordinary ability who has reached the age of seventeen years shall be employed at a rate of wages less than $6 a week.

(*c*) That no other female employee of ordinary ability shall be paid at a rate of wages less than $5 a week.

Substandard workers.

5. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That the conditions of section 9, chapter 706, Acts of 1912, are complied with.

Order in effect.

6. These recommendations shall take effect on January 1, 1916, on which date all female employees of ordinary ability who have been employed in the industry for one year or more after reaching the age of eighteen shall be deemed to have served an apprenticeship of one year, and all others shall be deemed to have begun their apprenticeship, and to be entitled to the rates as specified above.

September 15, 1915.

Women's clothing (revised decree).

Rates.

1. For experienced employees, not less than $15.25 a week.

2. For learners and apprentices who have reached the age of eighteen years, not less than $12 a week.

3. For all others, not less than $10 a week.

Experience.

4. An employee shall be deemed experienced who has reached the age of eighteen years, and has been employed in the women's clothing industry for at least one and a half years.

5. For the purpose of computing experience, a year's work shall consist of not less than 35 weeks.

Basis.

6. These rates are based on full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

Order in effect.

7. These recommendations shall take effect on July 1, 1920, and shall apply to all females then or thereafter employed.

May 6, 1920.

Men's clothing and raincoats (revised decree).

Rates.

1. For experienced employees, not less than $15 a week.

2. For learners and apprentices, not less than $10 a week.

3. For all others, not less than $7 a week.

Experience.

4. An employee shall be deemed experienced who has been employed in the occupation for at least one year.

Learner's minimum.

5. An employee, irrespective of age, shall be eligible for the minimum recommended for learners and apprentices, who has been employed in the occupation for at least three months.

Basis.

6. These rates are based on full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

Substandard workers.

7. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law.

Order in effect.

8. These recommendations shall take effect on February 1, 1920, and shall apply to all females then or thereafter employed.

December 27, 1919.

Men's and boys' clothing, furnishings, etc.

Rate.

1. No experienced female employee of ordinary ability shall be employed in the manufacture of men's or boys' shirts, overalls or other workingmen's garments, men's neckwear or other furnishings, or men's, women's or children's garters or suspenders in the Commonwealth of Massachusetts at a rate of wages less than $9 a week.

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2. No female employee of ordinary ability shall be deemed inexperienced who has been employed in the manufacture of men's or boys' shirts, overalls or other workingmen's garments, men's neckwear or other furnishings, or men's, women's, or children's garters or suspenders for more than fifty-two weeks of not less than thirty-six hours each. Experience.

3. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided*, Learners.

(*a*) That no female employee of ordinary ability who has been employed in the industry for more than twenty-six weeks of not less than thirty-six hours each shall be employed at a rate of wages less $8 a week.

(*b*) That no female employee of ordinary ability who has been employed in the industry for more than six weeks of not less than thirty-six hours each shall be employed at a rate of wages less than $7 a week.

4. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That the conditions of section 9, chapter 706, acts of 1912, are complied with. Substandard workers.

5. These recommendations shall take effect on February 1, 1918, on which date all female employees of ordinary ability who have been employed in the industry for at least fifty-two weeks shall be deemed to have served their apprenticeship, and all others shall be deemed to have begun their apprenticeship, and to be entitled to such rates as are specified above. Order in effect.

October 26, 1917.

Muslin underwear.

1. No experienced employee of ordinary ability shall be employed at a rate of wages less than $9 a week. Rate.

2. An employee of ordinary ability shall be deemed experienced who has reached the age of eighteen years and has been employed in the needle trades for more than fifty-two weeks, twenty-six weeks of which have been in the factory in which she is for the time being employed. Experience.

3. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided*, That— Learners.

(*a*) No employee of ordinary ability of eighteen years of age or over who has been employed in the needle trades for at least twenty-six weeks shall be employed at a rate of wages less than $8 a week.

(*b*) No employee of ordinary ability of eighteen years of age or over who has been employed in the needle trades for at least thirteen weeks shall be employed at a rate of wages less than $7 a week.

(*c*) No other employee of ordinary ability shall be paid at a rate of wages less than $6 a week.

4. For the purpose of computing weeks of experience a week's work shall consist of not less than thirty-six hours. Week's work.

5. These rates are for full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth. Basis.

6. An employee of less than ordinary ability may be paid less than the prescribed minimum wage, provided that the conditions of the Acts of 1912, chapter 706, section 9, as amended, are complied with. Substandard workers.

7. These recommendations shall take effect on August 1, 1918, and shall apply to all females then employed, according to their age and experience. Order in effect.

July 1, 1918.

Retail millinery.

1. No experienced employee of ordinary ability shall be employed at a rate of wages less than $10 a week. Rate.

2. An employee shall be deemed experienced who has reached the age of nineteen years, and has been employed in the occupa- Experience.

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tion for at least four seasons, which shall include sixteen weeks in a fall season or seasons, and sixteen weeks in a spring season or seasons: *Provided, however,* That an apprentice entering the trade at fifteen years or younger shall not be entitled to the minimum wage for experienced workers unless she shall have worked at least twelve weeks in the next preceding season.

Learners.

3. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided,* That—

(*a*) No employee of ordinary ability who has reached the age of eighteen years and who has had at least three seasons' experience in the occupation shall be employed at a rate of wages less than $7.50 a week.

(*b*) No employee of ordinary ability who has reached the age of eighteen years and who has had at least two seasons' experience in the occupation shall be employed at a rate of wages less than $6 a week.

(*c*) No employee of ordinary ability, irrespective of age, who has had at least one season's experience in the occupation shall be employed at a rate of wages less than $4.50 a week.

(*d*) No employee of ordinary ability, irrespective of age, who has had less than one season's experience in the occupation shall be employed at a rate of wages less than $3 a week.

Season.

4. Twelve weeks shall constitute a season, but if an employee has worked at least eight weeks but less than twelve weeks in any season, the difference between the time she has worked and twelve weeks may be made up in any following season.

Week's work.

5. For the purpose of computing weeks of experience a week's work shall consist of not less than thirty-six hours.

Substandard workers.

6. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided,* That the conditions of the Acts of 1912, chapter 706, section 9, as amended, are complied with.

Basis.

7. These rates are for full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

Order in effect.

8. These recommendations shall take effect on August 1, 1918, and shall apply to all females then employed, according to their age and experience.

July 1, 1918.

Wholesale millinery.

Rate.

1. No experienced employee of ordinary ability shall be employed at a rate of wages less than $11 a week.

Experience.

2. An employee shall be deemed experienced who has reached the age of eighteen years, and has been employed in the occupation for at least four seasons, which shall include at least twelve weeks in each of two spring seasons, and at least twelve weeks in each of two fall seasons; or, in the case of those employees whose work is not of seasonal character, for a period of not less than two years.

Learners.

3. The wages of learners and apprentices may be less than the minimum prescribed for experienced employees: *Provided,* That—

(*a*) No employee of ordinary ability, irrespective of age, who has had at least three seasons' experience in the occupation; or, in the case of employees whose work is not of seasonal character, at least sixty-three weeks within a period of not less than seventy-eight weeks, shall be employed at a rate of wages less than $9 a week.

(*b*) No employee of ordinary ability, irrespective of age, who has had at least two seasons' experience in the occupation; or, in the case of employees whose work is not of seasonal character, at least forty-two weeks within a period of not less than fifty-two weeks, shall be employed at a rate of wages less than $8 a week.

(*c*) No employee of ordinary ability, irrespective of age, who has had at least one season's experience in the occupation; or, in the case of employees whose work is not of seasonal character, at least twenty-one weeks within a period of not less than

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twenty-six weeks, shall be employed at a rate of wages less than $7 a week.

(*d*) No employee of ordinary ability irrespective of age, who has had less than one season's experience in the occupation; or, in the case of employees whose work is not of seasonal character, less than twenty-one weeks, shall be employed at a rate of wages less than $6 a week.

4. Twelve weeks shall constitute a season, but if an employee has worked less than twelve weeks in any season the difference between the time she has worked and twelve weeks may be made up in any following season. Season.

5. For the purpose of computing years of experience, a year's work shall consist of not less than forty-two weeks. Year's work.

6. For the purpose of computing weeks of experience, a week's work shall consist of not less than thirty-six hours. Week's work.

7. These rates are for full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth. Basis.

8. Where workers are paid by the piece, piece rates shall be such as to yield to workers of ordinary ability the minima hereinbefore set forth. Piece rates.

9. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That the conditions of the Acts of 1912, chapter 706, section 9, as amended, are complied with. Substandard workers.

10. These recommendations shall take effect on January 1, 1919, and shall apply to all females then or thereafter employed according to their age and experience. Order in effect.

November 30, 1918.

Office cleaners.

1. For the average worker of ordinary ability, not less than $15.40 a week for full-time employment, by which is meant 42 hours or more per week. Weekly rate.

2. For less than 42 hours a week, not less than 37 cents an hour: *Provided*, The total for the hourly rate need not exceed $15.40 a week. Rates per hour.

3. These recommendations shall take effect on February 1, 1921, and shall apply to all females then or thereafter employed. In effect.

December 30, 1920.

Candy making.

1. For experienced employees, not less than $12.50 a week. Rates.

2. For learners and apprentices, not less than $8 a week.

3. An employee shall be deemed experienced who has worked in the industry at least sixty-seven weeks within a period of not less than seventy-eight weeks. Experience.

4. These rates are based on full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth. Basis.

5. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law. Substandard workers.

6. These recommendations shall take effect on January 1, 1920, and shall apply to all females then or thereafter employed. Order in effect.

July 19, 1919.

Canning and preserving.

1. For experienced employees, not less than $11 a week. Rates.

2. For all others, not less than $8.50 a week.

3. An employee shall be deemed experienced who has reached the age of eighteen years and has been employed in the occupation for at least one year. Experience.

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Year's work. 4. For the purpose of computing experience, a year's work shall consist of not less than forty weeks.

Basis. 5. These rates are based on full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

Substandard workers. 6. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law.

Order in effect. 7. These recommendations shall take effect on September 1, 1919, and shall apply to all females then or thereafter employed.

July 21, 1919.

Corsets.

Rates. 1. For experienced employees, not less than $13 a week.

2. For all others, two wage classes:

(*a*) For those seventeen years of age and over, not less than $10 a week.

(*b*) For those under seventeen, not less than $8 a week.

3. For extra or part-time workers, at least the same scale of pay pro rata for the time actually employed.

Experience. 4. An employee shall be deemed experienced who has reached the age of seventeen years, and has been employed in the occupation for at least one year.

Year's work. 5. For the purpose of computing experience, a year's work shall consist of not less than fifty weeks.

Basis. 6. These rates are based on full-time work, by which is meant the full number of hours per week required by employers and permitted by the laws of the Commonwealth.

Substandard workers. 7. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law.

