U. S. DEPARTMENT OF LABOR
JAMES J. DAVIS, Secretary
BUREAU OF LABOR STATISTICS
ETHELBERT STEWART, Commissioner

BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . . . No. 323
MISCELLANEOUS SERIES

PROCEEDINGS OF THE NINTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS OF THE UNITED STATES AND CANADA

HELD AT HARRISBURG, PA.
MAY 22–26, 1922

MARCH, 1923

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OFFICERS, 1921–22.

President, Frank E. Wood, New Orleans, La.
First vice president, C. B. Connelley, Harrisburg, Pa.
Second vice president, Ethel M. Johnson, Boston, Mass.
Third vice president, H. M. Stanley, Atlanta, Ga.
Fourth vice president, Francisco Varona, Manila, P. I.
Fifth vice president, J. N. McLeod, Calgary, Alberta, Canada.
Secretary-treasurer, Linna E. Bresette, Chicago, Ill.

CONSTITUTION.

Adopted at Nashville, Tenn., June 10, 1914; amended at Buffalo, N. Y., July 17, 1916, and at Harrisburg, Pa., May 23, 1922.

ARTICLE I.—NAME.

This association shall be known as the Association of Governmental Labor Officials of the United States and Canada.

ARTICLE II.—OBJECTS.

The object of this association shall be to act as a medium of interchange of ideas as to what is best in labor legislation and to promote and correlate the activities of the State, Federal, and Provincial departments of labor.

ARTICLE III.—MEMBERSHIP.

SECTION 1. The membership of this association shall consist of bona fide employees of Federal, State, and Provincial governmental departments and factory inspection services having to do with the enforcement and supervision of labor laws.

SEC. 2. In the election of officers, selection of place of meeting, and amending constitution and by-laws no department shall have more than five votes in the convention.

ARTICLE IV.—OFFICERS.

SECTION 1. The administration of the general association shall devolve upon the officers of this association, who shall constitute the executive committee.

SEC. 2. The officers of the general association shall be a president, first, second, third, fourth, and fifth vice presidents, and a secretary-treasurer.

SEC. 3. The duties of the president shall be to preside over all meetings of the association and of the executive committee and to appoint all committees. He shall hold office until his successor is elected and qualified, and when he is absent the vice presidents, in order named, shall act in his place and assume his duties.

SEC. 4. The secretary-treasurer shall keep a detailed record of the proceedings of the association and such transactions as shall be deemed necessary, and shall keep an itemized account of all moneys received and disbursed by him during the year, and shall present his report in writing during the convention, and for such services he shall receive fifty dollars ($50) per annum, payable after the publication and distribution of the annual report and transfer of all papers of the association. The secretary-treasurer shall also publish the proceedings of the convention within four months from the close of the last preceding convention, the issue to consist of such number of copies as the executive committee may direct.

SEC. 5. The secretary-treasurer shall pay out no moneys until he shall have made out vouchers therefor, which must also be signed by the president. The secretary-treasurer and president shall sign no vouchers for expenditures of money for other than incidental expenses and printing of report until authorized by the consent of a majority of the executive committee.

SEC. 6. The officers of this association shall be elected by ballot for one year, or until their successors are elected and duly qualified. The term of office shall begin with the adjournment of the annual convention at which the officers are elected, except that of the secretary-treasurer, which shall not expire until after the publication and distribution of the annual report, which must be done within a period not exceeding four months after the date of the convention.

ARTICLE V.—FINANCES.

The annual dues of departments shall be determined upon the following basis: When the department staff consists of one (1) to five (5) persons, ten dollars ($10); six (6) to twenty-five (25) persons, fifteen dollars ($15); twenty-six (26) to seventy-five (75) persons, twenty-five dollars ($25); and where the staff exceeds seventy-five (75) persons, fifty dollars ($50). The executive committee may order an assessment levied upon the affiliated departments not to exceed the sum of one year's dues.

ARTICLE VI.—MEETINGS.

The association shall meet annually. Such meetings shall be held in the place decided upon by the association at the last preceding convention, and at a time fixed by the executive committee.

ARTICLE VII.—RULES OF ORDER.

The deliberations of the convention shall be governed by Cushing's Manual.

ARTICLE VIII.—ORDER OF BUSINESS.

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ARTICLE IX.—AMENDMENTS.

Amendments to the constitution and by-laws of this association may be made by the presentation of the proposed amendment in writing at a regular session of any annual convention. A two-thirds vote of the duly accredited representatives, as provided for in section 3 of Article III, shall be necessary for the adoption of the amendment.

DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS.

ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR.

No.	Date.	Convention held at—	President.	Secretary-Treasurer.
1	September, 1883	Columbus, Ohio	H. A. Newman	Henry Luskey.
2	June, 1884	St. Louis, Mo	do	Do.
3	June, 1885	Boston, Mass	Carroll D. Wright	John S. Lord.
4	June, 1886	Trenton, N. J	do	E. R. Hutchins.
5	June, 1887	Madison, Wis	do	Do.
6	May, 1888	Indianapolis, Ind	do	Do.
7	June, 1889	Hartford, Conn	do	
	1890	Des Moines, Iowa	No meeting	Do.
8	May, 1891	Philadelphia, Pa	Carroll D. Wright	Frank H. Betton.
9	May, 1892	Denver, Colo	Charles F. Peck	Do.
	1893	Albany, N. Y		
10	May, 1894	Washington, D. C	Carroll D. Wright	L. G. Powers.
11	September, 1895	Minneapolis, Minn	do	Do.
12	June, 1896	Albany, N. Y	do	Samuel B. Horne.
13	May, 1897	Nashville, Tenn	do	Do.
14	June, 1898	Detroit, Mich	do	Do.
15	July, 1899	Augusta, Me	do	Do.
16	July, 1900	Milwaukee, Wis	do	James M. Clark.
17	May, 1901	St. Louis, Mo	do	Do.
18	April, 1902	New Orleans, La	do	Do.
19	April, 1903	Washington, D. C	do	Do.
20	July, 1904	Concord, N. H	do	Do.
21	September, 1905	San Francisco, Calif	do	W. L. A. Johnson.
22	July, 1906	Boston, Mass	Charles P. Neill	Do.
23	July, 1907	Norfolk, Va	do	Do.
24	August, 1908	Detroit, Mich	do	Do.
25	June, 1909	Rochester, N. Y	do	Do.

DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS—Concluded.

INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS.

No.	Date.	Convention held at—	President.	Secretary-Treasurer.
1	June, 1887	Philadelphia, Pa	Rufus R. Wade	Henry Dorn.
2	August, 1888	Boston, Mass	do	Do.
3	August, 1889	Trenton, N. J	do	Do.
4	August, 1890	New York, N. Y		
5	August, 1891	Cleveland, Ohio		
6	September, 1892	Hartford, Conn		
7	September, 1893	Chicago, Ill	John Franey	Mary A. O'Reilly.
8	September, 1894	Philadelphia, Pa	do	Evan H. Davis.
9	September, 1895	Providence, R. I		
10	September, 1896	Toronto, Canada		
11	August and September, 1897.	Detroit, Mich	Rufus R. Wade	Alzina P. Stevens.
12	September, 1898	Boston, Mass	do	Joseph L. Cox.
13	August, 1899	Quebec, Canada		
14	October, 1900	Indianapolis, Ind		
15	September, 1901	Niagara Falls, N. Y		
16	December, 1902	Charleston, S. C		
17	August, 1903	Montreal, Canada	James Mitchell	David F. Spees.
18	September, 1904	St. Louis, Mo	Daniel H. McAbee	Do.
19	August, 1905	Detroit, Mich	Edgar T. Davies	C. V. Hartzell.
20	June, 1906	Columbus, Ohio	Malcolm J. McLead	Thos. Keity.
21	June, 1907	Hartford, Conn	John H. Morgan	Do.
22	June, 1908	Toronto, Canada	George L. McLean	Do.
23	June, 1909	Rochester, N. Y	James T. Burke	Do.

JOINT MEETINGS OF THE ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR AND INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS.

24	August, 1910	Hendersonville, N. C., and Columbia, S. C.	J. Ellery Hudson	E. J. Watson.
25	September, 1911	Lincoln, Nebr	Louis Guyon	W. W. Williams.
26	September, 1912	Washington, D. C	Edgar T. Davies	Do.
27	May, 1913	Chicago, Ill	A. L. Garrett	W. L. Mitchell.

ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS.

Resulting from the Amalgamation of the Association of Chiefs and Officials of Bureaus of Labor and the International Association of Factory Inspectors.

No.	Date.	Convention held at—	President.	Secretary-Treasurer.
1	June, 1914	Nashville, Tenn	Barney Cohen	W. L. Mitchell.
2	June-July, 1915	Detroit, Mich	do	John T. Fitzpatrick.
3	July, 1916	Buffalo, N. Y	James V. Cunningham	Do.
4	September, 1917	Asheville, N. C	Oscar Nelson	Do.
5	June, 1918	Des Moines, Iowa	Edwin Mulready	Linna E. Bresette.
6	June, 1919	Madison, Wis	C. H. Younger	Do.
7	July, 1920	Seattle, Wash	Geo. P. Hambrecht	Do.
8	May, 1921	New Orleans, La	Frank E. Hoffman	Do.
9	May, 1922	Harrisburg, Pa	Frank E. Wood	Do.

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PROCEEDINGS OF THE NINTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS OF THE UNITED STATES AND CANADA, HARRISBURG, PA., MAY 22–26, 1922.

MONDAY, MAY 22—EVENING SESSION.

C. B. CONNELLEY, COMMISSIONER PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, PRESIDING.

The convention was opened at 8 p. m. with prayer by Rev. Dr. Bagnell and an address of welcome by the chairman.

THE ADMINISTRATION OF LABOR LAWS.

BY C. B. CONNELLEY, COMMISSIONER PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.

The decision of the Supreme Court of the United States declaring, for the second time within a period of four years, the unconstitutionality of Federal child labor legislation has a meaning for those charged with the administration of labor laws. There are those, of course, who think that the highest court in the land erred in its opinion, but fortunately they are in the minority. The general feeling is that the court's action is not to be understood as a "sentence of children to labor," but rather as pointing out the important principle that even protective legislation passed with the best intent must be kept within bounds. There is a real need to-day for proper respect for law.

The Federal child labor act of 1919 was intended to regulate the employment of children under the age of 14 in any mill, cannery, workshop, factory, or manufacturing establishment, or children under 16 years in any mine or quarry, by imposing an excise tax of 10 per cent upon the net annual profits of those employing such labor. It was objected to in due form because it attempted to regulate an exclusively State function, in violation of the Federal Constitution and the tenth amendment. It was defended on the ground that the tax was to be considered as a mere excise tax levied by Congress under its broad power of taxation, conferred by the Constitution. Mr. Chief Justice Taft, whose stand as a former President of the United States for protective legislation for children is well known, makes a very clear statement of the point at issue, in delivering the unanimous opinion of the court invalidating the act. The Chief Justice asks, "Does this law impose a tax with only that incidental restraint and regulation which a tax must inevitably involve, or does it regulate by the use of the so-called tax as a penalty? If a tax, it is clearly an exise. If it

were an excise on a commodity or other thing of value, we might not be permitted under previous decisions of this court to infer solely from its heavy burden that the act intends a prohibition instead of a tax. But this act is more." After analyzing the law further, the Chief Justice continues, "In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it?" He says further, "The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant, of the harm which will come from breaking down recognized standards."

Grant the validity of this law and all that Congress would need to do hereafter, in seeking to take over to its control any of the great number of subjects of public interest jurisdiction of which the States have never parted with and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word "tax" would be to break down all constitutional limitations of the powers of Congress and completely wipe out the sovereignty of the States.

In 1918 another Federal labor child law was set aside by the Supreme Court on the ground of unconstitutionality. It will be remembered that this act prohibited the interstate transportation of commodities in the production of which the labor of minors had been employed. Here also the court praised the motive behind the legislation but condemned the method of enforcing it in unconstitutional ways.

It has been argued by the National Child Labor Committee, which will be represented at this convention by Mr. Owen R. Lovejoy, its very capable general secretary, that "Twice the people of the United States have legislated against this nation-wide, nation-weakening evil of child labor and now that they have lost their second law in the courts, as they did their first one, on the issue of unconstitutionality, they must seriously consider the advisability of changing the Constitution."

The American Federation of Labor has already taken the initiative in conducting a national campaign with this end in view. June 14 has been set as the date for a full discussion of the child labor question by the Federation. The constitutional amendment would certainly be an effective method to bring about the abolition of child labor due to lack of uniformity in the State laws on child labor, some being inferior to the Federal law, and to the fact that there are still backward States which have no adequate protection for children.

In considering the question of constitutional amendment, however, there is a very important point for the States to consider. It is a fact that the States as States are a gradually diminishing factor in government. No less a person than Elihu Root is said to have sounded a warning, about 10 years ago, that if the States hoped to withstand the increasing encroachment of national regulation they must exercise their "rights." The fact that they are not exercising their rights, or in other words, not giving the proper administration to the labor laws that are on their statute books is evident by the extension of the idea of national power by governmental commissions. The movement

for national safety codes, an excellent step from the standpoint of uniformity, is a dangerous thing if the States thereby lose their hold on protecting the industries within their own borders.

The movement for self-government in industry characterized by the selection of such men as ex-Postmaster General Will Hays as the head of the movie industry, Franklin D. Roosevelt as the head of the nation-wide organization of the building industry, and Judge Landis as the head of organized baseball, is indicative of the fact that industry is taking measures to protect itself against some forms of governmental interference; at least, the trend is for self-government. So the States must look to their rights and this means nothing more nor less than to give full and sane enforcement to its labor laws.

One of the difficulties that we face in the State Governments was well brought out by the attempted enforcement of the Federal child labor law in the State of Pennsylvania. This is not cited in the spirit of hostile criticism but to point out the inadequacy of the Pennsylvania child labor law, and yet we "admit" that our law is a good one. In the enforcement standard set up by the Federal Government in regard to child labor legislation, Pennsylvania was ranked as number 13 among the States enforcing such legislation. Naturally we were not pleased with such a rating, and upon investigation found that, unknown to us, Federal child labor inspectors had been in our State, and had unearthed a number of child labor violations.

To show the fallacy of the claim that the revenue to the Federal Government would not have been very considerable from this form of taxation, it may only be necessary to say that if the Government had decided to go ahead it would have cost our manufacturers, just from the partial survey that had been made, no less than $50,000,000. In fairness to our manufacturers it ought to be said that as regards these violations the fault lay not so much with the employers as with the provisions and enforcement of the State child labor act. The violations for the most part were in the mining districts, over which the department of labor and industry, one of the three enforcing agencies, had no jurisdiction. This can be cited as one of the weaknesses of this State law—the division of responsibility in enforcement. For example, enforcement of the law is given over to the State department of public instruction, the State department of labor and industry, and the local police.

What is true of State child labor laws is of course true of all labor laws. It is futile to enact protective legislation without providing effective means for enforcement. The idea that the aggrieved workman or a benevolent person will see to the enforcement of labor laws ought to be thoroughly eradicated. The agency responsible for enforcement should be clearly set forth in the law.

Child labor legislation in Pennsylvania is typical of the evolution of the principle of placing responsibility for the administration of labor laws. The act of 1848 provided a penalty of $50, one-half to go to the person illegally employed and one-half to the State, "to be recovered in like manner as fines of like amount are recoverable by law." This meant that it would be necessary to sue the employer. The workman was afraid to sue and there were few philanthropists who were willing to do so, so the law accomplished very little.

The act of 1849 provided that any owner or employer who knowingly or willfully employed any minor under the age of 13 should pay a

penalty of $50 for each offense, to be sued for and recovered by any person, one-half going to the person suing and one-half to the county in which the offense was committed. The act of 1855 provided for a penalty of from $10 to $50, recoverable before any alderman or justice of the peace, to be applied to the use of the public schools. The comment made on this law is: "No provision is made for the enforcement of this act, the legislature having been unwilling to permit constables to proceed in the absence of complaints by private citizens, and it remained practically a dead letter for some 35 years." It was a big step forward for child labor legislation as well as for all labor laws when, upon the creation of a factory inspection department the attorney general of Pennsylvania, in an opinion to the factory inspector, stated: "You are not required to institute such actions indiscriminately and literally upon the request of any citizens of this Commonwealth. It is your right and duty to investigate complaints and requests made to you and to ascertain that they are well founded and made in good faith before you comply with them."

The present child labor act was enacted after the creation of the department of labor and industry and, as pointed out, perhaps the most glaring weakness of the act of 1915 is the matter of divided responsibility in enforcement. It ought to be said that the act of 1915 is steadily being improved, both as to the clearness of its provisions and the method of enforcement, by the rulings of the industrial board. Up to date the board has made 37 specific rulings relating to the act, among the most recent of which are the requirement of a proof-of-age certificate for minors over 16 years of age applying for employment, and the extension of the act to cover industrial homework. At present the board is engaged with the problem of the bearing of the act on children in theatricals, with the idea of finding some way of enforcing the act against a form of employment which has been treated with the "hands off" policy.

The most useless type of labor legislation is of course the "dangling" kind which has no specific provision for enforcement by State or any other authority. An example of this in Pennsylvania labor legislation is an act of 1913 regulating the time of payment of wages. This is identical with an act of 1887 providing for the semi-monthly payment of wage workers. In the original act no provision was made for its enforcement and it remained a dead letter until the passage of an amendatory act in 1891 which made it the duty of the factory inspector to bring action under the act. By a strange coincidence the act of 1913 goes back to the original act of 1887 and makes no provision for the administration by the very department which was created in 1913 to have jurisdiction over the labor laws of the Commonwealth.

To summarize: In order to secure the proper administration of labor legislation it is clearly the duty of the States to pass their own laws in the interests of their industries and workers, at least until the Federal Constitution provides otherwise. The laws should make specific provision for enforcement—if possible should prevent divided responsibility in administration, and certainly should condemn the "dangling" type of legislation. Good faith in administration by the State naturally leads to good faith in compliance on the part of industry. This is fundamental to the proper respect for law.

PRESIDENT'S ADDRESS.

BY FRANK E. WOOD, COMMISSIONER LOUISIANA BUREAU OF LABOR AND INDUSTRIAL STATISTICS.

I do not know that there is a better time than now for myself or someone else to make clear the real business of this association, to tell just what we stand for and what we wish to accomplish. In doing that I am going to tell you some things that we do not stand for, and that we do not advocate. The active membership of the organization is composed of heads or employees of State, Federal and Provincial governmental departments. It is true that we cooperate in a way and affiliate with other organizations or civic bodies, but that, you might say, is in a fraternal, and not in a real executive, business way. This organization stands for everything that is truly American. We advocate the enactment of sane and just laws, of fair laws, to protect the worker and to secure high standards as to working conditions and sanitation, and the reduction of hazards. We are particularly interested in the enactment of legislation protecting innocent children and defenseless women. With the enactment of just laws, we are confronted with the perplexing problem of their enforcement. We wish to be fair in the enforcement of our laws. Sometimes I believe that we are just a little too lenient, but with all that, our desire and our efforts, while looking to the protection of the workers, are also to look out for the employer. The employing interest is entitled to a certain amount of consideration. We realize there are two sides to every question, and in the enactment and enforcement of laws we must remember that the employing interest is deserving of at least a fair consideration. There is another and a third party—the public. For years it was abused, overlooked, and forgotten, but it is now demanding recognition. There is no use talking, the time of "the public be damned" is past. We must consider its welfare and its interest. In the enforcement of laws we wish to be absolutely fair. I can speak only for myself, but I feel that I voice the sentiment of every colaborer when I say that we are willing, yes more than willing, to meet the issue in each and every situation squarely, to seek cooperation, to lay the cards on the table face up, and to play the game, in order to accomplish our purpose. I have no hesitancy in saying that, whether he be from the ranks of labor, from the ranks of the employer, or from the public group, the man who assumes in any way to impede us in our efforts or to hamper us in the discharge of our sworn duties is a menace to his community, and un-American in his principles. We ask for cooperation and that each one of you meet us half way. Now, I want to say a little about what we do not stand for. I make this statement to clarify a possible misunderstanding on the part of some people. This body of men and women is not an organized labor union. Many of us come from the ranks of labor, and possibly are members of organized labor. I am and have been for 30 years such a member, and I carry a union card at all times. It is unsullied and untarnished, and I am proud to carry it, but in the performance of my official duties at home or in the deliberations at our sessions here it has no business. The open shop, the closed shop, or the so-called American plan, those things are all

right in their way; they, like everything else, have a time and a place, but that place is not here.

Another thing, this is a nonpolitical body. As an organization it makes no difference with what political body the members are affiliated; that is a personal privilege, a God-given right to each man. Politics are taboo. We do not permit them to be discussed on the floor. They are another thing that has no business in our sessions.

This organization is nonsectarian. It is immaterial what your religion is, what church you attend, or how you worship God. That is your business. You can worship any way you wish. That is the privilege of every man and woman. We do not allow these things to enter into our deliberations, for if you want to destroy the success, the real intent of the work of any organization on earth just interject a few such controversial questions into your conferences and deliberations, and the organization will cease to function.

EFFICIENCY OF AMERICAN LABOR.

BY ETHELBERT STEWART, U. S. COMMISSIONER OF LABOR STATISTICS.

Few statistical subjects are more discussed than the one used as the title for this address; there is none upon which we know less. On the one hand we hear much of the superiority of the American workman; on the other, we hear much of the degeneration of American labor, of loafing on the job, of job making, etc. When we ask for proof, for figures, for output per man per hour or per day taken from the records that are the basis of pay rolls, we are told, "Oh, I have no figures, but what I state is a matter of common knowledge."

Now, I believe there are certain rules of evidence under which judges, particularly of courts of chancery, may take "judicial notice" of things which are not and need not be proven, upon the ground that they are matters of common knowledge. For instance, statements in an almanac as to whether it was full moon or dark of the moon in a certain place on a certain date, or the number of counties in a State, may be accepted without proof as a matter of common knowledge. But a statement as to whether the number of tons of coal that the bituminous miners were taking out per day in a given mine in 1913 exceeded the number of tons per day taken out in the same mine in 1922 is not a matter of common knowledge when not backed by figures from the output sheets, the time cost sheets, and the pay roll, and can not be introduced as testimony even "for what it is worth." Not only is it worthless but there is growing up a very strong suspicion that it has contributed a very large share to the hatred and bad blood that seems unfortunately to be on the increase as between the employing and the employed portions of our population. No statistician would accept such testimony as relating to output per man-hour. "Common knowledge" can not be tabulated. It can not be worked up into an index number nor can percentages of increase or decrease from year to year be worked out.

Labor cost per unit of production in any industry as expressed in money, while interesting and economically important, is not illuminating on the subject of labor efficiency. That the labor cost in a pair of shoes to-day is two and one-fourth times what it was in 1913 may be entirely due to increase in wages; and the question as to whether the output per man per hour in shoe factories has increased or decreased since 1913 can not be determined by the labor cost per pair of shoes.

Again, total output per man-hour or day based upon all employees is likely to be very misleading in those industries where a very considerable proportion of so-called common labor is employed. Output per man, all labor combined, does not indicate anything, or at

least does not indicate much as to the efficiency of American labor. Common labor in the United States may be less efficient than it was 30 or 40 years ago, but it is no longer American. In such industries as the iron and steel, coal mining, railroad construction, brick making, and textile mills, and a great many other of our basic industries, immigrant labor, of low-grade efficiency, was sought for and the industries in consequence were overrun by races physically weak, as, for example, the Italian, untrained in any industrial occupation, as was practically all of the southwestern Europe immigration. These men are physically weak. They have neither the immediate strength nor the endurance to stand up under hard labor that the common labor of 40 years ago possessed, and as a result of this inability of immigrant labor to stand the work it did not prove cheap, and machinery has largely taken the place of common labor.

In an article which was published in the MONTHLY LABOR REVIEW (pp. 1–11) for February, 1921, I have examined critically the figures which indicated that the output per man per hour in the bituminous coal fields was steadily decreasing. The fact is that the number of noncoal getters—that is, laborers in the mine and on top of the mine —had very greatly increased; in a number of cases the actual coal getters had decreased. In the bituminous mines in 1917 the total increase in men employed over 1916 was 7.5 per cent. The underground employees, who represented 79 per cent of the total, increased only 5 per cent, whereas the surface labor increased 21 per cent. Not only that, but the 5 per cent increase in underground employees was largely made up of workmen other than the actual coal diggers. In Illinois in 1917 the actual miners—pick miners, machine runners, and loaders—were 67.9 per cent of the total employees. You will understand that these are the men who get the coal. In January, 1919, the per cent these men were of the total had fallen to 65.

When we consider the actual miner, therefore, the output per day is not 3½ tons, as indicated by dividing the output by the total employees, common labor and all, but the average is well over 7 tons for pick miners, and if we take the average for pick or hand mining and machine mining together—that is to say, if we take the pick miners, the machine runners, and the loaders—the average in good mines runs up to 10 and 12 tons per day, or a ton and a half per one-man hour at the face of the working; and the figures show a substantial increase in output per one-man hour as between 1919 and 1921.

Another thing must not be forgotten when we speak of average output per man. I once heard a governor of a State ask Susan B. Anthony if she thought a woman had as much intelligence as a man. Miss Anthony's reply was, "Which woman, which man?" The output per man per hour depends so much upon the man and the conditions under which he labors that a person who simply wants to rant and harp on inefficiency can make his selection, while the man who wants to show that the American worker is overworked and is producing more than a human being can or ought to be expected to stand can also make his selection.

For instance, in 1919 in a coal mine in Illinois with a 42-inch seam, with an average output of 4.9 tons per day per pick miner, practically 10 per cent of the miners produced less than 3 tons a day; 21 per cent produced more than 3 and less than 4 tons per day; 24 per cent

produced 4 but less than 5 tons per day; and 27 per cent produced 5 but less than 6 tons per day, while 2 men in that mine produced 10 tons of coal per day for the entire pay-roll period. In another mine, with a 69-inch vein, the average was 9.6 tons per day. One man produced less than 3 tons per day, 2 men produced less than 4 tons per day, and 10 men produced 7 and under 8 tons per day, while 8 men produced 12 tons a day, 5 men produced 13 tons a day, and 7 men produced over 13 tons a day for the entire pay-roll period. Incidentally, the day was an eight-hour day and it was a union mine, where everybody is supposed to be reduced to a common level and no man permitted to do more than any other man. In another mine, also in Illinois, where the average was 7.9 tons per day, 41 men produced the average, 45 men produced 9 tons each, 20 men produced 10 tons each, and 8 men produced over 13 tons per day each.

Not only does this fact that there is no uniformity of output apply as regards men in industry but it also applies as regards establishments in the industry and practically all industries. The average output per man per day in the anthracite coal fields by establishments ranges from 1.6 to 5.2 tons per day, the general average being 3 or 3½ tons per man per day. In the coal statistics of this year compiled by the Bureau of Labor Statistics we are trying to emphasize this output per man per day and per hour.

Perhaps the most startling variation in output or seeming efficiency of labor is in the copper-mining industry. In 1918 the Department of Labor requested the Geological Survey to ascertain the relative productivity of labor in the production of copper ore, with a view to closing down, if necessary, the mines that were the least productive. This survey covered the labor employed in actual mining and did not take in the common labor around the mine. The range was from 38.5 to 416.1 pounds per man per day in 1916 and from 30.1 to 371.8 pounds per man per day in 1917. Fifteen and one-half per cent of the men employed in copper mining in 1917 produced 4.4 per cent of the total output, at the average rate of 30.1 pounds per man per day; 48.2 per cent of the men employed in the industry produced 30.1 per cent of the total output of copper produced by mines, at an average rate of 65.1 pounds per man per day; 6.5 per cent of the total employees produced 5.5 per cent of the output, at an average rate of 90.5 pounds per man per day; 15.6 per cent of the total employees produced 17.7 per cent of the output, at an average rate of 120.5 pounds per man per day; 7.7 per cent of the men produced 16.5 per cent of the output, at an average production of 227.9 pounds per day; 6.4 per cent of the miners produced 22.5 per cent of the output, at an average rate of 371.8 pounds per day.

It is a curious fact that 15.5 per cent of the copper miners were producing 30.1 pounds per day, while almost exactly the same percentage, 15.6 per cent, were producing 120.5 pounds per day, or almost exactly four times as much per man per day. This survey in 1917 covered 1,006 mines and presents a very striking example of the wide variation in productivity. One asks how a mine that gets but 30.1 pounds per man per day can exist as against a mine securing 371 pounds per day, but with this economic problem we have nothing to do at this time.

The great trouble with men who wish to make out a case is that in handling such figures as are here presented they try to make it appear that the copper miner who produces 30 pounds a day is a loafer, is "laying down" on his job, and is doing in fact less than one-tenth of the work that he ought to do, because a man can produce 371 pounds of copper per day, or do more than that, as in 1916, when he produced 416 pounds per day. As a matter of fact, the man who produced 30 pounds per day worked just as hard as and in many cases harder than the man who produced 371 pounds per day.

As an example of group efficiency, all classes of labor being taken into consideration, the Bureau of Labor Statistics has compiled some very interesting figures in the iron and steel industry. In the open-hearth steel process in a certain group of plants from which returns were received by the bureau 9,733 full-year workers—and by this we mean that the part-time or floating labor in the open-hearth furnaces reporting was reduced to full time—produced 10,524,552 tons of open-hearth steel in 1913, being 1,081 tons per full-year worker. In 1914 this had increased to 1,130 tons per full-year worker; in 1915 it was 1,339 tons; in 1916 it was 1,366 tons; in 1917 it was 1,279 tons; in 1918 it was 1,268 tons; and in 1919 it was 1,277 tons. Thus the output per man per year was greater in 1919 than it was in 1913 or 1914, but not so great as in 1915 and 1916.

In the wire-drawing plants reporting, the tons produced per full-year worker were 171 in 1913, 206 in 1914, 216 in 1915, 198 in 1916, 187 in 1917, 171 in 1918, and 169 in 1919. In tubing and pipe making the output per full-year worker was 101 tons in 1913, 98 tons in 1914, 107 tons in 1915, 98 tons in 1916, 89 tons in 1917, 83 tons in 1918, and 85 tons in 1919. In sheet and tin-plate work the output per full-year worker was 68 tons in 1913, 71 tons in 1914, 73 tons in 1915, 72 tons in 1916, 66 tons in 1917, 61 tons in 1918, and 61 tons in 1919.

Whatever of variation from year to year there is in these figures is due to the fact that in 1917 and 1918 there were drawn from this industry a great many of the higher-grade men, who went into the war or into war production along the more technical manufacturing lines, and owing to the artificial industrial boom of 1919 and 1920 these men did not return to this industry. There were, in consequence, drawn into this industry large numbers of people who not only had never worked at the industry but had never worked at anything along manufacturing lines. In 1919 and 1920 there was another intake of nonindustrials, and it is only surprising that the output per man-year did not decrease to a greater extent.

We have the figures from 1913 to 1919 for a large segment of the Bessemer steel industry on output per man per year for the total labor group; that is to say, including common and all other labor. In 1913 the output per man-year was 1,302 tons, in 1914 it was 1,303 tons, in 1915 it was 1,643 tons, in 1916 it was 1,624 tons, in 1917 it was 1,403 tons, in 1918 it was 1,232 tons, and in 1919 it was 1,216 tons.

It is very interesting to compare these figures for total labor with the output of key occupations along the same line. In a Bessemer plant the producing crew—that is, the practically skilled men, taken as a whole—produced during one pay-roll period in May, 1915, 2.36 tons per man per hour. The key man—the steel pourer—produced

32 tons per hour, the rate to the pourer at that time being 98 cents per 100 tons. In October, 1920, in the same plant, the output of the producing crew employed at that time was 3.82 tons per hour, while the steel pourer produced 60 tons per hour on the average, with the equipment and opportunity for production offered. The rate at that time was $2.07 per 100 tons, as against 98 cents in May, 1915. It would seem, therefore, that labor efficiency among skilled men in the industry is not being reduced as the wage advances.

Taking another Bessemer plant, in March, 1914, steel pourers on the pay roll produced 37.8 tons per man per hour, the rate being 88 cents per 100 tons. In May, 1916, with the same equipment and with a rate of $1.32 per 100 tons, the output of the steel pourer was 44.3 tons per hour, while in March, 1920, in the same plant and with a piece rate of $2.68 per 100 tons the output was 42.5 tons per man per hour. In another plant in May, 1915, the output per steel pourer was 70.5 tons per man per hour, at a rate of 84 cents per 100 tons. In October, 1920, in the same plant the output was 77 tons per man per hour, with a rate of $1.88 per 100 tons.

In a 10-inch bar mill the entire productive crew of 52 men produced in a pay-roll period in 1915, 323 pounds of iron bars per man per hour. In October, 1920, in the same mill, a crew of 51 men produced 515 pounds per man per hour. A 12-inch bar mill in 1915 with an entire working crew—speaking now of skilled men, no repair labor or general labor being included—of 51 men produced 401 pounds per man per hour. The same mill produced in October, 1920, with 46 men in the crew, 542 pounds of bar per man per hour. In another 12-inch bar mill in the same plant, in 1915 the crew of 48 men produced 374 pounds per man per hour, and in October, 1920, the crew of 49 men produced 452 pounds per man per hour. In an 8-inch bar mill in 1915 the output of the productive group was 166 pounds per man-hour.

It is interesting, however, to follow the more skilled men and the real key men in one of these productive groups. In the 8-inch bar mill just referred to, the rollers produced 2.35 tons per man-hour; the finishers, of course, produced the same. The heaters produced 1.17 tons per man-hour. In a 9-inch bar mill of the same plant the rollers produced 3.74 tons per man-hour, while the group output was 223 pounds per man-hour. In an 18-inch bar mill of the same plant the rollers' output was 5.14 tons per man-hour, and the heaters produced 2.57 tons per man-hour. The output of the productive unit of 86 men was 346 pounds per man-hour.

Some interesting statistics are available on the progressive productivity of labor in the blast furnaces. In the table and chart following are given the number of employees, the total production of coal, and the production per man per year in blast furnaces in the United States from 1850 to 1920.

NUMBER OF EMPLOYEES IN AND PRODUCTION OF BLAST FURNACES IN THE UNITED STATES AND INDEX NUMBERS COMPUTED THEREFROM.

[Number of employees from Census reports of year specified, except for 1919, which is an estimate; production from Census reports 1850 to 1890 and from reports of American Iron and Steel Associations 1899 to 1920.]

[1850=100; ton=2,240 pounds.]

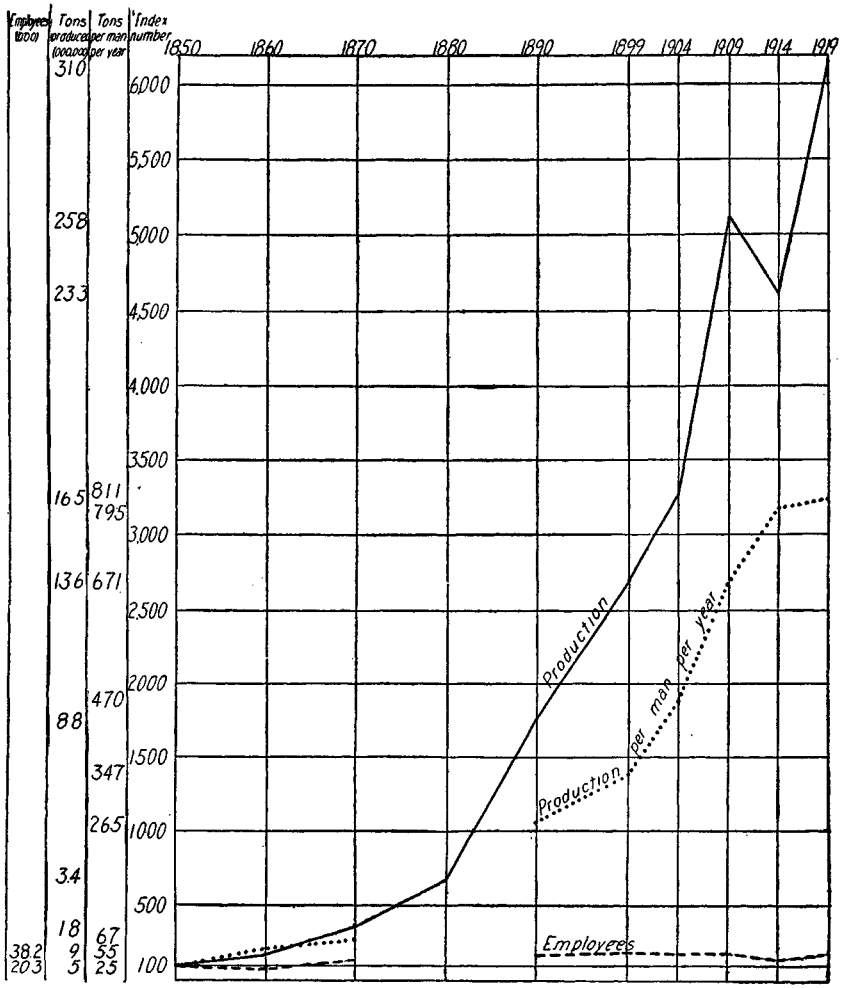
Year.	Employees.		Total production.		Production per man per year.	
	Number.	Index number.	Tons.	Index number.	Tons.	Index number.
1850	20,298	100	504,245	100	25	100
1860	15,927	78	881,749	175	55	220
1870	27,554	136	1,332,876	363	67	268
1880			3,375,911	669		
1890	33,415	165	8,845,185	1,754	265	1,060
1899	39,241	193	13,620,703	2,701	347	1,388
1900			13,789,242			
1901			15,878,354			
1902			17,821,307			
1903			18,009,252			
1904	35,078	172	16,497,033	3,272	470	1,880
1905			22,992,380			
1906			25,307,191			
1907			25,781,361			
1908			15,936,018			
1909	38,429	189	25,795,471	5,116	671	2,684
1910			27,303,567			
1911			23,649,547			
1912			29,726,937			
1913			30,966,152			
1914	29,356	145	23,332,244	4,627	795	3,180
1915			29,916,213			
1916			39,434,797			
1917			38,647,397			
1918			39,054,644			
1919	38,243	188	31,015,364	6,151	811	3,244
1920			36,925,987			

In 1850, with 20,298 employees, there were produced in the United States 504,245 gross tons of pig iron, an average production of 25 tons per year per man. Forty years later, in 1890, we were producing 265 tons per man per year; in 1904, 470 tons per man per year were produced; in 1909 we produced 671 tons per man; in 1914 we produced 795 tons per man; and in 1919 with 38,243 employees we produced 31,015,364 tons, or 811 tons per man per year. In other words, taking the year 1850 as 100, the index of employment in 1919 was 188, or an increase in the number of employees in the blast furnaces of 88 per cent. The index of output per man had increased from 100 in 1850 to 3,244, or 3,144 per cent. This does not mean per man under the same conditions in 1919 as in 1850. Machinery and mechanical devices had entirely displaced men in many occupations, and enormously augmented their power of production in others.

These figures measure the output of all the blast furnaces of the country combined. The Bureau of Labor Statistics, however, has the production per full-year worker from plants employing nearly half of the total, and these figures show the output per man per year in 1913 as 1,012 tons; in 1914 it was 858 tons; in 1915 it was 1,129 tons; in 1916 it was 1,179 tons; in 1917 it was 825 tons; in 1918 it was 964 tons; and in 1919 it was 875 tons. In each of these years it was considerably higher in this selected group of blast furnaces than it was in the country as a whole.

In Bulletin No. 225 of the United States Bureau of Labor Statistics (pp. 68–146) are shown very elaborate statistics on the output per man-hour in the sawmills of the country, together with the time and wages cost per 1,000 board feet produced at a large number of mills.

BLAST FURNACES IN THE UNITED STATES.



NOTE.—Number of employees 1850, 20,298; 1860, 15,927; 1870, 27,554; 1880, not reported separately; 1890, 33,415; 1899, 39,241; 1904, 35,078; 1909, 38,429; 1914, 29,356; 1919, 38,243, estimated.

It is not my purpose to go into all this detail at this time. The figures presented in the bulletin referred to are for the year 1915. For the purpose of this address I have selected one establishment, carrying the production through from the standing tree to the lumber piled in the yard. The details will be found in the table following. I will call your attention to the fact that the total sawmill labor in producing 1,000 board feet of lumber equals 3.85 one-man hours, and the total sawmill labor cost was $1.11 per thousand feet. The key men here, the sawyers, produced 1,000 feet of lumber in seventy-six one-hundredths of an hour at a cost of 22 cents, the edgers in four-tenths of an hour at a cost of 10 cents, and the trimmers in twenty-seven one-hundredths of an hour at a cost of nearly 6½ cents.

PRODUCTIVITY AND COST OF LABOR FOR TREE-TO-LUMBER-PILE OPERATIONS IN A REDWOOD MILL, 1915.[1]

Occupation, process, or machine.	Output in board feet per one-man hour.	Wages cost per one-man hour.	Cost per 1,000 board feet produced.	
			One-man hours.	Wages.
Logging:				
Foremen, scalers, general	3,472	$0.3801	0.2880	$0.1095
Felling and log making	215	.2732	4.6613	1.2734
Skidding, yarding, and loading	259	.3042	3.8656	1.1730
Transportation and unloading	1,103	.3284	.9063	.2976
Maintenance of transportation	804	.2076	1.2436	.2582
Total, logging	91	.2838	10.9648	3.1117
Log pond or yard	2,425	.2650	.4124	.1093
Sawmill:				
Foremen	22,130	.6852	.0452	.0310
Deck	5,051	.3105	.1980	.0615
Sawing-head, gang and resaw	1,311	.2905	.7628	.2216
Edging	2,483	.2500	.4027	.1007
Trimming	3,725	.2392	.2685	.0642
Refuse-slasher, hog, burner	11,065	.2125	.0904	.0192
Filing	5,532	.5750	.1808	.1039
Power and oiling	1,002	.2946	.9983	.2941
Repair	4,323	.3658	.2313	.0846
Night watch and fire protection	4,668	.2250	.2142	.0482
Clean-up and miscellaneous	2,159	.1801	.4631	.0834
Total, sawmill	259	.2855	3.8553	1.1124
Sorting	474	.2291	2.1116	.4838
Yard—Green lumber:				
Foremen	22,130	.4259	.0452	.0192
Trucking	4,442	.2218	.2251	.0499
Piling	483	.2008	2.0716	.4161
Total yard	427	.2072	2.3419	.4852
Total, tree to lumber pile	58	.2693	19.6860	5.3024

[1] U. S. Bureau of Labor Statistics Bul. No. 225: Wages and hours of labor in the lumber, millwork, and furniture industries, 1915, pp. 77, 78.

Unpublished statistics for the lumber industry in 1921, in the hands of the Bureau of Labor Statistics and now in the course of preparation, show considerable difference in the details, particularly as to the labor cost per thousand board feet, but, taking it all in all, show an increase in the efficiency of labor; that is to say, a reduction in the time cost

per thousand board feet. I submit herewith details from two States, 17 establishments in Alabama and 15 establishments in California. In this table, however, only the direct productive sawmill labor is included.

PRODUCTIVITY AND COST OF LABOR FOR SAWMILLS IN ALABAMA AND CALIFORNIA IN 1921.

Occupation.	One-man hours per 1,000 board feet.	Board feet per one-man hour.	Labor cost.	
			Per hour.	Per 1,000 board feet.
	Alabama.			
Doggers	0.3	3,632	$0.191	$0.06
Setters	.2	4,496	.269	.05
Sawyers	.3	3,046	.559	.17
Saw tailers	.2	6,433	.181	.04
Edgermen	.2	5,205	.309	.06
Trimmers	.2	4,995	.233	.05
Machine feeders	.5	1,996	.203	.10
Laborers	9.2	109	.155	1.43
Other employees	3.8	262	.253	.96
All occupations	14.9	67	.196	2.92
	California.			
Doggers	0.2	4,315	$0.466	$0.09
Setters	.2	6,354	.549	.11
Sawyers	.2	4,308	.753	.15
Saw tailers	.2	5,872	.470	.09
Edgermen	.2	5,814	.614	.12
Trimmers	.1	7,409	.503	.05
Machine feeders	.1	13,573	.479	.05
Laborers	4.1	243	.406	1.66
Other employees	3.4	298	.523	1.78
All occupations	8.7	116	.472	4.11

In an investigation by the Taft Tariff Board in 1911, in textile mills, men working on almost identical pieces of cloth were found weaving all the way from 2.7 yards per hour to 3.5 yards per hour, but here again the figures are not altogether indicative of American labor. At the beginning of the World War only 36 per cent of the employees of the woolen and worsted mills of the United States were American born, and of these 27 per cent had worked in the industry less than one year and 12 per cent one year and less than two years; and taking all nationalities, 52 per cent of the males and 48 per cent of the females had worked in the mills less than one year, while 54.5 per cent of the males and 45.5 per cent of the females had worked less than one year in the occupations in which they were found at the time of the investigation.

Some interesting figures are being brought out in the course of a current investigation by the Bureau of Labor Statistics in the ribbon industry. The following table shows the average output per hour, time cost per yard, and weaving cost per yard for two periods of three weeks each in February and in April, 1920.

AVERAGE OUTPUT PER HOUR, TIME COST PER YARD, AND WEAVING COST PER YARD IN THE RIBBON INDUSTRY, FEBRUARY AND APRIL, 1920.[1]

Kind of ribbon.	Width of ribbon (inches).	Period covered (1920).	Average output per hour (yards).	Time cost per yard (minutes).	Weaving cost per yard.
Satin-taffeta	4½	February	1.25	47.4	$0.64
		April	1.4	42.9	.688
Satin	7	February	1.023	58.8	.936
		April	1.043	57.4	1.006
Taffeta	5¼	February	1.137	52.6	.78
		April	1.095	54.7	.839

[1] This table refers to weaving only.

