

**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. 352**

M I S C E L L A N E O U S . S E R I E S

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

**HELD AT RICHMOND, VIRGINIA  
MAY 1-4, 1923**



**DECEMBER, 1923**

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## OFFICERS, 1922-23.

*President*, C. B. Connelley, Pittsburgh, Pa.  
*First vice president*, John S. B. Davie, Concord, N. H.  
*Second vice president*, Mrs. Delphine M. Johnson, Olympia, Wash.  
*Third vice president*, L. T. Bryant, Trenton, N. J.  
*Fourth vice president*, Mrs. Ethel L. Scott, Richmond, Va.  
*Fifth vice president*, H. C. Hudson, Toronto, Canada.  
*Secretary-treasurer*, Louise Schutz, St. Paul, Minn.

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## 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.—OBJECT.

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 conven-

## VIII ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS.

tion, 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.

1. Roll call of members.
2. Appointment of special committees.
3. Reports of officers.
4. Reports of committees.
5. Reports of States and Provinces on new legislation.
6. Unfinished business.
7. New business.
8. Selection of place of meeting.
9. Election of officers.
10. Adjournment.

### 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 2 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.....	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.....	do.....	Do.
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.

## 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.....	do.....	Do.
5	August, 1891.....	Cleveland, Ohio.....	do.....	Do.
6	September, 1892.....	Hartford, Conn.....	do.....	Do.
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.....	do.....	Do.
10	September, 1896.....	Toronto, Canada.....	do.....	Do.
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.....	do.....	Do.
14	October, 1900.....	Indianapolis, Ind.....	do.....	Do.
15	September, 1901.....	Niagara Falls, N. Y.....	do.....	Do.
16	December, 1902.....	Charleston, S. C.....	do.....	Do.
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.

## DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS—Concluded.

## 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.
10	May, 1923.....	Richmond, Va.....	C. B. Connelley.....	Louise Schutz.

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## PROCEEDINGS OF THE TENTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS OF THE UNITED STATES AND CANADA, RICHMOND, VA., MAY 1-4, 1923.

*TUESDAY, MAY 1—MORNING SESSION.*

**JOHN HOPKINS HALL, JR., COMMISSIONER OF LABOR, VIRGINIA, PRESIDING.**

The convention was opened at 9 a. m. with prayer by Rev. J. J. Scherer, jr. Addresses of welcome were delivered by the chairman; Hon. E. Lee Trinkle, Governor of the State of Virginia; Hon. George Ainslie, mayor of the city of Richmond; and Mr. J. A. Gawthorp, secretary of the Richmond Chamber of Commerce.

The **CHAIRMAN**. We have with us this morning the president of the Association of Governmental Labor Officials, Dr. C. B. Connelley, who will now take charge of the meeting.

### **President's Address.**

**BY CLIFFORD B. CONNELLEY, DIRECTOR OF INDUSTRIAL RELATIONS, CARNEGIE INSTITUTE OF TECHNOLOGY, PITTSBURGH, PA., AND FORMER COMMISSIONER PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.**

From the present plan of organization of the Association of Governmental Labor Officials of the United States and Canada, the address of the president can be nothing more than "a few introductory remarks," based upon what little contact he may have had with the work of the organization during the year. Certainly he is not in the position to make a report on the achievements of the organization, except perhaps to announce that the proceedings of the last convention have been printed and distributed, that a program has been prepared for this convention, and that we are now gathered here to listen to the speakers and to exchange opinions. I covet for the association that it shall not only be the means of bringing together governmental labor officials to an annual convention for inspiration, information, and fellowship, but that it shall also be an organization with a year-round active program, making a definite contribution toward the solution of the great industrial problems of the day. Toward this end I am making bold to offer three suggestions for the consideration of the convention.

First, that the plan of organization be made such that the association may get the full benefit of the expert service that is represented in the personnel of its membership. This thought comes as a result of trying to prepare the program for this convention. A program, to be really worth while, must cover the work that the governmental labor agencies are called upon to do. This might be classified as (1) inspection service, including safety and sanitation; (2) employment; (3) workmen's compensation; (4) women and children in industry; (5) arbitration, conciliation, and mediation; and (6) rehabilitation of the injured in industry. This classification is the framework of the present program. The first step was to get the outstanding leaders in the various forms of service to give the benefit of their experience. This led to asking the officers of the association and one or two others who were actively interested to assist in the program building. Each one was assigned the general topic to develop and was asked to obtain the speakers, to suggest the subjects for discussion, and to act as chairman of the particular session. The result is that an unusually strong program has been arranged without a great deal of difficulty. The speakers and leaders of discussion were selected by persons who knew of their work and who knew the sort of thing that this organization is attempting to promote.

This cooperative idea ought to be carried further than in merely preparing an annual convention program. If the suggested classification of the activities of governmental labor bodies is correct, then the year-round program of the organization should be built around it. This would mean, first of all, that the officers be elected "with a purpose." Each officer should be put in direct charge of one activity, such as inspection, employment, etc. The executive committee should be authorized to select for each individual officer a committee from the membership of the organization to assist in a study of the particular activity. The result of such a study would not only appear in the report at the annual convention or in the program arranged by the committee, but would also be a source of information that would be invaluable. One can readily see the advantage of such a plan if, when confronted with a problem connected with our work, it were possible to get in direct touch with an individual or committee of fellow officials who have specialized in studying this problem. Some such plan would tend to make the Association of Governmental Labor Officials a clearing house of governmental activities in a very real sense.

The second suggestion is to get in closer touch with the various organizations that are doing kindred work. The International Association of Industrial Accident Boards and Commissions, for example, is doing a great piece of work in the field of compensation. It is a governmental body whose membership is made up largely of the same State and Federal agencies that comprise the Association of Governmental Labor Officials. It certainly would seem reasonable to have both organizations meet at the same time and at the same place and coordinate their programs so as to make unnecessary a duplication of expense and effort.

Another organization that is rendering a very valuable service to industry, especially in the field of accident prevention, is the American Engineering Standards Committee. This movement comprises

every other organization, group, or institution that is interested in the safety problem. The Association of Governmental Labor Officials is represented on the correlating committee as well as on some of the safety code committees. During the last year the association was asked to help in formulating the following codes: Building exits; electrical power control; foundry; laundries. It was represented in the preliminary conference on the Combined Electrical Fire and Safety Code. It had representation on the following special committees: Approval Ladder Safety Code; approval Ventilation Code; approval Head and Eye Safety Code; approval Power Press Safety Code; approval of personnel of section committees for the following codes: Industrial Sanitation; Aeronautical Safety Code; Building Exits Code; Electrical Power Control; Mechanical Refrigeration.