Order in effect. 8. These recommendations shall take effect on March 1, 1920, and shall apply to all females then or thereafter employed.

December 27, 1919.

Knit goods.[5]

Rates. 1. For experienced employees, not less than $13.75 a week.

2. For all others, not less than $8.50 a week.

Experience. 3. An employee, irrespective of age, shall be deemed experienced who has been employed in the occupation for at least forty weeks.

Basis. 4. These rates are based on full-time work, by which is meant the full number of hours required by employers and permitted by the laws of the Commonwealth.

Substandard workers. 5. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law.

Order in effect. 6. These recommendations shall take effect on July 1, 1920, and shall apply to all females then or thereafter employed.

March 13, 1920.

Paper boxes.

Rates. 1. For experienced employees, not less than $15.50 a week.

2. For learners and apprentices sixteen years of age and over, not less $11 a week.

3. For all others, not less than $9 a week.

Experience. 4. An employee, irrespective of age, shall be deemed experienced who has been employed in the occupation for at least nine months.

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[5] In accordance with the instructions to the wage board, the knit goods occupation includes all branches of the knit goods industry with the exception of staple lines of hosiery and underwear, but this exception shall not apply to lines used for athletic purposes nor to special lines such as bathing suits, tights, and infants' garments.

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5. These rates are based on full-time work, by which is meant the full number of hours per week required by employers, and permitted by the laws of the Commonwealth. Basis.

6. A female employee of less than ordinary ability may be paid less than the prescribed minimum wage: *Provided*, That a special license is obtained from the commission in accordance with the law. Substandard workers.

7. These recommendations shall take effect on July 1, 1920, and shall apply to all females then or thereafter employed. Order in effect.

May 26, 1920.

MINNESOTA.

ORDER No. 12.—*Workers of ordinary ability and learners and apprentices.*[6]

CLASS I—WAGE EARNERS OF ORDINARY ABILITY.

1. No employer shall employ any woman or minor of ordinary ability in any occupation in any city, village, or borough in the State of Minnesota having a population of 5,000 or more inhabitants at a wage rate of less than $12 for a week of not less than 36 hours nor more than 48 hours, and 25 cents an hour for each additional hour in excess of 48 hours. Cities of 5,000 or above.

2. No employer shall employ any woman or minor of ordinary ability in any occupation in any city, village, or borough in the State of Minnesota having a population of less than 5,000 inhabitants at a wage rate of less than $10.25 for a week of not less than 36 hours nor more than 48 hours, and 21½ cents an hour for each additional hour in excess of 48 hours. Smaller localities.

CLASS II—APPRENTICES.

1. No employer shall employ any learner or apprentice under 18 years of age in any occupation in any city, village, or borough having a population of 5,000 or more inhabitants at a wage rate of less than $7.68 for a week of not less than 36 hours nor more than 48 hours, and 16 cents an hour for each additional hour in excess of 48 hours, during the first three months of such employment; nor at a wage rate of less than $9.12 for a week of not less than 36 hours nor more than 48 hours, and 19 cents an hour for each additional hour in excess of 48 hours, during the second three months of such employment; nor at a wage rate of less than $10.56 for a week of not less than 36 hours nor more than 48 hours, and 22 cents an hour for each additional hour in excess of 48 hours, during the third three months of such employment; and thereafter such learner or apprentice shall be deemed a worker of ordinary ability. Cities of 5,000 or above. Minors.

2. No employer shall employ any learner or apprentice 18 years of age or over in any occupation in any city, village, or borough having a population of 5,000 or more inhabitants at a wage rate of less than $9.12 for a week of not less than 36 hours nor more than 48 hours, and 19 cents an hour for each additional hour in excess of 48 hours, during the first three months of such employment; nor at a wage rate of less than $10.56 for a week of not less than 36 hours nor more than 48 hours, and 22 cents an hour for each additional hour in excess of 48 hours, during the second three months of such employment; and thereafter such learner or apprentice shall be deemed a worker of ordinary ability. Adults.

3. No employer shall employ any learner or apprentice under 18 years of age in any occupation in any place in the State of Minnesota other than a city, village, or borough having a population of 5,000 or more inhabitants at a wage rate of less than $6.48 for a week of not less than 36 hours nor more than 48 hours, Smaller localities. Minors.

[6] The Minnesota commission numbers its orders serially according to the date of issue; earlier wage orders are obsolete.

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and 13½ cents an hour for each additional hour in excess of 48 hours, during the first three months of such employment; nor at a wage rate of less than $7.68 for a week of not less than 36 hours nor more than 48 hours, and 16 cents an hour for each additional hour in excess of 48 hours, during the second three months of such employment; nor at a wage rate of less than $9.12 for a week of not less than 36 hours nor more than 48 hours, and 19 cents an hour for each additional hour in excess of 48 hours, during the third three months of such employment; and thereafter such learner or apprentice shall be deemed a worker of ordinary ability.

Adults.

4. No employer shall employ any learner or apprentice 18 years of age or over in any occupation in any place in the State of Minnesota other than a city, village, or borough, having a population of 5,000 or more inhabitants, at a wage rate less than $7.68 for a week of not less than 36 hours nor more than 48 hours, and 16 cents an hour for each additional hour in excess of 48 hours, during the first three months of such employment; nor at a wage rate of less than $9.12 for a week of not less than 36 hours nor more than 48 hours, and 19 cents an hour for each additional hour in excess of 48 hours, during the second three months of such employment; and thereafter such learner or apprentice shall be deemed a worker of ordinary ability.

A minor who is still a learner or apprentice upon reaching the age of 18 years shall be paid not less than the rates specified herein for an apprentice or learner 18 years of age or over.

Order in effect.

This order shall take effect and be in force on and after January 1, 1921.

Dated at St. Paul, Minn., this first day of December, 1920.

GENERAL NOTES APPLICABLE TO ALL.

Telephone operators.

1. Under the provisions of order No. 12, where the person in question is a telephone operator and is customarily on duty between 6 o'clock p. m. and 8 o'clock a. m., and is permitted to sleep while so on duty, 12 hours on duty shall be construed as the equivalent of 8 hours of work, in computing the number of hours of employment per week.

Order to be posted.

2. Each employer affected by the above order shall post at least one copy of said order in a conspicuous place in each workroom in which the affected workers are employed in his establishment or work place.

Allowances.

3. In determining a minimum wage of $12 per week, $7 is allowed for room and board, and 22½ cents per meal is allowed for 21 meals per week.

Same.

4. In determining a minimum wage of $10.25 per week, $6.25 is allowed for room and board, and 21 cents per meal is allowed for 21 meals per week.

Registers.

5. Attention is called to the provisions of section 3 of the minimum wage act reading as follows:

"Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register."

NOTES APPLICABLE TO CLASS II ONLY.

Certificates.

1. No employer shall employ any woman or minor at learner or apprentice wage rates unless he obtains a "certificate of employment" as a learner or apprentice, from the minimum wage commission, within one week after hiring such learner or apprentice. Otherwise such employee shall be paid the wage prescribed for wage earners of ordinary ability.

"Learner."

2. A learner or apprentice shall mean either a woman or a minor entering employment for the first time.

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NORTH DAKOTA.

[Order No. 1 relates to employers' records; No. 2 is a sanitary code; No. 3 presents a series of "general regulations" governing work time, teaching charges for apprentices, piecework, and selling on commission, also requiring advances to be paid where learners have completed the various stages of apprenticeship, whether in one or more establishments. No. 4 regulates the employment of minors, other than as to wages.]

ORDER No. 5.—*Public-housekeeping occupation.*

Scope.

"Public housekeeping occupation" includes the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice-cream and light-lunch stands and steam-table or counter work in cafeterias and delicatessens where freshly cooked foods are served, and the work of chambermaids in hotels and lodging houses and boarding houses and hospitals, and the work of janitresses and car cleaners, and of kitchen workers in hotels and restaurants and hospitals, and the work of cigar-stand girls and elevator operators.

A retail candy department, which is conducted in connection with an ice-cream, soft-drink, or light-lunch counter, or with a restaurant or other establishment will be classified as a public-housekeeping establishment.

Work time.

1. No employer shall employ any woman or minor in the State of North Dakota in towns of less than 500 population, in any public housekeeping establishment for more than nine hours in any one day, or for more than 58 hours in any one week, or for more than 28 days in any one month.

Rate.

2. No employer shall employ any experienced woman or minor in any public housekeeping establishment in the State of North Dakota at a weekly wage rate of less than $17.50 for waitresses and counter girls and at a weekly wage rate of less than $16.70 for chambermaids and kitchen help.

Apprenticeship.

3. The maximum length of the apprenticeship term for women or minor workers in public housekeeping establishments shall be four months, and such apprenticeship term shall be divided into two equal periods of two months each. No employer shall employ any woman or minor as a waitress or counter girl in any public housekeeping establishment during the first period at a weekly wage of less than $14; nor for the second period at a weekly wage of less than $16. No employer shall employ any woman or minor as chambermaid or kitchen help in any public housekeeping establishment during the first period at a weekly wage of less than $13.20 nor for the second period at a weekly wage of less than $15.20.

Percentage basis.

4. Any employer who employs any woman or minor on commission or percentage basis shall pay such woman or minor the same wage rate, according to the length of time in service, as established in paragraphs Nos. 2 and 3 of this order.

Rest time.

5. No employer shall employ any woman or minor in any public housekeeping establishment for more than five hours of continuous labor without rest periods aggregating at least forty-five (45) minutes.

Board and lodging.

6. When lodging and board are furnished by an employer to any woman or minor employed as waitress or counter girl in any public housekeeping establishment as part payment of the wage of such woman or minor, not less than $8 a week shall be paid to such employee. When lodging and board are furnished by any employer to any woman or minor girl employed as kitchen help or as chambermaid in any public housekeeping establishment, not less than $7.20 a week shall be paid to such employee.

Where board only is furnished by any employer to any woman or minor employed as waitress or counter girl in any public

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housekeeping establishment as part payment of the wage to such woman or minor, not less than $10.50 a week shall be paid to such employee. Where board only is furnished by an employer to any woman or minor employed as kitchen help or as chambermaid in any public housekeeping establishment as part payment of the wage to such woman or minor not less than $9.70 a week shall be paid to such employee.

When lodging only is furnished by an employer, to any woman or minor employed as waitress or counter girl in any public housekeeping establishment as part payment of the wage of such woman or minor, not less than $15 a week shall be paid to such employee. When lodging only is furnished by an employer to any woman or minor employed as kitchen help or chambermaid in any public housekeeping establishment, not less than $14.20 a week shall be paid to such employee.

Rates for meals.

7. Board shall be considered to be twenty-one meals in each week. When less than twenty-one meals are furnished by an employer who, is furnishing meals as part payment of a wage, forty cents (40c.) per meal shall be allowed such employee by said employer for each meal which is not furnished.

Averages.