Between the two periods covered there was a strike for shorter hours and higher rates of pay. The strike was successful. It is interesting, therefore, to note that on a satin-taffeta ribbon the average output per man per hour was 1.2 yards, that is to say, the time cost per yard was 47 minutes, and the weaving cost 64 cents. After the strike, the hours of the establishment having been reduced, the output per man per hour on the same ribbon was 1.4 yards per hour or practically 43 minutes per yard. The weaving cost, however, had increased to 68.8 cents by reason of the increase in wages.

In the investigation of wages and hours of labor in the boot and shoe industry for 1916, published in Bulletin No. 232, the Bureau of Labor Statistics secured the itemized time cost by operation in the production of 100 pairs of shoes. This totaled 1 hour and 25¾ minutes per pair of shoes one-man time. During the war that time was considerably increased owing to the changed character of the employees in the boot and shoe industry. Since the war, in another factory, the statement was made that this time cost had been very much reduced and that it now stands at a range of from 54 minutes to 1 hour and 6 minutes.

I have been surprised at the amount of time-cost material there is in the possession of the Bureau of Labor Statistics. No particular stress has been put upon this point heretofore. It will be the policy of the bureau now to collect this information wherever it can be done with a reasonable expenditure of time. I want to call your attention to the fact that the Agricultural Department in its Office of Farm Management and Farm Economics has given us the exact time cost or one-man hours in the production of a bushel of wheat and various other farm products. From the report of the Federal Trade Commission on commercial wheat-flour milling it is possible to deduce the one-man-hour time in the production of a barrel of flour from the wheat. The Bureau of Labor Statistics also has information upon this point. The time required to convert a barrel of flour into loaves of bread can be ascertained by the Bureau of Labor Statistics.

I will state at this point that a movement is on foot whereby through the cooperation of the Babson Statistical Organization and the Department of Labor more satisfactory figures on efficiency will be secured in the near future. Without doubt this commission will enter the field of the building trades and attempt to ascertain some definite facts. Here again, as in the matter of copper-ore mining, already referred to, the same amount of labor expended may produce

very different results when measured by the unit in the industry, which may and does furnish a plausible basis for some very unfair attacks upon American workers. You hear it said that before the war a man would lay 1,500 bricks a day, that in Chicago you could get 2,000 bricks laid per man per day, and that now 500 and 750 are all you can get. The fact is, that any statement which does not go beyond the number of bricks laid by a man in a day does not convey any adequate information. It all depends upon whether a bricklayer was working on an 8-inch wall, a 12-inch wall, a 16-inch wall, a 20-inch wall, or a 24-inch wall, whether he was laying to a line and filling in behind his own work or whether he was laying to a line and someone else was filling in behind him, whether he was laying face brick or building a dead wall. The same man might lay 1,500 or 1,800 bricks one day and lay 400 the next day, and work harder on the 400 face bricks, pointed mortar, than he did on the 1,500 bricks. In other words, without some sort of a description of the work a thousand bricks is not the unit of the bricklayer's efficiency.

I remember when in the town of Hof, Germany,[2] in 1911, where the bricklayers were then paid 48 pfennigs an hour, amounting to about 10 cents at that time, they told me that the union rate was 650 bricks in a day of 10 hours. They were careful to give me the size of the brick and the kind of wall, which we would here call a straightaway 16-inch wall. I was told that this was not a printed rule of the union in Hof, though in Hamburg the bricklayers' union had a definite limit of 800 bricks per day. I asked the union official in Hof how they regulated this output if it was not a written rule of the union. I said to him, "What would you do with a man who laid more than 650 bricks in a day?" His reply was, "Oh, he would drink his beer alone." What the war did to the union rules among the building trades in Germany I do not know, but I do know that the statements made about output in the bricklaying trade in the United States since the war, which have come to me, have never been accompanied with definite data as to the width of the wall and the kind of work being done, or with copies of production or time-cost sheets that would confirm the statements made.

I am well aware that in some quarters objections will be made to such time-cost studies as will give us any real information as to efficiency. I know that any attempt to keep time on processes or occupational cost will meet with opposition by workmen. This is because of a misapprehension that the purpose is to speed up, to get a pace set that it will be hard to keep, and then to demand that pace as a test of efficiency. Unfortunately, any time cost is immediately associated with "Taylor systems," with "production engineering," and that spells a drive to the workmen.

The essential basis of a study of efficiency is a time record, whether of machines or of men. With that sort of efficiency which seeks to drive men, and has for its purpose unreasonable speeding up, it is needless to say I have no sympathy; but for many reasons it is as important in an industry to know the time cost of production as it is to know the labor cost or the material cost. The men should be met fairly and squarely on this point, and for that matter on all

[2] The size of brick used in Hof, Germany, at that time was 12 centimeters wide, 7½ centimeters thick, and 25 centimeters long. Bricks of the same size were used at Hamburg. They were referred to as the Reichsforma or legal size of brick.

points. Their pay is measured by their time. They know exactly what they get in wages for a given amount of time. The employer's factory time is measured by product, and he is entitled to know how much he is getting for his time. Workmen know what is an honest day's wage for an honest day's work; the employer is entitled to know what is an honest day's work for an honest day's wage. Workmen measure their time by a definite thing, dollars and cents; the employer is entitled to a definite measure of his factory time, such as a hundred pairs of shoes, a thousand yards of cloth, or a thousand bricks in the wall. We must go at this from a purely scientific point of view, and take a record of what the worker does, not to speed him up and see how much he can do, but so that a building contractor, for instance, can be reasonably sure of the time cost as well as the wage cost of a thousand bricks in the wall in just the same way that he is reasonably sure of getting ten hundred bricks for the price of a thousand.

I would like to suggest, if any of the State bureaus of labor statistics or industrial commissions are now or are likely soon to take up investigations where units of production can be definitely stated, that they get in touch with the Bureau of Labor Statistics of the United States Department of Labor and see if a plan can not be worked out by which there will be incorporated in the schedule inquiries which will develop these units of time and labor cost.

TUESDAY, MAY 23—MORNING SESSION.

FRANK E. WOOD, PRESIDENT, PRESIDING.

Addresses of welcome were delivered by Mr. George Hoverter, mayor of Harrisburg, and by Mr. William Wright, vice president of the Harrisburg Chamber of Commerce, the president of the association replying.

ROLL CALL AND REPORTS OF NEW LEGISLATION.

As the roll was called each delegate was requested to report briefly as to labor legislation enacted since the last convention, in the State or Province which he or she represented, or to submit such report in writing. The delegates from some States reported that there had been no labor legislation in their States since the last meeting, and others failed to make any report. (For labor legislation in the United States during 1921, see Bulletin No. 308 of the United States Bureau of Labor Statistics.) A list of delegates appears on pages 157 and 158.

REPORT OF CONNECTICUT.

The following new legislation was enacted in Connecticut during 1921:

FACTORY, ETC., REGULATIONS—TOILETS.

SECTION 1. The commissioner of labor and factory inspection is authorized to require every manufacturing, mechanical, and mercantile establishment to provide adequate toilet accomodations, so arranged as to secure reasonable privacy, for both sexes employed or engaged in any such establishment, which accommodations shall be constructed inside such establishments when in the opinion of said commissioner such inside construction is practicable. Such accommodations shall include adequate fixtures, shall be maintained in good repair and in a clean and sanitary condition, adequately ventilated with windows or suitable ventilators opening to the outside, and provided with convenient means for artificial lighting. Such accommodations shall be distinctly marked so as to indicate the sex for which the same is intended for use, and when any such accommodations intended for use by any female adjoin such accommodations intended for use by any male, the partition constructed between such accommodations shall be solidly constructed from the floor to the ceiling.

SEC. 2. The owner of any building occupied by more than one of any such establishments shall be required to furnish accommodations and the ventilation thereof, subject to the provisions of this act, and the occupant of any building shall maintain the same subject to the provisions of this act.

SEC. 3. It shall be the duty of the commissioner of labor and factory inspection to examine and inquire into the compliance with this act in the establishments described in this act, and in case of failure of the responsible person to comply with the order of said commissioner within 90 days, to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The commissioner of labor and factory inspection shall, on or before the 1st day of December of each year, make a report to the governor of the number of such violations and the prosecutions instituted thereon.

SEC. 4. Any person violating any provision of this act and any person writing anything obscene or offensive or making any obscene or offensive drawing, picture or mark in any such accommodation shall be fined not more than $50 for each offense. (Acts of 1921, ch. 266.)

EMPLOYMENT OF CHILDREN—HOURS OF LABOR.

SECTION 1. No child under 16 years of age shall be employed, required or allowed to work in any mill, cannery, workshop, factory or manufacturing establishment more than 8 hours in any day or more than 6 days in any week, or after the hour of 6 o'clock in the afternoon or before the hour of 6 in the morning.

SEC. 2. It shall be the duty of the commissioner of labor and factory inspection to examine and inquire into the employment of such children in the establishments described in this act, and to investigate all complaints of violations thereof and to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The commissioner of labor and factory inspection shall, on or before the 1st day of December in each year, make a report to the governor of the number of such violations and of the prosecutions instituted therefor.

SEC. 3. Every person who willfully employs or has in his employment or under his charge any child in violation of the provisions of this act, and every parent or guardian who permits any such child to be so employed, shall be fined not more than $20 for each offense. A certificate of the age of a child, made as provided in section 5323 of the General Statutes, and amendments thereof, shall be conclusive evidence of his age upon the trial of any person other than the parent or guardian for violation of any provision of this act. (Acts of 1921, ch. 188.)

EMPLOYMENT OF WOMEN AND CHILDREN—NIGHT WORK.

SECTION 5303 of the General Statutes as amended by chapter 195 of the Public Acts of 1919 is amended to read as follows: No person under 16 years of age shall be employed in any manufacturing or mechanical establishment after 6 o'clock in the afternoon; and no such minor shall be employed in any mercantile establishment after 6 o'clock in the afternoon on more than one day in each calendar week, except during the period from the 17th to the 25th day of December of each year; and no female shall be employed in any manufacturing, mechanical or mercantile establishment between the hours of 10 o'clock in the evening and 6 o'clock in the forenoon: *Provided*, In event of war or other serious emergency, the governor may suspend the limitations upon night work contained in this act as to any industries or occupations as he may find such emergency demands.

Public bowling alleys shall be regarded as mercantile establishments within the meaning of this act. (Acts of 1921, ch. 220.)

FACTORY, ETC., REGULATIONS—LAUNDRIES.

SECTION 1. A public laundry shall be regarded as a manufacturing establishment within the provisions of the General Statutes. No laundry work shall be done in any public laundry in a room used as a sleeping or a living room. No employer shall permit any person to work in his public laundry who is affected with pulmonary tuberculosis, scrofulous or venereal disease, or a communicable skin affection. (Acts of 1921, ch. 227.)

HEATING OF LEASED BUILDINGS.

SECTION 1. When any building or part thereof is occupied as a home or place of residence, or as an office or place of business, either mercantile or otherwise, a temperature of less than 68° F. in such building or part thereof shall, for the purpose of this act be deemed injurious to the health of the occupants thereof. (Acts of 1921, ch. 130.)

INSPECTION OF STEAM BOILERS.

SECTION 1. Section 3064 of the General Statutes is amended to read as follows:

"Sec. 3064. The commissioner of labor and factory inspection shall appoint a suitable person to inspect boilers, who shall be a citizen of this State, shall have had not less than five years' practical experience with steam boilers as a steam engineer, boiler maker, boiler inspector, or mechanical engineer, and who shall receive the compensation of a deputy factory inspector."

SEC. 2. Section 3065 of the General Statutes is amended to read as follows:

"Sec. 3065. Such inspector shall see that all laws and regulations for the safety of, steam boilers are enforced, and he shall, at least once in each year, carefully inspect, internally and externally, while not under pressure, and during the same year inspect externally while under pressure all steam boilers in use in this State except the following: Boilers of railroad locomotives subject to inspection under the provisions of Federal laws; portable boilers used in pumping, heating, steaming and drilling in the open field; portable boilers used for agricultural purposes and in the construc-

tion and repair of public roads, railroads, and bridges; boilers on automobiles; boilers on steam fire engines brought into the State for temporary use in checking conflagrations; boilers carrying a pressure of less than 15 pounds per square inch which are equipped with safety devices; boilers under the jurisdiction of the United States; boilers inspected under any city, town, or borough system of boiler inspection; and any boiler inspected and insured by a company which is authorized to insure against loss from the explosion of steam boilers in this State, which maintains a corps of steam-boiler inspectors and which complies with the provisions of the General Statutes."

SEC. 3. Section 3066 of the General Statutes is amended to read as follows:

"Sec. 3066. If any boiler inspector finds that a boiler is defective he shall order the owner, lessee, or user thereof to repair such boiler; and if such order is not complied with or if the boiler is dangerous, he shall remove the certificate of inspection and give written notice to such owner, lessee or user not to use the boiler until the faulty condition is corrected and the boiler is approved by such inspector and the certificate of inspection restored. An owner, lessee, or user may appeal from such order of an inspector to the commissioner of labor and factory inspection who may, after such further investigation as he may deem necessary, affirm, rescind, or modify the order."

SEC. 4. Section 3067 of the General Statutes is amended to read as follows:

"Sec. 3067. The fee for an inspection of a boiler internally and externally while not under pressure shall be $7.50; for an external inspection while under pressure, $2.50; to be paid to the inspector by the owner, lessee, or user of the boiler: *Provided*, Not more than $10 shall be collected by such inspector for the inspection of any one boiler during any year. The inspector shall, at the end of each month, pay to the commissioner of labor and factory inspection all fees collected by him and said commissioner shall, on or before the 10th day of each month, pay to the treasurer all the fees which he may have received during the preceding month."

SEC. 5. Section 3070 of the General Statutes is amended to read as follows:

"Sec. 3070. Such boiler inspector shall issue a certificate of inspection for each boiler internally inspected by him, stating the condition of the boiler and the amount of pressure allowed. Such certificate shall be conspicuously posted under glass in the room containing the boiler. It shall not be valid for more than 14 months from its date nor after its removal by an inspector as provided in section 3 of this act."

SEC. 6. In the examination and inspection of premises provided for in section 2340 and 2283 of the General Statutes, the officer making the inspection shall ascertain whether there is a valid certificate of inspection posted as required in section 5 of this act, and if there is no such certificate of inspection posted he shall at once inform the commissioner of labor and factory inspection. (Acts of 1921, ch. 347.)

POWERS AND DUTIES OF COMMISSIONER OF LABOR AND FACTORY INSPECTION.

Section 2324 of the General Statutes is amended to read as follows: The commissioner of labor and factory inspection shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity and shall have power to summon and examine under oath such witnesses, and may direct the production of, and examine or cause to be produced and examined, such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation thereto as he may find proper, and shall have the same powers in reference thereto as are vested in magistrates in taking depositions; but for this purpose persons shall not be required to leave the vicinity of their residences or places of business. (Acts of 1921, ch. 185.)

REPORT OF DELAWARE.

The Labor Commission of Delaware was successful in having but one of the three laws it has to enforce strengthened by legislative enactment at the last session of the general assembly. The sanitary law for female employees was amended by adding transportation companies to the list of concerns amenable to the law, and also by placing the responsibility for making necessary sanitary repairs upon the owners of buildings.

A part-time school law, applying to school districts where 15 or more children are employed was also passed in 1921. This law has been very helpful in keeping children in school, employers in many instances refusing to employ children subject to

the part-time school law. The instruction in Wilmington is given on Saturday mornings from 8 until 12 o'clock noon.

The Delaware workmen's compensation law, the enforcement of which is directed by the industrial accident board, was amended at the 1921 session of the legislature, the chief change being the giving of jurisdiction to the industrial accident board in cases where employers, upon application made to them by employees, shall refuse to furnish reasonable surgical, medical, and hospital services, medicine and supplies. The said board shall determine if additional services are necessary, and if so, the character of services and supplies to be furnished. The charges for such additional service shall not exceed the rates regularly charged to other individuals for like services and supplies.

Other changes provide that if incapacity continues for four weeks or longer, compensation shall be computed from the date of incapacity; increase from $25 to $100 the maximum cost for medical services, medicines, and supplies; and provide for specific compensation for injuries to hands and feet and phalanges thereof.

REPORT OF LOUISIANA.

The following laws affecting labor were passed at the extra session of the Legislature of Louisiana in 1921: An act creating a building contracts commission (to include one representative from the ranks of labor); an act granting equal rights—civil and political—to women and men; an act requiring better sanitary conditions in hotels and restaurants and providing for the enforcement thereof; an absentee voting bill; an act creating State free employment bureaus under the supervision of the commissioner of labor and industrial statistics; a law prohibiting the housing of negro and white families in the same building; an act appropriating $4,000 for the bureau of labor and industrial statistics, this having been provided for under an act of the legislature of 1920, but no money having been set aside; a concurrent resolution for the appointment of a committee of five, two from the senate and three from the house, to inquire into the advisability of the State of Louisiana operating its own industrial insurance and of the creation of a State industrial insurance commission to administer the same, the recommendations of said committee to be submitted at the next regular session of the legislature of the State.

REPORT OF MASSACHUSETTS.

Since the last convention there have been enacted laws authorizing the commissioner of labor and industries to appoint, for periods not exceeding 90 days, such experts as may be necessary, such employment to be exempt from civil service; prohibiting employers from exempting themselves by means of special contract from liability for industrial injuries to their employees; increasing the amount to be paid for burial expenses under the workmen's compensation law, from $100 to $150; providing for an annual vacation of two weeks with pay for scrub women employed in the statehouse, and increasing the retirement allowance for scrub women in the statehouse service to $300 a year; extending public aid for mothers with dependent children to include children from 14 to 16 years of age, where such aid is necessary in order to keep the children in school; providing that communities that have established continuation schools for working children shall maintain such schools until authorized by the department of education to discontinue them.

REPORT OF MICHIGAN.

The 1921 legislative session enacted a bill providing for the consolidation of the department of labor, the industrial accident board, the board of boiler rules, and the industrial relations commission (the latter having been created by the 1919 session, but never having functioned), thus creating a new department called the department of labor and industry, which was organized July 1, 1921. The work of the depart-

ment is organized into two divisions, viz., the compensation division, and the labor division.

The 1921 session also amended the workmen's compensation act, making that act far better than it has been. One of the changes made brings all State, county, city, village, and school districts under the provisions of the act. The matter of subcontractors has also been taken care of, the original contractor being made responsible for the employees of the subcontractor, and provision made that where an employee is employed by a contractor in this State he does not lose his compensation when the injury is received outside of the State. The maximum time an injured man may draw compensation is increased to 500 weeks. Also provision is made for more of the administrative work to be done in the field where accidents occur. This provision has greatly simplified the work, and is giving excellent satisfaction. This session also provided for inclosed vestibules on locomotive engines.

REPORT OF PENNSYLVANIA.

In the bureau of inspection a new system of inspection has been adopted. A close study of the working of the bureau about two years ago showed that the inspection force of 100 women and men were not directed in their daily work, each inspector laying out his or her own daily work each morning. After a study of systems inaugurated by casualty insurance companies, a system patterned somewhat after the system of inspection carried on in New York State was adopted, whereby the State was divided into six districts, each district being governed by a supervising inspector and each supervising inspector having allotted to his district a certain percentage of the total number of inspectors. Each inspector has his own inspection district; it may be a county or two counties, or, as in the larger cities, it may be a small portion of a city, according to the congestion. The inspection districts are divided into blocks. A block may embrace a half dozen city squares or it may embrace a small town or a number of townships. The inspector fills out a block card and from that a history is made on a history card. After a city is thus covered by inspection, the supervising inspector is in a position, in directing the work of the inspectors, to cut out the nonessentials. In 1921 under the new system we made over 114,000 first and special inspections, as compared with a little over 60,000 first and second inspections made the year before when each inspector laid out his own work.

We have our regular inspectors, the bulk of our inspectors being on what we term general inspection work. Each inspector has to carry in his mind numerous laws, there being over 30 codes; the provisions of each law, however, are simplified and made clear for the inspector by what we term our safety standard or industrial board code. The industrial board of the department of labor and industry has power second only to that of the legislature. It has power to make the law, and to amend rules and regulations. The industrial board, through the directing efforts of the commissioner, has largely overcome criticism on the part of the manufacturer. The framing of codes is not done by the industrial board, the commissioner, as chairman of that board, having named one member of the board as chairman of the code committee. That chairman gets together representative men and women from all sides, and the finished code is the production not only of the manufacturer, whom it affects in a way, but of the employee and in fact of all interested. We are therefore in position to say to the manufacturer when he protests against the severity of an order that the order is one he helped to make. This method of formulating our codes has made it easy for the bureau of inspection.

REPORT OF VIRGINIA.

There were 25 bills proposed by the Children's Code Commission, sponsored by various organizations, including all labor organizations and other progressive groups. Eighteen of these bills were passed, including the bill regulating the placing of

children in homes and the compulsory school attendance law, but the most important was the child labor law. The following are some of the important features of that law: Fourteen years is the general age limit. Sixteen years is the age limit for children employed in mines, excavations, quarries, and lumber yards; 16 years for boys and 18 years for girls employed in cigar stores, concert halls, pool halls, bowling alleys, and passenger and freight elevators; and 18 years for girls as telegraph messengers and in street trades. The law limits employment in street trades for boys to the period between 6 a. m. and 7 p. m. and requires employment certificates to be issued by the school authorities and approved by the commissioner of labor. It provides a jail sentence for the third and subsequent violations of this law.

The factory inspection law was amended and strengthened. The powers of the commissioner of labor were enlarged.

REPORT OF WASHINGTON.

Although the last session of the Legislature of the State of Washington did not pass any new labor laws, yet the enactment of the administrative code may very properly be considered under the heading of "new labor legislation," as certain of its provisions deal specifically with this subject.

The administrative code consolidated a large number of independent, interlocking, and overlapping commissions, boards, bureaus, and similar governmental agencies into 10 departments. The bureau of labor, the industrial insurance department, the State safety board, the State medical aid board, the State board of mining inspectors, the industrial welfare commission, and the hotel inspector were merged into the department of labor and industries.

The management of the department is under the director. The divisions of industrial insurance, safety, and industrial relations are in charge of supervisors. The powers and duties of the supervisor of industrial relations are as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

1. To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law.
2. To study and keep in touch with problems of industrial relations, and, from time to time, make public reports and recommendations to the legislature.
3. To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the State, now vested in, and required to be performed by, the secretary of state, and to report to and file with the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States Department of Labor.
4. To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the State Government having need of industrial statistics.
5. To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of women and minors.
6. To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor.
7. To exercise such other powers and perform such other duties as may be provided by law.

At the present time the director has taken over the more important duties of this office, especially as these refer to "mediation in, conciliation concerning, and the adjustments of labor disputes."

The code provides for the appointment of a supervisor of women in industry. This is both a new position and a new duty in the administration of labor laws concerning

women and minors. The supervisor maintains by constant travel a close personal touch with woman workers throughout the State. The information thus obtained furnishes one source of knowledge for use in determining apprenticeship schedules and the general standards governing working conditions for women in industrial life.

One other change of importance is the transferring of powers and duties of the old industrial welfare commission to the new welfare committee, the powers and duties of which are prescribed under the code as follows:

The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

1. To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.

During 1921 the welfare committee held public conferences to determine the minimum wage for woman workers in all the main industries of the State. Orders were made covering public housekeeping, laundries, telephones, and telegraphs, mercantile establishments, and manufacturing. In addition a general order covering working conditions for women and minors was issued. The standards set forth in the order cover lighting; ventilation and temperature; floors; rest, cloak, and lunch rooms; seats; toilets and wash rooms; carrying; maternity; and first aid.

Labor legislation can be considered from two viewpoints, the humanitarian and the economic. It is a class of legislation extremely difficult to formulate, as our industrial experience is often profoundly modified or changed before it can crystallize itself into law; consequently in this field it is difficult to keep abreast of the times. The problem of administering labor laws will always be as difficult as that of formulating the same. This condition demands that administrative powers be broad, general, and flexible. The powers and duties conferred by the administrative code upon the department of labor and industries enables the director and his assistants to use reasonable discretion, and as questions decided by the department are in the main of direct interest to labor, the creation of this department offers much that is new to those interested in this aspect of labor legislation.

REPORT OF WISCONSIN.

Among the new accomplishments in the line of labor legislation in Wisconsin is a modification of the home work law. In Wisconsin the old law permitted employers to give out work to be done in the home and the only requirement was inspection by either the commission or the health department to see that the home was a suitable one. The new home work law prohibits any employer in the State from sending out home work unless he has a permit so to do, and it permits the industrial commission to issue such permits, and to adopt and enforce rules and regulations relating to their issuance. The employer who is given a permit must comply with all the laws of the State, including the minimum wage law, and failure so to do or to live up to the rules and regulations of the commission is justification for revocation of the permit.

The Wisconsin Legislature also passed a law regulating the employment of children under 16 years of age. No employer or newspaper is permitted to publish an advertisement during the school term for the employment of any child under 16 years of age, during school hours which does not specifically state the minimum age of the child desired, which must be above that required for a labor permit. Many modifications were made in the workmen's compensation law. Provision is made for a medical panel. In Wisconsin an employer has the right to furnish medical attendance and it is now provided that he must maintain a medical panel of physicians so as to give the injured man an opportunity for a choice of his attending physician. The maximum upon which compensation is based was increased from $22.50 to $26 per week, which means an increase of the maximum weekly compensation from $14.63 to $16.90.

The old law provided for written notice and there is now a provision that whenever actual notice is given to an employer or to any officer or manager or other person designated by the employer, that shall constitute notice. A provision has been inserted that the commission may refuse to accept the finding of the coroner or of the post-mortem examination directed by the coroner if reasonable effort is not made to give notice thereof or if the autopsy was made for unauthorized purposes. The law now permits the commission to cite parties to appear. If an employee because of fear of losing his job hesitates about filing an application with the commission for a hearing as to his right to compensation, the commission may cite the parties to appear before it and make awards as in any other case.

Every policy of insurance governing compensation shall be a full coverage policy, in order that there may be no possibility of finding at the time of the hearing that because of certain exceptions in the policy it does not cover some particular part of the hazard. Every policy is now a full coverage policy, unless the commission has specifically granted the right to insure a part of the risk.

Any penalty which is imposed upon the employer in the nature of increased compensation for delay in obeying any order of the commission, must be paid by the employer and not by the insurance carrier, except in those cases where the employer is insolvent.

An act was passed adopting the Federal rehabilitation act and in addition providing that in all cases of permanent disability where the injured man is entitled to and is receiving rehabilitation training he shall be entittled to additional compensation of $10 per week for a period not to exceed 20 weeks during such training.

A new minimum wage order increases the allowance from 22 to 25 cents per hour in all cities of over 5,000 population. Provision is made for part-time school attendance in vocational schools for all employed children under 16 years of age, the educational requirements are increased from a seventh to an eighth grade education, and all children over 16 years of age must attend vocational school at least 8 hours per week until the expiration of the term or semester in which they arrive at the age of 18 years.

REPORT OF CANADA (ONTARIO).

The minimum wage law for women is in effect and is proving entirely successful, meeting with the approval of both the employers and the employees.

The mothers' allowance act is also in operation and under it there is being paid out annually something over a million and a half dollars in pensions or allowances to mothers of two or more children under 14 years of age—in most cases to widows. There have been certain changes in the federal inspection act, factory inspection act, and workmen's compensation act.

The school attendance act has been put into effect in Ontario since the last meeting of this body, and while there are many difficulties in connection with the working out of this act it is proving successful and will be more successful as it is better understood.

The CHAIRMAN. The next order of business is the appointment of committees. We have only two committees to appoint.

Committee on resolutions and thanks.—Mr. Ethelbert Stewart, Chairman; Mr. John S. B. Davie; Miss Agnes L. Peterson.

Auditing committee.—Mr. M. L. Shipman; Mr. F. J. Hartman; Miss Alice K. McFarland.

The secretary of the association read a communication from Francisco Varona, labor bureau, Manila, P. I., regretting that the Philippines could not be represented at the convention.

The report of the committee on constitution and by-laws was submitted and discussed, amendments being made to articles 2 and 3.

LILLIE M. BARBOUR, SPECIAL INSPECTOR VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY, PRESIDING.

CHILD WELFARE.

THE CHILD PROBLEM IN THE BEET-SUGAR INDUSTRY.

BY OWEN LOVEJOY, SECRETARY NATIONAL CHILD LABOR COMMITTEE.

I suppose if the United States Supreme Court had rendered its decision in the matter of the Federal child labor law before this program was arranged I might have been asked to discuss a different subject. I am glad that it did not so happen, because one of the facts that ought to be brought before all the people in this country at the present time, whatever their opinion may be as to the effect of this Federal law, or however they may venture to agree or disagree with the decision of the Supreme Court, is the fact that while the law was in effect it reached only a very small percentage of the child labor in this country. There was serious danger, which we of the National Child Labor Committee have felt in the last year or two, of the public getting the idea that the whole problem had been solved. We were constantly receiving expressions of opinion from people who were not well informed on the subject, to the effect that everything had been done, that Congress had enacted a Federal law to protect working children, and asking what was there to worry about as regards the protection of child labor. Wasn't it as dead an issue as slavery or cannibalism? Under such circumstances it is important for us now, when attention is so prominently brought to the subject of Federal regulation, to keep before the people the fact that there is a great problem of child employment entirely outside of any of the phases of child labor that were mentioned in the Federal act.

In passing I might say that it is gratifying to all of us who are interested, as every labor official is interested, in the welfare of these children, to know that this Supreme Court decision has brought an avalanche of publicity from newspapers all over the country. I think it measures the growth of public sentiment in relation to the employment of children to note the contrast between the reception of that decision and of the one three years ago. True, there was a widespread expression of interest three years ago, but nothing like that which has occurred during the past 10 days, since the Supreme Court declared this law unconstitutional. If this means that the American people are more awake than they were three years ago, if it means that they are more determined than ever before to see that this particular kind of trustee is needed, we are glad that anything transpired that helped to bring to a focus an interest that was widespread but that found rare expression.

The problem of the kind of child labor not contemplated in the Federal child labor act must, I think, depend for solution upon State laws, or local ordinances, or other local measures, as it represents a

very much larger number of children than were represented under the Federal law. All children less than 14 years of age, all children between 14 and 16 whose hours would be reduced from over 8 hours to 8 hours a day, and children under 16 who would be excluded from mines and forests, estimated at approximately 15 per cent of all the child laborers in the country, were affected by the Federal act, and the other 85 per cent were entirely outside of its jurisdiction. Part of that 85 per cent I want to speak about this afternoon. Of course that part represents children in street trades, children in theatrical engagements and in moving pictures, home work, domestic service, and the various forms of agriculture. By far the largest number were and are employed in agricultural pursuits. This has been true for a great many years, and of course is more emphatically true at the present time because of the great reduction in the army of child laborers in the manufacturing and mining pursuits.

Among the forms of agriculture that have received especial attention in recent years, because of the peculiar nature of the work, is the culture of the sugar beet, and we believe that conditions exist in the cultivation of the sugar beet in various parts of the country to-day that are as definite a reproach from the standpoint of decency as were the conditions that prevailed in mines and factories in this country 20 years ago. The sugar-beet industry is practically new in this country, but it has grown very rapidly. Some of us can remember the time when all the sugar we got came either from sugar cane or from maple trees. Now the sugar-beet industry is a close competitor to the cane sugar industry and the business is spreading rapidly. It has been stated by one who professed to know that Colorado and Michigan have been the leading States in the cultivation of beets. Then come Iowa, Wyoming, western Kansas and Nebraska, and Wisconsin, and in a smaller degree a number of other States. The principal beet-sugar producing States are Colorado, California, and Michigan. The beet area in each of these States is comparatively small as compared with that of other agricultural products, but sugar-beet raising is a very intensive kind of agriculture. There is a large number of people employed in the area and also a tremendous production in the more fertile parts of the sugar-beet territory.

There are a great many of us who spent our childhood on American farms. The majority of the older people in this country spent their childhood on farms and their feeling on the subject of child labor is expressed by a class of people who generally appear before a State legislature when a child labor bill is pending. These people say they went to work when they were 8 years old and it did not hurt them, but if you look into their past history you will find that they went to work on a farm. There are a great many children of 8 years of age and over who do chores and like duties on farms and who are undoubtedly learning habits of industry, frugality, and regularity, and not being harmed, because the light duties they perform on the farm are incidental to their educational work.

We are not against that kind of life on the old-fashioned typical American farm, so long as school is not interfered with and sanitary provision is made for the proper caring for the child. But in recent years specialized kinds of agriculture have developed which have what we usually regard as factory conditions; instead of the children working side by side with the father and mother on the farm we find

them in gangs of 25, 50, and 100, working under the supervision of what is virtually a slave driver. This slave driver's chief interest is in the amount of money the children can earn for a corporation.

There is thus presented an entirely different kind of problem from the one that existed on the old-fashioned farm. Among the forms of labor in agriculture that have undergone this change we may mention the truck gardens all along the Atlantic seaboard, the great onion fields in Ohio, many of the cotton fields in the South and in the interior valleys of California, great asparagus beds in the Sacramento Valley, cranberry farms in certain States, and especially the beet-sugar fields.

The work in the beet-sugar field is performed very largely by hand. It may be that you are all familiar with the practice in this industry, but I will describe it as briefly as I can for the purpose of giving information to those of you who may not have followed the development of this industry. It is new to most of us. I am a native of Michigan. I left the State only a few years ago and when I left there I had never heard of the sugar beet as being grown there. Now I go back and find the State has come to regard that as one of its chief industries, one of magnificent proportions and presenting a series of problems. The plantations, for the most part, cover large areas and are rented out to hand workers, a certain number of acres being farmed out to a family, the number depending usually on the number of children in the family, because children can do certain kinds of work in the beet field. It has thus come to pass that in many of the beet-sugar areas approximately 50 per cent of all the labor is performed by children under 16 years of age. In Colorado, Michigan, and Wisconsin, it has been found that of the children under 16 years of age employed in the beet fields approximately half are under 14 years, the average age of that half being 11 years. In other words, approximately 25 per cent of the handwork in the sugar-beet field is done by children whose average age is 11 years.

One of the serious phases of the problem is presented by the fact that the work must be done when the beets are at the proper stage. That is to say, the planting, weeding, and cultivating must be done in the spring; there is a slack season for two months in the summer, and then the late cultivation and harvesting must be done in the fall. In Colorado the winter season is short, shorter than it is in Michigan. In Michigan the beets have to grow fast because spring is later and winter comes early. Work in Michigan begins about the end of April and usually ends about the end of October. In Colorado it begins about the same time or perhaps the middle of April and ends sometimes at the end of November or the first of December. This brings up the problem of the education of these children. If they leave school on the first of April and get back to school on the first of December, they have four months of possible schooling, the result being that in a great many instances they do not go to school at all, because in December when they get back to the village from which they came the rest of the children have been in school for two or three months, and their parents think it is not worth while to put them in because they will be so tardy, or the children object to going in because they do not like falling behind their class. The parents and children also feel that since the children have to leave school about the first of April anyway, what is the use? It means buying new clothes

and in some States a new set of books, and it does not seem worth the trouble. But whether these children enter school for the four months or do not enter at all, their retardation in education is one of the serious features of the situation. According to one report, it was found that of 2,800 children 72 per cent were retarded from one to eight years in their schooling.

Another serious feature that is presented by this phase of child labor is the conditions under which they live. The planter, that is, the owner of the land, puts up the cheapest and most unsanitary kind of living quarters, and families are there crowded together, the conditions, both as to crowding and as to sanitation, being very much worse than in many of our city tenements. It may be thought that the work of these children is not hard, and at certain times of the year it is not so hard. Early in the spring the children start in at an easy gait, but if any of you have weeded onions, or have cut cotton, or have done any other kind of handwork on the farm for 14 hours a day, 12 hours a day, or 11 hours a day during July or August, or even in June, you know it is not what one would select as a country outing for a holiday. We have had wonderful pictures drawn of the splendid opportunities given to these families to get out of their tenement-house quarters in the city into the open country, out into the open woods, or out on the glorious plain where the sun or moon shines all the time, and to spend the whole summer practically in idleness and beautiful outdoor recreation. It is a wonderful picture, but I would not want to be subjected to that experience again, and neither would you if you had once had that kind of experience. In some of the more fertile sections of some of these States beets grow to a very creditable size, weighing two, three, or four pounds, sometimes eight or nine pounds in the better sections, and if they are pulled after a rain they are even heavier, because some of the mud sticks to them. The farmer runs the plow through the field and then the hand worker comes along and pulls the beets, taps them, cutting the tops off with a knife or sharp prong, and throws them into piles, which according to the contract must be of a certain size and a certain distance apart, so that they can be easily gathered up and carried away to the refinery. That work is heavy work, a child of 10 or 11 years sometimes actually lifting and handling tons of beets in a single day.

When any effort is made to protect the children in this industry we are met by the statement that it is impossible for the beet-sugar industry to furnish the country with the sweetening it needs unless it can employ this kind of labor.

These children are mostly foreign children and that may be one reason why the general public in America have not taken more interest in them. A couple of years ago we made an investigation of child labor in the cotton fields of the Imperial Valley in California. One paper came out against our report, saying that it was not true that children worked in the cotton fields. We had pictures of the children, having taken photographs, and we got records and so on of a great many little children nine or ten years of age working in the Imperial Valley during the long summer days when the temperature runs to 110 and 115 degrees in the shade, if there were any shade, which there is not, and it looked to us like a real job. It was said that if you eliminate the Japanese and the Mexicans, who have

children there as thick as bees, there are no children working there; that is to say, there are no native American children. That typifies the attitude of a great many people all through the country towards the whole trouble. The only reply to that is that if they come to this country then they become a part of our destiny. It is not alone in the interest of the child but also in the interest of our general American welfare that we must see to it that these children have the proper kind of protection. The State itself must become a superparent, and see that the children receive from the State the protection that they are unable to get from the domestic circle.

In Michigan three years ago when I studied the children's act I found families had migrated into the beet-sugar fields of Michigan from Detroit, Cleveland, Toledo, Pittsburgh, Passaic, New York, the Kentucky mountains, and San Antonio, Tex. They are mostly Russians. Families also came from the Provinces, and these were Mexicans and Japanese, but there are fewer Japanese children than Mexicans and Russians. These people were accustomed to the nomadic life in their native country and so they took very naturally to this kind of life in this country. Many of them were found buying farms, paying for pianos, getting themselves well established economically, on the labor of these little children. Many of them, of course, are ground down by poverty so that they think it is a necessity to keep the children at work in order to keep the family together. These conditions are before us and constitute one of the stubborn problems that lie before the people in this country who are interested in the protection and welfare of children. I am glad to present the subject here to-day, because so far there is not a single State in the Union that has passed any effective legislation to protect children. One result is that the preponderance of illiteracy in America is in rural communities. Another result is that the worst sanitary conditions in our country to-day are in rural communities, and we may as well face the fact that one of the reasons why people of initiative and enterprise are leaving the farms in such large numbers and the younger generation is getting away from the farms as rapidly as it can is because they do not get the social conveniences and opportunities and civilized standards in those communities that they can get even in some of the poorer parts of our great cities.

Something must be done. Just what shall be done I think is one of the problems before these conferences of labor conventions. Is there any way in which the labor of children in agriculture can be brought under the jurisdiction of departments of labor in our various commonwealths? Is there any way in which children can be guaranteed a proper amount of schooling in spite of the fact that the local phases of agriculture seem to require an extreme amount of human activity at certain times of the year? In Colorado they have tried having a summer term of school during July and August, when there is not so much to be done in the beet-sugar field, so as to allow the use of the children and still give them their schooling.

May I in closing suggest, tentatively perhaps, certain measures that it seems to me we might advocate in the commonwealths where this evil is particularly widespread:

First, that there shall be a minimum standard school term and that children of school age shall be required to attend school through the entire period that the schools are in session.

Second, that there shall be some effective means of administering the law requiring school attendance.

Third, that there shall be humane and decent housing conditions, with proper sanitary provisions.

Fourth, that no child under a certain age, which might be either 12, 13, or 14 years, shall be employed for hire or under contract or for the assistance of his parents in this particular kind of work at any time, and that the hours of labor of those under 16 years of age shall be properly regulated.

These are only tentative suggestions, made for the purpose of discussion which I hope may result. The problem is a big one, as I have said. Labor organizations, educational agencies, medical societies, all groups of people interested in child welfare, must face the problem or it is going to become so serious that it will take a long and difficult campaign of education to make any impression.

DISCUSSION.

Mr. BIEBESHEIMER. Do I understand that there is no State protection for children in agriculture, no State law now?

Doctor LOVEJOY. So far as I know, the only State that has any law that specifically protects the child in agriculture is New York and that law has a very limited application.

Mr. BIEBESHEIMER. Do you know that Ohio has quite a beet-sugar industry, that we have five factories, five beet-sugar plants, that there are about 25 counties where they raise sugar beets, and that we have a law, passed last winter, that no child can work unless it has passed the seventh grade or has a permit from the school board? Is that not true?

Doctor LOVEJOY. That is true in Ohio.

Mr. BIEBESHEIMER. Does not that protect the child, or wherein does it not?

Doctor LOVEJOY. I must apologize for having overlooked the State of Ohio. I should say that its law protects the child if there is any adequate means of administering the law. I do not know about that. The law is new, having been passed just this past winter, and we have not gone through a beet-sugar season since it was enacted. I do not know if there is any legal machinery that is adequate for enforcement.

Mr. BIEBESHEIMER. I wanted to call your attention to that.

Mr. DENNISON. I would also remark to Doctor Lovejoy that for the protection of the child who is employed on the farm Pennsylvania also has a law. It is now required in Pennsylvania that any employed child, in order to be excused from attendance at school during the time the public schools are in session, must secure a farm or domestic service permit. In order to secure that permit the child must be 14 years of age or over, and must have completed the work of the first six grades, and the permit will be furnished only when the school board considers conditions so urgent as to demand the services of the minor.

Doctor LOVEJOY. There are a great many States that have laws that protect the child against agricultural employment during the time schools are in session.

Mr. CLIFFORD. The State of Washington has a law that makes it necessary for a child under 14 years of age to get a permit from our department, and also a permit from the superintendent of schools, and then it becomes the duty of the supervisor to look after the conditions under which that child works.

Mr. SWEETSER. Does Dr. Lovejoy know, may I ask, of any industrial State where this condition exists and where no machinery exists to enforce the statute?

The CHAIRMAN. I think Doctor Lovejoy can answer that particular question better than I can, but there is something that I want to call your attention to and that is that when we refer to our child labor legislation, State legislation, we seem to be discussing child labor when school is actually in session. Let us forget about our compulsory school attendance laws and go back to our vacation period and see how far the law protects the child during school vacation.

Mrs. JOHNSON. The State of Washington protects them through the superior court judge and myself.

The CHAIRMAN. My experience in national inspection work has taught me that there is not a State in our great Union that does not need an amendment of some kind to its child labor legislation. There is not a State that has the proper facilities for enforcing every section of its law for the protection of children. Having visited in the last four years practically every State in the Union I can safely say to you from first-hand knowledge that violations of the present child labor tax law were found in every State. Now there is a reason for such a condition. We know some States have splendid laws, but they do not have the necessary facilities for carrying on the work. I hope while Doctor Lovejoy is here to answer all your questions that you will go into the question of child labor legislation deeply, as he has a broad knowledge of all of the State laws.

Mr. WILCOX. I rise to second the remarks of the Chair. Let no State take it for granted that it has all of the labor legislation that is necessary to stamp out child labor. We are discussing the child in the beet-sugar industry, and I ask if there is a representative of any State where sugar beets are grown who is ready to stand on his feet here and say that the laws of that State do not permit such child labor or at least that children of that State are not actually employed in the beet-sugar industry. I would like to find a State that has a beet-sugar industry that says it is enforcing the law. We have in Wisconsin a very considerable beet-sugar industry. On next Monday our deputies will start out to make a survey of the situation. We know the situation is bad, we know it requires legislation. We undertook at the last session to have legislation passed which would make it possible for us to require that every producer of beet sugar procure a permit, and to make rules and regulations for the handling of the industry and for the employment of children in the industry, but did not succeed. This fact ought not to be lost sight of: The sugar-beet grower, the sugar-beet manufacturer, does not employ these children. He makes a contract with a man or a family to tend so many acres of sugar beets, and to harvest the beets, and it is the father and the mother of these little children, and not the sugar-beet industry, who are making use of them for the handling of the sugar beets. If there is any State department that expects to go out into

the beet fields, miles and miles in the country, and enforce the law against the parents for keeping these children out of school in the spring and to get them in a school with which they are not familiar, in fall when school starts, I think it is misguided; I do not think it can do it. I think the problem will have to be attacked with some more drastic legislation than is on any statute book at present.

Mr. STEWART. I want to take this opportunity of saying something I have wanted to say for many years, not only at the meeting of this association but also at the meeting of the International Association of Industrial Accident Boards and Commissions. It seems to me that now is the time to say it. We are here in this association to help each other. The trouble with the meetings of this association and other conventions has always been the smugness of the various delegates with regard to their home situation. Maybe they believe what they say; I don't know. It has always seemed to me as though they felt that they must stand up for their States in these conventions or they would get a calling down at home. These meetings are in a way confidential. What you say is not going to be printed in the report unless you wish it. I have shivered at every session of this association that I have attended, and particularly at the sessions of the International Association of Industrial Accident Boards and Commissions, over the confounded smugness of the State officials who get up and wave the flag and let the eagle scream over the situation in their States, when I know they have the rottenest administration of a rotten law of any State around them. Now, what is the use? We come here to help each other, and why not admit the situation? Why not accept the situation and talk about the beet-sugar industry, or any other, straight out from the shoulder. Our compulsory education laws are, of course, supposed to apply to the agricultural districts, but we all know that our labor laws are not supposed to apply to agriculture, and the minute you undertake to enforce them rigidly on the farm you "get it in the neck." Now we know that, and each one of us knows it, and for God's sake give up this smugness and talk straight out from the shoulder.