It was difficult to get the proper people from among our membership to serve on the various code committees. We need to recognize the importance of assisting in the formulation of uniform safety codes. The States that have been pioneers in this line of activity know the value of the service that the standards committee is rendering. The point is that the bodies that are responsible for the enforcement of these codes should maintain a direct contact with the code makers, because the effectiveness of the code depends very largely upon the possibility of enforcement and upon the methods of enforcement. The Association of Governmental Labor Officials should be represented on every code committee that deals with a subject that comes within the range of duties of governmental labor bodies. A representative committee should be appointed to develop closer contact with the American Engineering Standards Committee and to keep the membership of the association in direct touch with the important work of the standards committee.

The third suggestion is to launch an active campaign to bring the governmental labor officials of all States, Provinces, and Federal bureaus into active relationship with the organization. Publicity, based upon achievement, will bring the desired result. As long as governmental positions are treated as political spoil, there must be some strong stabilizing organization that will serve to create and maintain a high level of efficiency in governmental labor departments. Ignorance of the scope and importance of the work has caused much of the doubt and suspicion that is often cast upon public officials.

#### 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. 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 1922 see Bulletin No. 330 of the United States Bureau of Labor Statistics.) A list of delegates appears on pages 209 to 212.

**REPORT OF WOMEN'S BUREAU, UNITED STATES DEPARTMENT OF LABOR.**

The Women's Bureau in the last year has made three important wage investigations in the States of Missouri, New Jersey, and Ohio, covering more than 84,000 women in these three States. In these surveys pay-roll data were taken for all workers for one full week as nearly as we could get it, and for 20 per cent of the workers we took wage records for a 52-week period.

We have collated census material and interpreted it in a bulletin which shows the occupational progress of women and in another bulletin which gives the family status of bread-winning women as shown by census schedules. A different type of bulletin, which will be released from the press in a few days, is one on the share of wage-earning women in family support. This is a study of women's contributions to their families, and is based on original material secured by the Women's Bureau combined with material already collected by other agencies. Another interesting study that we have made is of the inventions patented by women over a 10-year period. This study also will be distributed within a few weeks.

We are now making an investigation of absenteeism and its causes among women in the textile industry. We are also making a study of the accident records in the States in regard to women employed. Our next investigation is to be of women working as hop pickers and in the fruit and canning industries in the West. This last investigation is to be in cooperation with the Children's Bureau.

In addition to our investigations and the reports of these investigations the Women's Bureau has tried to formulate into an exhibit the problems in the industrial field. I would call your special attention to this exhibit in the hotel lobby and also to the schedules we use in our investigations.

During the first part of January of this year the Women's Bureau held a three days' conference in Washington. We invited every national woman's organization and through them their State branches. The conference comprised 327 delegates from 40 States, and the topics for discussion were: What woman workers mean to industry, What industry means to woman workers, Health standards for women in industry, Home work, Women's wages, Labor legislation for women, The need for women to enforce women's labor laws. The speakers at this conference represented manufacturers, workers, and men and women experts in the industrial field. The conference was called for the purpose of discussing problems of women in industry. The invitation read as follows:

According to the last report of the Bureau of the Census we have over eight and a half million women in gainful occupations. This means that every fourth worker is a woman. The Women's Bureau is charged with the responsibility of developing policies and standards and conducting investigations in the industries of the country which shall safeguard the interests of woman workers and thus make their service effective for the national good. In fulfilling this obligation we feel that a conference of women representing all national organizations of women would go far, not only to focus attention on the problems involved but to help in the development of policies and standards for the effective employment of women in industry.

While we had many speeches there was ample time for discussion of the problems from the floor, so the delegates felt that they, too, had been a real part of the conference. From the standpoint of the Women's Bureau we felt we had received real help and inspiration from the conference, and it was voted by all a very great success. It will be of interest to the delegates to know that the following resolution was passed by the conference:

The members of the Women's Industrial Conference assembled in Washington, D. C., January 11 to 13, 1923, representing 67 organizations in 40

different States, believe that the work of women in industry must be made truly an opportunity to develop to the fullest their powers as workers, both for their own happiness and for the service of society. To this end they must have adequate schooling before entrance into industry and be free to choose their occupations, to secure training for them, to enlarge their opportunities as their experience grows, to receive fair compensation, and to work under safe and wholesome conditions.

But it should not be forgotten that industry includes both skilled and unskilled tasks, and without the unskilled worker no opportunity would be possible for the skilled. A large number of wage earners are in unskilled and semiskilled occupations and the training and promotion which are possible in more intricate processes have no meaning for them. The conditions of employment of those who do the hardest and most unskilled work, which is a necessary part of our whole industrial system, should be our first concern.

We recognize with appreciation the standards already established by progressive management and urge their more general adoption. We recognize also the important influence of constructive agreement between employers and wage earners which has played so large a part in establishing standards. By these means and by the action of the community we ask freedom of choice of occupation, and that provision for training and wage rates be determined without prejudice because of sex. These things we ask in justice to women and because we believe that upon them depend the health, happiness, and spiritual development of women themselves and through them the development of children and the protection of the life of the family.

Industrial problems are realities. No permanent improvement can be achieved except through knowledge of facts about industry and understanding of their meaning for human lives. Therefore, in response to this call of the National Government to us as citizens to counsel together about women in industry, we pledge ourselves to earnest and thorough study of conditions in our own communities. We look to the Women's Bureau of the United States Department of Labor for leadership in describing the realities of industrial life as women have seen and experienced them and in formulating policies and standards.

We urge that organizations represented here give support to the Federal and State agencies through which facts are collected and given to the public, and that on the basis of these facts we build up a program for the intelligent share of women in humanizing industrial processes.

#### REPORT OF ARKANSAS.

Labor legislation was enacted at the fortieth general assembly, January 8 to March 8, 1923, as follows:

An act establishing laborers' liens upon oil, gas, and water wells and upon the land upon which same are located, together with all machinery, equipment, and other personal property used or obtained in the construction of such wells.

• An act providing for the acceptance of the provisions of the act of Congress providing for the vocational rehabilitation of persons disabled in industry and their return to civil employment.

An act increasing the personnel and efficiency of the State mine inspection department.

An act to regulate hours of service of city firemen by providing for the two-platoon system.

An act regulating payment of wages earned and authorizing the commissioner of labor, either personally or through some person designated by him, to inquire into, hear, and decide disputes arising from wages earned, and to enter suit in the name of the State to enforce awards.

An act creating a State boiler inspection department in the bureau of labor.

Also adequate appropriations for the State mine inspector, bureau of labor, boiler inspection department, State free employment bureau, and industrial welfare commission.

No adverse legislation was enacted.

**REPORT OF CONNECTICUT.**

The legislature did not sit during the year 1922, and consequently no labor legislation came up. The legislature for 1923 is still in session.