8. The average weekly wage rate for all women or minor workers in any public housekeeping establishment in the State of North Dakota shall be not less than the average minimum wage established for experienced workers and at least seventy-five (75%) per cent of such employees shall be paid at not less than said minimum wage rate, and not more than twenty-five (25%) per cent of such employees shall be paid at a weekly wage rate of less than said minimum wage rate.

Suspensions.

9. In case of emergency any of these regulations may be temporarily suspended or modified by permission of the bureau.

Elevator operators.

10. Employment of women as elevator operators is forbidden between the hours of 11 p. m. and 7 a. m.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

ORDER No. 6.—*Personal service occupation.*

Scope.

"Personal service occupation" shall include manicuring, hairdressing, barbering, and other work of like nature, and the work of ticket sellers and ushers in theaters.

Work time.

1. No employer shall employ any woman or minor in the State of North Dakota in any personal service establishment in towns of less than 500 population for more than nine hours in any one day, nor for more than 58 hours in any one week, nor for more than 28 days in any one month.

Week.

2. No employer shall employ any woman or minor in the State of North Dakota in any personal service establishment for more than six days in one calendar week.

Rate.

3. No employer shall employ any experienced woman or minor in any personal service establishment in the State of North Dakota at a weekly wage rate of less than $17.50.

Apprenticeship.

4. The maximum length of the apprenticeship term for women or minor workers in personal service establishments shall be one year and such apprenticeship term shall be divided into four equal periods of three months each. No person shall employ any woman or minor in any personal service establishment for the first period at a weekly wage rate of less than $13; nor for the second period at a weekly wage rate of less than $14; nor for the third period at a weekly wage rate of less than $15; nor for the fourth period at a weekly wage rate of less than $16.

Rest time.

5. No employer shall employ any woman or minor in any personal service establishment for more than five hours of continuous labor without a rest period of at least forty-five minutes.

Ushers.

6. No period of apprenticeship is required for ushers and ticket sellers in theaters and places of amusement.

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7. No woman in the State of North Dakota shall be employed as a messenger in the telegraph, telephone, or public messenger service. Messengers.

8. The average weekly wage rate for all women or minor workers in any personal service establishment in the State of North Dakota shall be not less than the minimum wage rate established for experienced workers; and at least seventy-five per cent (75%) of such employees shall be paid at not less than said minimum wage rate, and not more than twenty-five per cent (25%) of such employes shall be paid at a weekly rate of less than said minimum wage rate. Averages.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

ORDER NO. 7.—*Office occupation.*

"Office occupation" includes the work of those employed as stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers, checkers, invoicers, comptometer operators, auditors, attendants in physicians' and dentists' offices, and all kinds of clerical work. Scope.

1. No employer shall employ any woman or minor in the State of North Dakota in any office for more than eight and one-half hours in any one day, nor for more than forty-eight hours in any one week. Work time.

2. No employer shall employ any woman or minor in any office in the State of North Dakota for more than six days in one calendar week. Week.

3. No employer shall employ any experienced woman or minor in the State of North Dakota in any office at a weekly wage rate of less than $20. Rate.

4. The maximum length of apprenticeship term for women and minors in offices shall be nine months, and such apprenticeship term shall be divided into three equal parts of three months each. No person shall employ any woman or minor in any office for the first period at a weekly wage of less than $14; nor for the second period at a weekly wage of less than $16; nor for the third period at a weekly wage of less than $18. Apprenticeship.

5. No employer shall employ any woman or minor in any office in the State of North Dakota for more than five hours of continuous labor without a rest period of at least forty-five minutes. Rest time.

6. Learners' certificates will be withheld by the bureau when it is convinced that the establishment, by which a learner is employed, is endeavoring to dismiss learners when they are entitled to an increase in pay. Dismissing learners.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

ORDER NO. 8.—*Manufacturing occupation.*

"Manufacturing occupation," shall include all processes in the production of commodities. Included in this term is the work performed in dressmaking shops and wholesale millinery houses, in the workrooms of retail millinery shops, and in the drapery and furniture-covering workshops, the garment alteration, art needlework, fur-garment making, and millinery workrooms in mercantile stores, and the candy-making departments of retail candy stores and of restaurants, and in bakery and biscuit-manufacturing establishments, in candy-manufacturing and in bookbinding and job press-feeding establishments. Scope.

1. No employer shall employ any woman or minor in the State of North Dakota in any manufacturing establishment for more than eight and one-half hours in any one day or for more than forty-eight hours in any one week. Work time.

2. No employer shall employ any woman or minor in any manufacturing establishment in the State of North Dakota for more than six days in one calendar week. Week.

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Rate.

3. No employer shall employ any experienced woman or minor in the State of North Dakota in any manufacturing establishment at time rates of payment at a weekly rate of less than $16.50.

Apprenticeship.

4. The length of apprenticeship term for women and minor workers paid by time or piece rates of payment in any candy-manufacturing establishment shall be three months, and such apprenticeship term shall be divided into two equal periods of six weeks each. No person shall employ any woman or minor in any candy-manufacturing establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $15.

Same.

5. The length of apprenticeship term for women and minor workers paid by time or piece rates of payment in any biscuit manufacturing establishment shall be three months and such apprenticeship term shall be divided into two equal periods of six weeks each. No person shall employ any woman or minor in any biscuit-manufacturing establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $15.

Same.

6. The length of apprenticeship term for women and minor workers paid by time or piece rates of payment in any bookbinding or job press-feeding establishment shall be one year and such apprenticeship term shall be divided into four equal parts of three months each. No person shall employ any woman or minor in any bookbinding or job press-feeding establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $13; nor for the third period at a weekly wage of less than $14; nor for the fourth period at a weekly wage of less than $15.

Same.

7. The length of apprenticeship term for women and minor workers in any manufacturing establishment not above designated shall be left to the discretion of the bureau in conference with the employer and employee in such occupation and the apprenticeship wages shall be determined in such conference.

Percentage basis.

8. Any employer who employs any woman or minor on piece rate, percentage, or commission basis shall pay such woman or minor not less than the same weekly wage rate, according to the length of time in service, as established in Nos. 3, 4, 5, 6, and 7 of this order.

Piece basis.

9. The weekly wage rate for women or minors employed at piece rates in any manufacturing establishment in the State of North Dakota shall be not less than the weekly minimum wage established for each class of workers.

Proportion of learners.

10. At least sixty per cent of the employees in any manufacturing establishment shall be experienced workers and not more than forty per cent of such employees shall be apprentices, except by special permit of the bureau.

Night work.

11. No employer shall employ any minor in any manufacturing establishment in the State of North Dakota between the hours of 8.30 p. m. and 7 a. m., except by special permit of the bureau.

Rest time.

12. No employer shall employ any woman or minor in any manufacturing establishment in the State of North Dakota for more than six hours of continuous labor without a rest period of at least forty-five minutes.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

ORDER No. 9.—*Laundry occupation.*

Scope.

"A laundry" is a place where clothes are washed or cleaned by any process, by any person, firm, institution, corporation, or association and laundry work shall include all the processes connected with the receiving, marking, washing, cleaning, and ironing and distribution of washable and cleanable materials. The work performed in laundry departments in hotels, hospitals, and factories shall be considered as laundry work.

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The term "learner" as used in this order means a woman or minor to whom the bureau has issued a certificate to work for less than the legal minimum wage for experienced workers, in consideration of such person being provided with reasonable facilities for learning the laundry industry. Learners' certificates will be withheld by the bureau when it is convinced that the establishment by which the learner is to be employed is endeavoring to evade this order by dismissing learners when they are entitled to an increase in pay. Learner.

1. No employer shall employ any woman or minor in a laundry in the State of North Dakota in towns of less than 500 population for more than eight and one-half (8½) hours in any one day, nor for more than forty-eight (48) hours in any one week. Work time.

2. No employer shall employ any experienced woman or minor in the State of North Dakota in any laundry establishment at time rates of payment at a weekly wage of less than $16.50 or $16 where laundry privileges are allowed. Rate.

3. The length of apprenticeship term for women or minors in laundry establishments shall be four months, and such apprenticeship term shall be divided into two equal periods of two months each. No person shall employ any woman or minor in any laundry establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $14. Apprenticeship.

4. The average weekly wage rate for all women or minors employed at piece rate in any laundry establishment in the State of North Dakota shall be not less than the minimum wage for experienced workers. Piece basis.

5. Not less than seventy-five per cent (75%) of the employees shall be paid at not less than said minimum-wage rate, and not more than twenty-five per cent of such employees shall be paid at a weekly wage rate of less than said minimum wage for experienced workers: *Provided, moreover*, That any woman or minor employed at piece rate or on commission or percentage basis shall receive the same wage rate according to the length of time in service as established in paragraphs 2 and 3 of this order. Averages.

6. No employer shall employ any woman or minor in the State of North Dakota in any laundry establishment for more than six days in one calendar week. Week.

7. No employer shall employ any woman or minor in any laundry establishment for more than five hours of continuous labor without a rest period of at least forty-five (45) minutes. One day a week may be excepted. Rest time.

8. No employer shall employ any minor in the State of North Dakota in a laundry establishment later than 8.30 p. m. Night work.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

Order No. 10.—*Student nurses.*

1. No person, firm, association, or corporation, owning, directing, or operating any hospital, sanitarium, or other place in which women are being trained or employed as students in the profession of nursing or caring for the sick, disabled or invalid, shall require any such women to be on duty for more than fifty-two (52) hours in any one week, exclusive of class hours. Time on duty.

2. Each student nurse shall be given a twelve (12) hour free period at least once a week between the hours of 7 a. m. and 11 p. m. Free periods.

3. In case of emergency, regulations Nos. 1 and 2 of this order may be temporarily suspended or modified by permission of the bureau. Emergency.

4. Women who are being trained or employed as students in the profession of nursing or caring for the sick, disabled, or invalid by any person, firm, association, or corporation, owning, directing, or operating any hospital, sanitarium, or office, shall receive during the first year of their training a monthly wage of Rates.

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not less than $4; during the second year a monthly wage of not less than $6; and during the third year a monthly wage of not less than $8.

Maintenance. 5. All student nurses shall be furnished full maintenance, uniforms, equipment for work (except breakage), and necessary laundry work (averaging approximately 21 pieces a week).

Room and board. 6. Where maintenance is not furnished, board and room shall be computed at the rate of $10.25 per week.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

ORDER No. 11—*Mercantile occupation.*

Scope. "Mercantile occupation" shall include the work of those employed in establishments, operated for the purpose of trade in the purchase or sale of any goods or merchandise, and includes the sales force, the wrapping employees, the auditing or checking force, the shippers in the mail-order department, the receiving, marking, and stock-room employees, and sheet-music saleswomen and demonstrators.

Learners. The term "learner" as used in this order means a woman or minor to whom the bureau has issued a certificate to work for less than the legal minimum wage in consideration of such person being provided with reasonable facilities for learning the mercantile industry. Learners' certificates will be withheld by the bureau when it is convinced that the establishment by which the learner is employed is endeavoring to evade this order by dismissing learners when they are entitled to an increase in pay.