Mr. SWEETSER. We all know that humility is the beginning of wisdom; we all know too that if we had an army organized in each State to discover and punish violators not only of the child labor law but also of other laws, that it still would be said that there were violations of the statutes taking place. When Dr. Lovejoy made the statement here that our States should make laws to protect the children in agriculture, it occurred to some of the delegates present that there were certain statutes at the present time that reached out and accomplished, to some extent at least, that result. We know that the compulsory school attendance law does not apply during vacation, but some States where the compulsory school attendance law is enforced have statutes which prohibit the employment of a child under 14 years of age after six o'clock p. m. and before half-past six in the morning. Now you may say to me that there is ample time for the abuse of a child in spite of that law, and I will grant that that is true, but I can not believe it is fair to say that any such State tolerates an exceedingly bad child labor situation and refuses to take any notice of it. In Massachusetts we have had our problems with regard to the enforcement of the statute, the same as officials in

Ohio, Pennsylvania, and any other State have. We know, too, that there is an occasional abuse of a child on the farm, but it is not widespread, and we ought to be honest enough to admit that fact too. We do not come here to tell you how well our laws are being enforced when we make that statement either. It is perfectly proper here for the delegates from any State that has a statute that to some extent at least takes care of the work Dr. Lovejoy is interested in to make it known, so that the other can take it home to the various commonwealths, and hold it up, to some extent at least, as a model to others.

Now it was entirely with that in view that I asked Doctor Lovejoy that question, and I am satisfied that, so far as he is concerned, he will find no malice and no attempt to boast in it, and he will find no reflection in it upon him or his work either.

Mr. BIEBESHEIMER. When I asked those questions before, I had no desire to hold our State up as a criterion, either. Along with the compulsory school education law we have a child labor law that designates not only factories but also industries, and that specifies the hours of the day wherein children of a certain age may work, and you will find it is not perfect by any means. None of our laws are perfect, but we invite you to Ohio to set us right.

Mr. NORTHRUP. I would like to find out, so that we can help you in the various States in that work, what the Federal inspectors did in order to get the proper enforcement of such acts as were on the statute books in the various States? Did you take it up with the department or how did you go about it?

Dr. LOVEJOY. Since last Monday we have had no special law. Previous to that time, since April 25, 1919, we had what was known as the Federal child labor tax law. It was a taxing measure and in consequence it was enforced by the officials of the Internal Revenue Bureau and its collectors in the various States, with its group of special inspectors located in Washington. We started out working with the collectors of internal revenue and their deputies. They decided in the beginning that it was a revenue measure and not a labor law, and so we could not work with the State labor department. However, after about a year's experience of cooperation and training with the collectors we reached the conclusion that if we wanted to accomplish anything from the Federal child labor tax law it would be necessary to work with the labor departments, and so for the past two years we have worked directly in cooperation with the labor departments. That gave us an opportunity to point out to the inspectors and the heads of the various State departments the defects, as well as the limitation placed upon the Federal inspectors.

Mr. HUDSON. The word "international" in the title of this association is my excuse for telling what we are doing in Ontario. I have no personal knowledge of conditions here, but in Ontario, during the war, camps were organized, particularly in the southern portion. It was found that housing conditions in the camps were not at all satisfactory, and the result was that an amendment to the factory act was passed, which is still in force, under which any agricultural employer who has more than six farm workers at any one time must obtain a permit before he opens his camp and must also keep

his camp in accordance with the rules and regulations laid down. These regulations, of course, include such matters as the floor in the camp, the proper sanitary arrangement, and the hours of labor. It was somewhat novel that an act of this kind should be desired by the factory inspection department. The supervision over these camps was previously in the hands of the Employment Service. During the war we had our experience in the sugar-beet industry. We organized on the patriotic basis. We organized camps totaling two or three hundred workers, and boys coming from high schools were housed in groups of 40 or 50 in a single camp by the military authorities. The Y. M. C. A. cooperated in the matter of supervision and the Government cooperated to the extent of paying half the cost of supervising these camps. I happened to have charge of four or five of these camps and I know of some of the difficulties connected with the sugar-beet work. Of course, then it was patriotic; the situation is changed entirely now. The boys could come around at three or four o'clock in the afternoon and go in the fields, where they were paid on a war basis. In the camps I was connected with they grouped the boys; they were put into groups so that four or five of the boys would make the maximum amount. That was encouraging to the others and probably brought the best results in the quantity of sugar beets cultivated. The problem of supervision was settled in the way I have explained. The question was purely a vacation question, as camps opened early in June for what is known as the thinning process and plucking process and closed before the opening of school in the fall. At the present time the sugar-beet industry in Ontario is necessarily in the hands of workers who can get right down to the work.

The CHAIRMAN. I want to say one thing before we proceed to our next speaker. That is, we seem to fail to realize that the sugar-beet industry has become quite a big thing, and more than that, that when an industry in the United States becomes so great that it requires the exploitation of our children to keep it on its feet it is about time that we wake up to the situation and do something to have legislation enacted to protect the children in that industry.

A DELEGATE (ILLINOIS). I want to say that I have been practically a party to sending people from Illinois into Michigan to participate in this beet-sugar industry. The picture portrayed by one of the gentlemen who came into our office, of the outdoor life and health to be found there, is really what led to sending the mothers and children out to that particular place. We did all in our power to put all of a family in the same group and send them to their destination, and what was the result? We had complaints of conditions that existed; the United Charities were appealed to to send them back; men who had brought their families there earned money enough to keep them for a few months while they made their way back to Chicago to earn enough money to bring their families back. The educational features are least thought of because the workers are in another State. The Mexicans took up this work, but they spent their money very freely when they earned it and were left there absolutely stranded at the end of the season. Appeals were made to the council in Chicago to see about getting them back. The council took it up with the San Antonio Railroad to see if it was not possible for these

Mexicans to work their way back to the Mexican railroad and get to some point on the Mexican border where they could get over.

When we knew conditions, of course we did not allow the situation to go any further; but these agents had credentials from one management showing what a wonderful industry it was and the outdoor life that these mothers and children could have.

A DELEGATE (PENNSYLVANIA). I don't know what the laws of the different States are, but under the laws of the State of Pennsylvania I think there is a remedy. We have trouble around Pittsburgh with child labor. I have had a lot of experience with it, having been connected with the department of labor and industry. We have laws in Pittsburgh and we think that they are observed. We think we can not find much fault with them. Now, if you will read the school code of the State of Pennsylvania you will find that a child is compelled to go to school until he is 16 years of age. In the State of Pennsylvania we have a school tax to provide a truant officer. Surely, the attendance officers, as we call them, see that that law is observed. The factory inspector can not do it. Factory inspectors around Pittsburgh do well if they make a single inspection of each plant in a year. They can not get around twice. We haven't enough of a force to do that. Where is your attendance officer? He should know every child in his school district, and if a child is not at school, whose duty is it to find out where that child is but the attendance officer's? Sometimes I am not altogether in favor of the child labor laws, because I went to work when I was 11 years old and it didn't hurt me at all. I found a child working in a glass factory, who was a big husky boy, looking to be about 18 or 19, but he wasn't 16. I couldn't find a certificate for this boy and I said, "Look here, where is your certificate to go to work? Did the authorities give you a certificate?" He said, "No, they gave me a note." I said, "A note isn't a certificate; let me see it." Now that note explained that the boy was simple-minded and that he had not the capacity for an education; his mother was a widow and had to take in washing for a living. That boy was making $1.25 and $1.50 a day in the glass factory. That was before we had this new arrangement as to issuing certificates, and I had to let the boy go and put him out of the plant. We found many other cases. A great many boys are smart enough to graduate from the public school at 13 years of age. Suppose their parents are not able to send them to college, what are you going to do with them? Let them run the streets? My boys graduated at 13 and 14 years of age, five of them. I could send them to college and did, but there are hundreds of parents who are not able to send their children to college. What are we going to do with these children? That is the other side of the question. There are always two sides to a question. It is not the best thing for these children to let them run the streets. The remedy is with your attendance officers; if they attend to their duties there will be no children in your district working in factories. The factory inspector should not be blamed for this condition; he is only able to get around once a year.

I am speaking only of Pittsburgh. We have all nationalities; we have all classes to deal with; but I can say one thing—in my work in the last five or six months I have not found a child under 16 years of age working in our factories.

SHALL ISSUANCE AND REVOCATION OF EMPLOYMENT CERTIFICATES BE UNDER THE CONTROL OF SCHOOL OR LABOR DEPARTMENT?

BY HENRY J. GIDEON, BUREAU OF COMPULSORY EDUCATION OF THE PHILADELPHIA BOARD OF EDUCATION.

I hold to the view that employment certificates should be issued by the educational authorities. This view is shared by men and women who have devoted years of study to the problem of regulating child labor, and is supported by the present practice in States whose legislation is based upon years of experience and careful thought as to the best methods of protecting employed children. The present practice in the progressive States is a result of trial and error. In the State of Pennsylvania, where the development of a system of employment certification has progressed through many years, probably along the same lines as in other States, the employment certificate was originally a crude, legal paper issued by a notary public and intended merely to identify the minor and show his age. Affidavit of the parent was the only evidence of age required. False affidavits were so notoriously common at that time as to render the certificates worthless, and no improvement could be effected because no one was responsible under the law for checking up and punishing parents who swore falsely to their children's ages. The notary public had no interest other than the collection of the fees.

Later, the issuance of employment certificates was delegated to the representatives of the bureau of factory inspection, which was at that time imperfectly organized and certainly not prepared to undertake the work. Employment certificates were issued from the homes of the deputy factory inspectors. It was no uncommon sight in those early days, especially in the industrial districts, for an inspector, at the conclusion of his day's work, to find his home crowded with parents and children applying for certificates. These officials made an honest but unsuccessful effort to carry out the provisions of an imperfect law. It was not to be expected that they would perform satisfactorily the work of issuing certificates, because their evening duties were irksome and annoying and interfered with their recreation and social pleasures. Furthermore, the nightly presence of parents and children was an unwarranted intrusion on the privacy of their home life.

The enactment of the law, therefore, which transferred the issuance of employment certificates to the public and private school authorities was hailed with delight by the deputy factory inspectors. This method of issuance was an improvement over the former method, but after a few years' trial it was found to be unsatisfactory, partly because of the defects inherent in the law itself, and partly because responsibility for the issuance was too widely distributed.

Therefore, new legislation (the present child labor law), was enacted providing for a system of employment certification free from the defects of former practices and carefully designed to insure the protection and promote the welfare of children in employment.

Responsibility for the administration of the system was vested in the public-school officials.

You are probably well informed in regard to the purpose as well as the methods of the systems of employment certification adopted by New York, Pennsylvania, Illinois, and a number of other States. The principles are the same in these systems, although the details may vary. I mention the systems in these States to indicate what I mean by the modern method of employment certification. What are the aims of such a system, and what authority is best qualified to accomplish these aims by being vested with the power to issue employment certificates?

In the issuance of employment certificates the first prerequisite is proof of age. The best proof of age is a birth record, which must by law be demanded, and if possible procured, before the employment certificate is issued. If proof of age were the main consideration in the issuance of an employment certificate, the health authorities should certainly be designated as issuing officials, because these officials have immediate access to records of birth. Even stronger argument might be made in favor of delegating to the health authorities the issuance of employment certificates by pointing out the importance of the physical examination and the essential need of a medical statement as to the health and physical fitness of the applicant for the employment contemplated. Proof of age and statement as to health are important factors in employment certification, but important though they be, they are secondary, or perhaps it should be said complementary, to the main purpose of employment certification. With the furnishing of this information the official relationship of health officers to children entering employment begins and ends. Furthermore, they have no official interest in the children's school life, past or future, nor have they official concern in the success or failure of the children after they enter their vocational career. For these reasons, the health authorities should not be designated by law as the agency to issue employment certificates.

The modern system of employment certification provides that the certificate be issued to a particular employer for the child named and for a designated occupation. Some one may urge that since inspection of minors in employment is intrusted to the factory inspector, this official should also be authorized to issue employment certificates. It should be remembered, however, that the issuance of employment certificates and the inspection of minors in employment are closely related but distinct official processes, which may be, but not necessarily should be, performed by the same official. Certainly the inspector would have a fuller acquaintance with children employed in his district if they were required to appear before him for permits.

On the other hand, while a measure of inspection is necessary to insure observance of the child labor law by employers, its importance is not so great as might be supposed. The duties of factory inspectors have become many-sided and numerous, as a result of labor legislation affecting the employment of adults. Coincident with the extension of their duties in many other lines and as a result of rapidly decreasing numbers of children in employment due to more stringent

child labor laws the factory inspectors' contact with employed children has been materially lessened.

Not so many years ago one of the most important duties of the factory inspector was to "check up" on the employment of children. To-day this duty is of vanishing importance and in many communities is almost lost in the multiplicity of other duties which now devolve upon the inspector.

A recent study of junior employment in the city of Philadelphia revealed the interesting fact that of the 3,505 firms employing children under 16 years of age, 2,750 firms employed but one child and 324 but two children. There are in this city only 37 establishments employing more than 25 children, and only 7 of these firms (including the large department stores) employ from 100 to 139 children (the maximum number). This wide distribution of children among so many establishments makes the work of this phase of inspection so exceedingly difficult for factory inspectors that I am inclined to believe that observance of the provisions of the law depends less upon rigid inspection and more upon the enlightened conscience of the employer, quickened by the intelligence of the children who have been familiarized through the school, with their legal rights and privileges. This appeal to the employers is especially strong where employed children are kept in close contact with the school through attendance at continuation schools.

My opinion is that while official representatives of the labor department can and actually do assist materially in the regulation of child labor, through close attention to employed minors during their inspection, and perhaps through the activities of special departments devoted to children, their contact is, and should be, with the employer and not with the child. Labor officials have had no previous educational experience with children during their school life and are, therefore, not equipped with information which would enable them to help the children bridge the gap between the school and the job. I believe that this coordination can best be done by those who have been in close touch with the children during their years in school.

While considerations of age and health, as well as of the job, the employer, and working conditions, are important in themselves in the issuance of employment certificates, they are incidental to the main purpose of the employment certificate, which is to authorize the conditional release of the children from attendance at school. The children for whom employment certificates are issued are within the age limit of compulsory school attendance and are, therefore, still under the educational authority. They belong to the school, and when employment ceases, or employment conditions required under the law are not observed, school authority should be asserted and the children claimed for the classroom so long as they are of compulsory school age. Logically, the same officials who are vested by law with authority to require school attendance should also be clothed with authority to grant exemptions from attendance (within the limits imposed by law), including exemptions to enter employment.

It would appear that the release of children from school attendance for employment is a matter which concerns directly the parent and the child, the employer, and the school, with the school assuming re-

sponsibility for certifying the legal conditions upon which leave of absence for employment is granted. The placing of this responsibility on the school has necessitated the extension of its present organization to discharge its legal obligations. Logically, as well as an aid to efficient administration, the issuance of employment certificates should be placed in the attendance division, which is responsible for the enrollment of children in school and their regular attendance thereafter.

The extension of the attendance service to cover the release of children for employment would seem, therefore, to be a natural and normal development of a system of accounting of children of compulsory school age. There does not appear to be any valid reason why this responsibility should be divided by delegating the issuance of employment certificates to any agency outside of that which is intrusted with the enforcement of the compulsory attendance law. This unity of responsibility for attendance and exemption can be maintained, I believe, without any impairment of the splendid cooperation of other public agencies whose services are necessary as an aid to the proper discharge of its duties toward employed minors. For example, medical service is necessary to establish the physical fitness of a child for employment, and in this respect the bureau of health should assist by the assignment of physicians from its official staff. Similarly, the representatives of the department of labor, who are called upon to visit all establishments in the discharge of their duties, should assist in the regulation of child labor by reporting to the school authorities, currently, the results of their findings.

Educational authorities, especially in the larger communities, have established well-organized departments with trained personnel to discharge their duties in regard to employment certification. The organization of this service as a public school activity has had a truly wonderful development in a comparatively few years and has had a wholesome and far-reaching influence upon instruction in the schools. Close contact of school officials with children in employment has shown the need of a junior placement system and of the introduction of a system of counseling for young people. To-day, practically every well-organized high school has its vocational counselor, who gives at least part time to this service. Courses in civics and in occupational studies have been introduced as a result of closer relationship between the school and industry. The contact of the school with employment problems has awakened educational authorities to a realization of their responsibilities toward the children in preparing them to select wisely and intelligently their life work.

An accepted principle of social service discourages the handling of family by more than one agency, because experience has shown that a multiplicity of social service visitors in the home leads only to confusion and defeats the purpose of conceiving and executing a well-considered plan. In a larger sense, this principle has been applied to the field of child welfare. More and more the opinion is growing that the handling of problems where children only are considered should be intrusted to one agency, and that agency should be public education, since the importance of its service to children overshadows that of all other agencies.

DISCUSSION.

The CHAIRMAN. I am going to ask Miss McFarland from Kansas to lead the discussion.

Miss MCFARLAND. I may say I am from the department of labor, that is, I am director of the work for women and children, and therefore my view will perhaps be the opposite view from that of Mr. Gideon; yet I must say that it is not entirely the opposite view. I do believe in the schools having a very close connection with the issuing of child-labor certificates; that is, I believe that perhaps the superintendents of schools or their representatives, are the best agents for issuing certificates. But I also believe that we should maintain a connection with our labor department, our industrial work in the State, by requiring that that work should be supervised by those departments.

In Kansas we have a peculiar situation, which perhaps may be one reason for my viewpoint. We have a compulsory attendance law which has a lower standard than our child labor law, and our greatest difficulty is in trying to keep our superintendents of high schools and attendance officers up to the standard of our child-labor law. We have superintendents of schools in Kansas who are determined not to excuse children who do not have the education required by the child-labor law, because the educational requirements of the child-labor law are higher than those of the compulsory attendance law, and that peculiar situation forces the labor department of the State to fight the battles for maintaining the educational standards of the State.

In Kansas we recognize, of course, the problem of the defective child, the subnormal child; we know the problem has to be met and our child-labor laws must meet it, and yet in spite of that fact the tendency on the part of some of our school men is to lower the standards. We feel that child labor is very largely an educational problem, and we should reach it through our compulsory attendance law and our educational standard, and yet we must not overlook the fact that it is also an industrial task and that sometimes our best educators are unfamiliar with industrial problems. Now, if we have men and women in both fields who are trained, as they should be, in the broadest and biggest sense, we might trust the child-labor certificate system entirely to the hands of the school people, but we find in many cases that they do not have that industrial viewpoint. They have no knowledge of industrial hazards for children, are not familiar with factories and workshops, and do not know where machinery or some other condition is really hazardous to children. Even under the school laws they are letting children out of school and giving them certificates to work in places which are extremely hazardous to children, and unless those certificates pass through the hands of the department which directs the work of women and children from the industrial viewpoints, those children will be permitted to work there until an inspector reaches them and requires that they be dismissed.

We have another peculiar situation in Kansas. Our largest industrial city is a border city, and it and Kansas City, Mo., are practically one city, in two different States, and we know that other States have that same problem. It requires cooperation between the two States, and yet I find that the school authorities in one State will sometimes permit a child probably 14 years of age to work in a factory

in the other where we would recognize that the work is hazardous to the life of a child. If the certificate does not go through our office we would not know that that child was working in that factory. When the certificate goes through our office we have a chance to look after the child and to revoke the certificate. So I feel that from the standpoint of industrial hazard the department of labor has perhaps the better and more thorough knowledge. I do not mean that the school department could not gain that knowledge and could not develop that viewpoint, but it has not been done, and I feel that we will have to go slowly in turning that work over to the school board until we are certain that both sides of the problem will be considered.

The CHAIRMAN. I am going to ask Miss Schutz, from Minnesota, to tell us something about that work.

Miss SCHUTZ. I can tell very briefly what is being done in Minnesota. The certificate is issued by the attendance department in Minnesota, and then the record is sent to the industrial commission and we pass on all the certificates issued. If we find in any particular case that a child is working in a hazardous occupation or in a factory where there might be danger, we send one of our factory inspectors to look into the employment of that child, and very often the attendance department officer calls up and asks us if we won't send an inspector to find out what the employment is that is offered to the child, or he will ask us to pass upon the employment before the certificate is issued. So the records are always sent to our office and certificates issued, and we are called upon frequently to cooperate with the department of attendance in passing upon the work offered to a child. I feel that the situation in Minnesota is entirely satisfactory in that respect. Very few certificates are being issued in Minnesota. Employers do not want children under the age of 16, largely because of our compensation law. We have had one or two instances of giving the employer an employment card pending the time when the certificate was issued. That is, sometimes it would take a week or so looking up records for the child and so an employment card would be issued pending the issuance of a real certificate. In one case, during the period of time that elapsed between the issuing of the card and of the working certificate the boy was killed, and the question was, What was to be done in a case like that—who was to pay for the loss of that boy? That brought the matter to a head in Minnesota, and in consequence this particular department has discontinued the practice of allowing a boy to go to work while awaiting the issuance of his certificate. We really have had very little difficulty with the employment certificate situation because of the compensation laws, but we have a great deal of child labor in our rural districts which we do not touch at all.

The CHAIRMAN. I am going to call on Mrs. Johnson, from the State of Washington, to tell us something about the issuance of certificates in that State.

Mrs. JOHNSON. We have very few certificates issued. We had some last year—two boys, from 7 to 10 years, to work in a hotel as pages. If minors work in any of the factories, the factory has to report to us on the work the first of every month on how many

minors and apprentices they have. We have very little to report on the child labor in our State. I believe there is very little in the rural districts. There might be a little in the summer time during the berry season or something like that. A child under 14 years has to get a permit from the superintendent of schools, and then the conditions under which the child works come under my supervision, though either the director of labor or myself can issue that permit. That is about as far as child labor goes in the State of Washington.

A DELEGATE. Did I understand, Mrs. Johnson, that the final issuance of the employment certificate goes through the hands of the representative of the department of labor?

Mrs. JOHNSON. The final issuance, yes. The employing of a child from 16 to 18, and the judges say now a child under 14, comes under our care. Mr. Clifford or myself issues that permit. I am the executive secretary and both our names are to be put on it; the secretary can sign for him if he isn't there, but if he doesn't sign it himself my name must be on it.

The CHAIRMAN. Do I understand that when a child in some section of the State other than your headquarters makes application for an employment certificate the final issuing of the certificate is postponed pending an investigation?

Mrs. JOHNSON. If I can not go out personally the assistant supervisor in the district in which he applies sees if it is a fit place for that child to work, and reports back to us before it is issued.

The CHAIRMAN. I am going to call on our president to tell us something about the issuing of employment certificates in the State of Louisiana.

Mr. WOOD. My State issues certificates almost any way. The form of certificate is all right, the wording is all right, everything would be all right if everybody would live up to the law, but they will not do it. We have exactly the same procedure as to evidence that the other States have, but finally we accept almost anything. If we can't get the birth or baptismal record, the school record, or anything else, we will take the word of the parents. We know parents who have falsified ages of their children, have used certificates issued for older children, have tried to eliminate the date of birth, and sometimes they have changed the age but didn't change the date of birth, and it is only the employer who is shrewd enough not to get into the clutches of the law who looks into those things and finds them and sends the certificates back. A judge, a notary, a member of the State board of education, a justice of the peace, the department of labor or any of its attaches, in fact almost any man, can administer the law. The law says that no one attached to a department store or enterprise hiring labor can issue certificates; yet not long ago a Federal inspector who went to a box factory found that the president of the box factory, who was the president of a bank, and also a lawyer and notary public, was issuing a certificate to every child entering the service. Some of you may not be confronted with these conditions. The law on issuing child-labor certificates is just about the loosest procedure we have.

The CHAIRMAN. I am going to ask Mr. Wilcox to give us the experience of Wisconsin.

Mr. WILCOX. The object about which interest in this subject centers is of course the welfare of the child if it is going into industry, and it occurs to me that you must determine several questions: First, whether or not the child has had a sufficient education; second, whether or not the child's physical fitness permits of his entering industry; and third, as to the welfare of the child after he gets into industry.

We must all agree, I think, on that proposition, that that is what we have to determine. I think I ought to say this, that out of deference to the public interest the system ought to be uniform, as uniform as possible. Any system which will best accomplish all of these purposes I am ready to sanction, to give approval to. In Wisconsin we have what is technically known as the adoption of the child in industry by the labor department, the industrial commission, and still we try not to forget that after all the one person who is best informed as to the education of the child, the condition of the child in school, and perhaps the conditions in the home, is the school official. We never issue a permit unless we have the approval of the school official. A child has to come to the commission with the approval of the school authorities. We arrange too for a physical examination of the child, though not in all cases, because there are some small communities where we find that impractical.

Mr. GIDEON. We cut out the authority temporarily.

Mr. WILCOX. We require as a condition of employment, that the child have his tonsils taken care of. Wherever we find a school official who possesses what we call the right mind for the interests of the child after he gets into industry, he is made the permit-issuing officer in the community, but I question the effectiveness of any system that does not have some central authority. If you are going to let every school official issue permits, you will have more than 57 different varieties of employment that the child ought to be (according to the school authorities) permitted to enter into. And so we first require that the child have the approval of the school authorities. You will be surprised what a difference of opinion there is. There will be a difference of opinion among labor officials. I heard a gentleman here arguing awhile ago that a child 16 years of age or under ought to be permitted to enter into industry, and, because he thought the child ought to be allowed to do so, rather blinking at the law. As administering officers you know that you have to lay down certain rules, you have to fix some sort of classification.

Our commission has the authority to determine the types of employment which children are permitted to enter. No girl in our State, by order of the commission, may have a permit to go into the hotel industry. This is not a legislative act, it is an order of the commission. We do not try to determine whether it is a good or a bad hotel.

We say no child shall be permitted to go to work in a bowling alley or the lumber industry. We determine the safety of the working place and all that sort of thing. After all, when you have reached the point where you say that this child ought to be permitted to enter industry you have to determine who is nearest the

child in his job. I think that the school official would have to admit that a well-organized labor department is closer to the child and in better position to determine whether or not he shall continue in that particular industry, whether that employment is a safe employment, than is the school authority.

Every State should keep in mind the interest of the child, and there should be worked out a cooperative plan between school and labor departments that will guarantee that these children are not exploited, that they are not dragged out of school into an industry for ulterior purposes, that they have a reasonable amount of education, and that the employment they are put into shall be the kind of employment they ought to have.

With regard to the birth certificate or baptismal certificate, I would like to say that in our State the school records have never proven an adequate means of checking up a child's age. One child who enters school on the first day of September may have a birthday in November when he will be 14 years of age. You say to him, "Well, how old are you?" He replies "I am 14 years." Another child entering at the same time and whose birthday is also in November, when you ask him "How old are you?" says "I am 13."

We regard the birth certificate and baptismal certificate as the most satisfactory. We find birth certificates can be had in substantially all cases. We find that over 90 per cent of the children employed in our State on permits were actually born in other States, only 10 per cent being born in the State of Wisconsin. We have what we call a bureau of vital statistics plan. You can go to the registrar of any county and get the birth date of any child in that county. We have on file in the city of Madison the reports from these registrars, so that we have very easy access to the record of the child—the birth certificate and the baptismal certificate. We state on the permit the kind of employment the child is to be permitted to do and what he may not do. Our compensation law is quite drastic. In case of injury to a child employed without a permit the employer is liable in treble the damages. The effect of that is to allow the child substantially the same damages he would receive at common law. That was the law prior to the enactment of the compensation law. These damages are paid not by the insurer of the risk but by the employer himself, and this means that the employer is pretty careful; he does not want to pay treble damages very often.

Mr. COFFEY. I have charge of the department of labor work in Philadelphia. I believe the proper place for the issuance and revocation of certificates is with the school authorities. I have had some seven years' experience in Philadelphia, and I have found that plan to be most successful there. I further think that what we want is law enforcement, not law violation. We have cases where an inspector covers several counties. If you will tell me how he can look after the issuance and revocation of certificates I shall be very glad to be enlightened. However, the school authorities in every district in this State have copies of the child labor act showing the prohibited employment for children under 16, and the prohibited employments for children under 18 years of age and they also have copies of the orders issued from time to time by our State industrial board. They have those prohibitive acts before them. It is a small thing for them

to see what the act prohibits in the issuance of certificates. If any cases come up which are questionable then it is a case of taking them to the department of labor and industry and asking it to pass on them. There won't be many such cases, for if you will look over our child labor act in this State and the orders of the industrial board, you will find the ground is pretty well covered. However, from time to time we do get requests from Mr. Gideon's office to go into a factory and look over conditions there and see whether an employment certificate may be granted in a particular case.

In this State, and I presume in other States, if the employer places a minor in a prohibited employment and that child is injured, the case does not come under the compensation law. Every now and then we find a case where that comes up. There was a case in Chester in the shipbuilding industry during the war, where a minor was hired as a rivet tender. He was killed, the parents brought suit, and the insurance carrier disclaimed liability, saying, "This does not come under our compensation law," and so it cost the company several thousand dollars. Some years ago, in the paper-box industry, the same condition arose. In a survey made a short time ago, we found there were very few children under age employed, and that the manufacturer or employer is quite particular in this.

Mr. GIDEON. My position in the public schools of Philadelphia is peculiar in that my relation to the parochial and the private schools is exactly the same as my relation to the public schools. That is, as the issuing officer in Philadelphia, I bear the same relation to all schools. Mr. Wilcox and I are not so far apart as it may appear, because I was talking about issuing and he was talking about inspection. I thoroughly agree with him that inspection should be intrusted largely to the department of labor, and I think it is time that the people of this country should pay attention to their system of birth registration. The system of birth registration in the United States, and Pennsylvania is no exception, is very poor indeed. It is wholly inadequate. If I were married and living in the State of Pennsylvania and had a child born into my family I would have to write to Harrisburg for an official copy, a certified copy, of my child's birth, and pay a fee of 60 cents, in order to make sure that my family physician did not register my little girl as a boy, or my little white girl as a colored girl, or make some other similar mistake. At the present time we haven't any means of knowing, first, that the doctor has really registered the birth, and in the second place we haven't any means of knowing that he has registered it right. In going through the register of the bureau of vital statistics we find the source of errors; sometimes the doctor doesn't register until a year afterwards. Because of the mistakes in those records I believe one of the first things we ought to do as labor officials is to demand a proper law for birth registration, and I think that the law ought to provide not only for registration but also for a record of the registration to be sent to the family so that the family may know what is on the books. The record that goes to the family could be kept as a record of the birth, and used for presentation to the principal of the school when the child enters the school and later for presentation to the issuing official when application is made for an employment certificate; still later it could be used when the boy or girl applies for a marriage license, and when

he or she comes to exercise the right of suffrage. So I believe one of the first things we ought to do is to demand that that should be done.

I think we might go farther than that; I think we might publish every year in every State, through the bureau of vital statistics, a comprehensive volume showing the names and addresses of and other particulars about every child born in the Commonwealth. It has been urged that that would not be a proper thing to do because it would show up certain cases of illegitimacy, but it seems to me that that argument does not overcome the stronger argument for the publishing of such a list. Let us get together and ask our State legislatures to put the right kind of birth registration law on the statute books.

The CHAIRMAN. I am going to ask our friend, Doctor Lovejoy, for a few remarks on this question.

Doctor LOVEJOY. I should like to ask Mr. Gideon a question. There are many States that have no vital statistics that are of value. Many States have no continuation-school law, and many have no compensation laws. I am interested in the rural children, the children in agriculture, I think we all recognize the tremendous improvement in this country in relation to child labor in factories and other industrial establishments, and this has come about largely through this body of workers or labor officials who administer the law. For many years, in increasing measure, the law has been improved. We have no protection of that kind, broadly speaking, for the children in the country, in the little rural school districts. I would like to ask Mr. Gideon how he would under the theory he advanced in his paper, give the child in agriculture the same kind of efficient comprehensive State protection that the child in industry now receives through the labor departments of the various States?

Mr. GIDEON. Mr. Dennison states that the children of Pennsylvania are protected by an amendment to the school law, passed in the last session of the legislature, requiring that exemption permits be granted to children leaving school for employment in agriculture or in domestic service. The two are included. If Mr. Dennison had gone farther he would have told you that that protects the child so far as leaving school is concerned; but that it goes no farther than that, because our child labor law specifically exempts from its operation children who are in domestic service and in farm labor. I believe that we should strike from our child labor law that exempting phrase. If we did that, then the children on the farm would be placed upon exactly the same basis as the children in the factory.

I want to say that in Philadelphia, in spite of all the efforts that I can put forth every year we lose temporarily to the State of New Jersey about 2,500 children for three or four months. I have no power under the law to prevent that group of 2,500 or 3,000 Italian children from going from the State during April or May, sometimes earlier, onto the farms of New Jersey and remaining there, sometimes under good conditions but usually under conditions such as Mr. Lovejoy has described, and then returning in October or November. There is no way by which we can reach those children. They leave Philadelphia with their mothers and fathers and while they are in the State of New Jersey they are no longer residents of Philadelphia. Some of them go to Delaware also, but while they are in the State

of New Jersey the New Jersey officials say they are not New Jersey children, they are Pennsylvania children, and that therefore they have no jurisdiction over them. So that between the two of us the children suffer and nothing is done. I doubt very much indeed whether border sections of the State of Pennsylvania could be adequately protected by an amendment to the law extending to the children on the farm the same protection that is now extended to the children in industry, unless our neighboring States would do likewise. If New Jersey, New York, Delaware, Ohio, and perhaps West Virginia would pass legislation on the same basis for children who engage in labor on the farm as for children engaged in industry, then I suppose our Pennsylvania children would have adequate protection, but they will not until that is done.

[On motion of Mr. Biebesheimer, seconded by Mr. Northrup, the following committee was appointed by the president "to codify the various State laws and correlate them and point out our weak points": Mr. Biebesheimer, chairman; Mr. Hall, Miss McFarland, Miss Rourke, and Mr. Wilcox.]

FRED M. WILCOX, CHAIRMAN WISCONSIN INDUSTRIAL COMMISSION, PRESIDING.

INSPECTION, SAFETY, AND SANITATION.

PROBLEMS AND IMPORTANCE OF FACTORY INSPECTION.

BY JOHN P. MEADE, DIRECTOR DIVISION OF INDUSTRIAL SAFETY, MASSACHUSETTS DEPARTMENT OF LABOR AND INDUSTRIES.

The subject assigned to me involves a discussion of factory inspection, and is to be confined to specific problems connected with inspection work. Many other duties of the ordinary industrial inspector can have no mention here. In this topic we deal, however, with what is the most important duty assigned by law to this official, for it touches problems that deal with the conservation of human life, strength, and energy. The details of inspection work as usually conducted in a large industrial plant might be reduced to a recital of routine mechanical operations. However, we can not leave our subject with only this simple duty attended to. It is necessary, if we would adequately describe efficient work of this type, to deal with those underlying and controlling reasons that make factory inspection important to the welfare of the community and workmen alike.

Factory inspection rests upon the principle that work places should be made safe for employees. Its fundamental purpose is to protect the life and health of workmen from hazards arising in connection with machinery and industrial processes. Although one of the last nations to give adequate attention to the need of conserving the human side of industry, the United States has made rapid progress in the development of factory inspection within the last 10 years.

In a survey of industrial conditions in the city of Pittsburgh made in 1908 one of the leading figures in that movement gave expression to an opinion which at that time stated concisely the attitude of the industries of the United States toward workmen engaged in hazardous trades.

He said, "The Slavs from Austria-Hungary, the Latins from the Mediterranean provinces, the Germans, or the British-born who came to Pittsburgh to do the heavy work of manufacture came from a region of law and order to a region of law-made anarchy, so far as the hazards of industry are concerned. For there is scarcely a country of modern Europe but has brought its statutes abreast of industrial progress and wrought out for itself, as we have not, some visible adjustment between civil rights, human needs, and the ceaseless operations in which groups of men and powerful appliances join in producing what the world wants."

Among the problems created by the development of the industrial system in the United States is that of maintaining safety and health in work places. The rapid and exacting nature of certain mechanical processes and the unwholesomeness of many industrial occupations and environments have brought new risks to vitality and health. The suffering caused to victims of industrial accidents and the poverty ensuing in families where the head was stricken down while engaged in his daily work combined to arouse the people in this country to the need of scientific treatment in providing for health and safety in industry.

Conserving the life, health, and energy of our employees or wage earners is not an individual question; it is a question requiring social action and is now recognized as a legitimate function of government. Gradually new principles born of this experience found their way into our industrial life. The theory advanced rapidly that immunity from grave industrial hazards and protection against occupational illness and disease were essential to the well-being of our wage earners.

It was urged that the loss in time because of incapacity produced by industrial injury should be made a charge upon the manufactured product and this much of the burden carried by the consuming public.

Compensation laws spread rapidly throughout the country, recognizing this principle in part, and inspired interest in the work of reducing human waste in industry. It was quickly learned that the economic losses sustained in this respect constituted a serious tax upon the productive labor power of the country.

It is well to quote interesting figures in this connection that we may the more realize the gravity of this situation. We are told that in 1919 there occurred in the industries of the United States about 23,000 fatal accidents and 575,000 nonfatal accidents causing four weeks or more disability.

In June, 1921, Mr. Hoover's committee on elimination of waste in industry reported in its findings to the American Engineering Council at St. Louis that this amount of incapacity represented an approximate wage loss of $1,184,000,000. The total direct cost of industrial accidents in the United States for the same year, including medical aid and other legitimate charges, was not less than $1,014,000,000, of which $349,000,000 was borne by employers and $665,000,000 by employees and their dependents.

This report also stated that these approximate figures are actually short of the amount, as they do not include other items of expense incurred by workmen and not paid by employers or insurance companies. The opinion is expressed by these eminent authorities that 75 per cent of this loss could be avoided.

That other important side of this problem, dealing with the conditions that give rise to occupational disease, must occupy an important place in the duties of the factory inspector. The economic loss sustained through occupational disease can not be adequately demonstrated in figures.

Disease hazards in industry may not always be as clearly defined as those hazards responsible for industrial accidents. Doctor Thompson reflects accurately on the relation of occupational diseases in industrial injuries when he says:

> A man's hand lies upon the workbench, cut off by a revolving saw—nothing could be more definite as to the relationship of cause and effect. He recovers from the injury, and it is easy to determine the degree of his incapacity for future work. The condition is self-limited and nonprogressive. With industrial diseases, on the other hand, many complex factors arise. Is the mercurial poisoning of which he is the victim likely to continue its destructive effects until the victim dies, or is he likely to recover completely upon cessation of this hazardous work? Such are the types of questions which constantly arise in connection with the occupational diseases and it requires far more experience and judgment to solve them justly and accurately than it does to determine the nature and extent of the great majority of industrial accidents. Some industrial diseases and the effects of some industrial poisons it is true are as definite in their results as are accidents, but their number is limited in comparison

with the vast number of cases of disease, often obscure, very slow in onset and chronic in course, which affect many large classes of workmen. The misery and poverty entailed by the partial disability produced by more insidious poisons or injurious surroundings are much more difficult to estimate with accuracy.

Injuries sustained through the inhalation of metallic, mineral, or organic dusts often are more far reaching than the results of traumatic amputations. The progressive inspector who fully realizes the importance of his mission will sense the need of treating each side of this question with adequate attention. This is the task that confronts the factory inspector wherever his field of activity may be. In dealing with this problem no one should realize more than he that being a mere agency does not measure up to his responsibility. He must be more than an agency if he is to be successful in this work; he must be an active influence.

Before the era of workmen's compensation acts the use of the police power to make work places free from industrial hazards was exercised through statutes general in their character. Comparatively easy was the task to have belts and pulleys adjacent to passageways or work places of operators properly safeguarded. Projecting set screws, defective couplings, inrunning gears, and sprocket wheels evoked no discussion as to the application of legal requirements. Guarding machinery at the point of operation, however, was an entirely different problem.

On this subject even experts might disagree. Such a condition threatened seriously the purpose of the movement to make industry safe for the workman. The experience of years in the enforcement of general statutory principles proved that technical experience in the processes of industry was an essential element for the control of factory hazards.

When the legislatures of the industrial States authorized the labor departments to make rules and regulations for the preventing of injuries to workmen it made possible the providing of safeguards to hazardous conditions which could not be reached by general statutory principles.

Standards prepared under the auspices of employers and workmen, and usually approved by the highly trained safety engineer, now constitute the basis of rules and regulations adopted by labor departments for the safeguarding of human life and energy.

The removal of dusts, gases, fumes, excessive heat, and other impurities from factory workrooms is now recognized as essential to protect the health of employees. These hazards can be adequately controlled by the installation and operation of efficient mechanical exhaust systems. The need of such devices in printing offices, brush factories, and in the buffing, grinding, and plating trades, in the rubber industry, in the stereotype and electrotype foundries, and in other industries too numerous to mention is now generally acknowledged.

No program of factory sanitation is now considered adequate or complete that does not include clean, pure drinking water, provided in each factory workroom, and washing and toilet facilities kept in a proper and sanitary condition for the use of employees. Also, it must include workrooms well ventilated and lighted, and suitable lockers maintained in establishments where the nature of the employment

makes necessary complete change of clothing. Good health is often the only asset of the workman, and any impairment of it might prove as important as the loss of a finger by contact with the power press, or loss of a limb with all of its serious consequences. Many employers realize that vigorous health of workmen is essential in manufacturing establishments.

Investigation has shown that impairment of the workman's health is usually followed by a loss of efficiency. It is here that the competent inspector becomes a valuable asset to both workman and employer. He must be able to point out the type of exhaust system necessary to dispose of fumes, dusts, and gases properly. He must be familiar with the best methods of ventilation in workrooms and be well qualified to advise in connection with general and local lighting.

Ordinary factory inspection experience is not sufficient to attain this result. Intensive training in the examination of causes underlying industrial accidents and occupational disease is necessary to do inspection work properly. It provides an intimate knowledge with the condition responsible for loss of human life and energy.

Inspectors derive the greatest benefit from this experience and acquire technical knowledge which can be applied to conditions found in their daily work. It enables them to speak with authority on practical means for accident prevention. In Massachusetts this plan works well. A description of the work in this State may prove interesting. During the year ending November 30, 1921, 1,448 work accidents were investigated by the inspectors of the department of labor and industries. These were mainly injuries causing death or permanent or partial disability, including the loss of limbs, hands or feet, fingers or toes, or the sight of eyes. By this practice the department checks up the inspection work and ascertains if machine and factory hazards are controlled as the law directs. If an accident is investigated in a plant where an inspection has not been made during six months previous, this duty is attended to at the same time. Careful examination of the facts in connection with occupational accidents places an inexhaustible fund of valuable experience at the disposal of safety organizations. Practical advice and assistance can be given to employers and employees from inspectors who examine the facts incidental to each accident experience. It is well known that comparatively few accidents now occur on unguarded machinery. In 1921 10,057 accidents, or less than 19 per cent of the tabulatable accidents occurring in the industries of Massachusetts were occasioned by contact with machinery, exceedingly few cases in this group being traceable to unguarded machines.

Defective factory conditions, falling on slippery floors, stumbling over objects in passageways, and cleaning machinery while in motion, are potential factors in the causation of industrial injuries. While these dangers are most effectively controlled through the means of frequent factory inspection, the investigation of accidents emphasizes the need of constant vigilance in grappling with them.

This statement is well supported by the Massachusetts experience. From July 1, 1920, to June 30, 1921, there were 155,554 accident reports filed with the department of industrial accidents in that State. Of these, 53,313 were tabulatable, which includes death, permanent

total, permanent partial, and temporary total disabilities. Death resulted in 296 of these cases, 6 involved permanent total disability, while 1,371 were of a permanent partial nature and 51,640 were temporary totals.

Reduction of the accident rate in our industrial plants can be accomplished only through giving more attention to the causes of nonmechanical injuries. The factory inspector should be familiar with the accident causation in each industry, for his experience becomes a valuable asset to employers in maintaining a high degree of safety in their establishments.

In the large manufacturing districts of Massachusetts this routine work has done much to impart vigor to the work of safety committees. Their attendance at shop meetings and safety councils enables the contribution of valuable assistance from a wide field of experience. The investigation of accidents to children between 14 and 16 years of age has been made a leading factor of this work.

It has proved to be a strong factor in preventing exposure of the child to hazardous work and is useful in securing compliance with the requirements of the certificate law. In the past year it was necessary to issue 76 orders to employers who violated the statute relative to prohibitive employment for minors, and prosecution was necessary in 35 cases where children were permitted to work on dangerous machinery.

Many of these violations of the law never would have been discovered were it not for the policy of investigating injury to children. An interesting development in the experience acquired by this plan is the opportunity for cooperation with directors of continuation schools in teaching pupils the need of exercising due care in industry.

It is of interest to know that 24,000 children, between the ages of 14 and 16 years, in the industrial establishments of Massachusetts are now attending 47 continuation schools where the law provides they must receive instruction at least four hours a week. In the large industrial centers of the State where these schools are located children come for instruction from the work places in the manufacturing plants.

They are instructed not to play on or around elevators or in proximity to hazardous machinery of any type. They are told not to clean or oil machinery while it is in motion or to remove guards from machinery under any circumstances or to fail to secure first-aid treatment for all injuries, however slight.

Splendid cooperation has been received from some of the directors of these schools in the work of emphasizing the importance of these principles. It is the practice in many of these schools to ascertain the kind of work the child is engaged in, and if it is found to be illegal in any respect action is taken to remedy the condition. Inspectors of the department have been active in addressing pupils in attendance at these schools and advising them with reference to the factory hazards in their locality. Efforts in this direction are now achieving substantial results.

The accident statistics for Massachusetts for the year ending June 30, 1919, indicate that 10 children between 14 and 16 years of age were victims of fatal accidents, while 62 sustained permanent disabling injuries. For the year ending June 30, 1921, 5 children of the

same age group lost their lives because of accidents in industry, and upon 13 were inflicted injuries of a permanently disabling type.