A number of bills affecting labor and labor conditions were introduced. They have all been reported unfavorably and have been rejected by the legislature. The only bill which has passed and which affects the condition of labor or this department was a bill increasing the number of deputy inspectors from 9 to 10, with the provision that not more than 3 shall be women. The present law provides for 9 deputies, 2 of whom shall be women. The increase in number was granted by the legislature with the expectation that another woman deputy would be appointed, and I have no doubt that expectation will be fulfilled. The salary of deputy commissioners was increased from \$2,000 to \$2,500 and the salary of deputy inspectors from \$1,800 to \$2,100.

**REPORT OF DELAWARE.**

Labor legislation received favorable consideration by the general assembly which met this year. The labor commission had presented to the two preceding legislatures amendments to both the child labor law and the 10-hour law for female employees, but the bills were unfavorably received. The bills presented this year were sponsored by the Consumers' League of Delaware, and three out of the five bills were passed by both houses and became laws. These amendments were as follows: Amending the child labor law to provide for an 8-hour day and a 48-hour week in place of a 10-hour day and a 54-hour week; raising the age when children may engage in certain hazardous or dangerous occupations from 15 to 16 years; providing for badging of newsboys and other street traders in cities of more than 20,000 inhabitants.

A bill to include children employed in canneries within the provisions of the child labor law was withdrawn and a bill to repeal the special permit (poverty permit) was defeated.

The Labor Commission of Delaware presented four bills to the legislature as follows:

1. Including within the 10-hour law for female employees nurses in training in hospitals and women employed in social and recreational clubs. This bill passed the house but was killed in the Senate.

2. Increasing the contingent fund of the Labor Commission of Delaware from \$3,000 to \$3,600. This bill passed both houses.

3. Increasing the salary of the 10-hour law inspector to \$1,500. This bill passed both houses.

4. Increasing the salary of the chief child labor inspector to \$2,100. This bill passed both houses.

Beginning September 1 of this year, children in Delaware must complete eight yearly grades before they will be permitted to leave school and engage in any gainful occupation.

**REPORT OF ILLINOIS.**

The Fifty-third General Assembly of Illinois is in session at the present time.

On July 1, 1911, a law became effective in the State of Illinois regulating and limiting the hours of employment of females to 10 hours per day in any one day of 24 hours. At the present time there is a bill before the house and senate to make an 8-hour workday for female employees under the same regulation as the 10-hour law existing to-day.

On July 13, 1921, there became effective in the State of Illinois a child labor law which requires an employment certificate for minors to be legally employed between 14 and 16 years of age. To secure an employment certificate it is necessary for a minor to have a school record, together with proof of age, to show that said minor attended school 130 days between the thirteenth and fourteenth birthdays, or in the year preceding application for an employment certificate. Said minor must also have passed the sixth grade or work equivalent to the first six years of elementary schooling.

Amendments have been introduced in the present general assembly which permit a minor between 15 and 17 years of age to secure an employment certificate, and said minor must have passed the work of the eighth grade or work equivalent to the first eight years of elementary schooling.

The forbidden employments for minors under 16 years of age and the regulations necessary to secure an employment certificate will remain the same as in the present law.

There is an additional bill before the general assembly affecting the department of labor, which provides that an employee under civil service who has rendered at least 20 years of service and reached the age of 55 years shall be eligible for retirement on an annuity.

None of the above bills or amendments have been passed by the general assembly up to the present time.

#### REPORT OF LOUISIANA.

Since the last meeting of this association, the following legislation applicable to labor has been enacted:

The workmen's compensation act was changed to read \$250 for medical attention and hospital fees—formerly \$150. Burial benefits were raised from \$100 to \$150. The discount on amounts due or to become due in adjusting claims in "lump-sum" settlements was raised from 6 to 8 per cent per annum. The former discount was so low that no one could secure a lump-sum settlement.

Legislation providing for compulsory school attendance of all children between the ages of 7 and 14 years, inclusive. The parish school board is to furnish all books free where conditions require it. The following exceptions as to attendance are included: (a) Where the child is mentally or physically incapacitated; (b) Where the child has completed any elementary course of study; (c) Where it is more than 2½ miles to some school of suitable grade, and no transportation is furnished by the parish school board; (d) Where the child's services are needed to support a widowed mother.

Legislation to provide for promotion of vocational education and rehabilitation of persons disabled in industry and other occupations and their return to civil employments, and accepting the benefits of an act passed July 2, 1920, by the Senate and House of Representatives of Congress.

Legislation providing against contractors and subcontractors of any building or public improvements defaulting on contract; defining how moneys advanced on said contracts or works are to be applied, and making it a violation of said law, punishable by both fine and imprisonment, to apply any moneys paid or advanced, to any other purposes than to pay for materials used or labor employed.

A change in the State constitution authorizing the creation of a minimum wage or welfare commission applicable to woman and child workers.

Our hardest fight was to hold what we had, and to defeat such legislation as was deemed harmful to labor's cause.

## REPORT OF MASSACHUSETTS.

Although the general court is still in session, final action has been taken on most of the labor measures that were introduced.

## MEASURES ENACTED.

Following is a summary of the most important measures enacted:

*Weekly payment of wages.*—The law requiring weekly payment of wages has been extended to cover janitors, porters, watchmen, and employees in theaters, motion-picture houses, and dance halls.

The effort to include domestic help in the provisions of the act was defeated.

*Hours of labor on public works.*—Exclusion from the requirements of the eight-hour law for laborers, workmen, and mechanics on public works is authorized in the case of constructing or reconstructing of highways by the State department of public works or by any contractor or subcontractor for the department when, in the opinion of the commissioner of labor and industries, public necessity so requires.

*Workmen's compensation act.*—The waiting time under the workmen's compensation law has been reduced from 10 to 7 days by an act approved March 23, 1923.

Another act provides that failure to make a claim under the workmen's compensation law shall not bar proceedings if the insurer has executed an agreement in regard to compensation with the employee or made a payment for compensation under this law.

A law has been enacted increasing the amount of compensation paid to dependent widows, so that the maximum sum payable under the statute is now \$6,400.

*Manufacture and sale of mattresses.*—More effective and sanitary precautions in the manufacture of mattresses is the intent of an act relative to the manufacture, remaking, and sale of mattresses and similar articles which was approved April 7 of the present year. The act extends the authority of the department of public health in prohibiting the use of insanitary material in such work.

The department of labor and industries adopted rules for the safeguarding of power-press tools and also a lighting code for industrial establishments.

## MEASURES DEFEATED.

Adverse action—"leave to withdraw," "no legislation necessary," or "reference to the next general court"—has been taken on most of the measures introduced. Among the bills defeated are the following:

*Report of recess commission on unemployment and minimum wage.*—The majority report of the commission on unemployment and minimum wage recommended further investigation of the effect of the present minimum wage law and proposed that the wage boards should be limited to not more than seven members. The minority report recommended the enactment of a mandatory minimum wage law.