Work time. 1. No employer shall employ any woman or minor in the State of North Dakota in towns under 500 population in any mercantile establishment for more than eight and one-half hours in any one day, nor for more than forty-eight hours in any one week.

Week. 2. No employer shall employ any woman or minor in the State of North Dakota in any mercantile establishment for more than six days in one calendar week.

Rate. 3. No employer shall employ an experienced woman or minor in the mercantile industry at a weekly wage of less than $17.50.

Apprenticeship. 4. The maximum length of apprenticeship term for women and minors in mercantile establishments shall be one year, and such apprenticeship term shall be divided into four equal parts of three months each. No person shall employ any woman or minor in any mercantile establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $13; nor for the third period at a weekly wage of less than $14; nor for the fourth period at a weekly wage of less than $15.

Present employees. 5. All women or minors employed in the mercantile industry at the time this order goes into effect shall be rated and paid in accordance with their period of employment at rates not less than those specified for such periods in No. 4.

Rest time. 6. No employer shall employ any woman or minor in any mercantile establishment for more than six hours of continuous labor without a rest period of at least forty-five minutes.

Night work. 7. No employer shall employ any woman or minor in the State of North Dakota in any mercantile establishment later than 6.30 p. m.

Averages. 8. The average weekly rate for all women or minor workers in any mercantile establishment in the State of North Dakota shall be not less than the minimum wage established for experienced workers; and at least seventy-five per cent of such employees shall be paid at not less than said minimum wage rate, and not more than twenty-five per cent of such employees shall be paid at a weekly wage rate of less than said minimum wage rate.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

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ORDER No. 12.—*Telephone regulations.*

1. No employer shall employ any woman or minor in any town in North Dakota with a population under 500 and in rural telephone exchanges in any telephone establishment for more than ten hours in any one day between the hours of 7 a. m. and 10 p. m., nor for more than sixty-three hours in any one week, nor for more than twenty-eight days in any one month. Work time.

2. No employer shall employ any experienced woman or minor in the State of North Dakota in any telephone establishment at a weekly wage rate of less than $16.50. Rate.

3. The maximum length of apprenticeship term for women or minor workers in telephone establishments shall be nine months. The apprenticeship term shall be divided into three equal periods of three months each. No employer shall employ any woman or minor in any telephone establishment for the first period at a weekly wage of less than $12; nor for the second period at a weekly wage of less than $14; nor for the third period at a weekly wage of less than $15. Apprenticeship.

4. No employer shall employ any woman or minor in any telephone establishment in the State of North Dakota for more than six hours of continuous labor between the hours of 7.30 a. m. and 8.30 p. m. without a rest period of at least forty-five minutes. Rest time.

5. No employee in any telephone establishment in the State of North Dakota in towns of 500 population or over, and except in rural telephone exchanges, shall work more than eight consecutive days, without one day off. Day off.

6. Any telephone establishment which does not demand the continuous presence of any operator at the switchboard or exchange may obtain, upon application and showing before the bureau, a special license for the employment of operators for wages and daily hours different from those required by the above order; such wages and hours must be satisfactory to the employee as well as the employer and must be approved by the bureau. Part-time work.

7. In all exchanges employing four or more employees, the average weekly wage rate for all women or minor workers in any telephone establishment in the State of North Dakota shall be not less than the minimum wage established for experienced workers, and at least sixty-five per cent (65%) of such employees shall be paid at not less than said minimum wage rate and not more than thirty-five per cent (35%) of such employees shall be paid at a weekly wage rate of less than said minimum wage rate. Proportion of learners.

8. In case of emergency any of these regulations may be temporarily modified or suspended by permission of the bureau. Suspensions.

9. When any of the regulations of the Sanitary Code, the General Regulations, or Regulations for Minors conflict with the regulations for this special employment, the latter rules shall govern. Conflicts.

Said order shall become effective on and after August 16, 1920.

June 15, 1920.

OREGON.

ORDER No. 37.—*Mercantile occupation, Portland.*[7]

1. No person shall employ any woman in the city of Portland in any mercantile establishment for more than nine (9) hours in any one day nor for more than forty-eight (48) hours in any one week. Hours.

2. No person shall employ any experienced woman in the city of Portland in any mercantile establishment at a weekly wage rate of less than $13.20. Wages.

3. The length of apprenticeship term for women workers in mercantile establishments shall be eight months and such apprentice- Apprenticeship.

[7] The Oregon commission numbers its orders serially; earlier orders are obsolete. Order No. 38 makes identical provision for the State outside of the city of Portland, except that the hour of 8.30 is substituted for 6 o'clock in par. 6.

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ship term shall be divided into three periods as follows: First period, one month; second period, three months; third period, four months. No person shall employ any woman in any mercantile establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12.

Six-day week. 4. No person shall employ any woman in the city of Portland in a mercantile establishment for more than six days in one calendar week.

Rest period. 5. No person shall employ any woman in any mercantile establishment for more than six hours of continuous labor without a rest period of at least forty-five minutes.

Night work. 6. No person shall employ any woman in the city of Portland in a mercantile establishment, other than cigar stands in hotels and confectionery stores, later than 6 o'clock p. m.

Scope. "Mercantile occupation" shall include the work of those employed in establishments operated for the purpose of trade in the purchase or sale of any goods or merchandise, and includes the sales force, the wrapping employees, the auditing or check inspection force, the shoppers in the mail-order department, the receiving, marking, and stockroom employees, and sheet-music saleswomen and demonstrators.

Order in effect. Said order shall become effective from and after October 14, 1919.

August 12, 1919.

ORDER NO. 39.—*Manufacturing occupation.*

Hours. 1. No person shall employ any woman in the State of Oregon in any manufacturing establishment for more than nine (9) hours in any one day. No person shall employ any woman in any manufacturing establishment in the State of Oregon for more than forty-eight (48) hours in any one week.

Wages. 2. No person shall employ any experienced woman in the State of Oregon in any manufacturing establishment at time rates of payment at a weekly wage rate of less than $13.20.

Apprenticeship. 3. The length of the apprenticeship term for women workers paid by time rates of payment in manufacturing establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any manufacturing establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12.

Piecework. 4. The average weekly wage rate for all women employed at piece rates in any manufacturing establishment in the State of Oregon shall be not less than $13.20, and at least seventy-five per cent (75%) of such employees shall be paid at not less than said minimum wage rate and not more than twenty-five per cent (25%) of such employees shall be paid at a weekly wage rate of less than $13.20: *Provided, moreover,* That after any woman or girl has been employed at prevailing piece rates for three weeks she shall then be paid not less than $9 per week, even if the amount earned at piece rates be less than that sum. In determining such average wage, a period of not less than sixty days shall be taken as a basis.

Six-day week. 5. No person shall employ any woman in the State of Oregon in any manufacturing establishment for more than six days in one calendar week.

Rest period. 6. No person shall employ any woman in any manufacturing establishment for more than six hours of continuous labor without a rest period of at least forty-five minutes.

Night work. 7. No person shall employ any woman in the State of Oregon in any manufacturing establishment later than 8.30 o'clock p. m.

Scope. "Manufacturing occupation" shall include all processes in the production of commodities. Included in this term is the work performed in dressmaking shops and wholesale millinery houses, in the workrooms of retail millinery shops, and in the drapery and

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furniture-covering workrooms, the garment alteration, art needle work, fur garment making, and millinery workrooms in mercantile stores, and the candy-making department of retail candy stores, and of restaurants. Fruit and vegetable drying, canning, preserving, and packing establishments are excluded from the above order.

Said order shall become effective from and after October 14, 1919. Order in effect.

August 12, 1919.

ORDER No. 40.—*Personal-service occupation.*

1. No person shall employ any woman in the State of Oregon in any personal-service establishment for more than nine (9) hours in any one day nor for more than forty-eight (48) hours in any one week. Hours.

2. No person shall employ any experienced woman in the State of Oregon in any personal-service establishment at a weekly wage rate of less than $13.20. Wages.

3. The length of the apprenticeship term for women workers in personal-service establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any personal-service establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12. Apprenticeship.

4. No person shall employ any woman in the State of Oregon in any personal-service establishment for more than six days in one calendar week. Six-day week.

5. No person shall employ any woman in any personal-service establishment for more than six hours of continuous labor between the hours of 7 a. m. and 8.30 p. m., without a rest period of at least forty-five minutes. Rest period.

"Personal-service occupation" shall include manicuring, hairdressing, barbering, and other work of like nature, and the work of ushers in theaters. Scope.

No woman in the State of Oregon shall be employed as messenger in the telegraph, telephone, or public-messenger service. Messenger service.

Said order shall become effective from and after October 14, 1919. Order in effect.

August 12, 1919.

ORDER No. 41.—*Laundry occupation.*

1. No person shall employ any woman in the State of Oregon in any laundry establishment for more than nine (9) hours in any one day nor for more than forty-eight (48) hours in any one week. Hours.

2. No person shall employ any experienced woman in the State of Oregon in any laundry establishment at time rates of payment at a weekly wage rate of less than $13.20. Wages.

3. The length of the apprenticeship term for women workers paid by time rates of payment in laundry establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any laundry establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12. Apprenticeship.

4. The average weekly wage rate for all women employed at piece rates in any laundry establishment in the State of Oregon shall be not less than $13.20; and at least seventy-five per cent (75%) of such employees shall be paid at not less than said minimum-wage rate and not more than twenty-five per cent (25%) of such employees shall be paid at a weekly wage rate of less than $13.20: *Provided, moreover,* That after any woman or girl has been employed at prevailing piece rates for three weeks, she shall then be paid not less than $9 per week even if the amount earned at piece rates be less than that sum. In determining such aver- Piecework.

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age wage, a period of not less than sixty days shall be taken as a basis.

Six-day week. 5. No person shall employ any woman in the State of Oregon in any laundry establishment for more than six days in one calendar week.

Rest period. 6. No person shall employ any woman in any laundry establishment for more than six hours of continuous labor without a rest period of at least forty-five minutes.

Night work. 7. No person shall employ any woman in the State of Oregon in a laundry establishment later than 8.30 o'clock p. m.

Scope. A laundry is a place where clothes are washed or cleaned by any process, by any person, firm, institution, corporation, or association, and laundry work shall include all the processes connected with the receiving, marking, washing, cleaning, and ironing, and distribution of washable and cleanable materials. The work performed in laundry departments in hotels and factories shall be considered as laundry work.

Order in effect. Said order shall become effective from and after October 14, 1919.

August 12, 1919.

ORDER No. 42.—*Telephone and telegraph occupation, Portland.*[8]

Hours. 1. No person shall employ any woman in the city of Portland in any telephone or telegraph establishment for more than nine (9) hours in any one day nor for more than forty-eight (48) hours in any one week.