In the previous year 49,781 minors between 14 and 16 were employed, and in the last-named period approximately 36,000. While the number of minors in this age group in industry during 1921 is approximately 25 per cent less than that of 1919, the fatal accident rate has been reduced 50 per cent and the rate of permanent disabling injuries reduced about 80 per cent. The substantial progress made in reducing accidents to minors is due to the joint work of the continuation school and the inspectors of the Department of Labor and Industries of Massachusetts. From this experience inspectors are able to give practical advice and assistance to employers in the reduction of the accident rate. It enables danger points to be well known and provides a definite program for the control of certain factors conducive to occupational injury.

Equally productive of good results is the use of investigation in the case of occupational diseases. In manufacturing establishments where toxic substances are used uncontrolled fumes, gases, and dusts constitute a menace to the health of the employees. Only through careful investigation of instances where employees have been affected by these hazards can actual results be achieved. In the year 1921, 96 cases of lead poisoning were investigated by the inspectors connected with the Department of Labor and Industries of Massachusetts.

It is interesting to note that 48 of these occurred in the painting business and that nearly all owed their origin to the fact that workmen mixed and handled lead and oil or inhaled or swallowed the dust of old paint which they scraped or rubbed down with sandpaper or pumice.

In the building trades, painters were often found working in unfinished buildings where water and toilet facilities had not been installed and no suitable facilities provided for washing and changing work clothing. Frequently these workmen ate the noonday luncheon without taking ordinary precautions against the possibility of lead poisoning. Investigating lead poisoning in the rubber industry determined the fact that this disease is frequently traceable to the compounding room, where mechanical exhausts are not provided to control the dust hazards. The use of litharge and urotropin without proper means to prevent exposure by the employee, frequently is found to be a causative factor. Through investigation of lead poisoning cases contracted in this manner the inspection force become familiar with essential factors and derive constructive knowledge for prevention work. No attempt can be made here to enumerate the many types of hazards conducive to industrial disease. The few mentioned indicate that simple means are often adequate for the prevention of occupational injury. The inspector with vision, force, and ability, who carefully examines the causes responsible for industrial injury, usually has unobstructed admission to the management where the policies of the industry are defined. Work of this kind is usually welcomed by progressive employers. Superintendents and foremen willingly give time to an intelligent practical presentation of the means by which accidents may be reduced in their plant. An inspector equipped with the solid experience acquired from close

contact with these conditions in industry is usually well able to solve problems found in the course of factory inspection.

It is impractical to formulate a uniform rule for making inspections. There is such a wide range in size and capacity of establishments in the same industry that such a plan is impossible. There are also many different classes of industries, each having its own specific dangers. Each establishment must be considered separately, and the advice given necessarily will depend upon the character of the operations and number of employees and conditions found in the plant. Each industry has its own traditions and peculiar hazards. Every inspection must be made with this point in view. The inspector must be quick to perceive the good and bad conditions existing. Mechanical dangers can not engage his attention exclusively. If industry were combed clear of machinery hazards we would still have serious industrial accidents. Most of the real hazards in industry now arise from unsafe practices, and the inspector who can detect careless methods and suggest safer ways of accomplishing the result is the agency we must look to for the best type of factory inspection work. His advice may be most useful when it is quite outside the scope and the authority vested by the police power. He must be familiar with safe methods of operation in plants similar to the one he is required to inspect and must be thoroughly acquainted with standards for the safeguarding of machinery.

Without this experience it is not possible to convince foremen or mechanics that his recommendations are practical, unless first-hand knowledge can be brought to bear on the subject.

In a furniture factory he learns that the woodworking machinery includes the dominant machine hazard. In the metal trades the power punch press is an important factor in the accident frequency of the plant. In the foundries, blast furnaces and moveable cranes and the pouring of molten metal become objects of his attention. Calender rolls in the rubber industry come promptly to his mind and his interest may quickly afterwards be centered on the compounding room, where litharge, oxides of iron, urotropin, and other toxic substances are frequently used.

He is usually skilled in the location of work places where danger lurks. There should be no question as to his right to visit industrial establishments for the proper discharge of his duties. In Massachusetts inspectors are authorized by law to enter all buildings and parts thereof used for industrial purposes, to examine the hazards connected with the machinery and processes of industry, the means of escape from fire, the sanitary provisions for employees, the lighting, and the means of ventilation. Inspectors are also empowered to make investigations as to the employment of women and minors, and to secure compliance with all other provisions of the law dealing with the employment. Any person who hinders or delays such an inspector or officer in the performance of his duties, or who refuses to admit, or who locks out any inspector from a place he is authorized to enter, or refuses to give the information which is required for the proper enforcement of certain sections of the labor laws, is penalized by a fine of not less than $25 nor more than $200 or by imprisonment for not more than two months, or by both such fines and imprisonment.

Seldom has it been necessary to invoke the penalty provided for this purpose.

It is gratifying to state that inspectors of the Department of Labor and Industries of Massachusetts have received respectful consideration from employers and cooperation has been freely accorded them in the performance of their duties. Our experience is that employers fully realize the value of technical advice in the work of making their establishments safe for their employees.

The first objective for the competent inspector is to get in touch at once with that official in the plant who is invested with authority to receive and act upon his recommendations. Usually, in the large plants, some one is designated to accompany the inspector in the examination of plant conditions. It may be the employment manager, safety engineer, or master mechanic. The method of procedure must be governed by circumstances in connection with the plant.

For instance, an inspection of a textile factory would not be the same as that of the shoe factory or a foundry or a machine shop. While many statutes of a general nature relating to the safety and health of employees would apply in one as well as the other, there are some laws that apply only in certain kinds of industrial establishments and would have no application in others. Inspection should be made in a systematic manner, going through the various buildings or departments of an establishment in the regular order. By this it is meant that advantages are gained frequently when doing inspection work if the consecutive processes in the manufacture of the product are followed consistently.

If minors are employed the employment and educational certificates on file should be carefully examined. In the examination of the employment certificate, which is the lawful permission for a child between 14 and 16 years of age to be employed, the inspector should see that the specific nature of the employment is stated and that the child is not employed at trades prohibited by law or in occupations forbidden by the statutes, or in proximity to hazardous machinery. It is the duty of the inspector to see that certificates are promptly returned to school authorities on termination of the employment. He must also observe if a list of minors between 14 and 16 years of age is posted near the principal entrance to the factory. Where women and minors are employed, he must note if a legal time notice is posted and hours of labor are properly inserted in accordance with the statutes, and that women and minors are provided with suitable seats if required by law.

In general, he then observes conditions relative to the safeguarding of machinery and belts; the condition of floors; sees that exit doors are not locked; that stairs are properly handrailed; if proper ventilation is provided; if dusts, gases, and fumes which are injurious to health are removed or rendered harmless in so far as it is practical to do so. He must note if pure drinking water is provided, and if his inspection is in a textile factory where humidifying systems are in use, he must see that the amount of moisture does not exceed that specified by law and that pure water is used in such systems.

The number, construction, and location of toilets must be noted in order to ascertain if they are provided as the law requires, and he

must assure himself that washing facilities are provided and maintained in accordance with the rules and regulations of the department.

In textile and cotton factories he must also see that specifications regarding the construction of cloth and rates of compensation, when employees are paid by the piece, are properly posted; see if the workrooms are properly lighted and if there is adequate protection from glare. He ascertains if a medical and surgical chest or a medical room is provided in manufacturing establishments or in other places of employment if required by law.

He notes if positive arrangements are provided on each floor at a convenient point within the room in which machinery is located whereby either the entire power supply on that floor may be cut off as a whole or the one or more lines of shafting used in driving countershafts over machines or connected directly to machines may be cut off independently.

Types of emergency stopping devices such as friction clutches, motor stops, or engine stops must meet with his approval. The construction and materials for guards are carefully examined. They must be suitable in connection with belts and pulleys so that spokes will be guarded and that the section of pulley receiving belt will be adequately covered to prevent anyone being caught between belt and pulley. Set screws on revolving parts, in running gears and sprocket wheels, couplings and collars, dead ends of shafting, and all the well-known mechanical dangers are carefully noted. Those other factory hazards so often prolific in causing industrial injury, in which are included defective stairs, obstructed passageways, and failure to provide railings, occupy a prominent place in his inspection.

If the industry is one in which special rules and regulations have been adopted for the safeguarding of workers against dangers existing therein, great care must be exercised that the danger points are noted thoroughly and correctly. In the briefest outline the functions of the industrial inspector are herewith described. No reference is made to boiler or elevator or building inspection, as the program provides for separate discussion of these topics. The usual procedure is for the department of labor and industries to issue orders upon requisitions from the inspector, requiring proprietors of establishments to comply with provisions of the law.

When recommendations are conveyed it must be made perfectly clear what each requirement is. Nothing will neutralize the effect of the inspector's personal contact with an establishment so quickly as a formidable list of requirements that are not clearly understood. To guard against these unfavorable developments, the safest practice is to leave a copy with the safety engineer, master mechanic, or some one invested with responsibility to make the changes required. The easiest part of the inspector's work is to issue recommendations; the real work begins in securing compliance with them. We come now to one of the practical problems of factory inspection and that is the accurate timing of compliance visits. Unless great care is exercised in the discharge of this duty the waste of much time and effort is inevitable.

It is obvious that the time necessary for complying with statutory requirements varies considerably. Construction work for the installation of toilet and washing facilities in large mills may require several

months. Good judgment in timing reinspection visits under such circumstances may result in saving time for valuable service in hazardous workshops. The inspector who deals with this problem effectively extends his activity into a larger area of the industrial field and is of greater service to a department than one who occasionally displays spectacular brilliancy in some particular instance and then willingly follows ordinary routine without special attention. It is here that the efficiency of the inspector's work is tested. The growth of the movement to conserve health and safety in industry is measured very largely by the amount of inspection work done. In the past two years much attention has been given to this problem in Massachusetts. During the year 1920, 33,925 visits in this connection were made, resulting in the issuance of 19,073 orders. The total number of compliances in the same period was 22,365. The record of compliances exceeded the number of orders issued because of the numerous orders outstanding from the previous 12 months. For the year ending November 30, 1921, 34,589 inspections were made, 22,574 orders were issued, and 21,000 orders complied with. The total number of outstanding orders at the close of business on November 30, 1921, was 1,574.

If substantial progress is to be made, the constantly changing operations in industry must be met with the application of rules and regulations to prevent hazards to health and energy. With the number of inspectors in each industrial State below the minimum for the accomplishment of the duties imposed by law, it is clear that foresight, judgment, and good direction must be brought to bear on the problem of saving time in connection with compliance visits. Fixed rules to be applied mechanically will not result in success. Much will depend upon the use made of each visit by the inspector. If genuine difficulties exist, indicating that extension of time will be necessary to secure compliance with a given order, a good understanding as to the approximate period of time necessary should be agreed upon. Difficulties in this connection will be surely experienced unless the authorized representative is consulted with. Too much time is often wasted in dealing with subordinates who are not familiar either with the requirements or purposes of the law. This situation is particularly true in the case of large corporations.

It is in this side of the work that tact, ability, and judgment must be exercised by the inspector if successful results are to be accomplished. The modern system of factory inspection depends very largely upon the manner in which the work is done at this point. Proper handling of negotiations in this connection often removes the ordinary objection of legal interference in business details and management. Cooperation from employers in complying readily with the rules and regulations for the prevention of accidents and loss of health will be measured very largely by the progress made in this direction. The constant aim of authorities vested with powers of factory inspection should be to cultivate this policy if lasting results are to be achieved.

When this treatment fails to bring compliance with the legal requirements of the statute, then prosecution must take place.

We now come to a feature of the work that deserves the best thought and consideration. Where the requirements of the law are

willfully resisted, there is seldom any treatment more efficacious than prompt application of the penalty through court action. The attitude of some individuals in this connection, however, does not justify the use of obtrusive methods in exercising authority delegated by the statute to an inspector. Neither should it diminish regard for the right of private citizens in the slightest degree. The doctrine of punishment should be evoked only in the case of those who defy the law. The ordinary employer is not in this class. His usual attitude is to comply with the requirements of the statutes. The individual is found, however, in every industrial State whose selfish greed subordinates human health and energy to the acquisition of personal wealth. Commercialism of this kind is not a good asset for any community. It breeds discord and promotes strife between workmen and employer. The penalties provided for violation of the law dealing with industrial health and safety should fall swiftly and heavily upon offenders of this type. The competent inspector will always remember that it is his department that is in action when he is in the field. Upon him ultimately rests the responsibility of success or failure. If he would make his work in a plant durable he will endeavor to secure, as a means of making permanent the duty of maintaining safe work places in the establishment, the support of the employer and employees in the organization of a movement for the prevention of industrial injury. Where these factors are joined together and a determined effort made to reduce occupational accidents, improvement is inevitable. The inspector who can point to plants organized on these lines has rendered the highest type of service to industry. He has done even more. He has instituted an enterprise the dividends of which are the prevention of human suffering, the saving of human life, the preservation of the home and family.

DISCUSSION.

The CHAIRMAN. Mr. Meade has outlined the ways in which orders are made, and I want to know how you convince an employer that the order is a just one.

Mr. HUDSON. We have a form that the inspector fills out. It is something like this: He gives the date, the name of the firm, the street, town, city, and so on. Then the first thing he looks up is to see that the belting, shafting, machinery, gears, and engines are safely guarded. Then he takes the elevators—how they are operated, whether they are passenger or freight elevators, whether the safety catches are in good working order, and whether the hoist and moving parts are well protected; then he sees whether the rooms are kept clean and well ventilated, whether the water-closets are suitable and sufficient in number, and whether the fire escapes are in good order. When an inspector goes through a factory he generally has one of the representatives of the firm go through with him, and if he finds a place that is not guarded he simply shows it to the representative of the firm, shows him the danger. That is about the only way we can convince an employer that the condition is not right.

The CHAIRMAN. You will have to meet the inquiries of the employer as to why you do this, and why you do that; why he should not be relieved from compliance with this or that order. Now, you must have an answer; you can not put an employer off by sitting

quiet; you must tell him the reason. I should like to ask what answer the male inspectors make to the inquiry as to what they know about the proper employment for women and the proper employment for children. Who will answer that?

Mr. BLEACH. I hold no brief to speak for our department, but there being no one else here to explain our system in Pennsylvania, as an inspector I will say that when we issue an order as to machinery, or under any regulation of the department, we have our code specifying the individual treatment for the various items that might come up in factory inspection calling for an order. It is always explained to the employer that if there is anything impracticable in the order, anything which would interfere with his operation, or which he objects to in any way, there is no reason why he should get into an argument with the inspector. The inspector will explain to him the requirements of the industrial board, as interpreted to him by his chief, and should the employer object it is explained to him that he has the right of appeal to the industrial board. The industrial board is made up of a representative of the employer, a representative of the employees, and a representative of the public, and in my 15 years' experience I have not found one man who, after having explained to him the fairness of the system, has appealed to the industrial board. He has been assured of his rights, and having been assured that he will get fair treatment, he has never yet taken advantage of it.

The CHAIRMAN. What answer, Mrs. Rourke, do you make to the employers in your State as to your ability to determine whether or not mechanical devices are what they ought to be, that you know enough about machinery to point out the defects and indicate what ought to be done, and that your judgment is as good as a man's judgment in that field?

Mrs. ROURKE. In the first place, when I go into an establishment I present my card. We have to start on the outside, though. We have to see whether the doors open out or in; how many fire escapes there are attached to the building; and that those fire escapes are not obstructed so as to prevent employees from getting to safety. In regard to machinery, we have to see that there are no projecting set screws; they all have to be sunken-head set screws. We have to see that all belts are properly guarded, and that all elevators are guarded. We see that there are gates or doors, and that they are closed. There are many machines that look very harmless; for instance, the machine that turns the corner of a box. That does not look as if it would be dangerous, but yet it has to be guarded because a finger might be pinched in it. We have had cases where it has taken off a part of a finger. We frequently get a good deal of our information through what has happened. We follow up the accidents reported and in that way we become familiar with the guarding of machinery, and, of course, the longer you are in the work the more you know about it.

You want to know how I go about getting the cooperation of the employer. After going through the factory I come back to the office and serve a notice, and in our State the employer must comply with that notice within 30 days. Because of the few inspectors we have, our commissioner makes use of a follow-up letter. If in 30

days the employer does not send in notice of his compliance with my order a clerk sends out this follow-up letter. A duplicate goes with it, and if the employer has complied with the order he sends in the duplicate. If he has not sent in this duplicate within 30 days another letter is sent, and then if he does not comply, there is another notice, similar to the one I served, with a duplicate, mailed. If he does not send in this second duplicate we go back and check it over, and in that way we know whether the employer has complied with the notice served. I have never felt that my work was in anyway a duplication because I feel that men are particularly fitted for certain parts of the work, and that women are peculiarly fitted to look after the conditions surrounding the women and children. I should like to have women look after the conditions under which women and children are working, such as sanitation, ventilation, toilet facilities, and so on. We have done that in our State in some cases. Where the plant was a large one, the male inspector would inspect the machinery, and go over the different facilities, and I would take up conditions affecting women and children, such as the rest rooms, etc. But as to complying with any notices that I have served, I will say for the manufacturers of the State of Illinois that they have cooperated and have always complied with any request I have made.

Mr. BIEBESHEIMER. I believe that many of the worst evils in factory inspection are brought about by the inefficiency of the inspector. William Smith was a bartender. He carried his precinct in an election and the State went his way, and he was made a chief factory inspector. Another fellow, a barber, was made a factory inspector because he had once carried a ward in an election in some other community. One fellow down in the southern part of Ohio had been a farmer all his life, but he is now inspecting textile machinery, etc., in Cleveland. If that fellow gave an order as to a plant that I owned I should not feel much like obeying it. I believe that this organization might take some steps toward increasing the efficiency of the inspector, such as insisting that he have a fundamental knowledge of engineering matters, so that he can be of real service. We can not succeed in anything unless we are of real service. I believe the standard of efficiency of the ordinary inspector is going to play a large part in determining the fairness of any order that is issued, and I believe this matter is worthy of consideration.

Mr. STEWART. Perhaps this is a proper place to call attention to the work on industrial codes. This association is asked to send a representative to the safety codes committee, the International Association of Industrial Accident Boards and Commissions is asked to send a representative, the manufacturers have a representative, and the American Engineering Society and the National Safety Council have representatives, and recently the Department of Labor was asked to supply representatives from the various industries affected by these codes. It seems to me that we are going to get an answer to your question in a standard code, one for ventilation, for instance. If we can get these codes agreed to, get them adopted by the legislatures in the same or practically the same form, then we will have an authority back of the general law which says the factory shall be properly ventilated. We will have an agreement by all the parties affected as to what is proper ventilation. We will have an agreement by the

parties affected as to what the electrical code shall be. These codes are being written by experts, by experts from the manufacturers of the machinery, from the users of the machinery (the employers), and from the workmen themselves: A number of the codes have been finished and a number are in process of construction, and this association is a member of that general code-making machinery. We have Mr. Lloyd, of the Bureau of Standards, here with us. The Bureau of Standards of the Department of Commerce has been, perhaps, the most active Government agency in this matter of standard codes. It seems to me that the time has come when these standards must either be written into the law, which is practically impossible, or there must be an agreed standard sanctioned by the legislature, which the inspector can show to the manufacturer, and of which he can say, "All parties, yourself included, have agreed to this." I think we do not quite appreciate the importance of that standard code work, and I would like to have you ask Mr. Lloyd to speak to us about it.

Mr. HALL. I agree with Mr. Stewart regarding a standard code, providing the code is made flexible enough to meet the requirements of new machinery. It will have to be flexible enough to meet new requirements, and the inspectors will have to be practical men, with enough practical knowledge to see any danger there may be in the new machinery. In that respect I agree with my friend from Ohio that we should try to get people with practical experience. I also want to point out the danger of having a standard code which will tie us down, and probably class new machinery as dangerous because it is not covered by the requirements of the standard code.

A DELEGATE (MASSACHUSETTS). The gentleman from Ohio, I think, asks a very pertinent question as to the appointment of inspectors in the department. I think it is very essential that we have good men for inspectors, but as we get those good men we must train them. We must have a school for inspectors. That is what we find in Massachusetts. We have to take our inspectors from the civil service list and we get fairly good men that way, but that is not enough. You must train your inspectors and keep them trained continually, and notify them from time to time, either at their meetings or by communication, of the changes in conditions and of the dangers that other inspectors have found, so that they may look for such dangers and correct them.

Mr. LLOYD. I was very much interested in hearing Mr. Bleach tell how questions which come up under factory inspection in Pennsylvania are settled through appeal to a board composed of representatives of all parties in interest. Now, in the preparation of any safety regulations under which the inspector acts it seems to me the same principle should be applied. I understand it is applied in Pennsylvania, in the preparation of safety regulations. The board contains representatives of employers, employees, and any other interested parties, and no regulations are adopted until they have been fully considered by such parties and public hearings had where all views can be expressed.

Now, a series of national safety codes is being developed upon these very same principles. The Bureau of Standards has perhaps taken the most active part in a movement launched to accomplish

this purpose. Directly after the war, in 1919, we held a couple of conferences there at which representatives of the various State departments and commissions, representatives of the employers' association and of employees, casualty insurance organizations, and various associations of engineering societies and others interested were present, and the subject of how such codes should be formulated was very fully discussed. It was finally agreed by a large majority of those present that the most consistent plan for formulating a series of national industrial safety codes would be to use the machinery which had been recently created by the American Engineering Standards Committee. That is a committee organized by the National Engineering Society, and since enlarged to take in a number of the Government departments, manufacturers' associations, and various other groups, like the National Safety Council, which are interested in the subject of standards and in other questions relating to engineering. Now, the method of procedure in that committee is as follows: If it is decided that a subject is worthy of being taken up, some organization is appointed the sponsor, as they call it, for the work; that is a managing body to see that the work is carried on and that the committee gets down to work and to handle the thing as it goes along. That sponsor may be a national association of any kind, sometimes an engineering society and in other instances such a bureau as the one I represent. In some cases the National Safety Council, or some such body of national extent which is recognized as interested in the matter and competent to handle it, is appointed. The sponsor organizes a national committee with representatives from every interest involved which cares to be represented. Those bodies are fully representative in character. The working committee, which is composed of a smaller group, does the active work of formulating the code. It is then given as wide criticism as possible, and the national committee, known as a sectional committee, passes upon every point in such a code that is questioned, and when the members agree upon what ought to go into it the completed code is adopted by the American Engineering Standards Committee as a national standard. Now, that method of procedure insures that all viewpoints will be considered in the formulation of the code, and that it will be the result of the widest experience that it is possible to bring to bear upon it, and when it is completed it will probably be the most satisfactory thing of the kind that it is possible to get together. There are a number of such codes now already prepared. There is one covering the subject of grinding wheels, for instance. There is an industrial lighting code. There is an electrical safety code. There is an elevator safety code, and there are a number of others near completion which will be available in the very near future, such as one on woodworking machinery, one on power transmission machinery, and quite a number of others which are in the initial stages and will be pushed to completion as soon as possible. I feel that as fast as these codes become available they will form the best thing of the kind that can be adopted by the various State authorities to cover the various subjects in detail.

I should like to say a word bearing a little more directly on the paper of the morning. I fully agree with the chairman in his remarks regarding the duty of employers to see that proper machinery is used, and that the machines are properly safeguarded. We have to bear in mind, however, that employers, like the rest of us, are not perfect,

that they have not always been trained for the work they are doing, and that they can not be depended upon to carry out properly all the duties that devolve upon them. Now, since they frequently do not have the proper education with reference to the safety side of their plant, it becomes necessary for the inspector to carry on what is really educational work with them. He must be able to make up for their delinquencies and to tell them what to do, and therefore it is necessary for the inspector to know just what is necessary in the safeguarding of machinery and in carrying out other safety features in an industrial establishment. He must be able to tell the shop manager, or whoever is in authority, just what needs to be done to make conditions right in his plant. The inspector who can not do that can not get very far, in my estimation, in his work. If you have men who seem to be competent it is still necessary, as has been said, to educate them continually so that they can go out and tell other people what must be done. The inspector must be familiar with the conditions in any industry which he is inspecting, and with what can be done to make those conditions right, and be able to explain them to the man in charge. He must be familiar with the regulations which are in force in his State, and with any codes that have been adopted.

I think the point which was just brought out, that codes can not be universally applied, that perhaps you do not always take account of the new conditions coming up, should be dealt with in your own way where a code has been adopted by some administrative authority rather than made a matter of statutory regulation, and then it is always best to change the code. These safety codes necessarily need revision from time to time. They can not be expected to be permanent. They must meet new conditions as they come up. It seems to me the administrative authority must always reserve the right and power to make exceptions to the rules and to apply them reasonably to the conditions found in the factories. The inspector must keep that in mind. He should be in position to recommend such exceptions to the commissioner of the State or whoever is the higher administrative authority under whom he works. By using a little common sense, and being reasonable, I think such conditions as they come up can always be satisfactorily covered. In the end the whole thing comes down to the question of the competency and ability of the inspector. I do not think we can dwell too strongly on that point, or make too big an effort to secure in all of our States a method of appointment, a method of training, and, above all, a salary which will make it possible to have competent inspectors.

The CHAIRMAN. I want to call upon Mr. Eals, chairman of the board of boiler examiners of the State of Pennsylvania. The convention would like to know, Mr. Eals, about the inspection of boilers, what you do in the matter of inspection.

Mr. EALS. In Pennsylvania we have the advantage at this time of six years' administration of the boiler code. Pennsylvania was the first State to adopt the uniform boiler code of the American Society of Mechanical Engineers. When the boiler code was first promulgated in 1916, we prepared for it by determining the qualifications of the inspectors by examination. We accepted, to some extent, the fact that the inspectors in other States were qualified, and we started with the inspection work. The code has been very successful in Pennsylvania, measured by the operation of the boilers, the safety

of them, and the infrequent number of boiler failures or explosions. We are always keen on uniformity. If a boiler is reasonably safe, if it has passed inspection in other States, we consider it worthy of approval in this State. Most of the inspections are made by inspectors employed not by the department but by insurance companies, private inspectors, and so forth. The inspection of boilers carries with it some responsibility. A boiler, perhaps, invites the greatest catastrophe and hazard of any equipment in a factory, a plant, or an establishment. The pressure carried on boilers is expressed in units of pounds per inch; that is about as close to the real pressure of a boiler as a penny compared with a Liberty bond issue. The total load of power in any steam boiler of any size is several hundred tons.

I understood that a few remarks were desired on boiler inspection report forms. These forms are different from other forms. They contemplate a complete report of the boiler or material in the boiler, the rough dimensions of it, the mechanical investigation of the material, the type of material, the construction, the capacity of the boiler, the location, the use or purpose, and the safety of it. These boiler inspection report forms are used by three or four important classes in industry. First by the purchaser of the boiler, who desires it for a certain duty and of a certain capacity; by the receiver of the boiler; by the State administrative officials who approve or disapprove the safety of the boiler. Boilers change hands, change location, and a permanent record of the inspection report is, of course, necessary. Boilers are fairly durable, but they give out after a while. They are different from machines and other equipment. As a boiler reaches the age of 20, 25, or 30 years, the potential is adjusted and revised downward, depending on the service the boiler has seen. For the purpose of inspecting these boilers I think we have approved somewhere around 650 inspectors. These men pass written examinations. They are qualified for a term of one year. Their qualifications are renewed annually. We do that so as to keep in touch with them, to keep in touch with the employers, and to have them on our mailing list for revisions, rulings, and interpretations made by the board from time to time. It is customary to inspect power boilers twice internally and once externally each year. At each inspection a report is submitted, as the internal inspections are made semiannually while the boiler is in operation. These reports furnish sufficient detailed information to calculate the safe working pressure and to determine what repairs can be made, sometimes what repairs are necessary, whether the boiler is safe or unsafe for operation, and whether the appliances and attachments are functioning properly. A certificate for each power boiler is issued annually.

Now, with reference to elevator inspections. Elevator safety is a very important matter in the department. About 1916 we started to inspect elevators, that is, passenger and freight elevators outside of the cities of the first and second classes, especially those cities which do not have local laws and ordinances that are fairly well administered. Elevator reports are somewhat different, being more simple, because they deal only with the safety of the elevator; they do not contemplate the structural data.

MR. YOUNG. Do you have a fee service for your inspection of boilers?

MR. EALS. We have 30 or 40 approved inspectors who inspect, on a fee basis, boilers not otherwise inspected. Their reports come into the department, and they are privileged to impose a reasonable fee, which is not fixed by law, depending on the convenience of the boiler, the location of it, and the type and size, and so forth. There are no fees collected in the State of Pennsylvania by the department for elevator or boiler inspection. That is all gratis.

Mr. WALKER. How do you prevent the boiler inspector from collecting for the inspection of each boiler?

Mr. EALS. The fee is fixed by the inspectors; it is a matter of competition between them, but it is not excessive. There are private inspectors, and their inspection reports are accepted by the State. They can inspect in any way they choose.

Mr. WALKER. Do you make any restriction on the number of inspections of a boiler that has not been insured?

Mr. EALS. Duplicate inspections are not necessary if a boiler has been inspected by the insurance company.

Mr. WALKER. How about a joint inspection?

Mr. EALS. They can arrange it; there is no objection to joint inspection. I know of some boilers that are inspected by three different inspectors, all making the inspection on the same day. I should have mentioned that Allegheny County, Pennsylvania, is not included in the remarks I have made, because there is a special act of the legislature applying to Allegheny County. All power boilers in Allegheny County are inspected, regardless of other inspections, by State inspectors, but that is the only county that is handled in that way.

Colonel BRYANT. It was my privilege several years ago to make an investigation of the system or method of carrying on factory inspection in England. I was much impressed with the very high character of the men who were employed by the British Government to make inspection of factories and with the method of compensation. The initial compensation which the inspector received was small comparatively, hardly higher than the compensation paid by the State. He started in at a fixed salary, but his compensation increased $50 a year within the first grade. When he received his promotion to the second grade he received a higher initial salary, which also increased $50 a year; then, in due time, he was promoted into the third grade, providing he was capable of research and of performing the work in the higher grade. In the State of New Jersey at that time an inspector received a salary of $1,500, and if he stayed there the balance of his natural life he would still receive $1,500, which offered very little inducement for a man really to perfect himself in this line of work. So in order to enable us to give effective service, we introduced a bill in the legislature, dividing the inspectorate into three grades. It provides for a competitive civil-service examination, and the head of the department is to make his selection from the civil-service list. In our State the appointive power may select one of the three highest on the list for appointment to the lowest grade. In this grade the inspector receives $1,500. At the end of the fifth year, and this is the point I wish specifically to stress, he is entitled, upon the recommendation of the commissioner of labor, to take a second examination, a promotion examination, and if he

is efficient and can pass this test he passes to a higher grade. That grade is for five years, at the end of which—that is, at the end of ten years of his official appointment—he is entitled to take a third examination, the passing of which will place him in the highest grade. That is as high as he can get as a factory inspector, but he may receive a promotion to a position as a bureau chief, or to one of the higher administrative positions in the department. These higher positions in the department in New Jersey are all covered by civil service. We make our promotions within our ranks. During the past 12 years, in which we have had a civil-service administration, promotions have been made from among the men in the department, instead of bringing in outside parties for the higher positions. The men recognize two things in this method: First, tenure of office; and second, that if they have been efficient and faithful in the service for a period of time, they are entitled to recognition and promotion.

As a part of this method we have schools for factory inspectors. Our policy is to have a lecture or a discussion on a particular subject and then to have a written examination upon the subject which was considered the previous month. We also have a special exhibit supplementing this work, a museum. In a reserved space in our building we have substantially every dangerous type of machine which is used in a factory. We have all the dangerous machines fully set up and equipped with power and entirely safeguarded; all the transmission machinery, cogs, gears, methods of shifting power, protection of the motors and the belt lines—mechanical devices of all types. We also show methods of illumination. We have in our museum many standards of lighting, in fact 16 different types of lighting. In connection with these things we show the different types of safeguarding specified by the uniform code. We have there a full hospital equipment. We also have a cafeteria, so that if a man wants to find out what he shall put in his plant cafeteria he goes there and finds out the number of knives, forks, spoons, pots, pans, and everything that goes with an equipment of that type. This cafeteria equipment is complete in every detail. The Kiwanis Club and the Chamber of Commerce have had their dinners there, all cooked on our exhibit equipment. We have apparatus for eliminating dust, fumes, and excessive heat. In fact there are some forty-odd exhibits there.

We have adopted a system which I think has great possibilities. This is to divide our State into industrial sections, and to organize a safety council for each particular section. For instance, we are just about organizing safety councils in Newark, Jersey City, Camden and Trenton. They are made up of manufacturers who are really anxious and desirous of giving the workmen of their community the benefit of the very best protection. These men are then formed into executive councils of about nine men. The membership of these organizations is made up from the various industries in each community. We have added what we call factory chiefs. We have asked each of the various managers to designate one of the higher grade men, such as an assistant superintendent or some one of that character who is capable of carrying on this work, whose responsibility it shall be to carry the work out in his plant. These men are designated and listed as factory chiefs. The State gives them a badge on which are the words, "Factory Chief. Employee of the State, Department

of Labor, State of New Jersey." It gives them a little special recognition. This is the idea: When the factory inspector goes to the plant he asks for the factory chief. He is the representative of the firm, and also has this recognition of the State of New Jersey. We have over 3,000 men in our State who have signified their intention of cooperating in this matter by accepting the designation of factory chief. These groups have educational meetings, usually six a year. At these meetings we get the very best speakers obtainable on the various subjects pertaining to factory and mill, protection of machinery, personal hygiene, and the various ramifications of the industrial problem which we are called upon to solve. These meetings have been very well attended. Last September I went to Camden and called the executive committee together, and I said, "Last year we had seven meetings. I think it is a little excessive; it seems to me it is almost an imposition to call you men away from your usual occupations to come here and attend these meetings. I think they ought to be cut down." It was a matter of very great personal pleasure to me to have these men insist upon having at least six meetings. They said the meetings were so educational and so advantageous that they did not want any of them cut out. Finally we compromised, and we had six meetings in the city of Camden this past fiscal year. We are trying to build up through this sytem cooperation in solving such problems as first aid in industry. In our State we are required to have fire drills in all buildings more than two stories in height, and we are trying to see that this is done. Each firm designates a particular worker to represent it in the matter of first aid, and another worker to represent it as the chief of the factory fire department, or of the fire brigade. Through these things we are trying to raise the morale throughout the plant, to stimulate a feeling of obligation on the part of the workers to cooperate in making the plant safe, to instill a desire in each and every one of the workers to do his part to cut down expense and suffering due to carelessness and to indifference to the regulations which are adopted for his protection. It has worked out very nicely indeed. We are now adopting a system of lectures for the first-aid work. We are especially fortunate in having our clinics; we have five clinics presided over by surgeons of an exceedingly high type and each one of these clinics gives a course of lectures on the matter of first aid for the various industries of the State. We had over two hundred members who attended this first course of lectures. These lectures are followed by an examination, and those who pass the examination are given a certificate from the department of labor, which will give them a little prestige in their plants. I think a great deal has been accomplished by encouraging this first-aid work. First-aid equipment is placed at various points of the plant, just as you would put in a fire-fighting apparatus. This first-aid work becomes a matter of pride with the employees, and the very best type of equipment is of no use unless you have the proper cooperation on the part of the workers. Proper precaution is taken immediately for the prevention of infection. In an investigation of the facts and figures pertaining to infection resulting from injury I found we had had 1,046 cases of infection, and of these cases 8 were fatal. From an analysis of those cases in all probability those eight lives might have been saved had the proper measures been taken immediately to prevent infection.

WEDNESDAY, MAY 24—AFTERNOON SESSION.

SEAMAN F. NORTHRUP, DIRECTOR NEW YORK BUREAU OF INDUSTRIAL RELATIONS, PRESIDING.

EMPLOYMENT.

THE UNITED STATES EMPLOYMENT SERVICE AND ITS FUNCTIONS.

BY FRANCIS I. JONES, DIRECTOR GENERAL UNITED STATES EMPLOYMENT SERVICE.

Every war produces its quota of social, industrial, and economic problems. This is due to the fact that war causes a disruption of the normal social, commercial, and economic life of the country. Immediate readjustment is essential to the very life of a nation. This readjustment becomes necessary after the cessation of war, and the period of time in which it takes place is usually called the reconstruction period. During the reconstruction period, with the contraction of abnormal industrial production incident to the manufacture of munitions of war and the carrying on of war activities, a condition is brought about whereby many industries are necessarily closed down and workers in those industries are let out. In short, war workers become peace workers. Manufacture of implements and munitions of war gives way to manufacture of products more in keeping with the peace of the nation and the world.

The United States Employment Service, cooperating with the State and municipal employment services, was confronted with the gigantic task of diverting workers from war-time industries to peace-time industries. The country was unprepared for such a situation as confronted it immediately after the close of the war. Unhappily, no provision was made for the normal absorption of workers released from war-production industries into peaceful pursuits. In the interests of economy, the United States Employment Service itself, along with many other Governmental divisions, suffered a great reduction, making the task of diverting war workers to peace-time pursuits more difficult.

However, with the resources at its command, while small, the United States Employment Service and the cooperating State and municipal employment services rose to the occasion. In the direct after-war period, the employment services—Federal, State, and municipal—labored valiantly to relieve the unemployment situation, and the results speak for themselves. After laboring hard during the darkness of unemployment, we have emerged in the early sunlight of normal employment.

Industry is slowly but surely recovering from its paralysis. While business has not yet returned to normal, it is, however, making sure and steady progress and is unquestionably on the upward swing.

There were some pessimists who had consigned the country to the everlasting bow-wows, but there were the brave and the courageous who, while recognizing the great depression in industry, caus-

ing an alarming condition of unemployment, never lost heart, knowing that the "best country on God's green earth" would again right itself.

There were other forces at work to lessen unemployment and to stimulate industry. One of the most potential and influential factors was the United States Employment Service in cooperation with the State and municipal public employment services. It exerted itself in every direction to find jobs for the jobless. It encouraged movements such as "Clean-up week," "Help the unemployed week," and other movements in cooperation with mayors and public officials to aid the unemployed. The American workman is not looking for charity, but does want an opportunity to work, and the prime function of the United States, State, and municipal employment services is to find jobs for men who want work.

The wonderful record made by the Public Employment Service during the great wave of unemployment is little short of marvelous. Experience has shown that under conditions of modern industry, an efficient public employment service is a function of municipal, State, and Federal Governments, not only for dealing with problems of labor in times of peace, but for mobilizing and organizing the manpower of the Nation during the stress of war.

The United States Employment Service favors legislation by municipal, State, and Federal Governments to store up work on public improvements, such as the erection of public buildings and bridges, reclamation of public lands, and other public improvements, just as the government of Egypt, under the direction of Joseph stored up corn in the days of plenty, making provision for the cycle of no corn and no work. When industry is humming and in need of every available worker, governments should withhold appropriations for public enterprises, and when the cycle of unemployment comes undertake their improvements, thereby providing employment for the unemployed.

The public employment service not only finds jobs for the jobless, but also keeps a watchful eye that they are not exploited and preyed upon by unscrupulous private employment agencies that promise jobs for an enrollment fee, when in fact they have no job to which to direct the applicants.

With your permission I will cite an example. On February 24th the following advertisement appeared in a Hartford, Conn., paper. I received the advertisement the next day. It also appeared in a paper in Lincoln, Nebr., and at other points in the country.

"*WARNING—UNEMPLO YED.*—Don't come to Muscle Shoals now. Possibilities are a large army of industrial workers, mechanics, machinists, carpenters, electricians, painters, plumbers, stenographers, bookkeepers, timekeepers, etc., will be needed in very near future. Send $1 and we will mail application blank and information, and every effort will be made to place you when work starts. This organization has been investigated by Florence Chamber of Commerce.

MUSCLE SHOALS EMPLOYMENT BUREAU,
Box 71, Florence, Ala.

I immediately got in touch with the Secretary of War, Mr. Weeks. He said he had turned the matter over to Maj. Gen. Lansing H. Beach. I was on the phone instantly and asked for an appointment. I said, "General Beach, what I wanted to talk to you about was an

advertisement concerning Muscle Shoals." He invited me to set a time for a meeting, and we met and discussed the matter. He asked me to address a letter to him on the subject. Here is my letter, Mr. Chairman, may I read it? I want to say first, however, that this is one instance in which our service saved to the workingmen of this country more money than we asked, yes, double the amount of money that we received, from Congress this year, and it is only one instance. Muscle Shoals was greatly advertised by reason of the fact that Henry Ford expected to get it, and there were three private employment agents, one at Birmingham, Ala., one at Sheffield, Ala., and one at Florence, Ala., who were sending out and asking for an enrollment fee, two of them at $1, and one of them asking $2.

My letter is as follows:

Enclosed herewith find copies of advertisements appearing in the press throughout the country by the General Employment Manager, P. O. Box 2272, Birmingham, Ala., and Muscle Shoals Employment Bureau, Box 71, Florence, Ala., advertising help wanted for Muscle Shoals, and soliciting an enrollment fee of $1.

You will observe that the advertisements are alluring, and adroitly worded. From the information we have there is no basis in fact for such advertisements. I am firmly of the opinion that they are exploiting the people and preying upon the unemployed. Measures should be taken at once to inform the public of the true facts concerning Muscle Shoals. Should Muscle Shoals be developed, thereby affording opportunity for jobs, the United States Employment Service of the United States Department of Labor, in cooperation with the several States that are maintaining public employment services, is in position to supply all men needed for Muscle Shoals, without any expense to the applicant. It is the legitimate channel through which men should apply for employment for Muscle Shoals when Muscle Shoals is in need of men.

May I have an expression from you as to the status of Muscle Shoals, and any suggestions that you may see fit to offer as to best how to inform the public as to the true conditions?

I received the following letter from Maj. Gen. Lansing H. Beach in reply to my letter:

In reply to your letter of February 25, 1922, with which you inclose copies of advertisements from certain employment agencies, soliciting enrollment for employment at Muscle Shoals, on a fee of $1 and in which you request information concerning the status of the work at Muscle Shoals, I have to inform you that all Government operations in that vicinity have been closed down for almost a year and there is no telling when work will be resumed. It is not possible at this date to state whether the work will be again taken up by the United States or whether it will be assigned to private parties. The latter are certainly not taking steps in the present uncertainty to secure labor, neither is the Government which has its own agencies and methods.

I share your opinion that these employment agencies are exploiting the people and preying upon the unemployed, and that the most energetic measures should be taken at once to inform the public of the true facts of the situation. I go so far as to suggest that the matter be presented to the Department of Justice with a view to prosecution, if it is found that a prosecution will hold under the circumstances.

That was given to the press and received wide publicity. I wrote the employment agencies at Birmingham, Sheffield, and Florence, and warned them that unless they withdrew their advertisements I would turn the matter over to the proper department in Washington. I meant the Department of Justice. I got letters back from them stating that they had returned the money and withdrawn their advertisements. I believe that they would have reaped a rich harvest, just as I told the Secretary of War.

The Farm Bureau Service is one of the big enterprises of the United States Employment Service. In cooperation with county farm agents, chambers of commerce, and other similar organizations it recruits farm help to harvest the wonderful wheat crop of the West.

Last year it recruited men to harvest 29,000,000 acres of wheat, beginning in Texas, and as the grain ripened, the men moved along through the great wheat belt and wound up the wheat harvest in North Dakota. Its next field of operation is in the corn belt. This service has now come to be recognized as purely a Federal function. Before the United States Employment Service took over the recruiting and directing of the harvest hands, there was much confusion, as there was no central directing head. The headquarters of the Farm Service is in Kansas City, Mo., and it has a permanent branch service in Sioux City, Iowa. During the season many temporary offices are opened in the field. These offices are fed from the recruiting offices in the large cities of the Middle West, and the men recruited are sent to the temporary offices to be distributed according to the requirements of the farmers. The Kansas City office has recently moved into more commodius quarters in order to meet better the demands made upon its service.

One of the notable undertakings of the United States Employment Service is the monthly industrial employment survey. The United States is divided into nine districts, with a district director in charge of each district, and connected with each district are many special agents. These special agents are in close touch with every industrial activity in their districts. They supply the information which is the basis for the comment submitted by the district directors. Monthly pay rolls are gathered from 1,428 firms, each employing over 500, in the 14 basic industries. The comparative value of these data is important as they indicate the rise and fall of employment in industry, being gathered from the same firms each month. While the number employed in this survey is shown to be less than two millions and the survey shows only a trend in industry, yet it is a fair index of industry as a whole. A press release for the purpose of informing the public of the real conditions of the industry is issued no later than the 6th of each month. On the 15th of each month the Industrial Employment Survey Bulletin is published. It contains a graphic chart showing the trend of employment nationally through changes in monthly pay rolls, and a comparative table showing the increase and decrease in employment in the 14 groups, and also shows the cities where employment has increased or decreased. The current comment on the employment situation in 231 industrial centers is of great value as it reflects the actual industrial situation existing in these centers.

The Secretary of Labor and the Director General have been carefully considering plans for the improvement of the Industrial Employment Survey Bulletin, and the plans include elaboration of the present system of collecting facts and statistics so that a more perfect and graphic picture of industrial conditions may be available to labor and industry. This picture we desire shall be based upon facts and statistics that will accurately portray exact conditions in every line of industry. While these plans have not matured, they will be developed constructively and as rapidly as funds will permit.