The committee report, "no legislation necessary," on these recommendations has been accepted in both branches.

*Other minimum wage bills.*—All of the bills relative to the minimum wage, providing for the repeal of the existing law, for the appointment of representatives of the public on the commission's wage boards by the governor instead of by the minimum wage commission, and restricting membership of the wage boards to actual employers and employees in the occupations, have been defeated.

*Hours of women and minors and public exhibition of children.*—The various measures introduced to repeal or weaken the 48-hour law and to permit night

work in textile factories have been reported adversely and these reports accepted in both branches. Similar action has been taken on the bill to permit the public exhibition of children under 15 years of age.

*Compulsory school age.*—The bill to raise the compulsory school attendance age to 16 years and to prohibit the employment of minors under 16 years of age during the time the public schools are in session has been referred to the next annual session of the legislature.

#### MEASURES PENDING.

The following measures are still before the legislature:

*Commission on administration and finance.*—The measure defining and extending the authority of the new commission on administration and finance has been engrossed in both branches of the legislature and is now (April 27) pending enactment in the house.

The establishment of this commission is based on the recommendations of the recent commission on economy and efficiency in State departments. The commissioners are given extensive powers to pass upon the budget recommendations of the various State departments, to investigate the work of the departments, and to recommend further organization and consolidation in the departments for the purpose of increasing their efficiency.

*Equal pay.*—The bill providing that school-teachers in the city of Boston shall receive equal pay for the same grade and kind of service, irrespective of sex, has been engrossed in the house and is now (April 27) before the senate.

*Employment bureau for veterans.*—A bill providing for the conduct of an employment bureau for veterans, under the direction of the commissioner of labor and industries, is now (April 27) before the house ways and means committee.

#### REPORT OF MINNESOTA.

##### CHANGES IN COMPENSATION LAW, 1923.

*Maximum limit.*—The maximum limit was increased from \$18 to \$20 a week. This was the only increase which will cause any increased cost. It will cause an increase in rates of about 2 per cent and make the increase in cost to the employers of the State about \$100,000.

*Disfigurement clause.*—The disfigurement clause was amended to read 75 weeks or less, as the industrial commission may determine. Previously, the industrial commission was required to make an award of 50 weeks or nothing.

*Benefit to widows.*—The amount payable to widows was so amended that in case of remarriage two years' compensation will be paid to the widow. If the widow has children, the amount paid to the child or children will be deducted from the amount paid to the widow.

*Fund for subsequent injuries.*—Previously, in case of death claims without dependents, \$100 was payable to the State treasury. This fund was used to pay losses which were developments from prior injuries. This fund proved inadequate and the amount was increased from \$100 to \$200.

*Medical.*—The medical provisions were reworded but the benefits were not increased. The wording of the \$100 limitation which existed in the previous law was eliminated; in fact, the provision had been eliminated by a previous enactment but this limitation depended upon the action of the industrial commission.

*Weekly wage.*—The method of determining the weekly wage was redefined and the definition is more liberal.

*Third party liability.*—The old law provided that if an employee was injured by a third party and the third party had elected to come under the act, the employee's only damages would be compensation benefits. This was modified so that the employee has damages against the third party in full unless the employee and the third party are in a common undertaking.

There were certain redefinitions for confusing portions of the law; for example, section 28 was so amended that insurance companies may write ex-medical policies and also that self-insurers may insure one location and not insure another location. The amount of fine in case of failure to comply with the insurance provisions was also increased, and the methods of procedure in case of appeals to the commission were likewise amended.

*Hours of labor for women.*—A law was passed, which will go into effect July 1, 1923, limiting the number of hours women shall be employed in any business or service whatever to not more than 9½ in any one day and 54 in any one week, provided that this act shall not apply to women employed as domestics in the home; or to persons engaged in the care of the sick or injured; or in cases of emergency in which the safety, health, morals, or welfare of the public may otherwise be affected; or to cases in which night employees may be at the place of employment for more than 12 hours and shall have opportunity for at least 4 hours of sleep; or to telephone operators in municipalities of less than 1,500 inhabitants.

*One day's rest in seven.*—A law was passed which went into effect April 17, 1923, providing for one day's rest in seven in mechanical and mercantile establishments, factories, foundries, laundries, power plants, etc. Numerous industries were exempted from this law.

*Amendment to the minimum wage law.*—An amendment was made to the minimum wage law whereby provision was made that orders of the commission in regard to wages shall be published in daily newspapers in general circulation. It is hoped that by this amendment to the law the necessity of notifying employers by registered mail of the orders of the commission may be obviated.

*Appropriation.*—The annual appropriation for contingent expenses was increased from \$175,000 to \$239,000. Total annual appropriation for industrial commission, \$256,000.

#### REPORT OF NEW YORK.

The outstanding feature of the legislative session just ended in the State of New York, so far as labor legislation is concerned, was the increase in the appropriation for the labor department and the bureau of workmen's compensation.

The new administration came into office pledged to a policy to restore the labor department to its former efficiency. Two years ago, under the guise of economy, the appropriations of the labor department were arbitrarily reduced by the sum of almost a million dollars a year. The number of factory inspectors was cut in half. The work of the bureau of workmen's compensation was seriously crippled. The bureau of women in industry was eliminated and its work turned over to a division in the department with three employees, one of whom was a stenographer.

The legislature of 1923 granted an increased appropriation to the labor department of \$695,000 for the fiscal year beginning July 1, 1923, and a deficiency appropriation from April 1, 1923, to July 1, 1923, of \$150,000 was allowed in order to meet the emergency which had arisen.

With this increased appropriation it was possible to restore some 80 factory inspectors who had been dismissed two years ago. The bureau of women in

industry was restored and given an adequate staff to carry on its investigations. There was established the machinery for an effective division of industrial hygiene, with experts attached thereto who would carry on the necessary research work to make industry safer and healthier for the workers. The bureau of workmen's compensation was materially strengthened. The number of referees was increased from 12 to 20 and the number of examiners, hearing stenographers, and clerks was increased in proportion. This will result in a more speedy disposition of compensation claims, many of which in the past went without hearing for as long as six months after the accident.

In addition, there was set up within the bureau of inspection a division of safety inspection, consisting of five safety organizers who were to make a specialty of accident prevention work in an endeavor to cut down the large number of industrial accidents which are reported to the labor department every year.

The increased appropriation will enable the department to carry on an educational campaign to inform those directly affected and the public of the work of the department, of the nature of the laws which it enforces, and of the rights of injured workmen under the compensation law.

The department will also be in a position to inaugurate an intensive campaign of accident prevention by means of leaflets, traveling safety exhibits, and lectures to employees in industrial establishments.