Wages. 2. No person shall employ any experienced woman in the city of Portland in any telephone or telegraph establishment at a weekly wage rate of less than $13.20.

Apprenticeship. 3. The maximum length of the apprenticeship term for woman workers in telephone or telegraph establishments shall be one year.

The apprenticeship term for telephone establishments shall be divided into four equal periods of three months each. No person shall employ any woman in any telephone establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10; nor for the third period at a weekly wage of less than $11; nor for the fourth period at a weekly wage of less than $12.

The apprenticeship term for telegraph establishments shall be divided into three equal periods of four months each. No person shall employ any woman in any telegraph establishment for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12.

Six-day week. 4. No person shall employ any woman in the city of Portland in any telephone establishment for more than six days in one calendar week.

Short day. 5. No person shall employ any woman in any telegraph establishment in the city of Portland for seven consecutive days without allowing one day during which the hours of employment shall not exceed six hours.

Rest period. 6. No person shall employ any woman in any telephone or telegraph establishment for more than six hours of continuous labor between the hours of 7 a. m. and 8.30 p. m., without a rest period of at least forty-five minutes.

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[8] Order No. 43 makes identical provisions for the State outside of the city of Portland, except for par. 4 and an addition as to rural telephone establishments of limited service. These portions of No. 43 read as follows: "4. No person shall employ any woman in the State of Oregon, outside of the city of Portland, in any telephone establishment for fourteen consecutive days without one full day of rest and one day of not more than six hours' work. * * * Any rural telephone establishment of limited service which does not demand the uninterrupted attention of an operator may obtain, upon application and showing before the commission, a special license for the employment of operators for wages and daily hours different from those required by the above order; such wages and hours must be satisfactory to the employee as well as to the employer and be approved by the commission."

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7. Upon application and showing, the commission may, upon such terms as it deems proper, release any applicant employing less than ten operators from compliance with rule number four. Exemption.

Said order shall become effective from and after October 14, 1919. Order in effect.

August 12, 1919.

ORDER NO. 44.—*Office occupation.*

1. No person shall employ any woman in the State of Oregon in any office for more than forty-eight (48) hours in any one week. Hours.

2. No person shall employ any experienced woman in the State of Oregon in any office at a monthly wage rate of less than $60. Wages.

3. The maximum length of the apprenticeship term for woman workers in offices shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any office for the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12. Apprenticeship.

4. No person shall employ any woman in any office in the State of Oregon for more than six days in one calendar week. Six-day week.

5. No person shall employ any woman in any office for more than six hours of continuous labor between the hours of 7 a. m. and 8.30 p. m., without a rest period of at least forty-five minutes. Rest period.

"Office occupation" includes the work of those employed as stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers, checkers, invoicers, comptometer operators, auditors, attendants in physicians' and dentists' offices, and all kinds of clerical work. Scope.

Said order shall become effective from and after October 14, 1919. Order in effect.

August 12, 1919.

NO. 45.—*Public housekeeping occupation.*

1. No person shall employ any woman in the State of Oregon in any public housekeeping establishment for more than nine hours in any one day nor for more than forty-eight (48) hours in any one week. Hours.

2. No person shall employ any experienced woman in the State of Oregon in any public housekeeping establishment at a weekly rate of less than $13.20. Wages.

3. The maximum length of the apprenticeship term for woman workers in public housekeeping establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any public housekeeping establishment during the first period at a weekly wage of less than $9; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12. Apprenticeship.

4. No person shall employ any woman in any public housekeeping establishment for more than six hours of continuous labor between the hours of 7 a. m. and 8.30 p. m., without a rest period of at least forty-five minutes. Rest period.

5. When lodging and board, or either of them is furnished by any employer to any woman or minor girl employed in any occupation as part payment of the wages of such woman or minor girl, not more than $2 per week for lodging and not more than $4.50 per week for board shall be deducted by such employer from the weekly wage of such woman or minor girl. Board shall be considered to be twenty-one meals in each week. A fraction of a week's lodging board shall be computed upon the above basis. Allowances.

"Public housekeeping occupation" includes the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice cream and light lunch stands and Scope.

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steam table or counter work in cafeterias and delicatessens where freshly cooked foods are served; and the work of chambermaids in hotels and lodging houses, and boarding houses; and the work of janitresses; and car cleaners; and of kitchen workers in hotels and restaurants; and elevator operators between the hours of 7 a. m. and 11 p. m.

Elevator operators.

Employment of women as elevator operators is forbidden before 7 a. m. and after 11 p. m.

A retail candy department, which is conducted in connection with an ice cream, soft drink, or light lunch counter, or with a restaurant, will be classified as a public housekeeping establishment.

Order in effect.

Said order shall become effective from and after October 14, 1919.

August 12, 1919.

ORDER No. 46.—*Minors.*

Schooling.

1. No child under sixteen (16) years of age can be employed in the State of Oregon unless he or she has acquired the ordinary branches of learning taught in the first eight years of the public schools.

Hours.

2. No person shall employ any minor girl in any occupation in the State of Oregon more than nine hours in one day and in no case more than forty-eight hours in one week.

3. No person shall employ any minor boy in the State of Oregon for more than ten hours in any one day.

4. No person shall employ any minor boy or minor girl under sixteen years of age, in the State of Oregon, more than eight hours in any one day.

Six-day week.

5. No person shall employ any minor girl or minor boy in the State of Oregon more than six days in one calendar week.

Rest period.

6. No person shall employ any minor girl for more than six hours of continuous labor between the hours of 7 a. m. and 6 p. m., without a rest period of at least forty-five minutes.

Night work.

7. No person shall employ any minor girl in any occupation in the State of Oregon after the hour of 6 o'clock p. m., on any day.

Wages.

8. No person shall employ any minor between fourteen and fifteen years of age at less than $6 per week.

9. No person shall employ any minor between fifteen and sixteen years of age at less than $7.20 per week.

10. No person shall employ any minor between sixteen and eighteen years of age for less than $8.50 per week for the first six months of employment and shall increase the weekly wage of such minor by $1 per week for every six months of employment until said minor becomes eighteen years of age when the minimum wage for adult workers shall be paid.

11. No person shall employ any minor boy or minor girl between the ages of sixteen and eighteen years in any occupation in the State of Oregon at a weekly wage of less than $8.50, except as otherwise arranged by the commission in the case of apprentices.

Periods for advancement.

12. For the purpose of determining a rising scale for minor apprentices, the working time of female minors between the ages of sixteen and eighteen years shall be divided into periods of three months each. Each period, or major fraction thereof, shall be considered the equivalent of one month in the corresponding period of the apprenticeship of the adult worker.

Messengers.

13. No minor girl shall be employed as a messenger in the telegraph, telephone, or public messenger service in the State of Oregon.

Order in effect.

Said order shall become effective from and after October 14, 1919.

August 12, 1919.

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ORDER No. 47.—*Packing, drying, preserving, or canning any variety of perishable fruit or vegetables.*

No person, firm, or corporation shall employ or suffer or permit any woman or minor to work in the fruit and vegetable packing, drying, preserving, or canning industry in the State of Oregon in any of the following occupations at wage rates less than the following: Rates.

Piece rates.

Occupation and variety.	Minimum piece rates.
Cutting apricots	$38\frac{1}{4}$c. per 100 lbs. (or $15\frac{3}{10}$c. per 40 lbs.)
Cutting pears	$67\frac{3}{4}$c. per 100 lbs. (or $25\frac{1}{2}$c. per 40 lbs.)
Cutting cling peaches	$38\frac{1}{4}$c. per 100 lbs. (or $15\frac{3}{10}$c. per 40 lbs.)
Cutting free peaches	21c. per 100 lbs. (or $8\frac{1}{2}$c. per 40 lbs.)
Cutting tomatoes	$5\frac{1}{10}$c. per 12 quarts
Peeling apples	$4\frac{1}{4}$c. per 40 lb. box
Quartering apples	$15\frac{3}{10}$c. per 40 lb. box
Hulling strawberries	$1\frac{7}{10}$c. per pound
Stemming cherries	$\frac{2}{5}$c. per pound
Sorting and stemming cherries	$\frac{1}{2}$c. per pound
Sorting and stemming string beans	$1\frac{1}{5}$c. per pound
Canning apricots, pears, and peaches; size of can, No. $2\frac{1}{2}$,	$2\frac{1}{2}$c. per dozen cans
Canning apricots, pears, and peaches; size of can, No. 10,	$6\frac{1}{10}$c. per dozen cans
Canning apples; size of can, No. 10	3c. per dozen cans
Canning strawberries, loganberries, blackberries, raspberries, and cherries: size of can, No. 2	$1\frac{7}{10}$c. per dozen cans
Canning strawberries, loganberries, blackberries, raspberries, and cherries; size of can, No. $2\frac{1}{2}$	$2\frac{1}{5}$c. per dozen cans
Canning tomatoes; size of can, No. $2\frac{1}{2}$	$1\frac{7}{10}$c. per dozen cans
Canning tomatoes; size of can, No. 10	4c. per dozen cans
A uniform basis for facing prunes in 25-lb. boxes, double faced, of	$5\frac{1}{10}$c. per box

Time rates.

Class.	Minimum time rate.
Experienced workers	$27\frac{1}{2}$c. per hour
Inexperienced workers	22c. per hour

These rates apply to adults and minors alike. Period for inexperienced shall be limited to three weeks.

Said order shall become effective from and after October 14, 1919.

Chapter 163, Laws of 1917, requires time and a half to be paid for all time over 10 hours per day, whether on a time or piece basis.

TEXAS.

ORDER No. 1.—*Telegraph and telephone companies, mercantile establishments, laundries, and factories.*

1. No person, firm, or corporation shall employ, or suffer or permit any female or minor to be employed in any telephone or telegraph office, mercantile establishment, laundry, or factory (except as otherwise provided in this order) at a rate of wage less than 25 cents per hour or $12 per week of 48 hours, all time in excess of 48 hours per week to be paid for at proportional rates. Experienced workers.

Any female shall be deemed experienced when she has been employed in any occupation one year.

A minor shall be deemed experienced when he or she has been employed in any occupation one year.

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A minor within the meaning of chapter 160, General Laws of Texas, acts of the 36th legislature, is any person under 15 years of age of either sex.

Learners.

2. No person, firm, or corporation shall employ, or suffer or permit to be employed, any female or minor as a learner, in any telephone or telegraph office, mercantile establishment, laundry or factory at a rate of wages less than the rate fixed for experienced workers, except at the rates and under the conditions hereinafter set forth:

Women and minors employed as learners must be paid at a rate of not less than 15 cents per hour for the first six months of employment, and not less than 20 cents per hour for the second six months' employment.

The period of one year for learners will be determined by the time such learner has been employed by a person, firm, or corporation, and not by the time of the taking effect of this order.

All time of learners in excess of 8 hours per day or 48 hours per week must be paid for at proportional rates.