The United States Employment Service is extremely anxious to effect closer cooperation with the State and municipal employment services than now exists. It is the thought of the Secretary of Labor and the Director General that this cooperation should be mutual and

cordial. There are those who believe that the employment service should be primarily and solely a function of the Federal Government. From experience, I have become a firm believer in the principle that the public employment service should function through the States and municipalities, cooperating in matters of clearance, general information, and interstate communications, through the United States Employment Service. I believe that the public employment service should be headed in each State by the proper executive officer of the State employment service. Each State and city has its own peculiar problems of employment. These problems can be best understood, appreciated, and solved by State and municipal officials, who are in constant touch with conditions in their respective States and municipalities. These State and municipal officials, by reason of their long and intimate experience with problems peculiar to their own communities, naturally have a better grasp of the situation than have Federal officials from other States or cities.

However, many of our States and municipalities, by reason of financial and other conditions, are unable to appropriate moneys for the maintenance of State and municipal employment services to the extent of their own local requirements. Both States and municipalities are confronted with the problem of clearing unemployed to States and municipalities where employment can be obtained. They are confronted with the problems of securing skilled workers peculiar to and needed by the industries of their respective States or municipalities. As illustrative of this condition, New England factories in an industry may be operating full time while Middle West factories in the same industry may be shut down. New England probably would have a shortage and the Middle West a surplus of labor in this particular industry. In order that normal industrial employment may obtain, it becomes necessary to transfer those workers from the district where unemployment prevails to the district where employment is available. A central or Federal employment service is therefore necessary. It functions in a cooperative manner between the State directors of employment in the various States affected. In order that this cooperation may become closer, more mutual and cordial, it is my intention, if the appropriation becomes available, to allot to each State 25 per cent of the amount appropriated by the State. This allotment would enable the respective States to widen and increase the activities of their respective employment bureaus. It would enable them to establish closer contact not only with the United States Employment Service at Washington but also with other States. While our appropriation has been very limited, I have tried in a small way to carry this principle into operation through the Federal directors, and I wish to thank them for their hearty and splendid cooperation. It is my hope that in due course of time we will attain this desirable objective, especially in the matter of the 25 per cent allotment.

The employment problem is a problem that confronts the municipality, the State, and the Union. It is one that demands earnest cooperation and attention of all officials, whether they be municipal, State, or Federal. I am sure that this spirit of friendly and mutual cooperation is strongly established in the hearts of all of them. We will do our part and I am sure they will do their part. With this

spirit and assurance of cooperation I am positive that a far greater efficiency in the public employment service will be attained.

The success of any government, of any nation, of any people, rests upon a satisfied and prosperous citizenship, and one of the essentials to a satisfied and prosperous citizenship is satisfied and prosperous workers. Therefore, the preparation of our future citizens—our boys and girls—for the commercial and industrial pursuits or the professions is essential. In this preparation vocational guidance and placement work are necessary. In other words, our future citizens must be guided in their quest for desirable and congenial occupations or professions in which they can obtain steady and satisfactory employment by trained and experienced workers.

The vast majority of the boys and girls in the United States over compulsory school age, by reason of economic conditions, are compelled to become wage earners. The guidance and placement of these children in useful and congenial occupations or professions are essential to the welfare and prosperity of society and of industry, and will be conducive to a better understanding between employer and employee and a proper appreciation of the functions of our Government, either Federal, State, or municipal. The vast majority of boys and girls at the beginning of their career as wage earners have not completed their education or reached their maximum efficiency, and many of them are in occupations without educational possibilities.

The junior division of the United States Employment Service deals with the youth of the country, both sexes, between legal working age and twenty-one years of age. Its purpose is to aid the schools in assisting boys and girls to select and prepare for some definite occupation in which they may be efficient, productive, and constructive workers, and to offer to employers the best possible facilities for the selection of their junior employees. Moreover, the schools need a channel through which a stream of information regarding the organization requirements and changes in industry may constantly flow back to them. The junior division provides such a channel.

As an employment agency the junior division has as its aim the pooling of the junior labor supply at its source and the distribution of it in such a manner that each individual will realize his best possibilities and contribute his utmost to the welfare of society. A junior placement office, equipped with a personnel familiar with business practice and trained to understand the needs alike of industry and of boys and girls and the obligation of public education to both, does this with an immediate effectiveness which no other agency offers.

The junior division functions through cooperation with public school systems and other agencies in various cities throughout the country. Local offices are usually established under the supervision of an officer of the local educational system, who is appointed Federal superintendent of guidance and placement in charge of the office. In some cases they are established under the joint auspices of municipal or State employment services, as well as the local school system and the junior division. Their services, however, are not limited to pupils just leaving school, but are extended to every boy and girl who apply for work or advice.

The present activities of the junior division, by reason of Government appropriation, are necessarily limited. With the funds available, however, a number of local centers, equipped with the best-known methods of junior guidance and placement, have been established and maintained by the junior division. Practically all of these centers have been maintained in cooperation with the public schools and also with other agencies. They are located at Pittsburgh, Pa.; Gary, Ind.; Stockton, Calif.; South Bend, Ind.; Atlanta, Ga.; Rockford, Ill.; Worcester, Mass.; Jackson, Mich.; Jersey City, N. J.; Minneapolis, Minn.; St. Paul, Minn.; Richmond, Ind.; Milwaukee, Wis.; Salt Lake City, Utah; Providence, R. I.; and Wilmington, Del.

The field of vocational guidance and placement is comparatively new. It is largely in its experimental stage. However, it is a field which is sure to increase in interest and importance with a better realization on the part of the public of the vital need of the work. As junior work develops, its effect on the problems of adult employment will become manifest. The program of the junior division is intended to lessen the future number of unemployables and drifters, to reduce social unrest and labor turnover, and to instill in our youth, during the formative period of life, correct habits of thought regarding their individual responsibility for the industrial welfare of the country.

The United States Employment Service will gladly welcome cooperation and suggestions for constructive development of its junior work on the part of Federal directors, and the Director General will be pleased to advise and consult with the Federal directors on this most important problem.

THE EMPLOYMENT SERVICE OF CANADA.

BY H. C. HUDSON, GENERAL SUPERINTENDENT ONTARIO OFFICES, EMPLOYMENT SERVICE OF CANADA.

The employment service of Canada, as at present constituted, consists of 76 employment offices extending from the Atlantic to the Pacific oceans. In addition six provincial and three interprovincial clearing houses provide the necessary facilities for coordinating the work of the local offices.

Under the terms of the employment coordination act, each Province retains complete autonomy in the administration of the employment offices within its boundaries, but, through uniform records and clearance systems, is linked up with every Province in the Dominion. The office of the director of the employment service is located in Ottawa, where the work is divided into six main sections: Inspection and clearance of western offices; professional and juvenile services; statistics; administration and Dominion clearance; research and publications; and inspection and clearance of eastern offices.

The successful operation of the local provincial offices is materially assisted by Federal Government enactments, under which comprehensive information pertaining to the employment situation is gathered at regular intervals from employers, trade-union secretaries, and various municipal and governmental authorities. After it has been carefully analyzed and tabulated, this information is made available through the medium of a monthly publication appropriately known as "Employment."

No phase of public employment work has greater possibilities to make or mar the success of the service than clearance—the transfer of workers from one district to another. Absolute uniformity of method, the maximum speed in the transmission of information, and harmonious relationships between the officials concerned are essential elements in the proper functioning of an employment clearance system. The employment offices coordination act guarantees the requisite similarity in method; the use of the long-distance telephone and the telegraph insure speed in the distribution of information; and the spirit of cooperation manifest throughout provincial and Federal offices is nowhere more clearly evident than in clearance work between the various offices of the Employment Service of Canada. Incidentally, plans are being considered which may result in the broadcasting of clearance items by wireless. If this method proves practicable, it will have the double effect of speeding up clearance work and of attracting considerable publicity to the service and its methods.

A typical clearance order, recently distributed through all of the offices in Canada, is shown below:

Dominion Clearance. Ottawa, January 9, 1922.
0-8368-Toronto. MM.
18 experienced sheet and tin plate workers for sheet and tin plate mill.
1 hot mill black plate roller man.
3 sheet or tin mill doublers.
12 sheet or tin mill heaters.
2 black plate openers.
Wages range from $35 to $60 per week, 8-hour day, 40 to 45 hour week. Transportation arranged. Board averages $10 per week. Admission requested.
Baldwin Steel Corporation, Asbridges Bay, Toronto.

It will be seen that the particulars shown indicate all the essential conditions in connection with the order. The necessity of supplying complete information is, of course, apparent when the possible transfer of men over long distances is involved. Responses to this particular order came from points 2,000 miles apart, with a result that 10 of the 18 men required by the firm were secured in Canada, and the balance, through the department of immigration, from the United States. An order for airplane mechanics and riggers brought replies from the extreme east and west and from 10 intermediate points.

It is interesting to note that the department of immigration will not permit employers to bring workers into Canada until the employment service has ascertained, through the clearance system, that qualified workers can not be secured in the country.

Records in use in the employment service are drafted with the single object of providing the maximum of information with the minimum of clerical effort, and are constantly being subjected to revision, where necessary. The daily report form, for example, as required from each office, furnishes data under 15 different headings relative to each individual application, and under 12 headings in connection with the orders. It also supplies information on 6 supplementary points involved in the daily operation of the office. In spite of this, the arrangement of the report is so compact that it may be kept strictly up to date in the largest offices, where transactions totaling over 2,000 a day are not uncommon. With such complete information at its disposal, the department of labor at Ottawa is in a position to compile statistics which have the virtue of being both timely and accurate.

The subdivision of work in the larger offices makes provision for specialized efforts in the placement of juvenile, handicapped, technical, industrial, commercial, and other groups of workers. In the Toronto office, experts in mental and psychological subjects cooperate with the director of the juvenile and handicap departments, examining applicants and advising as to their industrial fitness. This cooperation has proved to be particularly effective in cases where men and boys who are absolutely unemployable—from mental or physical causes—have been removed from the labor market to institutions where they are insured proper treatment and freedom from the buffetings of competitive commercial life. Employers appreciate this phase of our efforts and it increases their confidence in the caliber of the applicants obtainable through the service.

The cooperation of interested groups is assured for the employment service through the medium of local, provincial, and Dominion

employment service councils, equally representative of employers and employees, and acting in an advisory capacity to the executive heads of the various departments of labor involved. The 1922 session of the Dominion council, which will be held in Ottawa in June, will devote the major portion of its deliberations to a consideration of the harvest labor problem, and it is expected that an improved method will be evolved for handling this difficult piece of employment work.

In order that the widest possible publicity may be given to the fact that each local office is a unit in a Dominion-wide system, window designs and newspaper advertising are rapidly being standardized. The cost of advertising, like other maintenance charges in connection with the operation of the offices, is shared jointly by provincial and Federal Governments.

A reduced transportation rate is available to workers proceeding to employment over a distance of 117 miles, in all cases where the positions have been secured through the service. This concession has been utilized by literally thousands of workers and has represented a saving of hundreds of dollars which would otherwise have been spent in the purchase of transportation at the regular rates. In addition it has enabled many workers to accept positions at a distance when they could not have done so if obliged to pay full fare.

Members of employment office staffs are selected solely on the basis of their actual qualifications for employment work. They are keenly interested in the success of the service, and are alive to the fact that theirs is a service profession. Their aim is to satisfy the employer by the selection of the man or woman best qualified to fill his requirements; by so doing they also render the greatest possible service to the applicant, and materially assist in the stabilization of industrial conditions. In dealing with applicants and employers, superintendents and interviewers endeavor to preserve the human touch, which is too frequently lacking in governmental activities. The scarcity of complaints throughout the abnormal conditions of the past two winters is an indication that their efforts in this connection are appreciated.

The Employment Service of Canada is an infant in point of years, but it is a lusty infant, and gives promise of developing to the point where it will be considered indispensable to all those seeking work or workers.

VARIOUS METHODS USED BY STATE EMPLOYMENT SERVICES.

BY CHARLES J. BOYD, GENERAL SUPERINTENDENT ILLINOIS FREE EMPLOYMENT OFFICES.

In addressing you on the subject of "Various methods used by State employment services," I feel that what is characteristic of the Illinois Free Employment Service would be applicable, with perhaps some slight variations, to other States operating free employment offices, and for that reason I am confining my address to the methods used by the Illinois service.

It may be of interest, however, before going into a description of the methods used, to give you a brief outline of the organization of the employment service in Illinois. The law creating free employment offices in Illinois was passed by the general assembly in 1899, and provided that one office be established in each city having a population of not less than 50,000 and three in each city having a population of 1,000,000 or over. In accordance with the provisions of this act, three offices were established in Chicago in 1899, and in 1901 an office was opened in Peoria.

In the year 1903, the act creating free employment offices in Illinois was declared unconstitutional by the supreme court because of a clause it contained which provided that applicants could not be directed by our offices to places of employment where strikes or lockouts existed. The State legislature was in session at the time the decision was handed down and met the situation by passing a new act eliminating the objectionable feature. In 1915 a clause was added which reads: "Full information shall be given applicants regarding the existence of any strike or lockout in the establishment of any employer seeking workers through the Illinois free employment offices."

In 1907 an office was opened in the city of East St. Louis and in the year 1909 an office in Springfield. In 1913 the legislature further amended the law, providing for free employment offices in two or more contiguous cities or towns having an aggregate or combined population of not less than 50,000, under the provisions of which an office was opened at Rock Island-Moline in October, 1913, and another at Rockford in November of the same year.

From May, 1918, to March, 1919, the Illinois Free Employment Service was conducted in cooperation with the United States Employment Service, and under the plan of cooperation offices were established in a number of cities. After this agreement expired, the offices at Aurora, Bloomington, Danville, Decatur, and Joliet were retained by the State of Illinois.

In the year 1921 an amendment to the act was passed by the general assembly, which authorized the establishment of offices in each city, village, or incorporated town with a population of not less than 25,000 or where two or more contiguous cities, villages, or incorporated towns have an aggregate population of not less than 25,000, and under this act an office was opened at Quincy in October, 1921, and an office at Cicero in February, 1922.

In connection with the Illinois Free Employment Service, a general advisory board was created by the legislature in 1915, consisting of five members, of whom two are representatives of employers, two of organized labor, and the fifth member represents the public. Notwithstanding, the board serves without compensation, aside from traveling and other necessary expenses incidental to their duties, the members have on all occasions given generously of their time and energies in helping to promote the interests of the service. Their function, as outlined by the law, is, among other things, to advise and cooperate with the general superintendent in promoting the efficiency of the service, to investigate the extent and cause of unemployment and remedies therefor, and to devise and adopt the most effectual means within their power to provide employment and to prevent distress and involuntary idleness. For this purpose they are empowered to cooperate with similar bureaus and commissions of other States, with the Federal Employment Office in the Department of Labor, and with such municipal bureaus and exchanges as are now in operation or may be created.

They are given an important part to perform in endeavoring to dovetail industries by long-time contracts or otherwise, so that the supply of labor will be most effectually distributed, and utilized and kept employed with the greatest possible constancy and regularity. They are empowered to devise plans of operation with this object in view, and shall seek to induce the organization of concerted movements in this direction, even to the enlisting of the aid of the Federal Government in extending these movements beyond the State.

As the activities of our board may properly be classed among the methods used by State employment services, I think it would be well to here recount some of the more important of these. Early in the summer of 1921, the barometer of industrial conditions caused us to view with alarm the steadily increasing number of applicants as against the decreasing number of available opportunities, and the situation was of such importance that it was deemed advisable to hold a conference with the general advisory board in order to cope with the situation. Director of Labor George B. Arnold, State Superintendent W. C. Lewman, and myself met with the board, and the consensus of opinion was that the volume of unemployment was greatly increased, with the chances of tiding over the period of industrial depression lessened. The conference, therefore, resolved to call a meeting, which was held in the City Club of Chicago, August 8, 1921, invitations being sent to 30 organizations, including civic, social, industrial, financial, trade-union, the American Legion, and others interested in the unemployment problem.

At this conference attention was called to existing conditions and that sufficient warning had been given, as evidenced by the data compiled by the Illinois Free Employment Service, so that we should prepare to meet the emergency. A permanent organization known as The Chicago Conference on Unemployment resulted, and an executive committee of 15 was selected.

Meetings of the conference were held from time to time, and committees were appointed to consider the best method of discouraging the influx of unemployed to Chicago; to consult with authorities regarding such prevention; to consider what private and public work might be made available; to consider the lodging-house situation,

and to consult with municipal authorities concerning municipal lodging houses; and a committee was also appointed to consider the question of raising funds from public and private sources to meet the added strain of relief demands during the winter.

These committees functioned very efficiently and a sum of money was raised to establish a special procurement bureau in the Chicago division of the Illinois Free Employment Service, the activities of which were confined solely to the procuring of jobs. A canvass was made of the entire city of Chicago, and the Woman's City Club took an active part by forming district organizations, where they maintained headquarters for the securing of jobs. The bureau became operative November 29, 1921, and was discontinued April 1, 1922.

The activities of some of the other committees appointed by the Chicago Conference on Unemployment consisted of gathering data on public works and projects which might be speeded up in order to relieve the unemployment situation, and to give publicity to the matter. This publicity program informed the people of Chicago, including large industrial employers and employers of smaller numbers of workers down to the householder who had need of workers for odd jobs, what the State Free Employment Service was and how to use it. Articles were prepared carrying to the specific constituency the kind of information thought to be the most beneficial, and articles were also prepared for church bulletins and bulletins of civic clubs and organizations.

The churches of Chicago became interested and a Sunday was designated as "Unemployment Sunday," and special attention was called to the needs of the unemployed and the necessity of relieving the situation by having contemplated work or improvement done while there was such a need for jobs. In this appeal the facilities of the Illinois Free Employment Service were called to the attention of the people, as our organization is a public service and was recognized as the medium through which all jobs should be cleared, and it was urged that all those who had work to be done should get in touch with our service.

Early in the industrial depression the Chicago Association of Commerce organized a committee on unemployment and was very active in its efforts to help relieve the unemployment situation through the creation of a sentiment whereby more jobs could be secured. It very generously carried in its weekly publication, "Chicago Commerce," a full-page advertisement of the Illinois Free Employment Service, urging its 6,000 members to patronize our service, displaying a facsimile of our employers' order blank, and requesting them to use this blank in turning in all orders.

Uniformity in public employment organization is hardly to be expected, as the laws creating these offices were enacted at different times and are the result of diversified opinions. There are, however, several things which all public employment offices should do in order to function in the most efficient manner, and one of the most important of these, in my opinion, is the necessity of knowing industry's requirements and keeping in touch with conditions surrounding industry. It is essential that we familiarize ourselves with plant and working conditions, as quite often applicants will elect to accept work under favorable working and sanitary surroundings in lieu of a higher wage and less favorable conditions.

Modern working conditions call for an environment of such character that the worker may perform his duties to the best advantage, and in our organization it is the practice for placement clerks to visit industrial plants in order to find out these conditions and the needs of the employers. These visits are usually made at the end of the week when there are fewer applicants to be interviewed. Familiarity with the labor laws of the State is also essential in our work, and these, as well as other matters of interest to the service, are discussed at our regular monthly meeting of employees in order to keep abreast of the time.

I am sure you will be interested in knowing something of our central office in Chicago which occupies, with the exception of the first floor, the entire four-story building at 116 North Dearborn Street. This office is divided into three main departments—men's, women's, and administrative departments—which occupy the second, third, and fourth floors, respectively. In the men's department we have the clerical, mechanical, building trades and maintenance, hotel and restaurant, janitors, porters and unskilled hotel help, and miscellaneous divisions. The boys' division is separated from the men's division in order to prevent any influence detrimental to the boys' welfare which their associating with the men might have.

We also have an agricultural division which is of more than ordinary importance, and we have built up a large following among the farming interests. It is not unusual for us to receive calls for help within a radius of 100 miles of Chicago, and during the harvest season we ship to the wheat fields of the Southwest, West, and Northwest—in fact, at the beginning of the harvest we send persons to the Southwest, who follow the season northward, working their way from Oklahoma to Kansas, on through Nebraska, South Dakota, and to other Northwestern wheat States. In stimulating this work we employ various methods and in season circularize the farm district, using posters, etc., in an effort to render the maximum of service to the farming communities.

The handicap division operated by our service is one into which the human element enters more than into any other division. Industry is prone to look unfavorably upon the employment of these unfortunate persons, and especially is this true since we have had such a large surplus of physically fit persons looking for jobs. However, by persistent efforts, we have gradually created a sentiment whereby we are able to take care of large numbers of these applicants. A great deal of patience is required successfully to handle work of this kind, but we are well satisfied with the cooperation received from all sources and point with pride to the work accomplished by this division.

The women and girls' department handles clerical help, factory workers, hotel, restaurant, domestic and day workers, and the same practices prevail in this department as in the men's; each has a superintendent in charge, with a sufficient number of placement clerks and other help to handle the work. We also have a suboffice on the west side of Chicago, which handles unskilled labor exclusively, and is situated in a locality where large numbers of transient laborers congregate. This office has a large patronage. There is

another office located on the south side, in the thickly populated colored district, which specializes in the placement of both male and female colored persons. These offices, as well as the various divisions in our central office, are under the immediate supervision of a general superintendent.

A layout of our central office shows that when an applicant enters the men's department he is directed to the registration desk, where he secures an application card which he fills out. The registration clerk thus ascertains what class of work the applicant desires, after which he is referred to the proper division. The applicant then passes down the center aisle and enters the division handling the class of work he is seeking, and if there are no other applicants waiting he immediately proceeds to the placement clerk's desk, where he presents his application card and is examined as to his qualifications for the work for which he applies. If there is an opportunity for work for which he is qualified, the placement clerk furnishes him with a card of introduction to the employer. Notation is made on the back of applicant's card and the employer's order, which are clipped together until verification of placement can be made; this is done either by telephone, return postal card, or by a follow-up letter in the event the card is not returned by the employer. If, on entering any of the various divisions there are applicants to be interviewed, the last person takes his seat and moves up when there are vacancies until he reaches the position nearest the placement clerk. This method of handling applicants insures fairness. However, the procedure may be varied at the discretion of the placement clerk, as, for instance, if an applicant has previously registered and the placement clerk has an opportunity for which he thinks he can qualify, then preference is given to him on account of his priority. The same procedure is practiced in the women's department.

In order to operate a registration department on a systematic and uniform basis, it is essential that applications be made on one kind of form and, to insure permanency of record, in pen and ink. In our service it is the practice to maintain two files for every registrant, one alphabetical and the other according to occupation, which are later filed in our permanent registration file. By this method we have a check and a permanent record of every registrant, which can be easily traced.

The registration department of an employment office might be compared to the accounting department of a commercial organization. It is an essential organization, an indispensable part of the service, and hence care should be taken that the disposition of the cards is accurate. If a commercial organization were to be asked about an account or a statement rendered and were unable to give an answer, our impression would be that there was something wrong with the organization, and by the same token, if a patron of our service called upon us for information regarding help, etc., and did not secure the information, he would naturally think the service was lacking in efficiency and that not very much could be expected of it. For this reason the importance of this department can not be overlooked.

When business is good and jobs are plentiful, the applicant looking for a position can easily be furnished work, but in times of industrial depression the ingenuity of the service is sometimes taxed to meet the situation. A State free employment office is much like any other

business, and in order to be successful business methods must be practiced.

As favorable publicity is a large factor in any business, we are constantly striving for this in our service, and among the "various methods used in State employment services" to secure publicity and encourage business are employment of solicitors, sending out communications by mail, soliciting orders by telephone, and advertising by various methods and mediums. We have received considerable favorable publicity through news items calling attention to something of special interest which transpired in connection with the service, and in this publicity the press of the city of Chicago has generously cooperated and its assistance is invaluable. Another method which we employ is to advertise in The Employment Bulletin which is issued by the Department of Labor under the supervision of the general advisory board of the Illinois Free Employment Service. We also find bulletin jobs which are difficult to fill and send special letters to industries and individuals outlining qualifications of applicants, in our efforts to secure positions for them, and in all of these we have been uniformly successful.

The clearing of jobs is done to some extent in our service; as an illustration, if there was a shortage of help at Joliet, which is about 40 miles from Chicago, and we had a surplus of help, or vice versa, we would circularize the opportunities in order to remedy the situation.

As a stimulus to better efforts on the part of the placement clerks, we get out a comparative 10-day statement of placements made by the various divisions in our office. This shows the number of persons placed by each division, has a gain and loss column, and gives us a line on how work is progressing in each of these divisions. We find that it acts as an incentive to better efforts for the reason that if a division shows a loss the person in charge will be more alert the next 10 days in order to keep out of the "loss" column.

Of course there are details of a minor character, which, as a whole, go towards the efficiency of the employment service, but I have touched only on what I consider some of the high spots in employment office methods. As to reports, we have these daily from all of our divisions; they are tabulated by a statistical clerk, and from them the monthly report to the director of labor is made. We also submit an identical monthly report, as do all of the State offices, to the general advisory board of the Illinois Free Employment Service, where the statistics on the operation of the service are compiled. This department also makes a monthly survey of industrial conditions, all of which is published each month in The Employment Bulletin, together with other matter of interest to industry.

While it is customary in most States to select employees for the service through competitive tests, there is hardly any sort of examination by which one may be judged as to his fitness for placement work. One must possess a large amount of the human element in order to be successful in this kind of work, and must be endowed with more of the milk of human kindness than the ordinary person possesses. An oral examination will bring out some of these qualifications, but only time can tell if the applicant be fitted for a vocation of this kind. Some employees of the service, such as stenographers, statistical and filing clerks, etc., the nature of whose work does not

bring them in contact with the public, are more easily selected as to fitness, but in the case of the placement clerk the task of proper selection is more difficult. In all cases the State should offer some inducement in the shape of promotion in the service to look forward to, as he would be more apt to make good if he had something of a material nature as an incentive toward better efforts. A person possessing the right characteristics could not help but become interested in this kind of work, and would easily develop into an ideal public servant in this field.

Employment work is quite interesting and of much educational value from the fact that one is meeting all kind and conditions of people, and in order to be successful one must learn the requirements of industry and be familiar with job analysis, so that when an applicant is placed the chance of turnover is reduced to a minimum. A satisfied customer in employment work is as essential as a satisfied customer in any business. This is one of the greatest assets and is the best advertisement a public employment service could possibly have, and in Illinois it is the goal towards which the service is constantly striving.

THE PRESIDENT'S CONFERENCE ON UNEMPLOYMENT.

BY OTTO T. MALLERY, MEMBER INDUSTRIAL BOARD, PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.

The immediate results of the President's Conference on Unemployment, of October, 1921, are that:

1. Public opinion for the first time in American history was focused on unemployment. The Federal Government had never before sought to unite business men, workers, the States, and cities in an organized effort to overcome unemployment.

2. Two out of every three cities of over 20,000 population carried out the recommendation of the conference to form an emergency unemployment committee headed by the mayor. These committees improved local employment bureaus, stimulated public works, influenced employer groups in rotating employment, etc., coordinated existing private relief agencies, or started clean-up campaigns.

3. A central clearing house of information was set up in Washington by the conference for the use of local emergency unemployment committees. The clearing house continued in operation for eight months after the conference and until the situation had greatly improved. Information as to the most successful activities of any local committee were passed on to others.

4. Industry assumed a share of the responsibility to the unemployed.

5. Sales of municipal bonds for public works broke all previous records in the three months following the conference. Sales for the year were nearly twice those of any previous year, totaling one and two-fifths billions of dollars.

6. Congress appropriated $75,000,000 for roads, to be matched by like amounts from the States. At the request of the conference each governor stated the mileage his State could put under contract within 90 days following the appropriation. The clearing house committee of the conference secured the cooperation of Federal and State agencies in getting the maximum amount under construction in the shortest time.

7. A successful effort was made to do more municipal public work in winter than heretofore.

8. Regional directors were named, covering the most important industrial districts.

9. Through all these activities the conference developed a spirit of organized resistance to the contagion of depression and helped to substitute courage and action for the sense of helplessness usually noted in bad times.

Having covered available emergency measures, the conference addressed itself to a task new to American statesmanship—the prevention and mitigation of future periods of unemployment. In the last 50 years such periods have occurred about every 7 to 10 years.

The Kenyon Bill was introduced into Congress and favorably reported. It provided methods by which in the future more public work might be done in bad times than in good and sought to make this a general national policy. Although the bill failed by a few votes, this policy of the conference will continue to be pressed. If adopted by the cities and States as well as by the Federal Government, it will provide a sound measure of insurance against future periods of unemployment. A statistical study conducted by the conference shows that the amount of public work in the United States is sufficient to make an important difference in business conditions according as a larger or smaller percentage is done during bad times.

Special stabilization studies, by experts, of notoriously seasonal and intermittent industries, such as the soft coal industry, are under way.

Another group of experts has been assembled to report methods of controlling business cycles. It is aimed to reduce the height of booms and the depth of depressions. This study is under the direction of a committee consisting of leaders of industry, labor, and science, and will be published under the title, "Unemployment and business cycles."

The spirit of the conference is summed up in the words of its chairman, Herbert Hoover: "There is a solution somewhere and its working out will be the greatest blessing yet given to our economic system, both to the employer and to the employee."

DISCUSSION.

Mrs. KELLER. We have seen an advancement in the employment and in the care of women and children in industry, an advancement which is very marked, very decided, and very beneficial. The age at which children may be employed has been advanced and the working hours of women have been shortened. They have been taken care of in many ways. In the State of Pennsylvania there has been a marked improvement along this line and there has been a like improvement in the Western and Southern States. We have had most excellent heads of departments and they have taken an interest in everything that has been done; they have taken care of their inspectors, and we have appreciated that and feel that we can not be too grateful to them for it.

Mr. CONNELLY. Some two years and a half ago we conceived the idea of getting the employment managers of Pennsylvania together, and they responded to a man. A little later we were confronted with the new element that came in, the young employment manager created by the war, the war manager, who believed that he had the experience of the other man, yet did not measure up quite as we anticipated. He made an effort, however, and because of the effort that he made we were successful in getting done what we thought was worth while. These employment people in Pennsylvania were anxious, of course, to get our cooperation and we were just as anxious to give it to them. In the larger cities we have the cooperation of the people in what are known as committees, individual committees, and in the 10 places where we have established our offices, these committees cooperate with us in a way that makes it worth while. I believe

we are better situated now to give the people of Pennsylvania something really worth while when it comes to employment. We are especially careful about the children, and the women, and when it comes to the employment and the hours we are equally careful.

Mr. BIEBESHEIMER. When I came into this service I found that if you wanted to sell something or accomplish something you had to render service. Employment bureaus came into disrepute during the war. Now, let us be brutally frank. In Columbus during the war a man who didn't want to go to war, but who had political influence, got a job in the employment service. He had been a delivery-wagon driver for a laundry in Toledo. He got $3,000 a year during the war as placement or employment manager for the Government. After the war, when the appropriation suddenly was dispensed with, within a period of 10 days he took the job of janitor of the Toledo Employment Office at $60 a month. Now that very thing prevailed everywhere. The United States Employment Service to-day really needs your sympathy, and the man who spoke to you needs every ounce of cooperation that you can give him in order that the service may be put on such a basis that he can get something toward providing the rest of us with an additional fund.

In Ohio another system was tried, and that was to get funds from local organizations. For instance, the manufacturing group in certain cities would contribute toward running a bureau there and the State would contribute, and the city would contribute, and the social welfare organizations would contribute, but whenever an outside agency takes a part in a Government agency that is not conducted by the duly accredited representatives of the community, you will find that it does not act in an advisory capacity but runs the whole concern. The first thing I did was to get rid of the welfare organization crowd and go into that office and run it myself. They had in that office the kind of persons that is the last thing you want in an employment bureau.

Now, what we did there was this: We simply eliminated certain offices; for instance, we abolished the office of placement secretary and created one of placement clerk. We took on persons not for what social service work they had done but for how much they understood of the problem of the factory. Now, as to how we get paid, and how we pay more money, and how we get more money in Ohio, the facts are simply these: We take the city's money and split it up. For instance, the telephone girl at Cleveland gets $50 a month from the State and $50 from the city. She has a $100 job as a telephone operator and I think you will agree that that is a good salary. The superintendent, who formerly got $1,800, he being the highest priced officer in Ohio, now gets $1,200 additional from the city, making it possible to employ a $3,000 man. That is the method we pursued, not only in Cleveland, but also in other towns in Ohio. We first show the city that this is part of its work. State appropriations are obtained just the same as you help the Federal Employment Bureau to get money. For instance, we have a new mayor in Toledo; he has not enough jobs for all the folks who want positions in the various bureaus and departments of the city, and the applicants are sent over to the employment service bureau and we get them jobs. When it comes to appropriations by the legislature we say, "We can not get

your friends jobs unless you appropriate the funds whereby we can run this office." It all goes back to the legislature after all. For instance, take the farm bureau. It has been run by farm bureau county agents, farm agents. We do not do that. I write a letter to every chairman in the 88 counties in Ohio asking that he appoint one man in every village or hamlet in that county to be a special farm representative to make applications for help or applications for work. The trouble that we always have in getting appropriations is that the rural legislator can not see the effect of any appropriation for employment in the State. Now, I will have in every county and in every village and hamlet in Ohio one man who will go to the legislature from the farming district, and say, "Now, Jim, vote for this because it has been of some service to us." Likewise we established in Ohio a teachers' employment bureau. We have some 35,000 teachers, and the usual turnover among them is approximately from four to five thousand teachers. The average fee paid private employment agencies is 5 per cent of a year's salary. In Ohio we pay a salary maximum of $2,000 for common school teachers, so you can easily figure $50 per placement by private agents on approximately 5,000 teachers. I figure that we will save the teachers in Ohio from a quarter of a million to four hundred thousand dollars that would ordinarily have been turned into the coffers of the private employment agents. Do you mean to tell me that the force of four or five thousand teachers who have been helped is not going to get appropriations for us this winter? The same thing applies to Congress. A congressman has a certain obligation to fulfill, and John Jones has a boy for whom he wants a job; we place that boy in a job. Now that congressman can not vote wrong on that, he can not possibly turn down an appropriation from the Federal Government. It is just simply the use of horse sense and the creating of propaganda. That is how to get the money.

Mr. PETERS. So far as Pennsylvania is concerned, employment efforts will not much longer be needed. During this past year there has practically been a shortage of skilled people in every section of the State. We have had many orders for bricklayers, plasterers, and others in the building trades which we could not fill. Unemployment in the skilled mechanical trades is rapidly declining. In eastern Pennsylvania there is at the present time a shortage of competent farm labor and we are not able to fill the orders for competent farm labor needed on the farms in that section. In all districts of the State there is rapidly approaching a shortage of competent common or unskilled labor.

Mrs. WHITNEY. Some years ago, when New York had the only legal aid society in this country, many people came into the aid office and complained of having paid fees and then being sent to jobs that did not exist. One day a woman complained against a certain agency and we took hold of the case, but it is very difficult to procure evidence in cases in which the job does not exist. The wise and wily employment man sends his client to some place out of town, and it is very difficult then to get the evidence. The man was sent to jail, and immediately after that, or about the same time, there was an investigation concerning these employment agencies, which resulted in an amendment to our law providing for a very

careful supervision of these agencies. That law is practically the same to-day as it was when passed.

We must spread the knowledge of what the employment agent does in order to get the necessary support from the public and from the legislature, and I think all of these social service workers, and all of the citizens, are your primary and essential agents in spreading the knowledge of what the employment agency can and does do. For many years I have used the public employment agency and I have surprised hundreds of other women by explaining to them that there is a public employment agency in New York City which they can use. By satisfying the employer you will spread the knowledge of what use an employment agency can be and in that way get the necessary sympathy and support from the public. The point that has impressed me is what the employment agency can do for those in private life if it has the appropriation, but we must go out and educate the employers to the use of the agency.

[Col. Lewis T. Bryant, commissioner New Jersey Department of Labor, showed motion pictures and supplemented them with remarks.]

Mr. WOOD. When I took over the office in our department which I now occupy, all the employment agents were under the control of the mayor of the city, and in no way connected with the State department of labor, whereas they should be under the State department. I appeared before the legislature and presented my case, and the result is that they are back under the jurisdiction of the department. When I began to make inquiry as to the payment of the license tax and the bond required of these employment agents I found that some of them had been operating for 20 years and had never paid any tax; out of the 26 bonds that I took over only two were in force, and they were straight bonds and did not amount to a row of pins. We have eliminated all that, I am glad to say. I think such agents are the greatest menace that we have. They are out for the money and don't care whether the party is qualified for the job or not; they don't care whether he can hold the job or whether he is reliable; they are only interested in getting the last dollar, and when they do that the poor victim can just take a walk. I was so outspoken against these agents that I was severely criticized. I have gone after them more strongly in each succeeding report, and in my last report I appealed to the legislature to put them out of business entirely. Since they have been placed under my jurisdiction, during the last five years, we have succeeded in putting 22 of the 26 employment agencies out of business. A few others, however, of a better class, have been started. During the last two years we have prosecuted and convicted five employment agents and put one of them in jail for five months and we have another one in the clutches of the law. I am going to do everything I can to put them out of business in my State.

WEDNESDAY, MAY 24—EVENING SESSION.

C. B. CONNELLEY, COMMISSIONER PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, PRESIDING.

MEDIATION AND CONCILIATION.

CAN GOVERNMENTAL LABOR BUREAUS AFFECT THE CAUSES OF LABOR UNREST?

BY MARY VAN KLEECK, DIRECTOR DEPARTMENT INDUSTRIAL STUDIES, RUSSELL SAGE FOUNDATION, NEW YORK CITY.

In considering the relation of governmental labor bureaus to the fundamental causes of industrial unrest, not very much either of the activities of industrial commissions or of the conditions affecting labor can be omitted. My part is merely to suggest the main outlines of the present program and activities of State and Federal labor bureaus against the background of present industrial unrest. This, perhaps, will give us a picture of the opportunities which are now ahead of governmental labor officials.

We may take first the negative side of the question. Some are saying that labor bureaus have no effect upon the causes of industrial unrest. Can an industrial commission, for instance, create jobs if none exist? Can labor bureaus make employment secure? Can they prevent loss of wages and loss of time for the workmen who want jobs and can not find them? Can they prevent the sickness of wage earners? Can they mitigate the effects of monotonous machinery upon the worker? Can they guarantee adequate wages? Can they insure such efficient conduct of industry as shall result in a production sufficient to yield adequate wages? Can they create the type of man in both groups, employers and workers, that will be capable of some sort of cooperative relationship? Can they influence legislatures to see the importance of this kind of governmental activity? Can they prevent the courts from issuing injunctions or declaring laws unconstitutional under conditions which set back progress? In short, is a governmental labor bureau capable of changing these fundamental conditions or must it merely accept them as it finds them and do what it can through day to day adjustment of difficulties as they arise? These are the doubts of friends.

What do the enemies and the critics of industrial commissions say? Do they not express doubts of this kind? How can we intrust our business or give power over our equipment and our employment policy to a governmental department which, like other departments of government, is subject continually to political considerations? Think of what happens when a new political party comes into power. It accuses its predecessor of extravagance and inefficiency. It then declares that, in the interest of economy and efficiency, reorganization is necessary. The various positions in the department will be renamed This will give opportunity to select a new force. Service to the party will be one of the tests of ability to serve wage earners

through the department of labor. In order to apply the test they take the precaution of getting an accurate statistical record of the exact political affiliations of everyone on the staff. The return from the chairman of some local party committee will determine whether a person on the staff shall stay or shall be dropped through discontinuance of the position.

Is the picture overdrawn? At least it is true that this is what the enemies of labor legislation give as the reason for not intrusting new powers to governmental labor bureaus. They claim that in the game of so-called practical politics the running of a department as a service to industry becomes no longer practical. No business could be successful which turned out its manager after each election because of the vote that he had happened to cast on election day. Selections for important pieces of work in the public service should be no more subject to irrelevant considerations than are the selections in private business.

Political reasons are also affecting the appointment of women, now that women have the vote. This is a new development. Hitherto if women were appointed at all, it was likely to be on the ground of fitness rather than of party service. I know of one State where a woman was appointed recently as the head of the State employment service without having had any previous experience in any employment office. Men in the service might have been eligible for promotion, but this woman who, incidentally, had loyally served her party was appointed, with the explanation that the administration of an employment service required the tact, the sympathy, and the insight of a woman.

Women, as well as men, are repudiating this kind of action. They say that fitness must be the qualification, and moreover, that there must be specifications as to what constitutes fitness for any position. It must be not merely fitness from the point of view of the administration in power, but fitness in the task that is to be performed in the public service. Without assurance that merit alone is to be considered in making an appointment, those who are opposing labor legislation will have some ground for contending that the legislature should not be asked to pass laws or to give appropriations for their administration.

From still another point of view a negative answer is given as to the opportunity of labor bureaus to affect the fundamental causes of unrest in industry. Consider specifically the recent strikes—the coal strike that is yet unsettled; the textile strike in New England; the railroad strikes and threats of strikes. To what extent have governmental labor bureaus influenced the specific issues involved in these strikes? These issues are the recurrent questions of wages and insecurity of employment, of increasing costs of living and of lack of representation for labor in the government of industry. Back of these questions, we realize more and more every day, are problems of technical scientific management. In the soft coal industry, for instance, the basic condition of overdevelopment, which is a problem for scientific management, creates for the miner a condition of insecurity in employment and inadequacy of annual earnings.

In the textile industry of New England the 48-hour week has become the issue, and the spokesmen for employers contend that competition with southern manufacturers makes the 8-hour day for

woman workers utterly impossible in New England. This, too, is a fundamental problem of management, and as yet governmental bureaus have not given the public the exact information on which to base judgment as to whether or not it is practicable to manage the textile industry of New England with sufficiently low costs to consumers, with healthful conditions for the workers, including the 8-hour day, and with profits for investors. The information that is given us is partisan. Yet the issue can not be settled satisfactorily through a mere contest of power, but rather must be settled in accord with the fundamentals of good management. And do not forget that in the fundamentals of management the human beings who are employed, their health and their ideals, are in themselves fundamental. Even an automatic machine must be tended by a person, and its output depends upon the steadiness of the workers' attention day after day. The human factor is quite as important a problem for scientific study as any other aspect of industry. With issues like these confronting the public to-day, how useful have the governmental labor bureaus been in supplying a basis for public opinion?

Evidence is not lacking that they have been very useful. Through labor laws in this country standards have been raised to a point decidedly higher than would have been possible without them. Consider, for instance, the statistical service of governmental bureaus. For example, during the war it was the Bureau of Labor Statistics in Washington which supplied the facts about cost of living, and this gave the basis for adjustments of wages in the war industries. Undoubtedly as a result of this experience during the war the cost of living in relation to wages is receiving more consideration to-day than it has in the past.

Consider also how labor legislation has reduced the hours of work for women from 12 to 10 and then to 9, while some States have now established 8 hours as the legal working day for women in industry. Obviously, the labor movement has been the most important force in reducing hours of labor. The shorter hours for women in the unorganized trades, however, are clearly traceable to public approval of the shorter working day which has been expressed in labor legislation. Fortunately, also, the courts are upholding the constitutionality of these laws on the ground that they are necessary to preserve the health of women.

Again, the workmen's compensation movement is a good illustration of the way in which governmental labor bureaus can affect the causes of industrial unrest. Formerly, when wage earners were injured or killed through accidents, the economic burden had to be borne by their families. The proposed remedy was the businesslike suggestion that this burden should be distributed in accordance with the principles of insurance, and by this means industry provides for its inevitable risks.

In administering this law the service of the industrial commission has gone far beyond the mere consideration of cases brought before it. The effort of the commission has been not only to see that insurance is paid to the victims of accidents and to their dependents, but to try to make industry safe so that there may be fewer accidents. Thus the industrial commission has come to be not merely an enforcing officer, but an adviser, giving information and helping employers to apply it in their factories. In the safety movement in a number of

States, the representatives of the industrial commission are welcomed in industrial establishments as having the knowledge and the experience of experts.

Do not let us be afraid of the word "expert." I looked up the word in the dictionary the other day because I wished to find out why an audience always applauds the speaker who maligns the expert. I decided that the applause must be due to lack of knowledge of the dictionary definition. The definition of expert is, "trained by practice." Most of the criticism of the expert that I have heard has been on the ground that the expert knows nothing about practice. If, however, we think of him as one who is trained by practice, we will agree that an industrial commission or a State labor department must be expert in order to render a service which can result only from years of practical contact with the daily problems of employment and working conditions.

There is no other way of doing good mediation work except through a good mediator. So there is no other way of administering any other activity of a State department of labor except through experts—through those who are trained by practice in the work which they have to perform. If any other consideration dictates an appointment, then it is hopeless to expect an industrial commission to be an effective instrument in industry.

Closely allied to the development of the function of the labor department from the mere enforcement of a statute to a genuine cooperative service to industry is the growth of the idea of an industrial commission: The essence of the commission plan is the making of rules and regulations which are applied in day-to-day administration in the workrooms where men and women are employed, rather than expecting a legislature to be able to pass a statute which will determine the equipment of workrooms in industries which the legislators may never have seen. Curiously enough, the majority of States have not yet had confidence enough to put this power of day-to-day regulation of working conditions into the hands of a commission.

It is a curious fact that we in the United States seem to have implicit faith in a statute, but we are mortally afraid of the power of administration. If we can pass a law which seems to say what we think should be done, we are inclined to be confident that the thing will be done. We have very much less confidence in giving responsibility to any man or group of men to determine, through inspection and study, the best method of applying a general principle or a general standard to a particular situation. It is probably this attitude of mind which accounts for the reluctance to give industrial commissions the power to develop as well as to enforce those standards which shall insure healthful conditions for wage-earning men and women, and yet it is obviously more practical for a commission to determine how ventilation can be made good in a particular factory than for a legislature to give specifications which will apply to all work places. It should be sufficient for the legislature to charge its industrial commission with the power to require good ventilation.