This is a brief summary of what in effect amounts to a reconstruction of the labor department of the State of New York. So far as legislation itself is concerned, the recent session was, for the most part, barren of results. An important welfare bill providing for a minimum wage board within the labor department with power to recommend living wages to be paid to women and minors in industry was defeated by one vote. A similar fate met the proposed bill to reduce the hours of labor of women and minors in factories and mercantile establishments from 54 to 48 a week.

The bill prohibiting stock companies from writing compensation insurance was defeated. A number of important constructive changes in the workmen's compensation law itself failed to meet the approval of the legislature. Among the most important of these was the proposal to reduce the noncompensated waiting period from 14 to 7 days and to provide that compensation was to be paid from the date of the accident if the disability extended for a period of 28 days instead of 49 days as at present.

Another progressive proposal was also defeated. This provided for compensation during the healing period in the event of the loss of any member of the body, such as an arm, a leg, etc., in addition to the schedule loss provided by law. For example, under the New York law, if an injured workman loses his thumb he receives what is known as a schedule award of 60 weeks to compensate him for his future loss of earning capacity. Under a ruling of the court of appeals, however, he receives no compensation for the period that it takes for the injury to heal, and it sometimes happens that the healing period is longer than the number of weeks allowed in the schedule for the loss of the member of the body in question. The legislature, however, failed to remedy what is an apparent unjust situation.

Several minor amendments to the compensation law were passed, among them the provision designed to make the proof of foreign dependency a little easier and providing that a verified medical report submitted by a claimant shall be prima facie evidence of the facts therein contained.

An important amendment was that which fixes double compensation for accidental injuries sustained by children while employed illegally in violation of

the provisions of the labor law. This measure, though not so drastic, was planned along the lines of a similar law in Wisconsin and is expected to play an important part in reducing the cases of illegal child labor, for under the amendment an employer can not insure against his liability for this increased compensation.

#### REPORT OF NORTH CAROLINA.

Our department steered its bark through the legislative maelstrom of 1923 and reached harbor with a new bureau and an increased appropriation for the further development of a State system of employment in conjunction with the United States Employment Service.

*Growth of free employment bureau.*—Seven branches of the free employment service are now in operation, the seventh having been established as an emergency office in New Bern to assist in relieving acute unemployment conditions in that city following a disastrous fire last November.

The machinery provided in the statute creating the free employment bureau enables the department to assist in bringing the jobless man and the manless job together in a service which reaches all classes of employers and all classes of employees. Offices were established in the larger industrial centers of the State, and they rendered invaluable service during the depressing period following the conclusion of the World War.

The aggregate number of applications for employment at the six offices in operation during the year 1922 was 28,986, of which 23,317 were from males and 5,669 from females. The total number of persons applied for by employers during this period was 24,720. The number of placements reported was 23,251.

*Bureau for the deaf.*—The new bureau created in the department by act of the general assembly of 1923 will concern itself with the welfare of the deaf citizens of the State. Its activities are not to be confined to securing employment; it is proposed in addition to obtain facts, information, and statistics touching the conditions in the life of our deaf population with a view to their general uplift. A capable deaf man has been placed at the head of the bureau and will devote his entire time to the development of the bureau along all feasible and proper lines.

*Mothers' aid.*—Another humanitarian measure enacted by the general assembly of this year was a mothers' aid bill, to be administered by the department of charities and public welfare. An appropriation of \$50,000 per year, to be matched by the counties, was made to aid worthy mothers who are deprived of the support of their husbands. This will enable widowed and dependent mothers to rear their children at home instead of surrendering them into other hands. This meritorious measure and the act creating the bureau for the deaf mark a distinct forward step in the State's plan for caring for its dependent children and aiding a class of unfortunates who deserve the special assistance of the State in overcoming physical handicaps.

*Labor maintains the status quo.*—North Carolina has no new crop of labor laws to report nor amendments to those already in operation. During the recent session of the general assembly labor appears to have contented itself with opposing the enactment of objectionable legislation instead of attempting to secure the passage of bills for its further protection. The two workmen's compensation bills presented met the usual fate. Capital and labor failed to agree, and the State is still without a workman's compensation law.

The general assembly declined to pass a bill giving mortgages priority over laborers' liens and rejected a proposition to amend the garnishee law. Nor did the legislature look with favor on the bill to reduce the hours of labor

for children in industry from 60 to 55 per week. The tendency to "stay put" predominated, and few reform measures of any character received serious consideration. Labor was modest in its demands. It expected little and is nursing no special grievance on account of the result.

Compared to the protection accorded labor in other States, the laws of our Commonwealth relating to industrial subjects indicate a lack of interest compared with that manifested throughout the North and West. This condition may partially be accounted for by the fact that labor leaders have been less active and employers generally more considerate in North Carolina than in some of the other States which have enacted a larger number of labor laws. In this suggestion I do not mean to convey the impression that conditions in the State are so favorable as not to require a more extensive enactment of laws along this line. I can but admit that, in my opinion, too much laxity exists, and we should have more legislation for the protection of those who are unable to protect themselves from active as well as prospective requirements of those persons and corporations who are in a position to exact more from them in physical effort than is fair or right or just.

The point I wish to make is that strikes and lockouts have been infrequent occurrences in the industrial life of North Carolina. Those occurring in recent years were: Textile workers (wage controversy), railroad organizations (against wage reductions, abolition of overtime, and seniority rights), allied printing trades (for shorter workday), and a few others of minor importance.

There has been no legislation in our State, of course, in the interest of organized labor as such, but there are many statutes affecting working men and women and those with small incomes. Some of them are: No garnishment for debt (except taxes); reduced limitation of poll tax; prepayment of poll tax not required as a condition for voting; exemption from taxation of \$300 personal property; exemptions from income tax—unmarried persons \$1,000, married persons \$2,000, and \$200 additional for each dependent child; residence of one year in State confers privilege of voting, instead of two years formerly required; week's work limited to 60 hours; seats required for female employees; separate toilets for the sexes; medical chests required in factories; shelter at railroad division points required; railroad employees to be paid twice a month; maximum number of hours' continuous service on railroads required; protection of earnings of employees in interstate commerce; employment of children regulated and age limit fixed; blacklisting or conspiring to blacklist prohibited; regulations concerning landlord and tenant; nontransferable scrip prohibited; liability of railroads for injuries to employees; Sunday train service regulated; vestibule fronts required on street cars; stockholders' liability for wages earned; exemptions from jury service as to certain trades and callings; protection in right to cast free, untrammelled ballot; priority of payments by trustees; order of payment of debts of decedent; mechanics' and material men's liens.

*Conclusion.*—The annual report of our department presents results of investigations bearing upon the industrial life of the State, and I shall not impose upon the convention a review of our activities for the past year. North Carolina is blessed with able, forward-looking executives in its business life and is rapidly progressing along all lines of industrial endeavor, and in governmental circles all departmental officials have set themselves to the task of keeping pace with the progress of events—faces to the front and the courage to do the right as they see the right.