Part-time workers.

3. Regularly employed part-time workers, either experienced or learners, must be registered with the commission, by furnishing it with the following information: Name, age, sex (if minor), address, number of hours worked per week, rate of pay, and if a minor under 15 years of age, the date of work permit and the name of the county judge issuing such permit, such information to be furnished the commission within two weeks after such part-time worker is employed.

Any person, firm, or corporation may employ students attending accredited universities, colleges, vocational, continuation or cooperative schools as part-time workers on special permits from the commission.

Substandard workers.

4. Any person, firm, or corporation may employ any female or minor who is mentally or physically deficient and who is unable to earn the minimum rate of pay herein provided, at a rate of less than the amount of said minimum: *Provided*, That a permit is secured from the commission, which may be issued upon the receipt of information setting out: The name, age, sex (if a minor), nature of deficiency, nature of employment, and the number of hours employed per day: *Provided*, At no time shall the special licenses exceed ten per cent of the total number of employees in said industry. Any such licenses may be renewed for a like period of six months. The commission to fix the rate of pay in cases where deficients are employed. All deficients to be registered with the commission within two weeks after employment.

Pieceworkers.

5. Any person, firm, or corporation employing females or minors in any telephone or telegraph office, mercantile establishment, laundry, or factory on a piecework basis, must pay such female or minor a piecework rate sufficient to enable such female or minor to earn the minimum rate per forty-eight hour week, hereinbefore provided for.

Meals.

6. Where meals are furnished by any person, firm, or corporation employing females or minors, in any telephone or telegraph office, mercantile establishment, laundry or factory in this State, not more than 20 cents per meal may be deducted from the pay of such female or minor.

Rules.

The following rules for the guidance of employers of females and minors become effective simultaneously with the taking effect of the minimum scale of wages hereinbefore fixed for females and minors:

(*a*) Every person, firm, or corporation employing females or minors in any telephone or telegraph office, mercantile establishment, laundry or factory shall furnish to the commission, at its request, any and all reports or information which the commission may require for carrying out the purposes of the act creating the commission, such reports or information to be verified by the oath of the person, member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission.

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(*b*) Every person, firm, or corporation shall keep an accurate register of all females and minors employed, giving names, age, and sex (if a minor), hours worked, and wages paid, and such register shall be at all times open to the commission or any of its duly authorized representatives.

(*c*) For the purpose of making inspections of, or excerpts from, all books, reports, contracts, pay rolls, documents or papers of such persons, firms or corporations, relating to the employment of females or minors, or payment thereof, shall be subject to inspection by the commission or any of its duly authorized representatives.

(*d*) The commission shall exercise exclusive jurisdiction over all questions arising as to the administration or interpretation of this order.

This order shall become effective and be in force on and after February 7th, 1921.

Nothing in this order shall prevent any employer from paying more than the minimum or least rate fixed by the commission.

Commissions, bonuses or tips will not be considered part of the wage or salary of females or minors.

The commission may, upon sixty days' notice, amend, change, rescind, or supplement this order, or any part thereof.

November 20, 1920.

WASHINGTON.

ORDER No. 14.—*Telephone companies—Class "B."*

Pursuant to the authority in it vested by chapter 68 of the Session Laws of the State of Washington for 1915, and after due investigation of the conditions of labor relative to wages and hours of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3,000) population, the Industrial Welfare Commission for the State of Washington does hereby order that: **Scope.**

The ------, located at ------, ------ County, Washington, is hereby declared to be in the class designated as "B," which:

(1) Shall pay not less than thirty-five dollars ($35) per month to any female over the age of eighteen years, employed as operator in said exchange; nor shall such operator be employed longer than nine (9) hours during the twenty-four: *Provided,* That this order shall be construed to mean that nine (9) hours, or any fraction thereof, shall be considered a day's work; except where a female is employed on relief duty for less than six (6) hours per day, in which case such female shall be paid at the rate of sixteen (16) cents per hour: *And it is further provided:* **Rate.**

(2) Not less than twenty-five dollars ($25) per month shall be paid to any female over the age of eighteen years, employed as night operator in said exchange, nor shall such operator be employed longer than ten (10) hours in the twenty-four, and shall be furnished with suitable sleeping accommodations in the exchange. **Night operators.**

(3) No minor of either sex under the age of eighteen years shall be employed in said exchange at less than the above rates of wages, unless such minor has been issued a special permit by the industrial welfare commission, authorizing the employment of said minor at a lesser wage; and where said minor is employed without such special permit all of the conditions prescribed in paragraphs one (1) and two (2) of this order shall apply. **Minors.**

(4) Any female or minor who has had no previous experience in operating a telephone exchange may be paid a lesser wage than those prescribed in paragraphs one (1) and two (2) of this order, but in such case the employment of a learner at a lesser wage must be authorized through a special license issued by the industrial welfare commission. **Learners.**

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Allowances. (5) When either rent, fuel, light, water, board, or room are furnished to any female or minor employed as operator in said exchange, as part payment of the monthly or hourly wage specified in paragraphs one (1) and two (2) of this order, the charge for such service shall be subject to the approval of the industrial welfare commission.

Changes. (6) This order is subject to change at any time upon thirty days' notice.

ORDER No. 15.—*Telephone companies—Class "C."*

Scope. Pursuant to the authority in it vested by chapter 68 of the Session Laws of the State of Washington for 1915, and after due investigation of the conditions of labor relative to wages and hours of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3,000) population, the Industrial Welfare Commission for the State of Washington does hereby order that:

The ———, located at ———, ——— County, Washington, is hereby declared to be in the class designated as "C," which:

Rate. (1) Shall pay not less than thirty-five dollars ($35) per month to any female over the age of eighteen years, employed as operator in said exchange, such employment not to extend over a period of more than ten (10) hours in any twenty-four, and unless provision be made for the preparation of warm meals at the exchange such operator shall be relieved of duty for a suitable length of time during meal hours and on Sundays: *Provided*, That this section shall be construed to mean that ten (10) hours shall constitute a day's work, and any work less than ten hours per day shall be paid for at the rate of sixteen cents (16) per hour.

Night operators. (2) Not less than twenty-five dollars ($25) per month shall be paid to any female over the age of eighteen years, employed as night operator in said exchange, nor shall such operator be employed longer than fourteen (14) hours in the twenty-four, and shall be furnished with suitable sleeping accommodations in the exchange.

(3) If only emergency service be rendered during the night, any female or minor may be employed at a lesser wage upon application to the commission for a special permit authorizing such employment at a wage and hours stipulated in such permit.

Minors. (4) No minor of either sex under the age of eighteen years shall be employed in said exchange at less than the above rates of wages, unless such minor has been issued a special permit by the industrial welfare commission, authorizing the employment of said minor at a lesser wage; and where said minor is employed without such special permit all of the conditions prescribed in paragraphs one (1) and two (2) of this order shall apply.

Learners. (5) Any female or minor who has had no previous experience in operating a telephone exchange may be paid a lesser wage than those prescribed in paragraphs one (1) and two (2) of this order, but in such case the employment of a learner at a lesser wage must be authorized through a special license issued by the industrial welfare commission.

Allowances. (6) When either rent, fuel, light, water, board, or room are furnished to any female or minor employed as operator in said exchange, as part payment of the monthly or hourly wage specified in paragraphs one (1) and two (2) of this order, the charge for such service shall be subject to the approval of the industrial welfare commission.

Changes. (7) This order is subject to change at any time upon thirty days' notice.

ORDER No. 18.—*War emergency order.*

Rate. (1) No person, firm, association, or corporation shall employ any female over the age of eighteen years in any occupation, trade, or industry throughout the State during the period of the war at a

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weekly wage rate of less than thirteen dollars and twenty cents ($13.20), such wage being the estimate of said conference of the minimum wage adequate to supply the necessary cost of living and to maintain them in health and comfort.

(2) All occupations be prohibited to women which are injurious to their health, their morals, or womanhood, or which are unavoidably disfiguring; Employment.

(*a*) All occupations be prohibited to women for which men in general are better fitted by temperament, training, or custom, and for which men are available;

(*b*) Among the occupations in Washington which be prohibited to women are certain phases of railroading, as section work; certain work in shipbuilding plants; certain work in lumber and shingle mills; certain work in hotels, as "bell hops"; certain work in metal-working plants, as with molten metals; all work underground; all work in shooting galleries, penny arcades, and the like;

(*c*) Exclusions be made having in mind the designations and prohibitions of the U. S. War Labor Policies Board, the State council and the county councils of defense, and such other bodies under the general Government as shall find occasion to relate women's work to patriotic efficiency;

(*d*) All occupations be prohibited to women for two months (2 months) before confinement and for six weeks (6 weeks) thereafter. Rest at childbirth.

(3) Every person, firm, or corporation in this State offering less than full-time employment to female employees in any occupation, trade, or industry shall post in a conspicuous place in the establishment a proper schedule of hours to be observed, for such period of time in advance as the industrial welfare commission shall in its discretion determine, not later than noon of the preceding day. Short time.

(4) No person, firm, association, or corporation shall employ any female over eighteen years on a shift over six hours without a rest period of fifteen minutes. Rest period.

(5) Women doing equal work with men in any occupation, trade, or industry in this State shall receive the same compensation therefor as men doing work of the same character and of like quantity and quality, the determination of what constitutes equal work to rest with the industrial welfare commission. Equal pay.

This order shall become effective sixty (60) days from the date hereof, or November 10, 1918, and supersedes, during the period of the war, orders No. 1, No. 3, No. 5, No. 7, No. 10, and No. 12.

September 10, 1918.

NOTE 1.—This order shall be interpreted to mean an eight-hour day and a six-day week, or forty-eight hours' service weekly, or at the rate of 27½c. per hour.

NOTE 2.—Section 4 should be interpreted as applying to continuous night shifts rather than to regular, full-time day shifts, which are naturally broken by meal periods.

ORDER No. 19.—*War emergency order—Minors.*

(1) (*a*) The word "person" is used in this order to include corporations, co-partnerships and associations as well as individuals. Scope.

(*b*) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(*c*) Under the minimum wage act a minor is a person of either sex under the age of eighteen years.

(2) No person shall employ any minor in or in connection with any mercantile, manufacturing, printing, laundering, or dye works establishment, sign-painting, machine or repair shop, or parcel delivery service, at a weekly wage rate of less than $9 for minors under eighteen years of age; nor shall such minor be employed or permitted to work in any such industry more than Wages.

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eight hours in any day, or more than six days in any week, or after the hour of 7 p. m. or before the hour of 6 a. m.: *Provided, however*, If after investigation, the conditions are found not to be detrimental to the welfare of said minors, permits may be issued by the industrial welfare commission authorizing the employment of minors over sixteen years of age to a later hour. (See paragraph (7) below.)