Another and more fundamental advantage in the idea of the industrial commission is that it makes possible representation of the various groups in industry between whose interests adjustments must be made. Moreover, when given a general responsibility, instead of the task of enforcement of specific details, they are more likely to think

about a large program for improving the standards of employment. It is just because we do not think in terms of an adequate program and because the imagination of the public is not captured by its opportunity to remove some of the causes of industrial unrest that State departments of labor do not receive adequate backing from the public nor sufficient appropriations to carry on their work. We need a larger vision, and the vision must begin with those of you who are now doing the work, because no one else can see it so clearly; you therefore become responsible for showing the people of your State how large a task they have undertaken in their labor laws and how large a return is possible in increased happiness and efficiency for the wage earner.

In recounting the achievements of governmental labor bureaus, I do not wish to omit the gains which have been made in withstanding the temptation to make appointments because of political considerations instead of fitness. I shall use as an illustration a bureau in Washington whose head through the years following its organization steadily resisted any effort to assign any place in the bureau for any reason other than the ability of the person to do the work well. I refer to the Children's Bureau under its director, Miss Julia C. Lathrop. To-day the Children's Bureau under its new chief and the Women's Bureau are both conducted in the same spirit, and it is cheering to know that the women of the country, in so far as they have expressed themselves in such organizations as the National League of Women Voters, are insistent that these bureaus, which touch the interests of women and children so directly, shall never be under suspicion of making appointments for the advantage of any member of a party, but shall be built up on the basis of finding for their staffs those who are best qualified to accomplish their purposes.

I cite these two bureaus, not because they are the only ones in which the merit system of appointment has been scrupulously upheld, but as illustrations of what I mean. They show also that the appointing officer who is responsible for the administration of industrial commissions and labor departments has it in his power to resist the influence of those who seek good positions for the friends of the party. If the influence should prove to be too strong for one administrator to withstand, the most glorious defeat in one's career in public life would be to retire from the field in an effort to maintain the merit system. Defeat on this issue, however, is not necessary if those who are responsible for administering State departments of labor look upon their work as an opportunity for public service. By making the public also see their work in that light they are sure to get backing in the long run for their efforts to serve the public honorably and efficiently.

We can best illustrate the opportunity which governmental labor bureaus have to affect the causes of industrial unrest by examining some of the tasks which seem to be before industrial commissions to-day. Let me begin with a very practical suggestion. We have passed through a period of widespread unemployment. We have been giving a good deal of attention to it, and we have realized how inadequate are the available statistics. Many of you know that at the President's conference on unemployment in Washington we were in the position of having to decide by vote how many were unemployed in the country. Only a few States, Massachusetts, New York,

Wisconsin, and, more recently, Illinois, have been collecting statistics regularly to show the trend of employment. Even these States, however, are not exactly uniform in their methods of collection and presentation of the data. The Federal Bureau of Labor Statistics is also collecting this material for certain important industries, but with an utterly inadequate appropriation. I would like to urge that in every State plans be made for the collection of these statistics of employment in cooperation with the Federal bureau.

As one activity of the committee on the business cycle, which was appointed by Secretary Hoover as a result of the President's conference on unemployment, a committee is now at work, made up of the men who are actually collecting these employment statistics in State and Federal bureaus. They are pooling their experience and formulating conclusions which should be the basis for a standard plan. We hope that those of you who are in States where statistics of employment are not now being collected will avail yourselves of the services of this committee so that you may develop your plans on the basis of their experience. We are hoping that through the work of this committee, with the backing of various groups and organizations who are interested in using a statistical service, there will be an enlargement of the work of the Federal Bureau of Labor Statistics in cooperation with the States so that we may be in a position to have a true national index of the trend of employment in this country. This would not be an expensive task for any one State. After the plan is once developed and the cooperation of employers secured, it is very inexpensive to carry it on and to secure monthly the information necessary to show the course of employment in important industries. This is an illustration of the work which a labor department can do if it is alive to its opportunities, even if it has only a small appropriation. Statistics of employment are only one illustration of the kind of useful information which a statistical service can make available. We have given thus far too little thought to the collection of the basic facts which throw light on the causes of industrial unrest.

I should like to speak of another development in State and Federal departments of labor, namely, the organization of bureaus for women in industry which are established, not for the enforcement of labor laws, but for investigation of the social questions involved in women's work, and for the development of standards which shall be for the best interests both of the industry and of the women who are employed. What, for instance, are the home responsibilities of women in comparison with their wages? What is the effect of long hours of work upon the women and upon their homes? How can an employer organize his factory so as to establish the standards which bring the best results for women at work? This standardizing service which women's bureaus can give is urgently needed, and the establishment of bureaus for this specific purpose will do much to concentrate attention upon the subject of women in industry and the procedure necessary and feasible to improve conditions.

We must all agree that we need a development of a national employment service so that we shall not again be so poorly equipped as we were during the past winter to deal with the problems of unemployment. An employment service, however, is useful not only in times of unemployment, but it can function even more effectively when there is an even balance of demand as between jobs

and workers. An employment service is needed under these normal conditions in order to prevent the loss of time in transferring workers from job to job. I dwell upon these activities which relate to unemployment because I believe that unemployment is a basic cause of industrial unrest.

Let me speak now very hastily of the proposal that is now being made in this country to prevent industrial unrest by prohibiting strikes. That seems to me like trying to get rid of typhoid fever by forbidding it, instead of by paying attention to the water supply. Experiments are always useful, and therefore it is worth while to discuss the actual experience of a State which undertakes to prohibit strikes. In advance of the experiment, however, it is possible to realize what responsibilities the Government assumes in the prohibition of strikes. If the Government declares that there shall be no cessation of work either by employee or by employer, it assumes responsibility for preventing unemployment. This brings it face to face with the conduct of industry, because unemployment is a problem of management. If the Government insists that a business shall be run regularly, it probably can not enforce its mandate without assuming the management of industry. So long as we believe in the private control of industry, which is characteristic of this country, so long must we accept the principle of adjustment of conditions of employment by agreement between employer and worker. We have demonstrated that certain broad standards and principles can be established by law and by administration, but upon that basis we expect that the details which make up conditions of labor shall be determined by the free play of initiative on both sides. To prohibit strikes necessarily prevents this free play of initiative. Unless we are ready to assume as governmental function the minute regulation and administration of all the factors in a business which determine regularity of employment and wage rates, the prohibition of strikes becomes merely a bottling up of grievances with all of the resultant explosive force of repressed energy.

We had as a visitor in this country last fall a British employer, Mr. Rowntree, whom some of you probably heard. He gave us this analysis of what is necessary to relieve industrial unrest. He said that there were three possible methods and only one of them would work. The first was for the employer to run his business without the interference of any one else and for the workers to accept his management without protest. This has not worked in the past and is not likely to work in the future. The second is for both sides to organize and to protect their interests by maintaining a balance of power. This is likely to be no more successful industrially than it has been politically. The third is to find out the causes of industrial unrest and to deal with them effectively. These causes, he declared, were fivefold. To employers he said, "If you provide only one of these factors in contentment you can expect to remove only one-fifth of the unrest in your plant. If you would deal adequately with industrial unrest you must provide for all of them." First, he said, is the necessity for a living wage; second, security of employment and protection against the risks of unemployment; third, hours of work short enough to make possible leisure for citizenship, thus determining the length of the working day not only by physiological tests but by the right to leisure; fourth, a voice for labor in the

control of the conditions which affect him in his industry; and fifth, sharing in the profits over and above wages.

We may or may not accept this analysis as it stands, but the point to bear in mind is that an analysis is necessary. Many factors enter into industrial unrest. Indeed, its causes vary from industry to industry and even from shop to shop. The only intelligent procedure in dealing with it is the method of "line upon line, precept upon precept." In other words, it is only by constant vigilance, by having persons who are increasingly intelligent and increasingly skilled in cooperation (for cooperation is a skilled trade), only by skill in interpretation of the questions which cause friction, that difficulties in the relations between employers and workers can be removed. Then also it is necessary so to inform the public that it can throw its weight in the direction of fundamental improvements which will lessen industrial unrest.

The meaning of this for industrial commissions is that results will be gained by a large view of the whole program, combined with minute attention to the smallest tasks, in order that the administration of the department in its every activity may meet constantly the test of accomplishing results. Never was there a greater opportunity, it seems to me, for an association like yours to see the task of its members as a national service and to get the support of the public in some truly fundamental action to improve conditions of labor.

MEDIATION AND CONCILIATION.

BY W. M. LEISERSON, CHAIRMAN BOARD OF ARBITRATION, MEN'S AND BOYS' CLOTHING INDUSTRY, NEW YORK.

The work of mediation and arbitration, which is usually intrusted by law to the State department of labor, has not received the attention that other phases of your work have received. I think that the work of mediation, conciliation, and arbitration in the States has made very little progress indeed. No doubt, in some of your States you will point to quite a number of things that have been done, but, taking it all in all, the work is in a very rudimentary state, and when you have a great strike, either in times of prosperity when wage earners strike to push their wages up to meet the cost of living, or in times of depression when wage earners strike to hold up their wages, we find that your State departments of labor, in their mediation and conciliation work, play a very minor part. I think one reason for this is that the subject has not received the scientific study that you have given to such problems as safety, or child labor, or even employment work, and that if you did study the question of mediation and conciliation, which in my judgment is fundamental in all of your labor problems, you could make the same progress with that as you have with your safety work.

Now, I do not intend to tell you how to mediate and conciliate. I do not intend to tell you how to settle industrial disputes. I have had a job now for about three years settling industrial disputes and hardly anything that I use in settling one dispute could I use in settling another. Every dispute has things that are entirely due to its surrounding circumstances, and to lay down any rule that this is the way to settle a dispute or that that is the way to settle a dispute is liable to lead you onto the wrong track. Most important of all in settling disputes is the settler; that is to say, the person you select to do the mediating and the conciliating work. On his personality and on his knowledge will depend what will be accomplished, and I propose to tell you what a mediator ought to know. I do not mean to say that I know these things, but I found out what a mediator ought to know because in my own experience these were just the things that I did not know and that I should have known, and I propose now to show what a mediator ought to know in order that he may be able to settle any dispute that may come before him.

I said before that each dispute is liable to differ from every other dispute, and I want to illustrate that to you. I had occasion about a year and a half ago to arbitrate a dispute over a reduction in wages. The employers found that they needed a reduction in wages of about 15 per cent. The matter was left to arbitration. On investigation, I found that the men and women in the industry were not getting very high wages, but that, while those who were working on piecework were producing enough to make the cost of the opera-

tion very reasonable, those who were working on week work produced for the money they got so much less that the cost was practically double what it was under the piecework system. I found that I could reduce the cost of manufacturing to the employer, and therefore to the consumer, by a very considerable amount without touching the people's wages, simply by ordering all of the week workers to be transferred to piecework, if the employer so wished, and that was done. When that was done, the union and the workmen came to me and said that I had done the most awful thing; that if I had only consulted them, they would have preferred a 15 per cent cut in wages to that sort of thing. I did not hear the end of it for about six months. Six months later, that very same union—mind you, the same union, the same people who were complaining against my decision—called a strike in six shops which were working on the week-work system to force them to go onto piecework. They had said that I had done absolutely the wrong thing in changing workers over to piecework and yet here they called a strike for the purpose of forcing the shops to go over onto piecework. I did not know what to do; I did not know whether they meant it; but by the time the case came to me both sides were tired out. Neither was in a position to quit absolutely from the other, and I knew that they wanted the thing settled in one way or another. The men did not want to strike any more and the employers wanted it settled any way at all. I did not know what to do, so I played a trick that you can play about once in a thousand times. I said to them, "Now, I am tired of this case; take it and settle it yourselves. You can strike; you can do anything you please. I am tired of this. I do not know what to do with this case." They had argued over and over for seven sessions, and the moment I said that and they saw that I meant it, the representative of one side came over, then the representative of the other side, and in 10 minutes they had the thing settled themselves. But that could be done only when you know that both sides are tired of the strike and that they are about equally matched. It could not be done under any other circumstances. So, you see, the same people, the same union or the same employers, under different circumstances will take just the opposite point from you, and no general set rule can tell you how to settle the strike.

What you do have to find out is the state of mind of both parties at the particular time, and, in order to be able to appreciate the state of mind of both parties to a strike, you should have certain information. As I have just said, there can be no set rule. Each strike has to be settled in accordance with the circumstances of that particular strike.

The next thing is to get away from the idea of righteousness. Most people you hear discuss industrial disputes will tell you that, if the employer would only deal righteously, or fairly, or justly with his employee, or if the union would only be fair and honest and all of that sort of thing. After you have been in this business awhile, you will find that, on the whole, both sides want to do the fair and just thing. The difficulty is to know what is fair and just. Let me tell you this, that the more an employer or a wage earner feels that he has righteousness on his side, that he is fighting for a principle,

and the more honest he is, the greater the conflict. You have more trouble, more industrial disputes, more unrest, because one side or the other is trying to put over what he honestly thinks is fair and just than for any other reason. If the parties will handle it as a business proposition, and say what is the best thing to do under the circumstances and forget about principles or righteousness and all of the rest of it, then you can bring them together, but as long as one side or the other has the idea that they are fighting for a great, moral principle then you can't do anything. You have to make them forget the principle.

Let me illustrate that: I had occasion to arbitrate in the shirt-making industry. In that industry the work is piecework, and there are two sets of piecework prices, one for cotton shirts and the other for silk shirts. The prices for the silk shirts are naturally higher. Along comes a bright textile manufacturer and he invents a new kind of material, which he calls "English broadcloth" and which is 100 per cent cotton but looks and feels like silk. Naturally, the employers say, "Why, this is cotton, 100 per cent cotton," and they want the cotton price to hold for that, but the union people say, "Look at it. It feels like silk, it looks like silk, and in all probability the employers are selling it for silk," and they want the silk prices on it. Now, they are both honest and they are both fair, but they have different points of view, as you and I would have different points of view if we spent our lives on different sides of the industrial fence. You can't tell absolutely which is right and which is wrong in questions of this kind. All that you can do is to find what the circumstances in the case require, as the best kind of an adjustment to make.

The conciliator also has to know what an industrial dispute is. I have said, in the first place, that each industrial dispute is different from the other; in the second place, that it is not a question of fairness, or righteousness, or right or wrong issue. It is a question of point of view. Every industrial dispute can be classified under one of two heads: It is either a struggle over the division of the product of industry or else it is a struggle for government and control of the shop conditions in the industry. In every strike you will find a great many minor causes, like personal irritation, but when you look back of it you will always find that either one side or the other is dissatisfied with the way the products of the industry are being divided. Here is a great cooperative enterprise. Employers and workers together are producing in that industry. In the old days, we used to produce on a farm practically everything that the family needed, and the head of the family, whether it was the father or the mother, did the dividing and divided all that was produced. Nowadays you have a numerous family, fifteen or twenty thousand people under one roof, working together, turning out a certain amount of wealth, and it is difficult to say how much each one produces. The employer says that a wage is not a fair one because the next man pays so and so, or because the law of supply and demand says that it should be so and so, or for some other reason, and the workman says that the wage is not enough, because he can not support his family on it, because the employer is getting too much out of it, or because of some other reason, and we do not know who is right. You know there was a time when we thought that a common laborer was worth to society less than a professor, that the professors in the universities

ought to get more money than common laborers, and then the war came on and things were changed. The common laborers got more than the professors. In fact, in the clothing industry during 1919, the period of prosperity after the war, if an employer offered one of these people, who in the old days were practically sweatshop workers, $50 a week when he went into a shop and asked for a job, this sweatshop worker would say, "What do you think I am, a college professor, to work for $50 a week?" He wanted more, and who is to say that he is not entitled to more? We do not know, and because we do not know it can not be a question of right or fairness. It is a question of bargaining power; it is a question of general social opinion in the community. As it is now, wage earners ordinarily can not send their children to high school or to the university, and who is to say that they are not right if they want enough wages to send their children to high schools and universities? On that you have a question of difference of opinion and your mediator can not say, even if he finds a common laborer getting $100 a week, that that is wrong. All that he can say is that he wants to look into it and see how he can adjust the matter. There is no question of right and wrong in these things. As to the other question, shop control, we have laid down the principle in our Declaration of Independence that government derives its just powers from the consent of the governed. We have that principle in our municipal government, in our State and county governments—everywhere. That is the principal fundamental of our life. Take the average workman who spends most of his waking hours in a large industrial community. He reads notices posted up on the wall—"Rules and regulations of this shop." These notices are laws for him. He has a say in municipal ordinances, but in these laws and regulations that have to do with his income, whether or not, he shall work, whether he is discharged or disciplined, and everything else of real law for the workman, he has ordinarily no say, and because he has learned in school that government derives its just powers from the consent of the governed he wants to have some say over shop control and shop discipline and shop laws. He says, "Rules and regulations posted up by the employer to govern workingmen is un-American and we have got to have some say in the making of those laws." The workers do not use these words, but if you get into the bottom of the dispute you will find that is what they mean. Now, who is to say that they are not entitled to a say in the making of these laws? They do not want unreasonable laws and the employers do not want unreasonable laws, but they are always unreasonable from the point of view of the other side. The employer thinks that the wage-earner's regulations are unreasonable and the wage earner thinks that the employer's regulations are unreasonable, and we do not know absolutely who is right. As in the Parliaments of England, where the House of Lords wanted one kind of regulation and the House of Commons wanted another kind of regulation and they had mutual veto power and the law had to pass both Houses, just so in settling industrial disputes you have to get some of the opinion of the wage earner and some of the opinion of the employer in order to make a working rule and order for the industry. In order to mediate or conciliate, you must understand that they are either struggles over the distribution of wealth or they are

struggles for government and control of shop conditions, and that it is not a question of one side being right and the other being wrong. Both have a right to their opinion, and all that you can do is to try to take a little bit of both and find a way of getting a workable compromise.

Now, industrial disputes that can be classified under these headings are being settled every day, and your mediator ought to know how those things are being settled. First, the vast majority of industrial settlements are individual settlements, the employer coming to an individual settlement with the employee; these individual settlements are of two kinds. When the boss is in control, this happens: A man was discharged the other day in a clothing factory in New York for speaking disrespectfully to the boss. I made some inquiry about it. I had the employer and the workman there and asked the employer what had happened. He said, "I went up to the cutting room"—this man was a cutter—"and I saw this man picking up a bundle of goods and putting it down, and picking it up and putting it down again. He wasn't doing anything, so I said, 'What the hell are you doing?' and he answered me back, 'What the hell do you think I am doing?' I won't let anybody talk to me like that, so I fired him." I said to him, "Don't you think that you might have expected that kind of an answer, when you addressed him in the way you did?" He looked at me as if I were crazy. He says, "Ain't I the boss? Don't I pay the wages?" Now, his notion was that because he was the boss and he paid the wages nobody could speak disrespectfully to him. In factories throughout the country industrial disputes, when the boss is in absolute control, are settled in that way. The man is fired and that ends the dispute.

Last summer, in front of the house where I spend the summer in the country, they were building a State road. A large firm of contractors had received the contract for the building of that road wherein it had estimated its labor cost at 80 cents an hour. At the time that it was building the road in front of my house it was paying these men 50 cents an hour, and one Saturday it told them, "Monday morning, you are going to get 30 cents an hour and if you don't like it you can get out"; and the men had to go. That dispute over wages was settled. The employer settled it as he thought was right. Now, mind you, I am not condemning the employer. In all probability, if I were in his place, I would do the same thing, and I won't say that all of you, but most of you, would do the same thing. It is good business. It is bad business to pay more wages than the market requires. On the other hand, from the point of view of the workmen, it was unfair to get 30 cents an hour when the employer got enough money to pay 80 cents. That is the way settlements are being made every day when the boss is in control.

But don't think that the working people are a bit better. It is just the same thing when a shortage of labor comes and things are turned around. When I was running the public employment office in Milwaukee we had a job there for a machinist. The firm would pay 27½ cents an hour. The market rate at that time—not the union rate—for a machinist was 42½ cents. A good, first-class machinist came into my office who had been in the office for several days looking for work. We had not sent him out on this job. Finally, he came up to the desk and said, "Why don't you send me out on this job? I need a

job." I said, "You are a first-class mechanic and you would not work for 27½ cents. You can make 42½ cents." He said, "I have been out of work so long, I've got to have a job. I will take this, but then I will give them 27½ cents worth of work." Now, when the workman is in a position to settle the dispute from his side, that is one way in which he does it. He holds back on the work.

The other way you know about—the turnover. When the boss is in control and there is a period of depression—a lot of unemployed—the workmen can't do much, but during a time of prosperity the workmen jump their jobs and they jump faster than they work. More people are out of work than at work at this time, it appears, because of the constant turnover of labor. That is the second way in which the wage earner settles his individual dispute with the employer.

Another way: In the city of Milwaukee the employers used to have this habit: When workmen made good money on piecework and produced a great deal, they cut the rate. Naturally, the good workman would not stay. That was his way of settling it. To meet that kind of treatment, when there was a shortage of labor, and the employer could not do that sort of thing and the men were not so afraid of being discharged, I found them registering on the punch-press machines a great deal more work than they actually performed—absolutely dishonest accounting of work—and that was prevalent throughout the factory. That is one way in which the workmen settles his dispute with the employer over wages when there is no definite and fixed arrangement between the two of them to agree upon what is a fair wage at the time.

You must also remember, or the mediator must, that a great many disputes are settled by legislation. I remember when there were a good many strikes against unsafe conditions in factories and against insanitary conditions in factories. They are not necessary now, because the law has settled those disputes, and the mediator must remember that, because when he has a dispute to be settled he may find that it has some relation to some law that may have already settled that kind of a dispute. And so it is with regard to wages of women. In those States where there is a minimum-wage law, a strike for a fair minimum wage may not be necessary.

We come now to the kind of settlements that are collective rather than individual. These disputes are settled by the employers as a body and by the workmen as a body, rather than individually. First, let us take the case of collective settlements, where the union gets in control. When the employer is in absolute control for a period, it usually leads to a reaction. The workmen organize a strong union, and then they get control as a union, and what do they do? Some of you may be familiar with what Samuel Untermyer showed up in the case of the Jewish bakers in the city of New York. Now, in the old days those bakery workmen worked under the rottenest conditions; 18 hours a day was common. When Roosevelt was governor of the State of New York, he advocated a law to limit the hours to 10 a day. The law was passed, but it was declared unconstitutional. These men worked in basement bakeries under the filthiest conditions, and if they did not like it the boss said, "You can get out of here." Low wages, long hours, insanitary conditions. And then the picture changed. They could stand it just about so long, and now what do

they do? Samuel Untermyer showed it up in the evidence. There has been a great deal of introduction of machinery in the industry, for kneading the bread, and so on. The union will not permit any man to be fired, and every time a labor-saving machine comes in the hours of labor are reduced. The men are now working from 5 to 7 hours a day, and their scale is $75 a week; but most of them won't work for less than $90, so the evidence shows. They won't take in any apprentices, and nobody is to be fired. They do another thing: When they work 5 hours a day, they are through, and if there is any bread in the ovens they go home and leave it there, and then the boss, his wife and daughter, and mother-in-law, and everybody, have to come and work 10 or 12 hours to finish up the work. They also have a habit or custom in the industry that a workman can take bread home with him, and they interpret that to mean that a man can take home as much as he can carry, and so he has his wife make him a great, big bag, and he fills it up with bread, takes it home, and sells it to the neighbors at less than the baker employer sells it. Now, that is what a union does when it gets in absolute control—when it is in the position that the employer was in before—and who shall say that it is doing any worse than the employers did? Why shouldn't the men get $90 a week? The employers used to think that $10 a week was enough, and there was no law to compel them to pay more, and if we passed a law now to prevent the workman from charging $90 a week, what is to prevent the employer from saying that $10 is enough? No law can prevent the employer from paying too little, and no law should prevent any workman from charging too much. Then, take the working five hours a day. I talked to one of these bakers. He said, "In the other industries the boss usually goes home and plays golf at the end of five hours and lets the workmen work. Why, we just turned the tables. We go home—maybe we play golf or pinochle—and let the boss do the rest of the work." When the union gets into absolute control, it may settle things in that way; but, just as you can see that while there is something in the wage earner's point of view—that after all he may be right, or at least he may be as right as the employers who have undisputed sway—still some sort of an adjustment has to be made by which both employer and the workman will have some say in a case like this, just so it is important to remember to do the same thing when the employer has absolute sway. But there is collective settlement when the union is in absolute control and the employers are not strong enough to organize an association to dispute it.

I will tell you of another case of a similar kind. A man came into my office not long ago—he worked in a small contract shop—and he said, "Can't you help us out? The contractor where I work beat me up, and the people in the shop fined the contractor $150, and he won't pay the $150 and they won't go back to work. Can't you settle it for us?" "Well," I said, "I don't know, but can you get the contractor up here?" He said, "I think so." The next day he brought up the contractor. Mind you, the charge was that the contractor had beaten him up. The contractor came up with a bandaged head and one eye pretty nearly gone. I said, "Who did you say did the beating?" Well, what happened was this: This man, who is the leader of the union in the shop, got into an argument with the contractor; all the people in the shop then got on top of

the contractor and beat him up, and, on top of that they fined him $150. That is no worse than what the contractor used to do in the old days. The men learned it all from the contractor. Now, that is what happens when the union has absolute control.

You have the opposite kind of collective settlement when the employer has absolute control. Most of you know about the National Erectors' Association, the first organization in the building trades that declared for the open shop. Now, that was a collective settlement. The employers got together and said, "Such and such are the conditions under which all of us employers will employ you workmen. It will be open shop, it will be such and such wages, and it will be individual bargaining; every workman will deal individually with the employer." You have the same situation in Detroit or wherever there is an open-shop organization. The employer then dictates. He decides all of the shop conditions, not as an individual, but collectively with all of his fellow employers. The National Metal Trades Association does that and very many others, and they do to the employee exactly what these union people do to the employers when they have absolute control.

Now, we come to collective bargaining, which is joint control. That is to say, having swung from one kind of settlement to other ways of settlement, both begin to see that the best and most practical way is to settle the matter jointly. Both sides then become organized. They are in a position to prevent overpowering conduct on either side, and they have to come to an effective compromise. Now, you have that in two ways. You have it, first, when there is a trade-union organization. But many employers have found a trade-union organization coming into their plant, and, in order to prevent it, they have organized their own unions, which they call "works committees," or "shop committees," or "industrial councils," or what not. These unions may or may not be honest unions. Many of them are honest unions—common unions—many more are dishonest and fakes; but in every case it is a recognition that some sort of collective dealing which equalizes the power on both sides is necessary, and more and more disputes throughout the country are being settled by this method. Both sides organize and lay down the rules fixing the times and conditions of employment, deciding on what is the proper distribution, what the wage shall be, and also what rules of discipline shall prevail—what is a just discharge, and so on. Within recent years the development of these collective agreements—joint control by employers and workmen over conditions of employment—has made it necessary to develop a judicial interpretation of the laws that are made by this joint body of employers and workmen, and so we find arbitrators who interpret the agreements and apply them to particular cases. In the common unions, many of the shop committees or works council plans provide for arbitration, and decisions have to be made. All of the decisions, whether under trade agreements between employers and workmen or under works council plans, are gradually building up a great body of industrial common law, which shows the custom, the law in the industry that both sides consider fair, the practice of the industry and what both sides have found practical. The mediator who is familiar with all of that body of law is in a position to make suggestions which are satisfactory to both sides and will lead to speedy settlement.

Let me illustrate: Not long ago in the city of New York a case came to me from the printing industry. A printer was discharged on the ground of unsatisfactory work. He had worked for the employer for some three years, but he was discharged on account of unsatisfactory work. The people in the shop were going to strike, but they put the question up to a joint arbitration committee, of which I happened to be chosen the chairman. For about two months this committee tried to settle the question. They agreed on all of the facts. They agreed that the man had gotten careless in his work and should be punished. They also agreed, however, that the firm had contributed to his carelessness by careless management of the plant. The union was willing that the man should be punished by losing about six weeks' work; that is, his pension for six weeks, but after that he should be reinstated. The employers on the arbitration committee, however, said they would agree to censure the employer for his negligence, but they would not agree to reinstate the man. After they had fooled around with the case for about two months, agreeing on all the facts, but not knowing what to do, they happened to choose me as arbitrator. I had had dozens of similar cases in another industry and knew the sort of agreements the people were willing to make, and I suggested to them: "Why not let the man be discharged; make the statement that he wasn't incompetent, merely got careless, and, on the other hand, make the employer pay him two weeks' wages, during which he will have the chance to get another job?" Both of them thought that that sort of a settlement was perfectly satisfactory. I had gotten the idea out of practice in many other cases, and by merely suggesting it the case was immediately settled. If you could only make all of this body of common law—the settlements between unions and employers or the decisions of works councils—the equipment of your mediator, you could suggest to employers and wage earners during strikes settlements which they would be glad to make and which they would feel came not from an impracticable outsider but were practical common law of the industry everywhere.

I have outlined to you these different kinds of settlement—individual, collective, and so on. At any time that a strike occurs in any one of these States, or any one of these kind of settlements, your mediator ought to know all about it and he ought to be familiar with all of this background of information.

In conclusion I want to say that it seems to me that, if your State department organic act has even a phrase in it that you may mediate or investigate strikes, if you will select a man, after you have consulted with the chambers of commerce and trade-unions of the State, so that both sides have confidence in him, and say to that man, "Get familiar with this kind of information," that man can settle very many of your strikes and do a great deal to promote industrial peace and order in the community. That man would not do what most of your States do when they say, "We keep out of the strike until we are called in." I do not find that employers and wage earners in a dispute resent someone coming in and making suggestions to them if he has information. Usually, after a strike happens, both sides get a little scared, and if somebody comes in with information that looks as if it might work they are glad to have the informa-

tion. Usually, before a strike occurs, when there is talk of it, the employer is afraid of what may happen and the union people are afraid they will lose, and if, at the right moment, a man who knows something about these things, who has the whole body of industrial law at his command, offers a practical settlement both sides will be glad to take it. And further, where it is a large enterprise and the public interest is vitally affected, a little hint by a man who knows both sides and has all of the information, as, "All right; I can't force you to settle this, but I represent this Commonwealth, and if I can't force you to settle it, all I can do is to publish to the people of this State what it seems to me is involved in this dispute," will bring both the employer and employee to realize that they are not the whole show; that there are a lot of other people involved in the dispute as well. And so you see that the principal thing is not that you should have law that tells you how to settle these disputes, not that you should have a great department, but that you should have a man with equipment and personality and with the confidence of both sides to undertake this work. With such a man very much could be done, in my judgment, to eliminate a great deal of the waste and misery that come from strikes.

THURSDAY, MAY 25—MORNING SESSION.

FRANK E. WOOD, PRESIDENT, PRESIDING.

BUSINESS SESSION.

REPORT OF AUDITING COMMITTEE.

[This report was accepted.]

The auditing committee has carefully inspected the records of the secretary-treasurer and found the same neatly and accurately kept. The following report of our investigation is respectfully submitteed:

Cash on hand	$170.33
Receipts	250.00
Receipts from interest	6.00
Total receipts, 1921–22	426.33
Disbursements	135.48
Balance, cash on hand	290.85

Respectfully submitted.

M. L. SHIPMAN,
F. J. HARTMAN,
ALICE K. MCFARLAND.

REPORT OF COMMITTEE ON RESOLUTIONS.

1. *Resolved*, That the thanks of the ninth annual convention of the Association of Governmental Labor Officials of the United States and Canada are due and are hereby extended to the mayor of Harrisburg and to the Chamber of Commerce of said city for the elegant reception tendered to this association; to Commissioner C. B. Connelley of the Pennsylvania Department of Labor and Industry, for the magnificent preparation made for the convention and the accommodation provided for its convenience; and to Mr. Fred J. Hartman, of the Pennsylvania Department of Labor and Industry, for the able assistance rendered by him to the association and its officials.

2. Whereas, since the last convention it has pleased an all-wise Providence to remove from our midst past President Edwin Mulready, a former commissioner of labor and industries of Massachusetts; and

Whereas, he was always wise in counsel and fearless in action in all things that tended to promote the interest of this association; therefore be it

Resolved, That the members of the ninth annual convention extend our sympathy to his bereaved family; and be it further

Resolved, That this resolution be spread on the minutes of the convention and a copy be sent to his bereaved family in Massachusetts.

3. Whereas, there is appearing in this country a type of labor which, while apparently agricultural, is being conducted in such a manner as effectually to factoryize such labor, as for instance, the sugar beet and other intensified agriculture; and

Whereas, child labor is alleged to be used in such cases; therefore be it

Resolved, That it is the sense of this organization that this class of agricultural labor ought not to be excepted from the provisions of the labor laws in such cases, and that in the enactment of future labor laws or amendment of present ones legislators should consider the advisability of covering agriculture with a view to protecting children from long hours and extensive labor in any form or under any guise.

4. *Resolved*, That the officers and members of this association cooperate with the Federal Department of Labor in urging the various States to supply promptly State labor statistics on industrial accidents for compilation and publication by the Federal Government for the general use and information of the public, without the delay that has been heretofore occasioned.

5. *Resolved*, That the convention recommend that the Women's Bureau at Washington, D. C., be asked to make a study of seats for working women, with special reference to posture.

6. Whereas, the success or failure of any convention depends in a large measure on the program committee; be it

Resolved, That this convention extend to the program committee its sincere thanks for giving us a program of very high order.

[The report of this committee was adopted.]

ELECTION OF OFFICERS.

The election of officers resulted as follows:

President.—C. B. Connelley, commissioner department of labor and industry, Harrisburg, Pa.

First vice president.—John S. B. Davie, commissioner bureau of labor, Concord, N. H.

Second vice president.—Mrs. Delphine M. Johnson, supervisor of women in industry, department of labor and industries, Olympia, Wash.

Third vice president.—L. T. Bryant, commissioner department of labor, Trenton, N. J.

Fourth vice president.—Mrs. Ethel L. Scott, director division of women and children, bureau of labor and industrial statistics, Richmond, Va.

Fifth vice president.—H. C. Hudson, general superintendent, Ontario offices, Employment Service of Canada, Toronto, Canada.

Secretary-treasurer.—Louise Schutz, chief division of women and children, industrial commission, St. Paul, Minn.

The following motions were agreed to by the association:

That at any time that membership is desired on the part of this association upon any of the code committees, the president be authorized to name the representative.

That it is the sense of this body that the executive board pay the first obligations to Miss Bresette for her services to this body.

That the next annual convention be held at Richmond, Va.

The following were elected to honorary life membership in the association: Past Presidents Hoffman, Hambrecht, and Wood, and Secretary-Treasurer Bresette.

COMPENSATION LEGISLATION.

COMPENSATION LEGISLATION IN NEW YORK.

BY MRS. ROSALIE LOEW WHITNEY, MEMBER INDUSTRIAL BOARD, NEW YORK DEPARTMENT OF LABOR.

In New York State the labor law and the workmen's compensation law are administered by the same department, namely, the department of labor. The general scope of the labor law is defined in the statute itself as follows: "It being the policy and intent of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated, and conducted in all respects as to provide reasonable and adequate protection to the lives, health, and safety of all persons employed therein, and frequenting the same, and that the board shall from time to time make such rules as will effectuate such policy and intent." The places to which the law applies are, among others, factories, mercantile establishments, bakeries and factories for food products, mines, tunnels and quarries; there are also general provisions as to hours of labor, payment of wages, public works, employment of children and women, manufacturing in tenement houses, and regulations of the use of explosives. The scope of the labor law is amazingly enlarged by the fact that the industrial board has power to make rules, which have all the force and effect of law, with regard to the places mentioned and with regard to the construction, alteration, equipment, and maintenance of the same; the arrangement and guarding of machinery and the storing and keeping of property; methods of operation and the conduct of trades and occupations. These rules may cover the matter of sanitation, and minimize and guard against fire hazards, personal injuries, and disease. In addition the board may of its own volition, when it finds that any industry, trade, or occupation involves elements of danger to the lives and safety of persons employed therein, require special regulations for their protection, making special rules to guard against such elements of danger. Where a provision of the law or a rule of the board involves practical difficulties or unnecessary hardships, the law allows a variation to be made, but only where the spirit of the provisions can be observed and public safety secured.

Until 1921 the department was headed by a commission of five, all of whom exercised all of the powers given by the law. It is easy to see from the foregoing excerpts from the statute that the law is one not only to be administered, but also involving legislative and judicial powers. In 1921 the labor law was codified and the department reorganized, the purpose of the reorganization being to separate the administrative from the judicial and legislative powers of the department.

Administrative work is of a different type than legislative and judicial functions. In the very nature of things, administrative work can best be conducted by one person and directed by one person. To

place administration in one person has been the tendency in other States. On the other hand, legislative or quasi-legislative and judicial functions ought not to be carried out by one mind; indeed, in New York some years ago, under a different form of the law, it was held that the legislature could not delegate its powers to one person. The form of organization provided by the 1921 law, was therefore, the appointment of an administrative officer known as the industrial commissioner and the appointment of an industrial board of three persons, the former to be responsible for the administration of the law and the administrative functions of the department and the latter to have all the quasi-judicial and quasi-legislative powers. The making of rules, which become part of the industrial code and have the force and effect of law, is a judicial act which is in the hands of the industrial board. As far as the compensation law is concerned, the administration is also in the hands of the industrial commissioner, and the making of rules and final decisions of compensation cases are in the hands of the members of the board.

The administrative work of the department can best be visualized by a reference to the bureaus in the department. These are inspection, workmen's compensation, state insurance fund, industrial relations, statistics and information, and industrial code. Judge Seaman Northrup, who spoke to you yesterday, is director of the bureau of industrial relations.

The three members of the board find that somewhat more than half their time is devoted to compensation cases.

The compensation work is to me of most appealing interest and I am glad to speak at some length on the New York statute. New York believes it now has the most humane and progressive compensation law in the country. The theory of compensation is well established in this country. It will be remembered that the first law of general application was passed by New York in 1910, but this statute was declared unconstitutional. The present compulsory law was passed in 1913, going into effect in 1914, and the law has from year to year been amended, always extending its benefits to larger groups, and with greater benefits, and although the New York law has been heretofore recognized as most liberal, it has during the last two sessions of the legislature added provisions which justify my first declaration. I should like to discuss the new provisions of the law and, in discussing them, explain those features which I believe provide satisfactorily for the needs it is intended to meet. These changes in the law go into effect July 1.

The first important question with regard to a compensation law is the coverage. In New York this coverage has heretofore been determined by the naming of specific employments, referred to in the statute as groups. These groups have been added to from year to year. An important addition, in 1918, was that of employments not already enumerated "in which there are engaged or employed four or more workmen or operatives regularly," except farm laborers and domestic servants. There has always been and still is in the statute a general provision that the employments named must be carried on for pecuniary gain.

A change with regard to coverage just made in the statute by the legislature is that these groups are rearranged according to the nature of the industrial act, as, for instance, the constructive group, the

installation group, the manufacturing group, and others; the manufacturing group mentions, for instance, 263 articles the manufacture of which is a hazardous employment. The exclusion of farmers and domestic servants, except where these are covered by voluntary insurance, and the "four or more workmen" group, are the same as in the previous statute. It is believed that the present grouping is more logical than the old form, and also that under the present system there can be fewer questions as to coverage, especially as there is another provision that a carrier may not deny coverage where it has accepted a premium. The statute also somewhat extends the occupational diseases covered by the act and very greatly simplifies procedure with regard to them. No change has been made in the clause in the statute by which the first two weeks are not paid for nor as to the maximum of $20 and the minimum of $8.

The methods of insurance are not changed. The provision for insurance in the State fund, in a stock or mutual company, or by becoming self-insurers is compulsory. The failure of employers to insure is a great misfortune to injured employees or the dependents of employees killed. In New York, factory inspectors must report whether the notice required by the compensation law is posted. In the last year about 4,500 employers were reported by inspectors and they were required to take out insurance. Every labor department or bureau should assist to reduce this evil.

It has always been agreed by those interested in compensation that the medical treatment to which the injured employee shall be entitled is as important an element as the compensation paid to him. When the New York statute was first passed there was a limit of 60 days' medical treatment; later this was amended to provide that the commission might extend this period when it found it necessary to do so; but the statute as now amended, reads distinctly that the employer shall promptly provide for the injured employee medical, surgical, or other attendance or treatment for the whole period during which the same shall be necessary. It has always been the law that if an employer failed to provide an employee with proper medical treatment the injured employee might obtain his own medical treatment at the expense of the employer, and this is not changed, but there is a new provision that within 20 days following the first treatment the physician shall furnish to the employer and to the industrial commissioner a report of such injury and treatment or else his claim is not valid. This is an added protection to the injured employee, as it brings his injury to the attention of the employer from sources other than his own notice.

Provision for permanent total disability remains unchanged in the new statute and consists of two-thirds of the average weekly wage, with a maximum of $20 weekly during the continuance of such total disability. Temporary total disability benefits shall be paid to the employee during the existence of such disability but not in excess of $3,500.

Permanent partial disability benefits continue to be paid for the same number of weeks as heretofore, but the arrangement in the statute is simplified. This covers the permanent loss of a member or eye, or part of a member or eye, or loss of use of the same. Loss of hearing is now covered by the statute in New York for the first time. The compensation with regard to loss of ability to use a hand is made

more liberal in that it is provided that compensation for the loss of two or more digits, or of one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of hand or foot occasioned thereby, but shall not exceed the compensation for the loss of a hand or foot. No change is made with regard to dependents in the case of death, except that dependents in a foreign country shall be limited, where there is no surviving wife or children, to a surviving father or mother.

One of the most interesting amendments made to the statute at any time was that made in 1921 regarding the payment of compensation. The amendment referred to is that of section 25. In some States, I understand, there is no provision for a hearing on compensation claims. This has never been so in New York. All cases have always had hearings. For the first four years all cases were heard before final closing. Then the statute was amended to provide that employee and employer or insurance carrier might enter into a written agreement, this to be subject to examination and approval by the commission. The law was then amended to require that upon the filing of such agreements the commission should notify all parties to be present at a hearing to determine whether the agreements were in accordance with the facts and the law.

Any type of agreement law is more or less unsatisfactory. It tends to bring about the old bargaining attitude between employee and employer or insurance company, instead of maintaining the more definite and dignified attitude for the employee of a right provided with definiteness by statute.

One of the big problems of workmen's compensation laws has always been to provide this certainty to the employee of the assistance intended to be provided for him, and promptness in the payment of the same, and at the same time to make provision for prompt hearing and decision where there is any question of the right. It is not a simple matter to provide both these conditions at once.

This idea was well worded by the governor of New York in his message to the legislature in 1921, as follows:

> In this connection I desire to call attention to what appears to me to be a serious defect in the workmen's compensation law. It is essential to the just working of the law that settlements be made promptly. The theory of the law is compensation to tide the injured employee over the period of disability, the relation of the employer and employee continuing at least during that period. It will promote better relations between employer and employee to have these matters put upon that basis in fact as well as theory, and to have them attended to as far as possible in the normal way without the introduction of third parties. The introduction of the insurance carriers shifts the responsibility from employer to carrier, with the result that the employee has to look to administrative agencies of the State or to the third party carrier. There results an unnecessary barrier and estrangement between employer and employee and inevitable delay, often to the acute distress of the employee.
>
> I recommend that the statute be amended so as to require the continuance of an injured employee on the pay roll and the payment after the two weeks' waiting period, of the two-thirds compensation required by law, unless the employer notifies the commission that the case will be contested, in which case the contest should be brought on promptly for a hearing. In my opinion that change will remove the cause of many delays, it will promote the automatic and harmonious operation of the law, and will tend to remove some of those causes of estrangement between employer and employee, who are fortunately beginning to learn that their interests are mutual.

I quote this at length because it seems to me so clearly to set forth the spirit of what a workmen's compensation law should be. The amendment (section 25) which followed this recommendation of

the governor begins as follows: "The compensation herein provided for shall be paid periodically and promptly in like manner as wages, and as it accrues, and directly to the person entitled thereto without waiting for an award by the industrial board, except in those cases where the right to compensation is controverted by the employer." It is then provided that on the twenty-first day after the injury the first compensation becomes due, and must be paid—the first 14 days not being compensable unless the injury lasts more than 49 days. On or before the twenty-fifth day (thus allowing four days) the employer (or carrier) must file notice with the industrial commissioner that such payment has been made and will be continued during disability, and that he will notify the industrial commissioner upon the cessation of such payments. A notice is at once sent to the injured workman informing him of his rights under the law, and of his right to a hearing at any time. In addition, upon notice that payments have ceased, a notice is sent him of a hearing at which he is expected to appear.

When the notice from an employer or insurance carrier states that no payment is being made, but that, on the contrary, the claim is controverted, it must also give the reason for such controversion. Upon receipt of such a notice, a date for hearing is set at once. Thus in either event the claimant has a hearing. These hearings are, in the first instance, before officials known as referees. Either or any party may ask for a review by the board, and the board also hears many cases in the first instance, where these have become involved as to fact, or raise new questions of law. By a further amendment in 1922, the legislature has removed the agreement provision altogether. This dependence of the injured workman upon his statutory right of compensation, with full opportunity for a hearing, certainly tends to meet the objects of the law; namely, to preserve better relations between employee and employer, and to give the former greater certainty as to his rights and expectations in case of injury.

The new statute continues the severe provisions of the law regarding nonpayment, allowing awards to be filed as judgments and providing a punishment of imprisonment of one year or a fine of $500, or both, for noninsurance. Needless to say, nonpayment is more serious in case of noninsurance.

No change has been made in the provision requiring written notice to be given by the injured employee within 30 days. The statute continues the provision that the written notice may be excused if the employer or his representative in charge of the work had actual knowledge of the accident and if the failure to give notice has not prejudiced the rights of the employer. Disputes of fact are frequent over this point. Did the employee notify the employer? Did his notification constitute a notice of injury or accident, or did the employee simply announce that he was not feeling well, without associating it with injury? The interpretation of this provision, while fair to the employer, has been liberal to the employee. The statutory provision for filing a claim within a year has not changed. There is no provision in the law or the cases for excusing failure to file a claim. Any payment in advance by the employer or insurer, however, makes it impossible for the employer to set up the defense that the claim was not filed within a year. In actual practice many

claims are lost by the injured employees through a failure to file the claim within the proper time. Yet the general principles that a man may not sleep indefinitely on his rights, and that the employer is entitled to know the demands to be made upon him, require some limitation. The duty lies heavily on commissions, employers, union representatives, and others interested in the employee, to educate the worker as to his obligations under the law.