**REPORT OF NORTH DAKOTA.**

North Dakota has very comprehensive labor laws on her books at the present time and feels fortunate in escaping some of the proposed laws which failed of passage during the recent legislature. However, the legislature tended to make the meaning of some of the laws clearer by amending and reenacting. Slight changes were made in the coal mining act regarding conditions at the mines.

There was much agitation by private insurance companies to hamper the workmen's compensation bureau. One bill was introduced to do away entirely with workmen's compensation insurance; another, which received considerable attention, was to allow competitive insurance, but through the earnest efforts of the believers in State insurance and by bringing the legislators to a better understanding of the work being done the exclusive State fund is still in good working order. A few desirable changes were brought about in the act to become effective after July 1: Employers who desire self-insurance may by special contract be insured at the rate given to employees in the same class of industry; employers may by special contract insure employees working outside the state; also a penalty has been fixed on past-due premiums in order to insure prompt payment.

The act regulating hours of labor for females was amended to the extent of allowing employees to work 10 hours a day, not to exceed 48 hours a week, in case of special emergencies, provided the bureau is notified in advance. Such emergencies include sickness of more than one employee, banquets, conventions, sessions of the State legislature, and district court reporting.

A streets-trade bill for minors was lost for lack of proper presentation, but the child labor law was strengthened and its supervision and enforcement delegated to a special welfare secretary under the board of administration.

We feel that, as a result of the recent legislation, all labor legislation in this State is on a much sounder footing than it ever was before.

**REPORT OF OKLAHOMA.**

Eight new bills having for their purpose the improvement of conditions affecting the laboring people were introduced during the 1923 session of the Oklahoma Legislature, all of which failed of passage by being killed either in committee, by being stricken from the calendar, or upon roll call.

Six bills were introduced seeking to amend existing legislation that experience had proven to be deficient. Of these one was finally passed—that amending the workmen's compensation law. It is, however, very questionable whether the injured workmen gained or lost through the amendments that were adopted.

Although the governor and the majority in the legislature were pledged to a program for broadening the scope and work of the department of labor, and although nearly every other department of the State government was given a large increase in appropriations and additional personnel, nothing additional was given the department of labor.

Legislation affecting the farmers received favorable consideration through the passage of warehouse and market commission laws; some of these, however, are being attacked as unconstitutional.

**REPORT OF OREGON.**

New legislation introduced in the 1923 session of the Oregon Legislature affecting labor was very limited. One bill known as house bill 292 was passed both by the house and senate and signed by the governor. This act is an

amendment to the present 10-hour law, which makes 10 hours a legal work-day in all mills, factories, and workshops, with a provision that it is permissible to work three hours overtime each day, provided that payment for such overtime is made at the rate of time and one-half the regular wage. House bill 292 amends the law by reducing the legal workday from 10 to 8 hours, with the same provision for overtime. As stated before this bill was passed and signed by the governor, but one provision provides that the act shall not become effective unless the adjoining States of California, Washington, and Idaho pass similar legislation, and as these States have failed to pass such legislation it is not operative.

The laborer's lien laws which have been on our statute books for a number of years permitting mechanics and certain other classes of labor to file liens for wages earned on certain property on which they have performed labor was extended so that it also applies to people employed in the pruning and spraying of trees or orchards and in picking fruit and berries, and all cooks employed to cook for persons engaged in fruit and berry picking. The lien law was also extended to protect men engaged in drilling or boring for oil and gas.

A law on our statute books which provides that contractors constructing public improvements for the State, county, school district, municipality, or municipal corporation or subdivision shall furnish a bond guaranteeing the payment of all labor and material claims was amended to the extent that if a contractor fails to pay wage claims promptly when due the officials responsible for or having charge of any contract for public improvement may pay labor claims upon proof being furnished that they are due.

Considerable inconvenience has been caused to laborers in our State from time to time by unscrupulous employers who pay off by check; but upon presentation of these checks to the banks on which they are drawn it is found that there are not sufficient funds to cover the amount of the checks. The laborer then finds his way to our office, and we endeavor to get settlement of the account. Sometimes we are successful and sometimes we are not. If the employer has furnished a bond guaranteeing the job, we proceed against the bondsmen.

We made an effort during the last session of the legislature to have a law passed making it a criminal offense for any employer to pay a laborer by check for labor performed unless he had sufficient money in the bank on which it was drawn to meet it. The bill failed of passage, however, because it was thought that it would work undue hardship on small employers. While it was admitted in the arguments against the bill that unscrupulous employers should be dealt with, the majority of the members were not willing to inconvenience one honest employer to punish the dishonest. We do not agree with the members of the legislature on this point, because our records show that during the last two years we were instrumental in collecting over \$20,000 in wages due workers, and during the same period a number of bad-check cases came in, the amount of money involved being \$9,000. Most of these cases we succeeded in adjusting, but in some we failed.

Be it understood that we have no law giving the bureau authority to take assignment of wage claims or to become a collecting agency. We can use only moral suasion and that does not impress a dishonest person very much. However, we believe that more protection should be given the worker against this class of employers, and we will try again at the session in 1925. We do not believe that the good citizens of our State will tolerate these conditions very much longer; we believe that they will furnish the remedy whereby unscrupulous employers who are prone to defraud their workmen can be dealt with.

**REPORT OF PENNSYLVANIA.**

Pennsylvania is in perhaps the best position at the present time of any State in the Union. For the first time in the history of the United States the outgoing governor and the incoming governor agreed before the incoming governor was inaugurated to have the officials of the State of Pennsylvania work with the incoming governor. The result of that was that the incoming governor had a committee known as the "citizens' committee of Philadelphia" come before him to work out the kind of organization that would be worth while in Pennsylvania when he became governor. The different departments, as far as known, rendered every assistance possible to the incoming governor, which, of course, was sanctioned by the outgoing governor.

The result is this: The legislature is still in session, but before the legislature convened or the governor was inaugurated he had assembled at his home in Milford, Pa., about 35 commissioners and people interested in the labor organization and welfare and labor laws in this country. They were there for three days, and out of that I believe is coming the greatest good in labor legislation. The Russell Sage Foundation made an investigation of administrative procedure in Pennsylvania and formulated a report. Mr. John B. Andrews studied workmen's compensation administration. I think the eyes of the labor commissioners of the different States will be on Pennsylvania to see just how well this legislation, if enacted, will be administered.

Pennsylvania, as you know, is the greatest industrial State in the Union and has more people working in its industries than any other State in the Union. It has 167 cities of more than 5,000 people, and each has certain manufactures.