(3) No person shall employ any minor in, or in connection with, any telephone or telegraph establishment, at a weekly wage rate of less than $9 for minors under eighteen years of age: *Provided*, That this order shall not apply to messengers in rural communities and cities of less than three thousand population, who are not continuously employed and who are paid by piece rate for their services; nor shall any minor be employed in such occupation before 6 a. m. or after 10 p. m.: *And it is further provided*, That if after investigation by the commission of any particular establishment, conditions are found not to be detrimental to the welfare of minors, permits may be issued by the commission to minors over sixteen years of age authorizing night employment. (See paragraph (7) below.)

(4) No person shall employ any minor in the occupation of stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoicer, comptometer operator, or any clerical office work whatsoever including assistants and helpers in doctors' and dentists' offices, at a weekly wage rate of less than $9 for minors under eighteen years of age. (See paragraph (7) below.)

Allowances.

(5) No person shall employ any minor in any hotel, lodging-house, restaurant or lunch-room occupation, at a weekly wage rate of less than $9 for minors under eighteen years of age: *Provided*, That where lodging is furnished by the employer to any minor employed in such occupation as part payment of wages, not more than $2 per week may be deducted therefor from the weekly minimum wage of such employee, and if a room be furnished for such lodging it must be properly heated and ventilated and of size and condition conforming to the general standard of rooms in the locality which are rented for the amount thus deducted from the wages: *And it is further provided*, That where board or meals are furnished by the employer to such minor employee as part payment of wages, not more than $4.50 per week may be deducted from the weekly minimum wage of such employee for a full week's board of twenty-one meals, or a proportionate amount for less than a week's board.

Other employments.

(6) No person shall employ any minor under the age of eighteen years in any occupation, trade or industry, not mentioned in any of the above paragraphs, at a weekly wage rate of less than $9; nor shall any minor be employed more than eight hours in any day; nor more than six days per week. (See paragraph (7) below.)

Increases.

(7) No person shall employ any minor under eighteen years of age in any occupation, whatsoever, without increasing the weekly wages of such minor by one dollar per week after every six months of service, or until the minimum wage of $13.20 per week is paid.

Work forbidden.

(8) No person shall employ any female under the age of eighteen years as "shaker" in a laundry; nor as clerk in selling cigars or tobacco; nor as messenger or delivery girl in outdoor messenger or delivery service; nor as a bootblack; nor in certain phases of railroading, as section work; nor certain work in shipbuilding plants; nor certain work in lumber and in shingle mills; nor certain work in hotels, as "bell hops"; nor certain work in metal-working plants, as with molten metals; nor in any work underground; nor in any work in bowling alleys, shooting galleries, penny arcades, and the like; nor shall any person employ any minor on a shift over six hours without a rest period of fifteen minutes; nor shall any person employ any minor less than full time without posting in advance, not later than noon of the preceding day, the schedule of hours to be observed; nor shall

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any minor boy under sixteen years of age be employed in any bowling alley; such occupations being hereby declared injurious to the welfare of minors.

(9) This order shall become effective sixty days from the date hereof, to wit, on November 20, 1918, and shall supersede, during the period of the war, the minimum wage orders for minors, dated September 14, 1917, and effective November 14, 1917. Order in effect.

September 19, 1918.

ORDER No. 20.—*Telephone companies—Class "D."*

Pursuant to the authority in it vested by chapter 68 of the Session Laws of the State of Washington for 1915, and after due investigation of the conditions of labor relative to wages and hours of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3,000) population, the Industrial Welfare Commission for the State of Washington does hereby order that: Scope.

The ———, located at ———, ——— County, Washington, is hereby declared to be in the class designated as "D," which,

Being an exchange of limited service may not demand the continual attention of an operator, part of whose time may be devoted to leisure or to profitable pursuits, and the compensation and conditions of labor for any woman or minor employed in said exchange may be determined by the contracting parties, subject to the approval of this commission: *Provided, however,* That in no case shall any employer claim exemption from the regulations of the act of 1913, unless classification shall have been completed, as authorized under the special act of 1915, and the conditions of labor formally approved by this commission. *And it is further provided that:* Rates.

(1) No operator in exchanges coming under this ("D") classification shall be compelled to serve the exchange without at least six consecutive hours' relief on Sunday, for which relief she shall receive no deduction in wages, nor shall she be held responsible for obtaining the substitute or relief operator. Time off.

(2) The rate of wages for substitute operators shall not be less than sixteen (16c) cents per hour. Rate.

(3) Learners in this class of exchanges may be permitted to serve without compensation until able, unassisted, to take charge of the switchboard. Learners.

(4) If only emergency service be rendered during the night, any female or minor may be employed at a lesser wage upon application to the commission for a special permit authorizing such employment at a wage and hours stipulated in such permit. Night work.

(5) When either rent, fuel, light, water, board, or room are furnished to any female or minor employed as operator in said exchange as part payment of the monthly or hourly wage specified in paragraphs one (1) and two (2) of this order, the charge for such service shall be subject to the approval of the industrial welfare commission. Allowances.

(6) This order is subject to change at any time upon thirty days' notice. Change.

This order is intended to cover exchanges having less than 150 subscribers.

ORDER No. 21.—*Public-housekeeping industry.*

The term "public housekeeping" shall include the work of: Cooks, housekeepers, linen-room girls, chambermaids, cleaners, kitchen girls, dishwashers, pantry girls, pantry servers, waitresses, counter girls, bus girls, bell hops, checkers, cashiers, elevator operators, janitresses, laundry workers (where a laundry is not maintained in the establishment), and any other occupation which would properly be classified under public housekeeping. The establishments shall include: Hotels, rooming houses, boarding houses, restaurants, cafes, cafeterias, lunch rooms, tea rooms, Scope.

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apartment houses, cook houses in camps, hospitals (not nurses), philanthropic institutions, and any other which may be properly classified under this industry.

Rate. (1) No person, firm, association, or corporation shall employ any female over the age of eighteen years in any occupation in the public housekeeping industry throughout the State at a weekly wage rate of less than eighteen dollars ($18) or $3 per day or 37½ cents per hour, such wage being the estimate of said conference of the minimum wage adequate to supply the necessary cost of living and to maintain them in health and comfort.

Six-day week. (2) No person, firm, association, or corporation shall employ any female over the age of eighteen years in any occupation in the public housekeeping industry throughout the State more than six days in any one week.

Rest period. (3) No person, firm, association, or corporation shall employ any female over the age of eighteen years in any occupation in the public housekeeping industry throughout the State more than five hours without a rest period of at least one-half hour; that a schedule of hours be posted in all cases.

Uniforms. (4) Where a uniform be required it must be furnished and laundered by the employer.

Meals. (5) When meals are furnished to employees the time used in eating may be deducted in arranging the schedule; that if room be furnished same must be properly heated and sanitary.

Night work. (7) Women shall not be employed as "bell hops" nor serve as elevator operators after 12 at night.

Allowances. (8) When board is furnished $1 per day may be deducted; and for room furnished $2 per week may be deducted; that 25 cents may be deducted for breakfast, 35 cents for lunch, and 40 cents for dinner; that in every case there shall be a definite agreement as to whether board and room shall or shall not be furnished; that otherwise the straight wage scale shall prevail.

Order in effect. (9) This order shall become effective sixty (60) days from the date hereof, or June 2, 1920, and supersedes all other orders heretofore issued covering this industry.

April 3, 1920.

ORDER No. 22.—*Minors in public-housekeeping occupations.*

Scope. (1) (a) The word "person" is used in this order to include firms, corporations, copartnerships and associations as well as individuals.

(b) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(c) Under the minimum wage act a minor is a person of either sex under the age of eighteen years.

Rate. (2) No person shall employ any minor in any of the occupations in the public-housekeeping industry at a weekly wage rate of less than $12. This wage rate to be increased $1 per week after each four months' service until the adult minimum is reached.

Work time. (3) No person shall employ any minor more than eight hours in any one day nor more than six days in any one week. Nor before 7 a. m. nor after 7 p. m.: *Provided, however,* If, after investigation, the conditions are found not to be detrimental to the welfare of minors, permits may be issued by the commission authorizing the employment of female minors over sixteen years of age to a later hour, not later than 9 p. m. Or to a male minor over sixteen years of age, not later than 10 p. m. or subject to the decision of the commission.

Rest period. (4) No person shall employ any minor more than five hours without a rest period of at least one-half hour. The time allowed for meals shall not be less than three-quarters of an hour and that in all cases a schedule of hours shall be posted.

Allowances. (5) When room and board are furnished in part payment of wage, no person shall deduct more than $2 per week for the room nor more than $1 per day for board. Not more than

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25 cents for breakfast, 35 cents for lunch and 40 cents for dinner shall be deducted for separate meals furnished. The room furnished shall be sanitary and properly heated. There shall be a definite agreement as to whether board and room shall or shall not be furnished; that otherwise the straight wage rate shall prevail.

(6) When a uniform is required it shall be furnished and laundered by the employer. Uniform.

(8) No person shall employ a female minor as "bell hop" nor elevator operator nor to sell cigars and tobacco; nor as a messenger nor as a bus girl nor as a cabaret performer. Nor employ a male minor in a bowling alley. Work forbidden.

(9) This order shall become effective sixty (60) days from the date hereof, or June 2, 1920, and supersedes all other orders heretofore issued, covering this industry. Order in effect.

April 3, 1920.

APPRENTICESHIP SCHEDULES.

Mercantile industry.

(*a*) General schedule, covering salesmanship, millinery, beauty-parlor occupations, and alteration department, is as follows: 1 month at $9 per week; 2 months at $10 per week; 2 months at $11 per week; 3 months at $12 per week.

(*b*) Special schedule, covering ice cream, confectionery, florist occupations, bakeries and grocery stores, drug stores, and music houses, is as follows: 1 month at $9 per week; 1 month at $10 per week; 1 month at $11 per week; 1 month at $12 per week.

Manufacturing industry.

Schedule A, covering garment making, is as follows: 1 month at piece rates; 3 months at $9 per week; 2 months at $10 per week; 2 months at $11 per week; 1 month at $12 per week.

Schedule B, covering tailoring, dressmaking, fur making, engraving and hand embossing, hair manufacturing, and retouching in photograph galleries, is as follows: 1 month at $9 per week; 2 months at $10 per week; 3 months at $11 per week; 3 months at $12 per week.

Schedule C, covering general work in printing offices, is as follows: 3 months at $9 per week; 2 months at $10 per week; 2 months at $11 per week; 2 months at $12 per week.

Schedule D, covering chocolate dipping, is as follows: 1 month at $9 per week; 1 month at $10 per week; 2 months at $11 per week; 2 months at $12 per week.

Schedule E, covering other factory occupations, such as candy and biscuit making, paper-box making, broom making, cap and glove making, cord repairing, tent and awning making, pennant and flag making, mattress making, bag making, book binding, button making, neckwear making, general work in photograph galleries, work in knitting mills, hemstitching, shoemaking, work in paper mills other than "sorters," and other like occupations, is as follows: 1 month, at $9 per week; 1 month, at $10 per week; 1 month, at $11 per week; 1 month, at $12 per week.