An employee injured in the course of and by an act arising out of his employment may be injured through the negligence of a person other than his employer or fellow employee. In such a case, under the New York law, an employee may elect to take compensation from his employer (or employer's insurer) or may pursue his common-law remedy in the courts by an action for negligence against the third person. The choice must be declared by the filing of a written election to sue, together with a claim (a form is provided), whereupon the claim for compensation is kept alive until the law action is disposed of, and if less is recovered in the law courts than compensation may give, the difference will be paid to the claimant by award of the board. A frequent cause of misfortune to a claimant is the lack of knowledge on the part of his attorney that he may not settle such a third-party action except with consent of the employer.

It is, I believe, a principle common to all compensation laws that other sources of income shall not affect the right of compensation. Other sources of income are, however, a factor in determining dependency. Widows and children are not affected in their rights; but other dependents, parents or grandparents, grandchildren, or brothers or sisters, must show real dependency.

Perhaps the most important addition made by the 1922 legislature was that regarding subcontractors. A contractor whose work would be covered by the statute if he were doing the work himself is liable for compensation to the employees of subcontractors, unless the subcontractor has secured compensation as provided in this chapter. This will result in contractors making sure that subcontractors are insured, and will give protection to thousands of workmen heretofore unprotected.

In the northern part of New York State timber cutting is an important industry. Many injured men have found themselves without compensation due to the fact that their employer was an independent contractor and noninsured. The "contractor's section" applies to the owner of timber making such independent contracts. The same general principle applies, by the amendment, to any hazardous work requiring a permit from any public department, by providing that the same shall not be issued until proof is submitted that compensation has been secured. These are far-reaching provisions.

The new law continues, of course, the State fund, and adds provisions concerning its administration that will make it more useful in its purpose of regulating other insurance companies by competition. These provisions are for the payment of its expenses directly out of its premium instead of out of the State budget, its expenses, however, to be approved in advance by the State board of estimate and control. An advisory committee of nine members appointed by the governor from among the employers insured in the State fund, to serve without pay, shall consider the condition of the State

fund, its reserves, investments, and administration. This ought to, and undoubtedly will, result in an understanding of the State fund that will be very beneficial to the principle of State fund insurance. One more change may be referred to: A division of the $1,000 paid in death cases where there is no dependent, $500 each for the re-education fund and for the fund for those sustaining permanent total disability after permanent partial disability.

The rehabilitation work thus provided for is carried on in conjunction with the Federal bureau, and is having the good results to be expected. To my mind, the rehabilitation work, with greater cooperation with the medical work, as well as with the administration of the compensation payments, is the soul of compensation work, and the broadest field, perhaps, next to prevention, that lies before those who are interested in these questions. Employers and carriers in New York appear to me not to realize that rehabilitation work may be used by them as definite money savers, quite apart from their use in rebuilding and maintaining morale and character. Every one in this work can cite innumerable examples of the wonders of rehabilitation work. No case has pleased me more than that of a bricklayer who had an injury to the palm of his hand, because of which he could not hold a trowel. For a year the insurance carrier had paid compensation on a reduced earning capacity. At hearings before me to continue this payment, I found that the man was working as a drug store clerk, and was becoming more and more restless at not returning to his own trade, while the company was equally restive at being obliged to pay compensation. The medical testimony was clear that the sore on the inner surface of the hand would not allow of his regular work. I sent him to the rehabilitation bureau to have a device made to raise the pressure from the scarred area. This was not so simple as at first appeared, but with a second attempt a satisfactory glove was evolved. The claimant then went to a trade school until he became proficient in the use of the hand, and in a few weeks he returned to his own trade, greatly to the satisfaction of the man, the carrier, and the man's union delegate. All of this could have been done a year earlier. In another case, that of the complete loss of a member, rehabilitation training within a few months provided the injured man with a new trade at which he will earn more than at his old trade. These are simple cases; the annals of rehabilitation work are already full of much more impressive examples.

But any compensation law, however well devised, has difficulties of application. The Court of Appeals and the Appellate Division of the Supreme Court of New York are constantly deciding questions. The former has held that a hydroplane while on the water is of a maritime nature. That, however, does not decide the following case. A man was employed as general assistant in a lumber yard—a second-hand lumber yard. Among other duties, he wrecked buildings, drove a wagon, and stacked lumber. His duties were all plainly land duties. One day his employer sent him to load some lumber from a dock into his wagon and fetch it to the yard. He drove to the dock, and finding that the crew or others employed to do the work had not yet unloaded the lumber, he drove his wagon in under the crane and was severely injured while trying to ease the descending lumber onto its proper place on the wagon. Did he

drive his wagon into admiralty jurisdiction? The employer claims that he did. Unloading has been, under our decisions, maritime.

A teacher injured while performing a chemical experiment in the course of her teaching was held not to be engaged in chemical work, and the injury, therefore, not compensable, because her chief and real work was teaching, the chemical experiment being merely incidental. If a man is employed to look after property belonging to his employer and incidentally is sent by the employer to do some work upon his own home, is this latter work incidental, and not compensable if an injury occurs in its performance, because the maintenance of the home by the employer is not carried on for pecuniary gain?

The court of appeals has held that the watchman of a building does not step out of his employment if he goes upon the street when he hears pistol shots and is killed by bullets intended for robbers not on the property he is guarding. Is it equally certain that a girl under 15 years of age employed in a factory does not step out of her employment if she steps to a near-by machine which has nothing to do with her own work, and is injured?

Any day's work with compensation cases brings innumerable questions difficult of solution. Those who are charged with the administration of the law must bear in mind the intention of the statute, namely, the protection of workmen in accidents arising out of and in the course of their employment. The definition of each and every word may raise some question, but the general tendency, in New York State at least, is to broaden the application of the law and to provide a benefit to those who may be covered by it.

Of all the questions that arise with regard to compensation, medical treatment is the most important—even more important than the payment of compensation, because the soundness of the workman's body is his chief asset, and, in addition, humanity demands that the best possible medical care be given. In New York, and I think largely everywhere, the workmen's compensation law has brought into use the best medical ability. The compensation law also has developed medicine and medical practice, in that it has given a greater opportunity for the study of what has come to be known in industrial surgery as end results. New York has its own medical department, and when necessary cases are sent to specialists for examination and report. The medical aspect of the work is still a field in which much improvement can be made. Certain classes of cases have come to be recognized as most difficult of treatment. These are, particularly, back injuries and neurosis cases. In the former, every art and scientific method of the physician must be brought into play for a complete examination. Yet physical examination alone is not always enough. There are so many of these injuries that give only subjective signs that it is often necessary to bring into use social service and rehabilitation work. The man accustomed to heavy labor who has wrenched his back, and who has made up his mind that he will never be able to do the same work again, frequently becomes a difficult subject to handle. To find him work that he admits he can do and gradually to accustom him to heavy work and thus prove to him that he is not disabled, is the only complete method. In neurosis cases, care, time, and sympathy

must all be used, together with the best medical advice and medical treatment. It appears to me that the possible cure of neurosis cases has had less consideration in compensation work than outside of it.

I believe that every medical department connected with compensation work should have an eye specialist. Such serious injuries may result from slight causes in eye cases that these ought all to be subjected to a trained eye man for observation at the earliest possible moment.

Probably hernia cases are as difficult in other jurisdictions as in New York. Whether the facts of an incident constitute an accident; whether, if the employer or carrier does not furnish an operation, the claimant may be compensated for the time that he remains out of work waiting for this operation; the possibility of recurrence—all these and many more questions make this a subject that takes up a large share of time. I am inclined to believe hernias should be considered in the nature of occupational disease. This would be fairer and no more expensive to the employer or carrier. There are innumerable other medical questions; for instance, whether a claim for a serious burn should not be finally adjudicated until at least two years have passed, to see whether there may be any malignant growths from keloids; as to the treatment of synovitis; how far the medical department of a compensation division should guard against infections. These all arise in the daily grind and require the best wisdom of the man of science and the exercise of common sense by the person administering or interpreting the law.

The two great principles of compensation are prompt and efficient medical treatment necessary and prompt payment of compensation. New York has effectively met both of these obligations and hopes from further experience and from conferences such as this to learn more and thus more completely to fulfill its duty and administer its compensation law as a real help in the establishment of a better understanding and the maintenance of better relations between those two groups, to both of which we all belong, the employer and the employee.

PROGRESS IN COMPENSATION LEGISLATION.

BY ROBERT E. LEE, CHAIRMAN MARYLAND STATE INDUSTRIAL ACCIDENT COMMISSION.

I am largely indebted for what I shall read to you this afternoon to the very excellent statistical reports that come from the United States Commissioner of Labor Statistics, Mr. Ethelbert Stewart, to my commission, which are a wonderful aid in the preparation of anything pertaining to the progress of labor legislation.

Compensation for industrial accidents was established in Germany in 1884 and in Austria in 1887. The third country, Norway, followed in the year 1894. In 1893 the first report by the United States Bureau of Labor devoted to the subject of workmen's insurance was published, under the title of "Compulsory insurance in Germany." Since that year developments in legislation providing for workmen's compensation for industrial accidents in Europe and America have been rapid. It is conceded that no other subject for the benefit of labor has made such progress. Fifty foreign countries and Provinces have now some form of workmen's compensation for industrial accidents. In the United States 42 States have workmen's compensation laws. The courts of these States are no longer burdened with differences as to fellow servants, assumed risk, and contributory negligence, and the injured parties under the industrial accident laws, commonly known as workmen's compensation laws, are enabled to receive their compensation when it is most needed, without the delays occasioned by the necessary time required in suits and frequent appeals. Accident boards and commissions administering the law represent a new development in American jurisprudence; they are saving enormous sums, which under the common law were paid to lawyers and witnesses. The work of these tribunals is now recognized as a necessary concomitant of modern industrialism.

Under the common law the employee could recover only in the event that he was injured through some negligent act of the employer. This element is not a prerequisite to recovery under the law as it exists to-day. Now an employee who receives an accidental injury arising out of and in the course of his employment, and which disables him for a longer period than the waiting period provided by the act of his State, is assured of compensation, provided, however, that his injury was not caused by his own willful misconduct or willful intent to injure himself or another, or did not result solely from intoxication. This great work, which is rapidly and generally developing, practically revolutionizes the law of master and servant in so far as personal injuries are concerned.

Neither the German nor the British system has been adopted in the United States, but the British act is administered under the same principles of law as the American act. The words of the British act, that an injury to be compensable must be the result of an accidental injury arising out of and in the course of employment, have been adopted in nearly all American States.

The workmen's compensation law of Maryland became effective November 1, 1914, and remained practically unchanged until 1920, when the following amendments were passed by our legislature: The waiting period was decreased from 14 days to 3 days, which amendment has in one year increased the claims before the Maryland commission 100 per cent; weekly compensation was increased from 50 to 66⅔ per cent of the average weekly wage; the maximum weekly compensation was increased from $12 to $18; the minimum weekly compensation was increased from $5 to $8, funeral benefits from $75 to $125, death benefits from $4,250 to $5,000, and medical aid from $150 to $300; and farm laborers, who had been barred from the workmen's compensation law prior to June 1, 1920, were by the amendments of 1920, given the right through election of the employers to come under the statute for industrial benefits. The coverage section was broadened to cover, in addition to all extrahazardous employments, all work of an extrahazardous nature. Another progressive feature in the Maryland act, which I deem worth mentioning, relates to aliens. The first Maryland law made no provision for aliens, but in 1916 our legislature provided that compensation should be allowed to alien dependents.

A number of States have State funds administered by accident commissions. These funds have quite a part in the progress of compensation law; having no idea of profit, they act as a balance wheel, so to speak, to other insurance carriers in so far as rates are concerned. The growth of the funds depends upon a lower cost to the employer and the service rendered to employees and employers.

From year to year since the establishment of compensation for industrial accidents in the various States, legislatures have amended their statutes, the general trend of the amendments being to liberalize the law and to increase the benefits, until it is recorded that quite a number of States whose legislatures met this year made no change in their laws bearing on this subject. Some statutes allow compensation to workmen who receive an "injury," while others specify "accidental injury" as the foundation for a claim. It is held generally that where the word "accident" is omitted, workmen who suffer from what is known as "occupational disease" are entitled to compensation, while on the other hand, it is decided where the word "accident" is used, those suffering disability occasioned by occupational disease have no claim for compensation. Ohio and Minnesota follow the British system, which specifically states which occupational diseases shall be covered. Illinois covers occupational diseases arising from some occupations.

The following four systems of claim procedure are in use in the various compensation claim system States: Workman's claim system; voluntary agreement system; adjudication of cases on basis of employer's and insurer's reports only; and the hearing system. Of these I am proud to say that Maryland has the claim system under which all parties in interest, particularly the injured workman, are given an opportunity to represent their side of the case.

The International Association of Industrial Accident Boards and Commissions and other organizations have spent considerable time in the formulation of a standard uniform accident report blank. In 1911, a standard report form was worked out by the American

Association for Labor Legislation and revised by the committee on statistics of the International Association of Industrial Accident Boards and Commissions in 1915 and again in 1920, and this form is now in use to a considerable extent in our country.

Industrial accident laws vary greatly as to whether medical treatment should be furnished by the carrier and the employer or by the individual. The State of Washington provides a medical staff from which the injured man may select a physician. If the injured party returns to work, his medical treatment may be continued as long as the medical aid board deems such treatment necessary. Public sentiment for unlimited medical treatment is growing rapidly. Statistics show that there is no provision at all for medical aid in three States: six States have unlimited medical treament; while the amounts provided for medical aid in other States range from $50 to to $600.

The lack of uniformity in the provisions of the various State laws is very evident in the revised chart of January 1, 1920, prepared by the United States Bureau of Labor Statistics. As shown by this chart waiting periods vary from 3 to 14 days; death benefits, from $3,000 to $6,000; permanent total disability, in time, from 260 weeks in some States to full period of life in others; benefits from 50 per cent to 66⅔ per cent of the average weekly wages; maximum compensation from $10 weekly to $20 weekly; minimum compensation runs from $3 to $10 weekly. The percentage of employees subject to the act also varies considerably: California covers 76.2 per cent; Illinois, 55.4; Louisiana, 35.2; Massachusetts, 87.8; New Mexico, 30.7; Porto Rico, 20.5. Maryland's percentage, as shown by the chart, 45.9, has been increased by the amendments of 1920. Some acts are administered by courts, some by commissions, and others by industrial accident boards. The foregoing statistics tend to show that some States are progressing more rapidly than others in their compensation work.

The International Association of Industrial Accident Boards and Commissions has authorized the appointment of a committee to recommend a uniform schedule of rates for permanent partial disability, such rates being lacking in uniformity throughout compensation jurisdictions.

With the administration of the compensation laws, many industrial handicaps under which injured workmen labor have been brought vividly to the attention of the public, and to-day are justly receiving thoughtful consideration from those agencies having to do with the progress of legislation which has for its purpose the equitable distribution of the costs of industrial accidents and disease.

We have legalized and largely standardized the payment of compensation for industrial accidents and in some cases for industrial diseases. No longer do we hear any serious objection to reasonable compensasation laws. But as progressive as this step has been, there is still much to be done to hasten the day of industrial justice between employer and employee.

It is fine to pay the injured during their disability, but it is more important to prevent as far as is humanly possible the injury or disease which causes compensation to be paid than to compensate for the injury done.

In the order of importance in caring for industrial workers we should (1) prevent as far as possible the occurrence of industrial accidents; (2) promptly and fairly compensate during disability, (3) rehabilitate and reeducate as far as possible those permanently disabled as the result of industrial accident.

When we shall have worked out scientifically a just and equitable system of caring for the injured and diseased workers in industry we shall have remedied a very inequitable and inhuman method of caring for that industrial army upon whom so much depends for our peace, prosperity, and happiness.

THURSDAY, MAY 25—AFTERNOON SESSION.

MARY ANDERSON, DIRECTOR WOMEN'S BUREAU, UNITED STATES DEPARTMENT OF LABOR, PRESIDING.

MINIMUM WAGE AND HOURS OF LABOR—OPEN FORUM.

The CHAIRMAN. It has afforded me great pleasure to be asked to preside at the session this afternoon because the men and women assembled in this meeting are those who stand as a wall of protection to the men, women, and children who toil in our land. You also stand for the protection of the employer, because in performing the duties laid down by State legislation you are upholding the standards which are set not only by legislation but by employers of vision who realize that good conduct and conditions of employment are the road to real efficiency. If all the employers were thinking along those lines we would not need legislation in behalf of the workers, but there is a great deal of hope in the knowledge that it is only a minority of the employers who do not voluntarily join in the procession to better standards of employment in industry.

Our discussion this afternoon, according to the program, is to be devoted to minimum-wage legislation and hours of labor. This legislation concerns the women employees in the main, but it also has a decided bearing upon the conditions of men's employment. If a large portion of our woman workers are allowed to be paid below a living standard and to work long hours, then we will find that the standards of men's employment will be affected accordingly.

In the investigations conducted by the Women's Bureau in five States we have found a large portion of woman employees paid less than the minimum standards set by minimum-wage commissions in the various States. This condition is not for the best interests of the woman worker herself nor of the community as a whole. The family life of the Nation is affected to a very large degree by underpayment of woman workers, because women are not only supporting themselves, but in many instances are the sole support of a family consisting of younger brothers and sisters; the girl more often than the boy turns over the unopened pay envelope to the family budget. Under circumstances like these it has been decided by the courts that a minimum-wage commission functioning under State authorities is a necessary institution for the good of society.

In the same way it has been determined that hours of labor should be limited for woman workers, and in States where there has been a reasonable limitation for the good of the workers industrial strife has not been so acute as in other States where no such legislation existed.

Because these questions so largely affect our whole Government and its institutions it is fitting that the men and women intrusted by the States with the enforcement and interpretation of such laws should discuss these all-important subjects this afternoon.

Mr. CLIFFORD. The chairman has referred to the manner in which the minimum wage is fixed in the different States, and I can outline

to you briefly the manner in which it is fixed in the State of Washington. It is the duty of the director of labor and industries to appoint a committee of six, a conference committee, two representing the employers, two the employees, and two the public, to hold a hearing, at which hearing the director of the department is chairman. Evidence is submitted by those interested in fixing the minimum wage—by the employer, the employee, and the interested public. After a hearing and the submission of evidence, first, to determine the amount necessary to maintain a woman employed in the industry as to which the hearing is being held, and, second, the conditions under which she will work, the conferees hold a private session, a closed session, and consider the evidence and then make a recommendation to the industrial welfare committee. The industrial welfare committee in the State of Washington is composed of the director of the department, the supervisor of industrial insurance, the statistician of the department, and the supervisor of women in industry, who is the executive secretary of the commission. It is the duty of the industrial welfare committee and it has the power to fix the minimum wage, after considering the evidence submitted and the recommendation of the conferees. In the State of Washington during the past year we have held hearings and fixed the minimum wage at $13.20 in most of the industries. In the hotel industry it is $14.50 per week. As to piecework in the manufacturing industries we have held that 75 per cent of the employees must earn $13.20 per week and that 25 per cent may be termed as apprentices, and in that manner we have fixed the apprenticeship schedules where piecework is done.

We have had no serious objection to the minimum wage in the State of Washington. It has been in force there for several years and we believe that it is a splendid protection to the women. I believe that in the States where the industries are opposed to the minimum wage it is because they are not familiar with the benefit that the women of the State derive from it.

I feel seriously as to the benefits which are derived from the minimum wage. I believe one of the big things this organization can do is to go into the States where they have no minimum wage and educate the people in this respect.

Mrs. JOHNSON. As Director Clifford has just said, we held five conferences last year and we suggested the minimum wage for all industries, except public housekeeping, at $13.20. Public housekeeping is $14.50. What we mean by public housekeeping is hotels and restaurants. We set our minors' minimum at $9 per week; our apprentice schedules are $9 a week to begin with. The manufacturing industry is classified by schedules, and the apprenticeship rates are as follows: Schedule A—Three months at $9, three at $10, three at $11, and three at $12; Schedule B—Two months at $9, two at $10, two at $11, and two at $12; Schedule C—Six weeks at $9, six at $10, six at $11, and six at $12; Schedule D—One month at $9, one at $10, one at $11, and one at $12; Schedule E—One week at $9, one at $10, one at $11, and one at $12.

When an employer wants to employ apprentices he writes to the supervisor of women in industry to determine the schedule in which he belongs. He is then asked to report how many women he has in

his industry drawing a minimum wage and also how many apprentices and minors, if any. If I do not understand his work I go to his place of business and satisfy myself of the length of time it takes a girl to learn the work in that industry, and I then determine the schedule in which he belongs.

Our manufacturers complained that the married woman went to work in the fall to earn enough money to buy a hat or a coat and took up the employer's time teaching her the trade, and as soon as she got enough money she quit. They claimed that was a great loss to them, so we set two months as the time for the apprentice to learn, and after that she was to receive $9 a week. If a woman can not earn more than $9 a week in two months the employer will not keep her because she counts one on his 25 per cent of apprentices. I have found in the industries where women have been operating 60 days that they have gone far above the minimum wage. We request these manufacturers to send in their piecework schedule. We go over that carefully and see that it is high enough so that the girl can reach the minimum wage. We keep close tab on apprentices. The manufacturer has to report to me whenever I set a time for him to report. If I say once a month he must send me a report, sworn to before a notary public that the number of apprentices and minors given therein is a true statement of those in his establishment. We check up then, and once a year I request him to send me the names and addresses of every girl in his employ. Then I know whether he is continually taking on apprentices and letting them go, and at the next conference if he complains of inefficient help we bring that up.

Up to date our division has collected $15,000 of back minimum wages for the women in the State that should have been collected three years ago under the commission, and we think that the minimum wage is the only system. Now, personally, I don't believe in a high minimum wage. In the first place it gets to be the maximum, and the girl that is efficient is put down to the minimum to even up the pay roll. In the next place there is no incentive for the women to strive to be efficient.

Drug stores and other industries which want apprentices write to us for permits, and when they get 25 per cent they have to return before they get another. That is our system of keeping tab on apprentices in our State.

Mr. YOUNG. Under your system is the employer liable to make the minimum the maximum wage?

Mr. CLIFFORD. I will answer that question: There are a number of industries that do make it the living wage.

Mr. YOUNG. That, as a rule, has been the idea, that labor organizations make the minimum wage high enough to establish a living wage because of the proneness to make the minimum the maximum.

The CHAIRMAN. I might say to Mr. Young that in the District of Columbia where statistics have been kept as to whether the minimum wage tends to be the maximum wage, they have found, according to a report just issued, that there are now more women being paid over the minimum wage than there were when the minimum wage was set. So that there, at least, there has been no tendency toward making it a maximum, and I believe that is what most everyone has found where correct statistics have been kept.

The States have several different ways of determining a minimum wage, and I am going to call on Mr. Wilcox to tell us just what they do in Wisconsin.

Mr. WILCOX. The Wisconsin act provides that every employer shall pay a woman an amount sufficient to enable her to live in decency and comfort, and so the commission set about making a survey of the State to find out how many women there were in industry, the type of industry, the amount of wages they were being paid, what it cost for board and living, for room, and for clothing. We worked out a schedule and got prices from various institutions, stores, and such like on this schedule of what a woman's wearing apparel should be to clothe her in decency and comfort. We carried on a general survey and reached the conclusion finally that there was no difference in substance in what it would cost a woman employed in a store and one employed in a factory to live in decency and comfort, and we promulgated our wage on that basis. Our first wage is 22 cents an hour and applied to all industries indiscriminately. We fixed the rate by the hour deliberately. The woman who was required to work no more than 8 hours per day had an opportunity to do some of her sewing, her mending, her laundry, and various things of that type, whereas the woman who was working 10 hours a day might be denied the opportunity for that sort of thing. We felt, too, that the health of the woman who worked only 8 hours per day would be sufficiently improved and her need of medical attendance, her need to lay off the job a day now and then in order to recuperate, would be so much less to that of the woman who was working 10 hours a day, that that should be taken into account. So we hit upon 22 cents an hour at that time. Our order was issued June 27, 1919, and went into effect on August 1.

Our investigations were made by a woman in our own department, but the material gathered was surveyed and adjusted and worked over, and the hearings were conducted before a committee made up of four representatives of the employers' group, four of the employee's group, and four representing the public. At the conclusion of the hearings, which were very extensive, we formulated our order at a joint session of the representatives of these various groups sitting with the industrial commission, and the agreement was a unanimous one.

In the original order we provided for an apprenticeship period of 6 months—at 18 cents an hour for the first 3 months, and 20 cents an hour for the next 3 months, and at the end of that time the employee was entitled to the full wage. If she could not make it the employer was obligated to let her out. It sounds rather harsh. After all, I take it that the woman who goes into industrial work, who can not earn, after six months' experience, a sufficient wage to enable her to live in decency and comfort ought to find an industry in which she can earn it. We felt that six months in a particular occupation was all that ought to be required in order to make her self-supporting.

The minimum wage has never been a maximum wage with us. There isn't any substance to this thought that the establishment of a wage sufficient to enable a woman to live in decency and comfort is ever going to be the maximum wage for any industry, save only

as to the industry that prior to the establishment of the minimum wage saw fit to pay all its employees less than the minimum wage. The minimum wage never brought any woman's wage down from the higher level to the lower level. As a matter of fact, the industries in our State raised the point that the establishment of the minimum wage for the less efficient, for the beginner, and so forth, would crowd the wage of the others up, because the employers had to maintain a certain relationship between the one class of labor and the other. If if had not been for the living wage in Wisconsin during this period of depression, not only the women but also the men of Wisconsin would have suffered greatly, for the women would have been doing the men's work, because their wages would have been lowered below what a man would accept.

In the lumber industry we found that while our law provides that the order shall be effective as to minors the same as it is for women, employers were desirous of employing men at a wage which was less than the minimum wage for women, and as they had opportunity to get them, they said, "If we have to pay minors 22 cents per hour, the thing for us to do is to let them out and keep on the adults." They claimed that that was what they would have to do because they said they could get adults for less than 20 cents an hour.

In 1921 we increased the wage to 25 cents per hour. That seemed to the employers to be a hardship at that particular time. They said, "Right now, when everything is going to smash, why do you increase the wage"? The fact remains that when you are fixing the minimum wage for women you are fixing it according to what a woman has to have while she works, and while you may mention some things as to which the prices are lower, the things that enter into the upkeep of the woman worker are right up where they were years back.

Miss McFARLAND. Kansas has been the pioneer in legislation for women, and we have just gone through a period which is rather puzzling to us. The women's work in Kansas was originally under the industrial welfare commission, as it is in several of the minimum wage States, but at the last session of the legislature the industrial welfare commission was abolished, or rather its powers were transferred to the court of industrial relations, which has recently been established in Kansas. The representative opportunities under this system were also swept away and all the work placed directly under the administration of the members of the court; the office of director of the woman's work was established not by law, but by the action of the court, within the court, and is known now as the division of women and children. We have gone through a period of revision of the orders. I may state that when this arrangement was made it was claimed that it would be a means of strengthening the woman's work, that the authority of the court would be perhaps greater than the authority of the former industrial welfare commission and thereby the woman's work would gain strength. The recent revision of our orders, however, has not met with the approval of the director of women's work. We feel that our miminum wage in laundries and in mercantile establishments was not raised to the point which can be considered a living wage. The minimum was $7.50, but in our recent revision $10.50 was set as the wage for mercantile establishments and $11 as the wage for laundries. There was a decrease in the hours in

laundries from 54 to 49½ per week, so that the increase in wage in laundries was considered above that in the mercantile establishments, as the hours for mercantile establishments were not decreased. The factory wage remains at $11 per week and the hours were increased from 48 to 49½ per week.

We have a strong fight in the State of Kansas with the employers' association and it has been attacking the minimum wage legislation for some time. It is claiming that our law requires that we actually prove that a substantial number of workers in Kansas are living in actual discomfort and in immoral conditions, due to inadequate wage, and therefore that the court of industrial relations has only emergency power to act when there is a very serious condition that is threatening the pubic welfare and it is trying to hold up all legislation on that ground. Of course we are claiming that our law states clearly that wages must be adequate to live on, and therefore it is not a question whether girls are actually living in discomfort and insanitary and immoral surroundings, because their wages may be supplemented by other means or they may be living at home, and therefore being saved from the worst effect of low wages. We have absolutely refused to consider the home basis for wages and permit that to enter into our cost of living.

We made a cost-of-living survey during the summer of 1920, when the cost of living was at the peak. We realized that the cost of living probably would not stand as the basis for our minimum wage legislation, as so much time had elapsed before our orders were revised, and yet we feel that the difference between the $16.93 or around that which was agreed upon, as the result of our cost-of-living survey, and the $10.50 which was set as the mercantile wage, was too great a difference and did not represent the decline in the cost of living at the time the survey was made.

Then we have also a wage survey, which was made in Kansas in the summer of 1920 by the Federal Women's Bureau and the industrial welfare commission, and we are insisting that those two surveys be considered as the basis for our minimum wage. But the trouble has been that too much time elapsed between the carrying out of those investigations and the setting of the wage, and it has given an opportunity for discounting the results of the investigations, and a great many arguments have been used to show that we should not base our wage legislation at this time entirely upon these investigations.

Miss VON GLICK. Would it not be a very valuable thing for this association to-day to concentrate attention on the methods which are being used in the various departments of work of the State departments of labor, the methods of enforcement of minimum wage laws and the results of those methods from their individual experience, the methods that are being used in Washington State, Wisconsin, and Washington, D. C., to be a valid check, for instance, on the procedure that has been outlined in Kansas and which is declared to be unsatisfactory to the women's department? Haven't we through this year gained a good deal of experience that is simply retained in the minds of those who have been enforcing these laws, and wouldn't it be a very big step forward in the enforcement of labor laws if that material could be gathered together? I am not prepared to suggest how it could be done, but it certainly is a step that this association

could undertake, perhaps in this coming year, to make an investigation into the methods of administering the minimum wage laws as a start, another year to go on with the methods of enforcing laws regulating hours of work, because of course, there is a big field for discussion as to the best method of enforcement, and so on throughout the whole question of factory inspection. I realize that your papers very often emphasize methods, but what I am suggesting is that you follow up with a discussion and concentrate on methods with the thorough study that would enable you to get more material than can be given in a 10-minute contribution or discussion; this afternoon has demonstrated that the material is in existence.

MINIMUM-WAGE ADMINISTRATION.

BY REV. JOHN A. RYAN, D. D., DIRECTOR NATIONAL CATHOLIC WELFARE COUNCIL, WASHINGTON, D. C.

A gathering of labor department officials is not, I assume, greatly or particularly interested in minimum wage legislation from either the social, the industrial, or the political aspect. Therefore, I shall not discuss the subject formally from any such point of view. Some of you are closely concerned with the administration of the law because it exists on the statute books of the States which you serve. It is not improbable that others in this convention will be interested a year from now or a little later. At least, we who believe in minimum wage legislation, hope so, because we hope that laws of this sort will be enacted by some of the State legislatures which meet in 1923.

Utah has a minimum wage law which is of very little interest to labor officials except in so far as they are charged with its enforcement. In that State the wage is fixed by the legislature itself. This is also true, in part, of the laws of Arizona and Arkansas. In so far as the legislature fixes the minimum, the task of determining the legal minimum wage obviously does not rest upon the labor administration. In the majority of States, however, the legislature merely declares that the workers shall not be paid less than living wages, and authorizes the minimum wage commission to ascertain just what a living wage is in the various industries, and then to put its findings into effect by an administrative order. The minimum wage commission is required, therefore, to translate a general principle into concrete terms, into terms of dollars and cents.

Should the minimum wage be determined solely on the basis of the cost of living, or should it make some allowance for the financial condition of the industry? In the great majority of the laws already enacted, it is stipulated that the wage shall be sufficient to enable the worker to maintain herself in health and comfort, and no mention is made of the effect which such a scale of wages will have upon the industries to which the law applies. In the Massachusetts law, however, the boards which fix the minimum are required to take into account "the financial condition of the occupation and the probable effect thereon of any increase in the minimum wage paid." According to the former principle, the minimum wage commission is to keep before it merely the cost of decent living; according to the Massachusetts principle, a real or apparent inability of an industry to pay a wage equivalent to the cost of decent living must be carefully considered. This factor may prevent, and as a matter of fact has prevented, the commission from making the wage sufficiently high to constitute a reasonable living wage. Not only for the sake of the workers themselves, but in the interest of easier administration, it is to be hoped that this feature of the Massachusetts law will soon be repealed, and that it will not find its way into the law of any other State.

The standard according to which the wage is to be determined is, in general, that of a "living wage." While the language used to define the latter varies considerably in the different State laws, these differences are verbal rather than real. Substantially the same interpretation has been put upon all the definitions. In Kansas, the wage must be "adequate for maintenance," and "to supply the necessary cost of living"; in Minnesota, it is required to be "sufficient to maintain the worker in health and to supply her with the necessary comforts and conditions of reasonable life"; in Wisconsin, the living wage is one that suffices for "reasonable comfort, reasonable physical well-being, decency, and moral well-being." All the definitions indicate that the living wage not only exceeds the bare cost of physical subsistence, but must provide for physical well-being, reasonable health, a certain elementary degree of comfort, and even some provision of intellectual, moral, and religious welfare. At least, they have been so interpreted both by minimum wage commissions and the advisory boards or conferences by which the commissions have been assisted in making wage determinations. While there has been considerable difference of opinion concerning some of the concrete items and goods that are necessary for the kind of living contemplated by the law, there has been practical unanimity upon the proposition that the worker is entitled to a wage that will supply her moral and spiritual, as well as her physical, wants. This canon of interpretation is as important for those charged with the administration of the law as it is for social theory and social well-being.

All but one of the minimum wage laws in this country are mandatory; that is, they require the employer to pay the specified legal minimum under penalty of imprisonment, or a fine, or both. In Massachusetts, no legal penalty is provided for disobeying the orders of the minimum wage commission. The only sanction to the law is publication in certain newspapers of the names of those employers who refuse to comply with the recommendations of the commission. Even this can be avoided if the employer is able to prove before a court that acceptance of the commission's recommendations would prevent him from obtaining a reasonable profit. While this method of recommending wage rates with no means of enforcing them except newspaper publicity and public opinion is obviously insufficient it has effected a material increase in wages in many of the submerged trades of Massachusetts. At the recent session of the Massachusetts Legislature, an effort was made to have the law rendered mandatory; on the other hand, an attempt was made to repeal the law entirely; as a consequence, the whole subject was referred to a legislative commission which is to report its findings to the next session of the legislature.

The minimum wage commissions or boards are variously constituted. In some States they are identical with the industrial welfare commissions which have charge of the administration of all labor laws. In other States the commission is composed of persons who hold no other State office. In a few cases the labor commissioner is chairman of the minimum wage commission. It has been suggested that the best arrangement would be to place the whole minimum wage commission under the charge of the department of labor, as an independent bureau, having at its head a special deputy commissioner

of labor. The other two members of the commission should represent, respectively, the employers and the employees. In a commission thus composed the executive officer would give all his time to the administration of the minimum wage law, would have access to all the statistical material of the department of labor, and would be able to direct most effectively the enforcement of the commission's orders.

All the minimum wage laws, except those which embody wage rates fixed by legislature, require the commission to set up advisory boards or conferences, composed in equal numbers of persons representing the employers, the employees, and the general public. These advisory bodies investigate the cost of living, and recommend to the commission the rates of wages which they regard as sufficient according to the standard set up by the law. Therefore, it is of the greatest importance that the advisory boards should be made up of competent and fair-minded persons. As a rule, the representatives of the employers are selected by the employers themselves without any great difficulty. The choice of representatives of the workers is much more difficult, owing to the lack of organization. In this situation the commission, particularly the member who represents the workers, can be of great assistance. When it is at all possible, the workers' representatives on the advisory boards should be selected at meetings of the workers themselves, and it is decidedly worth while to expend considerable time and energy in organizing such meetings.

In most States the commissions can not put into effect any wage rates except those that have been recommended by the advisory bodies. If the commission does not agree with the findings of the advisory board, it can require the latter to reconsider the subject or can organize a new board, but it can not put into effect wage rates that have not been already recommended by an advisory board. There is considerable ground for holding that the commission should sometimes have the power to determine rates for itself, particularly when the advisory board finds great difficulty in fixing the rates or when only a bare majority of the board is able to agree. In all cases it is desirable that the executive officer of the commission should be a member of the advisory board, in addition to the three groups representing, respectively, the general public, the employers, and the employees.

One of the most important problems before the commissions has been the scope of the wage awards. Two factors are involved here—namely, various industries and various localities. In the smaller towns and cities of a State the cost of living is not infrequently somewhat lower than in the large centers; hence a wage that would be adequate in the former would not suffice in the latter. Variation of rates to meet this situation can usually be made without much difficulty. The problem of various industries or occupations has been met in different ways by different commissions. Inasmuch as the wage is to be determined by the cost of living rather than by conditions within the industry, it would seem that the same rates should apply in all industries. About the only exception to this principle is presented by the additional outlay for clothing which seems to be required in some occupations, such as stores and offices. Although the extra outlay is really an occupational cost rather than

a living cost, it should in all fairness be taken into account in fixing the wage. Nevertheless, four of the States now have uniform rates for all occupations. In at least one State, Minnesota, there are only two sets of occupational rates, one applying to stores and offices, the other to factories, hotels, and laundries. From the point of view of administration, as well as from other points of view, the Massachusetts law is especially undesirable, inasmuch as it seems to require a separate set of wage rates for every occupation. The commission of that State has already investigated 24 occupations and fixed minimum rates for 16. Yet these 16 do not include the the textile industry, which has by far the greatest number of woman workers in the State. The enormous amount of labor, time, and expense required to set up advisory boards and enforce varying rates in more than a score of occupations is as obvious as it is unnecessary. Two sets of rates, following the twofold classification of occupations made by the Minnesota commission, seem to be ample to meet whatever differences in the cost of living exist in different occupations.

All the laws require a minimum wage rate to be put into operation as a unit on a given date. While this requirement has probably not caused any great degree of hardship, there may be cases in which the rate could, with advantage, be imposed gradually. That is to say, the minimum for each three months might be 50 cents less per week than for the succeeding three months, the full rate being reached at the end of a year. Probably, however, it is only in exceptionally low-paid occupations that this arrangement would be necessary.

A more important improvement upon the existing legislation would be a provision empowering the commissions to revise existing rates of wages on their own authority. One of the most serious defects in the administration of minimum wage legislation has been the failure to adjust the existing rates to the changing cost of living. During the war, most of the wage rates became too low long before they were raised by the commissions; since the war, very few rates have been revised downward. The reason is, undoubtedly, the difficulty of organizing advisory boards to review existing rates. The law should require the advisory boards to take up this task of revision periodically, say once every five years. Any considerable variations in the cost of living during the interval could be met by the action of the commission. This would be a comparatively simple matter, in view of the statistics on the cost of living which are published periodically by the United States Bureau of Labor Statistics.

The administrative problems with regard to apprentices, minors, and defective workers have been fairly well solved in some of the States. The essential requisites of this situation are: A graduated increase in the wage rates of both minors and apprentices which corresponds with their increase in efficiency, thus neutralizing the temptation of the employer to discriminate either in favor of or against them; a liberal interpretation of the clause "physically defective," so as to include those who are notably defective mentally or economically; a system of special permits or licenses for the employment of apprentices and subnormal workers; and, finally, the maintenance of a fixed proportion between the number of either of these classes on the one hand and the number of experienced workers on the other hand in any establishment.

DISCUSSION.

Mr. STEWART. I want to call attention to one particular Doctor Ryan mentioned, and that is the differentiating of wages on account of so-called mental and physical deficiency. I suppose that a recognition of that sort is necessary in extreme cases, but we are faced with this condition: Organizations are now working upon a mental schedule to control occupations. There is an organized movement to show that certain industries which have installed automatic machinery are employing practically the feeble-minded—that they are a great charity, doing a great public service, and hence that not only should they not be required to pay the ordinary minimum wage rates but as a matter of fact they ought to be subsidized. It is true that certain industries have reached the point where no human being with average brain power and ability could work at an occupation therein for any length of time. It would simply drive him crazy or he would become feeble-minded by virtue of the occupation. Certain occupations do not require any brains and destroy any brain the worker had to start with, and these industries are trying to capitalize the automatic arrangements which they put in and which make people stupid, by getting a reduction of wage on the basis of the stupidity of the workers. It seems to me that we should be very careful how we agree to that doctrine.

Mr. DAVIE. Why should not a woman who does the same work as a man receive the same wages without any minimum wage?

The CHAIRMAN. Well, I think that we all agree upon that question. That is the ideal condition, but we are so far from that ideal at the present time that we have to have a makeshift such as the minimum wage law in order that we may advance more rapidly to the time when there will be equality. I think there is one thing we have not discussed very seriously this afternoon in connection with the minimum wage, and that is the apprenticeship system. There has been a tendency by some of the minimum wage commissions to fix the apprenticeship period at a very long time. The minimum wages are fixed mainly for the unskilled and semi-skilled trades, so as to bring them up somewhere near a living standard. It takes only a very few weeks to get into the swing of that kind of work; and yet we have allowed as high as a year or more for apprenticeship. If we persist in doing that we are going to get away from the very fundamentals of the minimum wage by doing away with the actual minimum and having the apprenticeship system overpower the actual minimum wage system. While at the present time we are fixing the minimum wage for the individual woman, I think that we should also take into consideration that women have dependents and that in many instances women are the sole support of the family; we should look forward not only to equality of the wage but also to a minimum wage based on the responsibility of the woman to others besides herself. In other words, let us take into consideration the same factors that we do when we consider man's wages, and perhaps then we will come much nearer and quicker to equality in their wages.

Mrs. JOHNSON. What would you suggest—first, to go after the apprenticeship schedule?

The CHAIRMAN. We ought to take into consideration the question of skill in the particular industry for which the apprenticeship period is fixed. For instance, take a clerical position; it doesn't take very long to become a clerk, but we have a commission which has fixed one year for this occupation. I think we ought to look forward to the time when we shall fix the apprenticeship at the actual time that it takes to learn the work. You talk to a man about fixing the minimum wage and say to him, for instance, "How long does it take a girl to become a clerk?" "About two or three weeks." When you get him before the minimum wage board he will say that it takes a year. The same thing applies in a laundry. In the minimum wage hearings in the District of Columbia the board asked, "How long does it take a woman to become actually competent in laundry work?" "Oh," they said, "of course it differs; a shaker, the one who shakes out the sheets or linen, it takes only a day or so, perhaps a few hours," but when it came to fixing the apprenticeship period those very laundrymen got up and said it took from three to nine months to become a shaker in a laundry.

F. D. PATTERSON, CHIEF DIVISION OF HYGIENE AND ENGINEERING, PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, PRESIDING.

REHABILITATION AND MEDICAL SUPERVISION.

THE INDUSTRIAL CLINIC FOR THE REHABILITATION OF THE INJURED IN INDUSTRY.

BY LEWIS T. BRYANT, COMMISSIONER OF LABOR OF NEW JERSEY.

The act under which the State of New Jersey is operating affords the widest possible latitude to the rehabilitation commission and to the construction placed upon the word "Rehabilitation." The commission has the greatest possible regard for the reeducation and training of injured workers, but it has felt that the first step in the rehabilitation program consists in reconstructing the injured worker so as to secure the fullest possible return to health and usefulness. In its judgment an ounce of physical rehabilitation is frequently worth a pound of educational betterment. Obviously, if by means of a surgical operation, medication, orthopedic treatment, or the use of braces or other devices, a worker may be able to perform his obligations in life better, some method for obtaining this treatment should be the first concern of those having the obligation of his rehabilitation.

In New Jersey the State has been divided into five industrial centers, with an industrial building in each center, wherein is housed the compensation hearing rooms, the rehabilitation clinic, the local office of the rehabilitation examiners, and the public employment service. These buildings are also used for local administration of the factory inspection work, and the close cooperation of the local factory inspector helps materially in securing a knowledge of the industries best adapted for the employment of handicapped workers, and insures an approach to the management by an official having a personal acquaintance therewith.

While under the act the facilities of the commission are extended to all workers above 16 years of age, it was thought that its initial activities should apply particularly to the workers coming within the compensation schedule. The surgeon in charge of the industrial clinic is also the medical and surgical adviser of the deputy commissioner of compensation holding court in that district, and this joint relationship materially helps in properly determining the physical problem of the handicap. The rehabilitation representative in the court room also obtains a prompt contact with the worker and is in a position to take up the problem with due regard to the compensation payments.

The main office of the department of labor also forwards to the rehabilitation examiners reports of accidents within their district which would seem to be promising from a rehabilitation standpoint.

The rehabilitation representative spends a portion of each day in the public employment office, and in this manner comes in contact with another source of placement contact. Most of our public employment offices are operated in conjunction with the local chambers

of commerce and are able to help materially in securing handicap placements. A weekly bulletin is issued by practically each office, which lists a number of unusual positions and is mailed to hundreds of representative employers in each community. We are commencing to place handicapped workers through these bulletins, and the results so far have been exceedingly satisfactory.

The five clinics are each in charge of a chief of clinic, who is recommended by an advisory board composed of the leading surgeons of the community and who has such high professional standing as to warrant the cooperation and confidence of the medical profession. Under this plan each handicapped worker, as well as each person coming within the scope of the compensation law, is insured a complete examination by a physician of the highest skill. This examination is frequently a determining factor in rehabilitation placement for the reason that the man's physical condition will permit of only a limited fee. In the larger clinics, in addition to the chief of clinic, a young doctor is constantly in attendance. Several expert masseurs are employed, and they alternate throughout the several clinics, so as to insure scientific massage.