In 1921 we passed a law providing for the welfare of women and children in industry, but it was vetoed because there were no funds. Now, a revision of our compensation law will soon be ready for the governor to sign. The old-age pension fund is up, and that is going to pass and be signed by the governor. I feel sure. Aside from that, Pennsylvania is now in such a position that the people in its industries are under the charge of a commission with sufficient money to work out its problems. Two years ago the labor laws were codified, as it was necessary to get on a working basis and not have overlapping laws, but there were no funds to carry out the plan, and the result was it did not go through. This time the funds for it will be forthcoming if the governor has to pay them out of his own pocket. He has a great deal of money, and he wants to get it through; and if he gets it through, then the other States of the Union can copy it as their requirements warrant.

**REPORT OF PHILIPPINE ISLANDS.****NEW LEGISLATION.**

A law has been passed prohibiting employment of females or males below the age of 14 in mines or places of labor where explosives are used or manufactured.

Factories and mercantile establishments shall provide proper seats for women and children and permit use of same. Laborers shall be allowed 60 minutes for noon meal.

No person under the age of 16 shall be employed more than 7 hours daily or 42 hours weekly in shops, factories, or commercial establishments.

No boy or girl below the age of 14 shall be employed in a factory or commercial or industrial establishment unless he knows how to read and write.

An employer shall keep a duly certified copy of the birth certificate of workers under the age of 18 years.

Employers shall grant to pregnant women 30 days' vacation with pay both before and after confinement. She shall not be discharged without just cause unless wages equivalent to the total of two months, counted from the day of her discharge, shall be paid her.

Employers may not force, compel, or oblige any laborer employed by him to purchase merchandise from him or from any corporation, or pay the laborer any part of his wages in tokens, tickets, chits, or anything other than legal-tender currency of the Philippine Islands.

It shall be the duty of the director of labor to investigate personally, or through his delegates, the manner in which laborers' wages are paid in the cities and also on the plantations.

The act to regulate the employment of women and children in shops, factories, and other places of labor in the Philippine Islands is considered a very progressive piece of legislation for this part of the world.

#### REPORT OF WEST VIRGINIA.

West Virginia in recent years has begun to take a position in the forefront with the manufacturing States of the Nation. It is a State looked upon as a purely coal-mining Commonwealth. While coal mining is its chief industry, the great fuel supply of coal, oil, and gas, has attracted many large manufacturing industries to the State.

For the year ending December 31, 1922, four factory inspectors visited 1,965 plants, finding employed therein 80,194 males and 11,726 females, making the total number of employes, 91,920.

We have within our State 96 plants manufacturing glass and glassware, employing nearly 20,000 people; 22 plants for the manufacture of oil-well tools and machinery; 28 plants manufacturing chinaware, porcelain specialties, and pottery ware, employing 6,000 people; 32 chemical plants employing 3,000 people; 23 brick and tile plants, employing 2,000 people; besides other great industries for the manufacture of various articles.

The West Virginia Legislature closed its session April 27. An act was passed making provision for six factory inspectors, in addition to establishing an employment service, thus giving the department an increase of two factory inspectors and an examiner in charge of the employment bureau. In addition to the factory inspectors, the department has a woman inspector who has charge of the inspection of mercantile establishments and other places where women are employed and the enforcement of the child labor law.

Much has been accomplished within the past two years in the way of factory inspection and the enforcement of the law requiring safeguards for machinery. Also an advanced step has been taken toward the enforcement of our child labor law, which is on a par with the best child labor laws of other States, because it was enacted at a time when the Federal act was in force and was made to comply with it in every detail.

With the increased inspection force and the larger number of factories finding locations within our borders we are assured that the 1923 inspections will disclose a surprisingly large number of manufacturing industries to be added to our directory.

The sixteenth biennial report of this department has just been issued and copies mailed to the State labor officials of the United States. It is our hope that you will find this report beneficial to you in your duties as we have found your reports so helpful to us.

## REPORT OF WISCONSIN.

## NEW LEGISLATION BEFORE LEGISLATURE, SESSION OF 1923.

## ASSEMBLY.

Eight-hour day for men and women in manufacturing establishments. Bill withdrawn.

Eight-hour day in State printing. Nonconcurrent.

Manual-training students brought under workmen's compensation law. Referred to committee on education.

Limiting hours of work in bakeries—not after 8 p. m. nor before 4 a. m. Referred to committee on judiciary.

Three-day waiting period (workmen's compensation law), payment to begin on fourth day after accident disability. Referred to committee on corporations.

One rest day in seven—extending scope of law to janitors, bakeries, flour and feed mills, hotels, and restaurants. Nonconcurrent.

Regulation of employment of minors in market gardening, sugar-beet fields, cherry orchards, cranberry marshes. Subamendment received.

Extending hours of labor to cover women in hotels—amendment, 55-hour week, 10-hour day for day work; 54-hour week, 9-hour day for night work. Ordered to a third reading.

Eight-hour day and 44-hour week for women, amendment, 9-hour day and 50-hour week. For third reading.

Creating workmen's compensation fund. Referred to committee on State affairs.

Full-time school attendance under 16 years. Indefinitely postponed.

Reducing meal period for woman employees. Nonconcurrent.

## SENATE.

Maximum compensation increased to \$1,500 year (workmen's compensation law). Referred to committee on corporations.

Unemployment insurance. Hearing in committee of the whole May 3d.

Reducing age for part-time school attendance from 18 to 17 years. Referred to committee on education.

Employment of children in theaters—amendment, prohibiting children under 10 years; children 10 to 16 years must have permit from industrial commission. Referred to committee on education.

Increasing compensation for major accidents (workmen's compensation law). Referred to committee on corporations.

Reporting of accidents. Indefinitely postponed.

## REPORT OF CANADA.

The present principal activities of the Department of Labor of Canada have chiefly to do with the administration of the following measures: (1) The conciliation and labor act, 1906; (2) the industrial disputes investigation act, 1907; (3) the employment offices coordination act, 1918; (4) the technical education act, 1919; (5) the fair wages resolution of the House of Commons, 1900; and (6) the annuities act, 1908.

Under the conciliation and labor act the chief duties are the publication of the Labor Gazette, the official monthly journal of the department, which is designed to supply the latest information in reference to the general condition of the labor market in all parts of Canada, and the collection and publication,

either through the Labor Gazette or in the form of special bulletins or reports, of the principal statistics of the department, namely, those relating to strikes and lockouts, prices and the cost of living, wages and hours of labor, industrial agreements, and organization by labor and in industry.

The industrial disputes investigation act provides for the compulsory investigation of disputes in certain industries, such as coal mines and public utilities. As this measure is down for discussion at a subsequent session of the convention, it will not be necessary in this paper to deal with the subject further.

The employment offices coordination act authorizes the Minister of Labor to assist the organization and coordination of employment offices and to promote uniformity of method amongst them, to establish one or more clearing houses for the interchange of information, and to compile and distribute information regarding prevailing conditions of employment. As this subject also appears upon the agenda for discussion at another session, the activities of the Employment Service of Canada will no doubt be fully explained by the Ontario officials and only this passing notice is required here.