Schedule F, covering "sorting" in paper mills, is as follows: 1 week, at $9 per week; 1 week, at $10 per week; 1 week, at $11 per week; 1 week, at $12 per week.

Schedule G, brushmaking, covering the occupation of hand drawing, is as follows: 2 weeks, at $9 per week; 2 weeks, at $10 per week; 2 weeks, at $11 per week; 2 weeks, at $12 per week.

Covering the operation of brush finishing, is as follows: 1 week, at $9 per week; 1 week, at $10 per week; 1 week, at $11 per week; 1 week, at $12 per week.

Laundering industry.

1 month, at $9 per week; 1 month, at $10 per week; 1 month, at $11 per week; 1 month, at $12 per week.

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Telephone and telegraph industry.

1 month, at $9 per week; 2 months, at $10 per week; 2 months, at $11 per week; 2 months, at $12 per week.

Office occupations.

Schedule A, covering general office work, is as follows: 1 month, at $9 per week; 1 month, at $10 per week; 2 months, at $11 per week; 2 months, at $12 per week.

Schedule B, covering doctor and dentist offices, is as follows: 1 month, at $9 per week; 1 month, at $10 per week; 1 month, at $11 per week; 1 month, at $12 per week.

Schedule C, covering toll bill clerks, addressograph clerks, adding-machine operators, and cashiering in motion-picture houses, is as follows: 1 month, at $9 per week; 1 month, at $10 per week; 1 month, at $11 per week; 1 month, at $12 per week.

Transient milliners.

4 weeks, at $9 per week.

NOTES.—(1) A limit of 25 per cent of the combined number of minors and apprentices that can be employed in any establishment applies to the mercantile, manufacturing, laundering, telegraph, and telephone occupations.

(2) No apprenticeship is considered to exist in hotel and restaurant employment and in elevator service.

(3) Apprentices' licenses must be secured or the full legal wage must be paid regardless of the lack of experience.

WISCONSIN.

ORDER NO. 1.—*All industries.*

Experienced employees.

1. No employer shall employ any experienced female or minor employee over 17 years of age in any occupation, trade, or industry throughout the State at a wage rate of less than 22 cents per hour.

Learners.

2. During the first three months of the learning period the wage paid shall not be less than 18 cents per hour. During the second three months of the learning period the wage paid shall not be less than 20 cents per hour.

Minors under 17.

3. Minors between 14 and 16 years of age shall be paid a wage of not less than 18 cents per hour. Minors between 16 and 17 years of age shall be paid not less than 20 cents per hour, if they have been employed in the industry for three months or more; otherwise, they shall be paid not less than 18 cents per hour. Minors producing the same output as employees in a higher wage classification shall be paid not less than the minimum wage rate for such class.

Learning period.

4. For the purposes of this order employees shall be deemed experienced after six months of employment in the trade or industry, whether for the same employer or for different employers. In seasonal industries operating only for a few months during the year no learning period is recognized, and all female and minor employees in such industries shall be paid a wage of not less than 22 cents per hour.

Number of learners.

5. The total number of employees in any establishment who receive wages below 22 cents per hour, but not including indentured apprentices, shall not exceed 25 per cent of the total number of women and minor employees normally employed.

Room and board.

6. Where the board or lodging is furnished by the employer as part payment of wages, an allowance may be made therefor of not more than $4.50 per week for board and $2 per week for lodging.

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7. Where payment of wages is made upon a piece basis or system other than time rate, the actual wage shall not be less than that provided for in this order. Piece rates, etc.

8. Every employer employing females or minors shall keep posted a copy of this order, on a form prescribed by the commission, in a conspicuous place in the general work room and in the women's dressing rooms. Order to be posted.

9. This order shall become effective August 1, 1919. In effect, when.

ORDER No. 2.—*Telephone exchanges.*

1. For the 16-hour period, 6 a. m. to 10 p. m. of the same day, telephone exchanges shall pay their operators as a minimum for the number of hours indicated in the following schedule: Day work.

Size of exchange.	Basis of pay.
Under 200 telephones	11/16 of the time on duty.
200–219 telephones	12/16 of the time on duty.
220–239 telephones	13/16 of the time on duty.
240–259 telephones	14/16 of the time on duty.
260–274 telephones	15/16 of the time on duty.
275 telephones and more	time on duty.

2. For the 8-hour period, 10 p. m. of one day to 6 a. m. of the following day, telephone exchanges shall pay their operators for all of the time they are subject to call which is not included within the longest period of uninterrupted rest which the operators get on at least two-thirds of the nights they are on duty, but no exchange having night service shall pay its operators for a lesser number of hours than is indicated in the following schedule: Night work.

Size of exchange.	Basis of pay.
Under 300 telephones	2/8 of the time subject to call.
300–499 telephones	3/8 of the time subject to call.
500–624 telephones	4/8 of the time subject to call.
625–749 telephones	5/8 of the time subject to call.
750–874 telephones	6/8 of the time subject to call.
875–999 telephones	7/8 of the time subject to call.
1,000 telephones or more	time subject to call.

(Illustration: An exchange of 350 subscribers in which the longest period of uninterrupted rest on $\frac{2}{3}$ of the nights is 5 hours or more, is required to pay for only the minimum of 3 hours. If in such an exchange the longest period of uninterrupted rest which prevails $\frac{2}{3}$ of the time is only 4 hours, the exchange must pay its operators for 4 hours; if the operators get only 2 hours of uninterrupted rest, they must be paid for 6 hours.)

3. In telephone exchanges which are located in a private residence and operated by the members of the household, the payment of a wage for the operation of the switchboard of 50 cents per month per phone, will be regarded as a compliance with the minimum wage law, but if outside help is employed, such help must be paid upon the basis outlined in the first two paragraphs of this order. Exchanges in homes.

4. In determining the classification of an exchange, all telephones for which switching is done must be counted, whether they are those of subscribers of the company owning the exchange or those of some other company. All telephones included.

5. All telephone companies not later than March 1, 1920, shall make a report to the industrial commission showing the schedule of the hours of labor of their operators in force on February 1, 1920, the wage rates which they paid to each of these operators on that date, and all adjustments they have made of any back pay which may be due to their women and minor employes under general order No. 1, made pursuant to the minimum wage law, which became effective August 1, 1919. Upon application, the commission will consider what is a fair adjustment of the pay of Reports.

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operators in exchanges located in separate offices which have less than 100 telephones, for the six months' period from August 1, 1919, to January 31, 1920, and will deal with this problem by special orders.

ORDER No. 3.—*Hospitals and sanitariums.*

Basic hours.

Attendants in sanitariums who are employed for more than fifty-five (55) hours per week as a minimum shall be paid for fifty-five (55) hours per week.

ORDER No. 4.—*Home work.*

Equivalent rates.

"Home workers" as a minimum must be paid such piece rates which will yield the women and minor employees of the same employer who are of average ability and are employed in the factory, the rates prescribed in order No. 1.

ORDER No. 5.—*Intermittent workers.*

Learning period.

Women and minor employees who work intermittently shall be regarded as having completed the first three months of the learning period which is provided for in order No. 1 after 600 hours of work in trade or industry, and the entire learning period of six months after 1,200 hours of work.

ORDER No. 6.—*Tobacco-stemming warehouses.*

Rate per pound.

The payment of a wage of three and one-half cents (3½ cents) per pound for stripping tobacco to any woman or minor employee will be regarded as a compliance with the minimum-wage law, in so far as that employee is concerned.

March 30, 1920.

ORDER No. 7.—*Learners in beauty parlors.*

Exemption.

Beauty parlors are exempted from the requirement in minimum-wage order No. 1 of paying 18 cents per hour to learners during the first two months of their employment.

May 4, 1920.

Special provisions for canneries. 1920.

Hours.

(1) Factories canning beans, cherries, corn, and tomatoes may employ women at either day or night work, but no woman may be employed for more than 10 hours in any day or more than 60 hours in any week, exclusive of mealtime. All work after 6 p. m. which is in excess of 8 hours per day, and all work on Sunday, must be paid for at the rate of time and one-half.

Rate.

(2) Factories canning beans, cherries, corn, or tomatoes must pay all women and minor employees not less than 22 cents per hour, but the payment of a rate of 2 cents per pound for snipping round beans and 1½ cents per pound for snipping flat beans will be regarded as a compliance with this order.

Records.

(3) Correct permanent time and production records shall be kept by all factories canning beans, cherries, corn, or tomatoes, for all women and minors employed at the factory, which shall be open to inspection at all times and a final report containing detailed information shall be made to the commission upon blanks which it will furnish.

Dated at Madison, Wisconsin, this 24th day of March, 1920.

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INTERPRETATIONS AND RULINGS MADE BY THE INDUSTRIAL COMMISSION, RELATIVE TO THE MINIMUM WAGE LAW AND THE ORDERS ISSUED PURSUANT THERETO.

(As revised January 5, 1920.)

1. In applying the minimum-wage orders to pieceworkers, each pay-roll period shall be regarded as a unit.

2. In computing the wage due under the minimum-wage orders, no allowance can be made for payments for vacations, and other periods when no actual service is rendered by the employees.

3. Tips received from patrons can not be counted as a part of the wage in computing the amount due under the minimum-wage orders.

4. In computing the minimum wage no deduction can be made for instruction in the trade or industry.

5. Paragraph (5) of order No. 1 does not prohibit any establishment from employing at least one woman or minor employee at less than 22 cents per hour.

6. The minimum-wage law does not apply to apprentices legally indentured under section 2377, Statutes of 1917.

7. The minimum-wage law does not apply to women and minor employees who are *bona fide* apprentices for a profession in which registration is required by State law.

8. Females and minors under probation, whose employment is controlled directly or indirectly by judicial or quasi-judicial officers, are not employees within the meaning of the minimum-wage law.

9. Minors who receive training with an employer as a part of their school work, under an arrangement made with the director of a vocational school, are not employed within the meaning of the minimum-wage order.

10. Girls who for a period of not to exceed three months receive instruction in dressmaking establishments in all of the fundamental operations in dressmaking and who do not intend to become commercial dressmakers, are not employees within the meaning of the minimum-wage order. These establishments, however, shall notify the commission of the name, age, and home address of all such learners, within a week after they begin their apprenticeship.

11. A woman or minor over 17 years of age who has completed the learning period of six months, as a saleslady or salesman in any mercantile establishment, can not be paid less than 22 cents per hour when he or she enters another department or mercantile industry.

12. No request for a special license to work for less than the living wage will be entertained by the commission unless the employee who is alleged to be handicapped is paid the same piece rates which other employees in the establishment are being paid for the same or similar work; nor if the piece rates prevailing in the establishment yield less than 25 cents per hour to more than 25 per cent of the women and minor employees other than learners.

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