Each clinic has a full orthopedic equipment, including bakers, high-frequency machines, Burdick sun lamps, deep therapy lamps, complete X-ray outfits, electric wall plates, a full set of McKenzie functional reeducation apparatus, a gymnasium, including rowing machine, a home bicycle trainer, rings, wall machines, punching bag, and revolving wheel, and in the larger clinics a complete pathological laboratory is maintained. An operating room is also provided, with full sterilization, although, as a rule, only minor operations are performed, as the major operation cases are taken to the hospitals with which our surgeons are connected. A fully equipped plaster room is provided, including an Albee table, jury mast with tripod for spinal extension, and an orthopedic chair for foot injuries. In two of the clinics we have an electric eye-testing apparatus, and in one of the clinics a full dental outfit. In our largest clinic we have, in addition to our X-ray equipment, a fluoroscope and shadowgraph apparatus for the reading of X-ray plates.

As an evidence of the volume and wide range of our activities the report of the Newark clinic for the month of March is indicative:

	Treatments.
Baking and massage	559
Functional reeducation	335
Heliotherapy	95
Surgical	25
Plaster	8
Orthopedic	16
Dressings	62
Strapping	21
Dental	0
Operation	4
Medical	10
Electrotherapy	110
Total treatments	1,245
Examinations	264
X ray	28
Pathological	22

It is naturally a delicate problem for the State to carry on this character of work, but every effort has been made to conduct the clinics on a highly ethical standard. A survey of the hospitals of the State demonstrated that they were not generally equipped for this character of treatment, nor is it likely that they would have the time to devote to these ambulatory cases. It certainly appears that the orthopedic clinic supplements the activities of the hospitals in a community and is of material assistance to the medical profession generally.

In each of our clinics we have a large number of cases referred by the practitioners of the city, and of course a charge is made for these private patients, as well as a nominal charge to the insurance carriers or employers for compensation cases. However, the primary object of the clinical work is not so much the financial return obtained as it is a guaranty that every injured citizen in the State is afforded an opportunity to secure a character and quality of treatment which will in many cases entirely cure him of his injury or materially help in returning him to usefulness. While the entire practicability of these clinics was perhaps questioned in their beginning, they have now become a recognized institution of the State and a highly appreciated adjunct to the general rehabilitation movement of New Jersey.

MEDICINE AND INDUSTRY.

BY JOHN A. LAPP, DIRECTOR DEPARTMENT OF SOCIAL ACTION OF THE NATIONAL CATHOLIC WELFARE COUNCIL AND EDITOR OF "THE NATION'S HEALTH."

The natural state of man is in the open. Man is an outdoor animal. His most natural employments are agriculture, hunting, and fishing. In an outdoor environment his health is promoted and he is protected against many dangers. This most natural condition of man's employment is, however, not the prevailing one in this country. Man has been taken out of his natural environment and has been placed in factories, mills, and mines; he has had placed in his hands strange tools with which to work, and is oftentimes engaged in the operation of complicated machinery; he is subjected not only to the ordinary burdens of work which he would have outdoors, but in addition he works at monotonous employment, often in unnatural positions, surrounded by foul atmosphere, sometimes by dangerous poisons; he is surrounded sometimes by unhealthful dust and by deleterious substances, acids, or poisons; he works in unnatural heat, in unsanitary surroundings, under artificial light; he runs the constant risk of serious accident; he is fatigued by his unnatural employment and becomes for that reason a special prey of accident and disease. Clearly, the purpose of those who control industry should be to make the environment as nearly natural as may be possible.

We can not go back to pastoral employments. Under modern conditions men must work in factories, mills, and mines. The only way in which man's estate can be improved, therefore, is not to wish and long for a return of other days, but to attempt to adjust the working environment to the men and women who work in industry and to adjust the workers themselves, as far as possible, to the conditions of the new employment, so that their work may be an advantage and a blessing and not a physical wrecking and a curse.

It should be perfectly clear to every one that industry exists for man and not man for industry. The first consideration everywhere must be the human factor. Mere industrial success and money-making can not justify the physical destruction or deterioration of a single man. It has already been pointed out that the problem of adjustment deals with two things—the work itself and its environment, and the human beings who are engaged therein. It is the problem of industrial medicine, broadly conceived, to study and help to make adjustments in these two respects. Industrial medicine should concern itself with the place of employment. One of its prime duties is to insure that workers have a fit place to work, with due reference to the physical weaknesses which are inherent in mankind. Industrial medicine should determine the sanitary conditions under which men work; it should see that the environment protects the worker against the spread of disease and against conditions which may weaken the morale of the workers. Industrial medicine should look closely to the problem of ventilation, whether in office or shop. Mere guesswork should not be allowed to control in so important a

matter. Industrial medicine should establish standards of lighting, so that the individual may be protected against the loss of efficiency, and perhaps even the ability to work, through the deterioration of eyesight caused by bad lighting conditions. Industrial medicine must solve the problem of injurious dusts, gases, and acids. It is reported by good authority that in ordinary times more than 4,000,000 men are employed in industries where injurious dusts damage the health of the workers. Industrial medicine must study the problem of heat, particularly in all industries where heat processes are a factor in production. Industrial medicine must consider the whole question of monotonous employment, fatigue, and posture required of workers at work.

On the other hand, the worker himself comes in for study by industrial medicine. All workers can not do all things with equal safety. Some workers should be excluded from attempting to do certain kinds of work, which may be dangerous to their physical well-being. Children particularly need to have the unaccustomed burdens of industry properly adjusted to their backs. Women in industry present additional problems requiring more careful adjustment of the strains of industrial work than others. Workers must also be protected against contagion, which may be disseminated by their fellow workers. All of this requires, in the first place, physical examinations. I am aware that around this subject of physical examination there has revolved much controversy, but I am persuaded that these controversies are due to lack of understanding of the purpose of physical examinations on the one hand and to an unfair use of physical examinations on the other.

Physical examinations may be for two main purposes: First, to exclude workers from an employment; and second, to adjust workers to the jobs which they can do best, and which will not be injurious to them. It is necessary in some employments to have a physical examination for purposes of exclusion. Tests for color blindness are essential for signal men; candidates must necessarily be excluded if color blindness is found. Restaurant workers should be examined for communicable diseases, and must be rigidly excluded if found to be affected. Elevator operators should be excluded when a bad heart condition is found. These are samples of the proper use of exclusion as the end of physical examination. In many instances, which might be cited, exclusion is essential for the protection of the worker himself, his fellow employees, and the general public. It is because physical examinations have sometimes been used to exclude workers for selfish purposes that discredit has been cast in some quarters upon them. No one can possibly object to the legitimate use of physical examinations for the purposes suggested above. But the prime purpose of physical examination is to adjust the worker to a position which will be safe for him to fill, both for himself and others, and which will enable him to develop the greatest amount of efficiency. Scientifically carried out, such examinations would find a proper and safe place to work for men with physical or mental handicaps. Physical examination for this purpose is altogether too rare. Perhaps it is rare because of the high qualifications needed in those who make the physical examination and the occupational adjustments. Such work involves much more than physical examination. It requires not

only the skill of the doctor and the surgeon, but also the scientific application of the principles of social work. The physician most likely may have no experience in the phases outside of medicine in this process of adjustment. Expert employment service and scientific social work are necessary additions to his skill and must generally be provided from other sources. Only in exceptional cases is the industrial physician fitted to direct the whole process of physical examination and occupational adjustment.

Are we measuring up in industrial medicine to the tasks set forth? Probably no one conversant with the facts would say that we have made more than a crude beginning. Some score or more of great leaders of medicine in industry have pointed the way, but their voice is as that of one calling in the wilderness. We have comparatively little of real industrial medicine, properly conceived. That which passes for industrial medicine and surgery is in the main not industrial at all, but merely medicine and surgery given at an office or dispensary in a plant, perhaps paid for by the employer, but differing in no respect from the medicine and surgery which the same physicians would provide in their own private offices.

The bulk of industrial medicine and surgery arose out of the requirements placed upon industry by the workmen's compensation acts. When industry became responsible for payment for all accidents occurring, it was found advantageous financially to take care of the wounds of industrial workers by employing a physician to come into the factory for surgical or medical work. Some industries found it advisable to employ physicians for several hours per day to attend to minor injuries by giving immediate treatment, thus preventing worse conditions from developing, and to take care of injuries so as to restore men to working capacity sooner than otherwise would be the case. In either instance the dollar was the motive. Industry was concerned with saving the money which it would otherwise have to pay in compensation or in increased insurance rates. Many physicians and surgeons summoned into industry began to grasp the full significance of medicine as related to industry and industrial workers, and to enlarge their views to comprehend the whole health of workers in industry. They have been the leaders in attempting to make industry safe for the workers and the workers safe for industry.

The beginnings thus made are bound to grow. Industrial medicine has a great future. The industrial physician will by no means do the whole job of promoting the physical well-being and safety of workers, but he will be an important factor. Linked with him will be the employment department, scientifically managed; the service department, and the department of social welfare. All of these departments, including the medical, will eventually be organized on a mutual or cooperative basis. The function of industrial medicine will not be supplied permanently by the employer; it will become a cooperative enterprise of employer and employee, with perhaps the public taking an active part for the good that may come to the community. One of the serious weaknesses of industrial medicine to-day is that it is not cooperative, and does not enlist the financial interest of the employee. It can not receive the full moral support of labor unless labor has a hand in its management and a burden in

its support. The industrial physician employed by the company has become too much of a company man. Too many industrial physicians take the point of view of the employer and have too little conception of the point of view of the worker or of the labor union. From observation covering some years, I am convinced that industrial physicians and surgeons, with many very brilliant exceptions, are unsympathetic with labor and with labor unions. There can be no permanent success with such an attitude. It is contrary to the best conception of industrial medical work. Labor unions and cooperative labor groups will fill a more important place in the future than in the past. Industrial medicine must establish itself on the solid ground of industrial peace by taking neither side, but by establishing close communications with the human material with which it must deal, both industrial workers and employers.

REHABILITATION AND THE PLACEMENT OF VOCATIONALLY REHABILITATED PERSONS IN EMPLOYMENT.

BY CHARLES H. TAYLOR, EMPLOYMENT SERVICE, UNITED STATES VETERANS' BUREAU.

From the point of view of the United States Veterans' Bureau, which is now administering the vocational rehabilitation act, approved June 27, 1918, "To provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," suitable or gainful employment is the supreme test of rehabilitation. In other words, it is proof that the physically disabled and vocationally handicapped veteran has been restored as nearly as possible to his former vocational capacity. This applies also to the great task of rehabilitating that vast army of industrial cripples which have not as yet been counted.

I am assuming that most of you are conversant with the work of rehabilitation and will therefore dwell briefly but specifically on the plans that are now being followed by the Veterans' Bureau, taking for my text, as it were, "the trainee" and following him through the various steps until employment is reached.

The first step is the determination of "eligibility for training" under the law and of the type of training.

The rehabilitation act passed June 27, 1918, sections 2, 3, and 6, provides three classes of training.

The distinction between section 2 and section 3 training is that a disabled ex-service person in section 2 training receives, in addition to free instruction, support for himself and dependents during his period of training, while a disabled ex-service person in section 3 training receives only free instruction and the compensation awarded on account of his disability under Article III of the war risk insurance act. Section 6 training is that training which is given to those disabled persons in hospitals who are not yet discharged from the service, provided the training arrangements are approved by the Veterans' Bureau and the commanding officer of the hospital. A section 6 trainee receives only free instruction and his service pay.

As the law was originally enacted, three conditions of eligibility for training under section 2 were established: First, the disability must have been suffered in the service and have been incurred under circumstances entitling the disabled person, after discharge, to compensation under Article III of the war risk insurance act; second, the injury must have been such as to prevent him from "carrying on" in a gainful occupation, from resuming his former occupation, or from entering upon some other occupation successfully; third, training must be feasible.

To insure training under section 3, a disabled man must be entitled to compensation under Article III of the war risk insurance act and must not be included in section 2.

In order to secure training under section 6, a disabled person must not have been discharged from the service, and his training arrange-

ments must be approved by the Veterans' Bureau and the commanding officer in the hospital in which he is located.

Four conditions of eligibility for training under section 2 were established:

1. The disabled man must have been separated from the military or naval forces of the United States under honorable conditions since April 7, 1917.

2. He must have a disability that was incurred, increased, or aggravated while he was a member of such forces, or that is traceable, in the opinion of the Veterans' Bureau, to service in such forces.

3. His disability, in the opinion of the Veterans' Bureau, must be such as to cause him to be in need of vocational rehabilitation to overcome the handicap of his disability.

4. Training must be feasible.

The second step is "advisement and induction into training" of veterans declared eligible for training under section 2 of the act and constitutes 85 per cent of our load. A favorable decision being rendered, certification is forwarded to the subdistrict office that has jurisdiction over the territory in which the ex-service person lives. The subdistrict office, after receipt of this decision, immediately takes steps to call the man into the office for a personal interview with rehabilitation officers and medical advisers.

At this conference an individual training program is developed by the rehabilitation officer. In developing this program the following factors should be taken into consideration: First, trainee's physical and mental condition; second, education; third, prewar and postwar occupation; fourth, trainee's personal desires, native ability, and personality; fifth, dependency status. The recommendation for training should be of such a nature that, first, it will not impair the trainee's physical condition while in training; second, it will, if possible, build upon his previous occupation experience; third, it will be within the trainee's mental scope; fourth, it will, so far as possible, take into consideration the trainee's personal wishes, but this should not be a major factor in the final determination of training; and, fifth, it will disturb his home (living) conditions as little as possible.

The training program is signed and agreed to by the applicant and reviewed by the medical adviser, who approves each individual training program as to feasibility for training, considered in the light of the applicant's physical handicap. If the program is approved as to feasibility by the medical adviser, the applicant is ready to be inducted into training.

The selection of the type of training—that is, whether institutional or placement training—will depend upon the facts developed while advising with the man in making out his training program.

The third step is "supervision," the most important factor of the work. While in training each trainee is assigned to a representative of the bureau, whose duty it is to supervise the training and to act as guide and counselor during the period of training. The purpose of this supervision is, first, to insure proper training and progress leading toward the employment objective which has been selected; second, to see that the trainee is on the job regularly and profiting by the training into which he has been inducted; third, to see that the institution or firm is furnishing the proper instruction for the man;

and, fourth, to see that we are receiving full value in instruction for the tuition paid.

The supervisor's reports should be made in writing, to be filed in the individual trainee's folder, and the report should show: First, what part of the training program has been completed since the last report of the supervisor; second, the quality of work done by the trainee during such period; third, whether the trainee is adapted to the employment objective which has been selected; and, fourth, whether training which he is receiving is in any way detrimental to his physical disability.

This information is secured by personal interview with the trainee at his place of training. It should be a record from the trainee's point of view as well as from the supervisor's point of view. These reports are made at regular intervals, every 15 or 30 days, depending upon the place and the type of training.

The ultimate success of the rehabilitation work depends, first, upon the proper initial advisement, and, second, upon close supervision after induction into training. Regular supervision at frequent intervals will enable the rehabilitation officer to prevent a trainee from becoming discouraged or making mistakes, or if the training is not suitable it will be discovered early, and correction will be made before he becomes so discouraged that he drops out of training and before Government money has been wasted on a training program that is not suitable.

In this connection a survey of 9,348 trainees in one district shows that 74½ per cent are still in training for their original employment objective, 20 per cent have had but one change, and 5½ per cent have had more than one change since their original induction. When you consider that many of the changes in employment objectives are necessary because of the man's physical handicap, the above figures show an excellent record for that district. A survey of some 3,000 trainees in another district shows that 78 per cent of the men are still in training for their original employment objective.

In supervising trainees it is frequently found that it is necessary to interrupt the training program, either temporarily or permanently. These interruptions may become necessary for various reasons:

First. Because of the physical condition of the trainee it may be necessary for him to report to a hospital for care and treatment for his war disability, and in such case temporary interruption can be made for the man and arrangements made for him to continue his training upon completion of his hospitalization. At all times the physical welfare of the trainee should receive first consideration.

Second. Because of the trainee's failure to profit by the opportunity offered him.

Third. For disciplinary reasons, where the trainee has violated rules and regulations of the institution, and the offense has been of a serious enough nature to suspend training. This may be a temporary or permanent interruption, depending upon the circumstances in the individual case.

Fourth. Because of the trainee's lack of ability. In such cases every effort should be made to secure new training facilities, where the trainee's ability will be sufficient to profit by the training recommended.

Fifth. In cases of institutional training, where continuous training can not be arranged for through the summer vacation, arrangements may be made to interrupt the training program temporarily during the summer vacation period and the men will be permitted to resume the regular training at the opening of the fall term.

Close supervision of the trainee will disclose when the original training program is not suitable or when a change in employment objective or in the place of training is necessary. It may be that the objective is suitable but the man is failing to profit by training because of some condition over which he has no control. In cases of this kind it is advisable to change the place of training rather than to continue him in training under unfavorable conditions.

In many instances where a man is in training in an industrial establishment, the firm is paying him some nominal wage. From time to time this amount may be increased by the firm as the proficiency of the trainee increases. This is one of the best evidences of progress in training and should be accepted as one of the large factors in determining rehabilitation. Where trainees are receiving a nominal wage from the firm there will be a graduation of their maintainance allowance, reducing the amount they are receiving from the Government by an amount approximately equal to that which they receive from the firm.

As a measure of rehabilitation, the following conditions have been established as a guide when training under section 2 will terminate: (*a*) When the trainee has successfully completed the training outlined for him; (*b*) when the trainee has met the requirements established for entrance into the employment for which he has been trained, provided he has successfully completed the training outlined for him, such training being sufficient to qualify him to meet established requirements, or he desires to terminate training prior to its successful completion; (*c*) when all reasonable efforts have been exhausted to train the person to the point of employability; (*d*) when a trainee accepts employment in preference to continuing training, provided it is established by medical evidence that the trainee's disability is not increased nor aggravated as a result of such employment; (*e*) when it is plainly apparent that the trainee is manifestly, repeatedly, and continuously making no effort to avail himself of the opportunity offered.

The fourth step is "handling of appeals." In many instances the decision of the rehabilitation division relative to termination of training and rehabilitation will not be concurred in by the beneficiary affected. In cases where the man does not concur in the decision rendered in his case, he has the right to request that his case be reviewed by the board of appeals in the district office. In case the decision is still unfavorable, he may, as a last consideration, request that a complete record of his case be forwarded to the central office for final review and decision.

There are two general classes of appeals at the present time: First, the case of the man who has been denied section 2 training and given only section 3 training. He appeals his case for further consideration, requesting that section 2 training be granted. Second, the case of the trainee who has been rehabilitated or who has permanently discontinued or completed the course in section 3, who appeals for further consideration and requests further training.

The fifth and final step is "employment" and as stated in opening this is the supreme test of the thoroughness with which the four preceding steps have been followed out.

The Veterans' Bureau, recognizing its responsibilities to disabled ex-service men upon completion of their training, has created an employment service whose object it is to provide employment opportunities for trained disabled veterans in all fields of endeavor. The rehabilitation division's responsibility does not cease when the trainee has been declared rehabilitated, for the full intent of the law unquestionably places the additional responsibility of providing employment for the man in a suitable or gainful occupation to the fullest extent possible. The employment service also assumes the responsibility for checking the efficiency of the rehabilitated trainee on his job for the purpose of determining whether the training received is sufficient to meet the standards required by employers.

The division has two problems that have a direct bearing upon employment. The first of these problems is, that the division be assured that the training received by trainees is of the standard required by employers. When these standards have been reached, the problem of securing suitable employment will be greatly aided and the trainees will be able to go direct from training into employment with no handicap. The second problem is that of securing sufficient suitable employment opportunities, thus creating a desire on the part of the trainees to be more promptly rehabilitated.

The duties of this service naturally divide into four major activities: (*a*) Trades and industries; (*b*) agriculture ; (*c*) professional, arts and sciences, and commercial; and (*d*) civil service. Each of these activities has a representative in the central office organization at Washington, D. C., who is experienced in employment work.

It is the duty of this service to make periodical surveys of industrial, commercial, and professional fields of the entire country. The surveys will indicate possibilities of employment with special reference to equalizing the numbers of trainees in vocations. This will in a measure prevent overloading any vocation, thus insuring immediate employment of the rehabilitated.

A summary of the duties of this division so far as they apply to employment can be covered by two activities: 1. Providing employment opportunities; 2. Following up after employment.

The organization of the employment service in the central office does not contemplate actual contact with the individual trainee, but rather confines itself to working out arrangements with large employers whereby the trainees of the bureau are taken into their organizations upon rehabilitation. The actual contact with the trainees and the placing of the men in suitable employment are functions that are decentralized to district and subdistrict personnel who are the contact representatives of the bureau and have direct and continued contact with the trainees and prospective employers.

The employment service contacts with the field representatives of the bureau are confined to acting as a clearing house for employment opportunities and disseminating information relative to employment, gathered by it, to the districts for their use.

This service is also the agency of the bureau through which contacts are formed with trade, industrial, commercial, professional,

and veterans' organizations. These contacts are made by attendance at conventions, conferences, and meetings of the subsections of the large organizations to present the problem of employment of rehabilitated ex-service men and securing their active cooperation through the utilization of their various agencies.

Some 15,000 men are being trained in agriculture by the bureau. Approximately 50 per cent are receiving their training in agricultural schools and colleges. The school authorities and supervisors of agricultural training keep in close touch with the field of employment and provide opportunities, months in advance, for men about to complete training in their schools. In covering this field contacts are made by the central office with many agencies whose activities offer opportunities for meeting our employment needs. These agencies include the Department of Agriculture, Department of Labor, Civil Service Commission, Federal Board for Vocational Education, national and local farm organizations, patriotic and other societies, National and State agricultural conventions, meetings, fairs, etc.

The supervisors of agricultural training find it more difficult to secure desirable employment for men in placement training or training on the job. The contacts of these supervisors are many and varied. Their best source of information as to employment opportunities is through the county agents and county farm bureaus, also advertisements in the local farm journals and in other publications. The local organizations and services, and patriotic and other local societies are assisting in furnishing opportunities for employment. News notes in certain lines of the public press, including the bureau's field letter, are used. A number of men are going on the land as owners or tenants, with the object of remaining there after rehabilitation. As this part of the disabled veteran's program concludes his training, the responsibility for his immediate future economic status depends partly on the training and not entirely on the employment service.

In the commercial field, contacts are formed with organizations such as the Metropolitan Life Insurance Co., Commercial Travelers' Association, and Accountants' Association; in trade and industrial lines, with labor organizations, large corporations, chambers of commerce, and manufacturers' associations. An endeavor is made to cover all conferences held by the various activities mentioned. All agencies of the Government are likewise utilized to secure openings for employment of trainees. Close contacts and definite working arrangements have been made with the Civil Service Commission, the executive departments, and the various bureaus, for taking properly trained disabled ex-service men into their various activities.

It is the policy, wherever possible, to train our disabled men directly into employment, this being accomplished in a great many cases through the activities of the training supervisors (working from the subdistrict office), who are in direct and continuous contact with the individual trainee.

It is the duty of the employment representative to interview his contacts with reference to the men he has selected, and, wherever practicable, to send the men direct to the employment representative of the organization desiring their services, for a personal interview. Surplus openings for employment will be reported from one office

to another and a clearing house for such opportunities maintained in the district office. The central office at Washington maintains a clearing house of opportunities for the districts.

In closing, a few figures may be interesting and will indicate the size of our problem to some extent:

Total registration	552,366
Number of men who entered training	150,536
Number of men now in training	109,805
Number of men who have completed training	11,250

Up to date, therefore, over half a million men have applied for training and over 150,000 have entered training; that is, approximately one out of every four who were registered has entered training. One out of every five who were registered is still in training.

That suitable employment for the disabled can be found is not a new problem or a new thought, and it is my belief that the rehabilitated man is not disabled or crippled, because he is able to give a fair service for a fair wage, in fact many crippled men have testified that the handicap of public opinion is a greater obstacle than the loss of a limb or the impairment of activity of any part of the body.

The rehabilitated man may be limited in his choice of occupations, but if his skill is of the average marketable grade he is not handicapped unless he is denied reasonable opportunity because in public opinion he is still disabled.

The veterans of whom I speak became disabled in defense of our country; they are the most precious of material—human beings—and they must not be left on the scrap pile. They are our most valuable natural resource, man power, and it is imperative that such man power be reclaimed if this Nation is to continue to reclaim its arid lands, replant its burned forests, or plow its fertile fields.

The rehabilitation of the disabled in war and the disabled in industry is one of our social problems and must be attended to carefully and efficiently. For years past we have been busy maiming and killing and have forgotten to care for the disabled, hiding them in humble homes or in charitable institutions, or anywhere, so long as they were out of sight so that we might not be offended by looking at them too often. But now, through the aid of common sense and a far-seeing Government, we are able to send our disabled for a cruise on the "ship of training" on the sea of rehabilitation, and finally to land them over the gangplank of opportunity on the shore of permanent employment, in order that they may become self-supporting, self-respecting, independent citizens of this great country, making a material contribution to the aggregate success, wealth, and happiness of the human family.

THE NATIONAL PROGRAM OF VOCATIONAL REHABILITATION.

BY JOHN A. KRATZ, CHIEF INDUSTRIAL REHABILITATION DIVISION, FEDERAL BOARD FOR VOCATIONAL EDUCATION.

Status of vocational rehabilitation before the Federal act.—Before the Federal act providing for promotion of the vocational rehabilitation of persons disabled in industry or otherwise became a law in June, 1920, several States had enacted rehabilitation legislation. Only five or six of them had, however, actually begun the work. Three States anticipating the Federal act, had in their acts provided for acceptance. Except in two or three States, however, very little actual vocational rehabilitation work was accomplished prior to the establishment of the program by the Federal Government.

Progress since the Federal act became effective.—The work of the Federal board during the first year and a half of its administration of the act was devoted largely to promoting acceptance legislation in the States, and to giving assistance to the States in setting up their rehabilitation machinery.

To date 34 States have accepted the act, and I am confident from information I have in hand that this number will be increased to 40 or 42 at the meeting of the State legislatures in the spring of 1923. It may be said, therefore, that the vocational rehabilitation of persons disabled in industry or otherwise has been established on a nation-wide basis.

Development of the program.—Despite post-war depression and economy programs which have been inaugurated in practically all of the States, there has been a very gratifying development and expansion of the rehabilitation program throughout the country. In those States which have accepted the act the personnel handling the work has reached the number of 125 persons, exclusive of stenographic and clerical help. This statement does not, however, give an indication of the actual number of persons now engaged in the rehabilitation service, because the work of State staffs is supplemented by the cooperation not only of workers in other State departments, such as those of public health, welfare, instruction, labor, etc., but also of representatives from many private agencies which are in a position to lend assistance. As for the number of disabled persons being served in the period between July 1 and November 15, 1922, the roll of active cases increased 240 per cent, and there are indications that the total number of persons now being served in the States would number from 12,000 to 15,000. As the States develop the mechanics of case procedure and extend their cooperative contacts, the number of persons they can serve proportionate to their staffs will be considerably increased. The volume of cases being handled is constantly growing, and it is impossible at this time to hazard even a guess as to when the peak load will be reached.

Vocational rehabilitation as contemplated under the Federal act.—The Federal act promotes the vocational rehabilitation of persons dis-

abled in industry and otherwise by providing State and national cooperation. The States are directly responsible for the work and receive allotments of money based on population. Expenditures from these allotments must be matched by State expenditures used for purposes which are legitimate under the Federal act. The Federal Board for Vocational Education interprets the act and sets up policies of administration. In the State administration is in the hands of the State board for vocational education, which under the act must cooperate with the body that administers the workmen's compensation laws. In several States the State board has delegated the administration of the work to the labor or compensation department, but of course has not relinquished its responsibility under the act.

The Federal act does not specify how rehabilitation is to be effected, but the Federal board recognizes the following services as avenues to rehabilitation: (1) service leading to physical reconstruction; (2) service providing artificial appliances; (3) service providing suitable work conditions for persons with disease tendencies; (4) service providing opportunities for disabled persons to become established in their own business; (5) service providing suitable placement; (6) service providing training resulting in placement.

Federal or matched funds can not be used for physical rehabilitation as such, for living maintenance, for purchase of teaching or office equipment, or for building or land. Living maintenance for persons being rehabilitated through training comes through such sources as accident compensation, personal resources, loans, contributions from private sources, or State funds provided for that purpose. States which now have maintenance legislation are Minnesota, New York, New Jersey, North Carolina, Pennsylvania, Wisconsin, and Wyoming. The maintenance is provided through general State appropriations or as additional compensation.

Cooperation by other State departments and private agencies.—Because of variations in age, disability, education, experience, capacity, and spirit, disabled persons must be dealt with individually, not in groups. Frequently several kinds of services are necessary in the rehabilitation of a single case. A recent case which came to my attention was that of a young man who had lost his left leg a little below the knee. When he came to the rehabilitation service it was decided that it would be necessary to provide an artificial limb, and he was thereupon taken to a person who was capable of making a fitting. It was found, however, that the stump had been sloughing, and that it was in no condition to take an artificial appliance. The doctor recommended that an operation be performed in order to put the stump in condition. Through the efforts of interested persons and those who were cooperating, a private agency contributed funds, not only for the operation but also for the cost of hospital expenses.

Henry ———, aged 21, drifted into the office of the Social Service Club of La Crosse one wintry night, clad in overalls, shirt, cap, and shoes—nothing more. Blind in one eye, rapidly going blind in the other, he presented a sorry sight. A meal and a bed in jail that night, a few old clothes in the morning, and Henry went "looking" for a job. At noon Henry had a smile and a job washing dishes at a near-by hotel—meals and $6 per week. Prospects for the future: Washing dishes and complete blindness eventually.

The case was reported to the rehabilitation department and later investigated. A blood examination by an interested physician showed a four plus Wassermann reaction. Arsphenamine treatments at the free clinic at La Crosse were started and the latest reports are that Henry's eyesight has improved, and a complete recovery, with an operation if necessary, is the prognosis at the present time.

In the course of events a heavy snowstorm played havoc with telephone and telegraph wires in the locality, and there was a sudden demand for men with some knowledge of wiring. Having had some experience Henry applied for a job and was accepted, made good, was retained after the temporary need for men had subsided, and has stayed with the company since that time. His eyesight is rapidly improving. His next step will be into the night class of the vocational school at La Crosse, where he will receive technical training in electricity. The possibilities which lie in store for him in the near future are obvious. From a "four plus" Wassermann, near blind, naked transient, to a comparatively healthy, self-supporting, and what is more, self-respecting electrician, is a seemingly impossible step, yet not an impossible one.

This case not only demonstrates the possibilities in rehabilitation, but also clearly indicates the invaluable assistance that a local cooperating agency can render. Henry has been held on the "straight and narrow" path—a material service that could not have been performed by the limited force of the rehabilitation department.

It will be seen from the illustration which I have just given that a State could never rehabilitate all its disabled persons if it depended only on its official personnel. Cooperation with other agencies is necessary.

This cooperation is secured either on an organized or unorganized basis. That is to say, in the handling of practically every case some help is needed from outside agencies, and this is secured by a request from the rehabilitation department that certain services be rendered by these outside agencies for the particular case involved. On the other hand, cooperation on the organized basis is effected by means of setting up relationships with other State departments, such as compensation commission, public welfare, health, labor, public instruction, agricultural extension, etc., or with private agencies, such as State medical association, social agencies, Red Cross, Rotary, Kiwanis, and Lion clubs, newspaper associations, societies for crippled children, parent-teacher organizations, Y. W. C. A., Y. M. C. A., chambers of commerce, city or charity officials, city and county officials, church organizations, fraternal orders, federation of women's clubs, etc. In order to explain how organized cooperation is established, a plan used in several of the States is given, as follows:

Clearing agencies, to whom cases are referred for preliminary study and recommendation, are established in communities. The function of such clearing agencies is to save the rehabilitation service much preliminary work which it would otherwise have to do. The services which these agencies render are assistance in determining eligibility and susceptibility, and in the making of preliminary tentative programs of rehabilitation. Their work is supplemented by advisory committees, usually consisting of four, five, or six members. A typical committee consists, in a particular community, of the head

of district nurses, the representative of vocational education, the executive secretary of the Red Cross, the representative of the employers' association, the director of the bureau of community welfare, and the director of the State-city employment office.

Back of these committees, ready upon call, are the big busy people of the community. Of course, the responsibility for final action in a case and for determination of what it shall be is in the hands of the State department of rehabilitation. Experience has shown that it is not difficult to train people to know what the State can do under its own legislation and that of the Federal act. It is the practice of representatives in the rehabilitation service to sit regularly with these committees.

The philosophy behind organized cooperation is sound, inasmuch as rehabilitation is certainly a responsibility of the community. It is only logical that the community should give every support and cooperation to the State department.

Special services given in some States.—For the most part, the State laws, being acceptances of Federal legislation, are uniform in the benefits extended to disabled persons. These are in the main tuition in training, provision of instructional supplies, and all services in connection with advisement, placement, and follow-up to a logical conclusion, in a position of independent employment. In cases where artificial appliances are necessary aids to vocational rehabilitation, the appliances may be provided.

In the State of New Jersey rehabilitation clinics are maintained for the purpose of providing physical reconstruction or physical rehabilitation to disabled persons who are in need of it. Of course, physical rehabilitation is in many cases the only avenue through which vocational rehabilitation should be attempted. In those States in which the law does not provide for it, other steps must be taken in order that it be secured.

In Iowa there is a hospital law which provides disabled persons with everything that is needed in the way of medical and surgical treatment. In many of the States, of course, State-aided hospitals are used, and in many instances the service is secured through the charitable assistance of both individuals and organizations, as well as of the medical fraternity in general.

Special studies.—In addition to the usual procedure in handling cases, a number of States are making special studies on a more or less scientific basis, thereby devising new ways and means for vocational rehabilitation. Inasmuch as the blind offer one of the most troublesome problems, much attention is being given to discovery of occupations for the blind. Several of the States are engaged in investigations which will lead to definite and helpful results. In one of the States special study has been made of operations which are common to a number of industries, such as, for instance, packing and wrapping. This, of course, was for the purpose of determining occupations in which handicapped persons may "carry on." Studies are being made, also, in other States, in connection with suitable employment for persons with arrested tuberculosis, or tendencies to it.

In conclusion, I would say that the progress of the rehabilitation work as carried on under cooperative arrangements between the States and the Federal Government has been very gratifying indeed.

Results and actual services rendered to disabled persons have far exceeded our expectations, while the development of suitable machinery to enable the States to meet the problem has increased to a surprising degree, notwithstanding the conservatism and economies which are being practiced in a number of our States. The rehabilitation of persons disabled in industry or otherwise has not only been set up as a national problem, but has been definitely organized and established as a social and educational endeavor, a service which will inhere and grow in proportion as an enlightened public realizes the benefits to be derived from the program and the responsibilities which must be met.

APPENDIX.

LIST OF DELEGATES AT CONVENTION.

CANADA.
H. C. Hudson, general superintendent Ontario offices, employment service of Canada, Toronto.

CONNECTICUT.
F. L. Hall, deputy factory inspector department of labor and factory inspection, Williamstown.
John H. Quinlan, deputy factory inspector department of labor and factory inspection, Meriden.
M. J. Kelley, deputy factory inspector department of labor and factory inspection, Norwich.
J. J. Burke, deputy commissioner department of labor and factory inspection, Hartford.
P. H. Connelley, deputy factory inspector department of labor and factory inspection, Danbury.
George F. Costello, deputy factory inspector department of labor and industry, Mystic.
W. E. Duncan, deputy commissioner department of labor and factory inspection, Hartford.

DELAWARE.
Charles A. Hagner, chief child labor division, labor commission, Wilmington.

ILLINOIS.
Linna E. Bresette, assistant director social action department, National Catholic Welfare Council, Chicago.
Charles J. Boyd, general superintendent Chicago free employment offices, department of labor, Chicago.

IOWA.
Mrs. Ellen M. Rourke, factory inspector bureau of labor statistics, Des Moines.

KANSAS.
Agnes E. Harrigan, inspector women's work, industrial welfare commission, Topeka.
Alice K. McFarland, director women's work, industrial welfare commission, Topeka.

LOUISIANA.
Frank E. Wood, commissioner bureau of labor and industrial statistics, New Orleans.

MASSACHUSETTS.
E. Leroy Sweetser, commissioner department of labor and industries, Boston.
John P. Meade, director division of industrial safety, department of labor and industries, Boston.

MICHIGAN.
Carl Young, commissioner department of labor and industry, Lansing.

MINNESOTA.
Henry McColl, member industrial commission, St. Paul.
Louise Schutz, chief division of women and children, industrial commission, St. Paul.

NEW HAMPSHIRE.
John S. B. Davie, commissioner bureau of labor, Concord.

NEW JERSEY.
L. T. Bryant, commissioner department of labor, Trenton.

NEW YORK.
Seaman F. Northrup, director bureau of industrial relations, department of labor, Albany.
Mrs. Rosalie Lœw Whitney, member industrial board, department of labor, New York.

NORTH CAROLINA.
M. L. Shipman, commissioner department of labor and printing, Raleigh.

OHIO.
W. J. Biebesheimer, chief division of labor statistics, department of industrial relations, Columbus.
OKLAHOMA.
Mrs. Randolph Elliott, industrial secretary, Oklahoma City.
PENNSYLVANIA.
C. B. Connelley, commissioner department of labor and industry, Harrisburg.
Fred J. Hartman, secretary industrial board, department of labor and industry, Harrisburg.
Robert J. Peters, director bureau of employment, department of labor and industry, Harrisburg.
S. S. Riddle, chief bureau of rehabilitation, department of labor and industry, Harrisburg.
J. J. Coffey, supervising inspector bureau of inspection, department of labor and industry, Philadelphia district.
Francis Feehan, supervising inspector bureau of inspection, department of labor and industry, Pittsburgh district.
VIRGINIA.
John Hopkins Hall, jr., commissioner bureau of labor and industrial statistics, Richmond.
Mrs. Ethel Scott, director division of women and children, bureau of labor and industrial statistics, Richmond.
B. M. Blankinship, supervisor of industrial rehabilitation, Richmond.
Lillie M. Barbour, special inspector bureau of labor and industrial statistics, Richmond.
WASHINGTON.
Edward Clifford, director department of labor and industries, Olympia.
Mrs. Delphine M. Johnson, supervisor of women in industry, department of labor and industries, Olympia.
WISCONSIN.
Fred M. Wilcox, chairman industrial commission, Madison.
A. J. Altmeyer, secretary industrial commission, Madison.
WASHINGTON, D. C.
H. R. Brown, Bureau of Chemistry, United States Department of Agriculture.
Francis I. Jones, director general United States Employment Service.
Mary Anderson, director Women's Bureau, United States Department of Labor.
Agnes L. Peterson, industrial supervisor Women's Bureau, United States Department of Labor.
Ethelbert Stewart, United States Commissioner of Labor Statistics.

SERIES OF BULLETINS PUBLISHED BY THE BUREAU OF LABOR STATISTICS.

[The publication of the annual and special reports and of the bimonthly bulletin was discontinued in July, 1912, and since that time a bulletin has been published at irregular intervals. Each number contains matter devoted to one of a series of general subjects. These bulletins are numbered consecutively, beginning with No. 101, and up to No. 236 they also carry consecutive numbers under each series. Beginning with No. 237 the serial numbering has been discontinued. A list of the series is given below. Under each is grouped all the bulletins which contain material relating to the subject matter of that series. A list of the reports and bulletins of the Bureau issued prior to July 1, 1912, will be furnished on application. The bulletins marked thus are out of print.]*

Wholesale Prices.

*Bul. 114. Wholesale prices, 1890 to 1912.
Bul. 149. Wholesale prices, 1890 to 1913.
*Bul. 173. Index numbers of wholesale prices in the United States and foreign countries.
*Bul. 181. Wholesale prices, 1890 to 1914.
*Bul. 200. Wholesale prices, 1890 to 1915.
Bul. 226. Wholesale prices, 1890 to 1916.
Bul. 269. Wholesale prices, 1890 to 1919.
Bul. 284. Index numbers of wholesale prices in the United States and foreign countries. [Revision of Bulletin No. 173.]
Bul. 296. Wholesale prices, 1890 to 1920.
Bul. 320. Wholesale prices, 1890 to 1921.

Retail Prices and Cost of Living.

*Bul. 105. Retail prices, 1890 to 1911: Part I.
Retail prices, 1890 to 1911: Part II—General tables.
*Bul. 106. Retail prices, 1890 to June, 1912: Part I.
Retail prices, 1890 to June, 1912: Part II—General tables.
Bul. 108. Retail prices, 1890 to August, 1912.
Bul. 110. Retail prices, 1890 to October, 1912.
Bul. 113. Retail prices, 1890 to December, 1912.
Bul. 115. Retail prices, 1890 to February, 1913.
*Bul. 121. Sugar prices, from refiner to consumer.
Bul. 125. Retail prices, 1890 to April, 1913.
*Bul. 130. Wheat and flour prices, from farmer to consumer
Bul. 132. Retail prices, 1890 to June, 1913.
Bul. 136. Retail prices, 1890 to August, 1913.
*Bul. 138. Retail prices, 1890 to October, 1913.
*Bul. 140. Retail prices, 1890 to December, 1913.
Bul. 156. Retail prices, 1907 to December, 1914.
Bul. 164. Butter prices, from producer to consumer.
Bul. 170. Foreign food prices as affected by the war.
Bul. 184. Retail prices, 1907 to June, 1915.
Bul. 197. Retail prices, 1907 to December, 1915.
Bul. 228. Retail prices, 1907 to December, 1916.
Bul. 270. Retail prices, 1913 to 1919.
Bul. 300. Retail prices, 1913 to 1920.
Bul. 315. Retail prices, 1913 to 1921.

Wages and Hours of Labor.

Bul. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia.
*Bul. 118. Ten-hour maximum working-day for women and young persons.
Bul. 119. Working hours of women in the pea canneries of Wisconsin.
*Bul. 128. Wages and hours of labor in the cotton, woolen, and silk industries, 1890 to 1912.
*Bul. 129. Wages and hours of labor in the lumber, millwork, and furniture industries, 1890 to 1912.
*Bul. 131. Union scale of wages and hours of labor, 1907 to 1912.
*Bul. 134. Wages and hours of labor in the boot and shoe and hosiery and knit goods industries, 1890 to 1912.
*Bul. 135. Wages and hours of labor in the cigar and clothing industries, 1911 and 1912.
Bul. 137. Wages and hours of labor in the building and repairing of steam railroad cars, 1890 to 1912.
Bul. 143. Union scale of wages and hours of labor, May 15, 1913.
Bul. 146. Wages and regularity of employment and standardization of piece rates in the dress and waist industry of New York City.
*Bul. 147. Wages and regularity of employment in the cloak, suit, and skirt industry.

Wages and Hours of Labor—Concluded.

*Bul. 150. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1913.
*Bul. 151. Wages and hours of labor in the iron and steel industry in the United States, 1907 to 1912.
Bul. 153. Wages and hours of labor in the lumber, millwork, and furniture industries, 1907 to 1913.
*Bul. 154. Wages and hours of labor in the boot and shoe and hosiery and underwear industries, 1907 to 1913.
Bul. 160. Hours, earnings, and conditions of labor of women in Indiana mercantile establishments and garment factories.
Bul. 161. Wages and hours of labor in the clothing and cigar industries, 1911 to 1913.
Bul. 163. Wages and hours of labor in the building and repairing of steam railroad cars, 1907 to 1913.
Bul. 168. Wages and hours of labor in the iron and steel industry, 1907 to 1918.
*Bul. 171. Union scale of wages and hours of labor, May 1, 1914.
Bul. 177. Wages and hours of labor in the hosiery and underwear industry, 1907 to 1914.
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Bul. 187. Wages and hours of labor in the men's clothing industry, 1911 to 1914.
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Bul. 221. Hours, fatigue, and health in British munition factories.
Bul. 225. Wages and hours of labor in the lumber, millwork, and furniture industries, 1915.
Bul. 232. Wages and hours of labor in the boot and shoe industry, 1907 to 1916.
Bul. 238. Wages and hours of labor in woolen and worsted goods manufacturing, 1916.
Bul. 239. Wages and hours of labor in cotton goods manufacturing and finishing, 1916.
Bul. 245. Union scale of wages and hours of labor, May 15, 1917.
Bul. 252. Wages and hours of labor in the slaughtering and meat-packing industry, 1917.
Bul. 259. Union scale of wages and hours of labor, May 15, 1918.
Bul. 260. Wages and hours of labor in the boot and shoe industry, 1907 to 1918.
Bul. 261. Wages and hours of labor in woolen and worsted goods manufacturing, 1918.
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Bul. 289. Wages and hours of labor in woolen and worsted goods manufacturing, 1920.
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Employment and Unemployment.

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*Bul. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
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Bul. 311. Proceedings of the Ninth Annual Meeting of the International Association of Public Employment Services, September 9–11, Buffalo, N. Y.

Women in Industry.

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*Bul. 159. Short-unit courses for wage earners, and a factory school experiment.
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Bul. 319. The Bureau of Labor Statistics: Its history, activities, and organization.

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Descriptions of occupations, prepared for the United States Employment Service, 1918–19.

Boots and shoes, harness and saddlery, and tanning.
Cane-sugar refining and flour milling.
Coal and water gas, paint and varnish, paper, printing trades, and rubber goods.
Electrical manufacturing, distribution, and maintenance.
Glass.
Hotels and restaurants.
Logging camps and sawmills.
Medicinal manufacturing.
Metal working, building and general construction, railroad transportation, and shipbuilding.
Mines and mining.
Office employees.
Slaughtering and meat packing.
Street railways.
*Textiles and clothing.
*Water transportation.