The technical education act is a measure designed to assist the Provinces in promoting technical education, and, in accordance with its provisions, the Minister of Labor is authorized to distribute to the provincial governments, under specified conditions, the sum of \$10,000,000, covering a period of 10 years. The technical education branch of the department publishes from time to time bulletins containing information regarding developments in this field.

The fair-wages policy of the Government was determined by a resolution of the House of Commons passed in 1900 and implemented later by various orders in council. The Department of Labor is charged with the preparation of what are known as fair-wages schedules of current or fair rates of wages and the preparation of fair-wages conditions for insertion in Government contracts as these are let from time to time.

During 1922 the administration of the annuities act was transferred from the Post Office Department to the Department of Labor. This act was passed with a view of promoting habits of thrift and to afford facilities whereby provision might be made for old age by the purchase of annuities.

Amongst other activities of the department may be mentioned its contact with the International Labor Office, owing to Canada's membership in the League of Nations and her consequent affiliation with the International Labor Conference established by the peace treaty.

The department has also had during the past few years considerable duties under Federal regulations in regard to the relief of unemployment. In the present year, however, there has been little demand upon the Government in this connection, as the unemployment situation has quite visibly improved.

#### REPORT OF ONTARIO, CANADA.

The Statutes of Ontario, 1922, include the following laws and amendments of special interest to labor:

1. An act to amend the minimum wage act. The minimum wage act of Ontario has been amended in conformity with similar legislation in the other Provinces by giving the board authority to fix the working hours as well as the minimum wages of female employees. The board has been granted all the powers that may be conferred upon a commission under the public inquiries act with regard to the fixing of maximum hours as well as of minimum wages. After due inquiry the board may establish a minimum wage and the maximum number of hours for which such minimum wage shall be paid. The board may

also establish a rate of wages for all time worked in excess of the established maximum number of hours per week.

2. An act to amend the workmen's compensation act. By this amendment a subsection concerning dependents not resident in Ontario has been added to the workmen's compensation act, to the effect that a railway man's dependents who, in consequence of the workman's duties, may have ceased to be residents of Ontario shall nevertheless be entitled, if they later return to reside in Ontario, to compensation in respect of an accident occurring in Ontario on the same terms as though they had been residents at the time of the accident. The scale of compensation has been revised in respect to cases "where the dependents are a widow or an invalid husband and one or more children," the provision being added that if the widow or invalid husband dies the previous allowance of \$10 for each child under 16 years shall be raised to \$15.

3. An act to amend the steam boiler act. This amendment affects the definition of a steam boiler by the addition of a clause excepting "a portable boiler, rated at 25 horse-power or under, used exclusively for horticultural or agricultural purposes."

By an order in council, 1922, the previous orders in council respecting the construction of steam boilers were revoked and the interprovincial regulations, which have already been adopted by Manitoba, Alberta, Saskatchewan, and British Columbia, were substituted.

4. The one day's rest in seven act, 1922. This act applies to cities and towns of over 10,000 and provides for 24 consecutive hours of rest in every seven days, on a Sunday if possible, for all workers in hotels, restaurants, and cafés with the exception of watchmen, janitors, superintendents, and foremen, employees of a class where there are not more than two employed, and employees who are not employed for more than five hours in any one day.

5. An act respecting works and measures to relieve unemployment. Under this act municipal councils have been given authority to borrow money, without the assent of the electors, by the issue of debentures to meet expenditures on relief work not otherwise payable by debentures. Councils, which have distributed unemployment relief in conformity with the orders in council issued in January and February, 1922, or during 1921, may issue debentures to meet such expenditures. It has also been provided that no by-law passed under this act shall take effect until it has been approved by the Ontario Railway and Municipal Board.

6. An act to amend the children's protection act. One clause of this amending act states that "no child shall engage in any street trade or occupation between the hours of 10 o'clock in the afternoon and 6 o'clock in the forenoon of the following day."

The following bill has been introduced :

An act to amend the workmen's compensation act, 1923. By this amendment the waiting period will be reduced from seven to three days, so that workmen need be disabled only for three days from earning full wages to be compensated and to receive medical and surgical aid, hospital and nursing service.

The amount of compensation allowed will be increased from \$10 to \$15 for each child under 16 years of a widow or invalid husband, and in the event of the death of either this sum will be increased to \$20. Where the dependents are children, the monthly payment will be increased from \$15 to \$20 for each child under the age of 16 years. The limit of 66 $\frac{2}{3}$  per cent of average monthly earnings of workmen, which the amount of compensation must not exceed, will be raised to 100 per cent. These increases are to apply to all pension payments accruing after the coming into effect of the act, but not to payments made prior to this time.

The CHAIRMAN. The Chair would like to get a report, if possible, from the committee to codify the various State laws and correlate them and point out the weak points. This was a committee appointed last year, but I do not see a member of that committee here.

Mr. HALL. I happen to be a member, but I do not know whether the chairman ever took the matter up. I think Mr. Biebesheimer was chairman, but I never heard from Mr. Biebesheimer, and I am still waiting to hear from some other member of the committee.

The CHAIRMAN. I trust the incoming officials will see that that work is carried out, because it is really worth while. We have with us to-day one of our life members, one who was, I think, for a number of years the backbone of this association. I am going to ask Miss Bresette for just a word or two to let us know what she is doing and how she is doing it.

MISS BRESLETTE. I did not have the opportunity last year to thank the members of this organization for allowing me to retain my membership in the organization. Most of them probably know that I am a member only by constitutional amendment, inasmuch as I no longer represent a State but am representing an organization, the National Catholic Welfare Council, but by virtue of the fact that I was secretary of this organization for a long time I am allowed to retain my membership.

I want to say that my interest is a real interest in the work that is being done and was never at any time an interest in just holding a job, and that is what brings me here this year. My work is really not entirely different from what it was, except that I do not represent the law. The National Council of Catholic Women at their convention in November indorsed unanimously the program of the Women's Bureau, and my work has largely been to promote that and to promote the interest of women everywhere. My work is really national in scope, to arouse an awakening of moral consciousness in this work, to arouse people to some sense of their civic responsibility and to take an interest in the things that the State and Federal agencies are doing. What success we have I would hesitate to say. We are taking up this work because it is absolutely human and really worth while.

I do hope that the incoming officers of this association will do what the report of the president has suggested and try to get an amalgamation of the different associations in America, because it means so much.

[The following committees were appointed:]

*Committee on audit.*—Claude E. Connally, of Oklahoma; Henry G. Fester, of Ontario; Emma F. Ward, of Virginia.

*Committee on resolutions.*—T. A. Wilson, of Arkansas; William S. Hyde, of Connecticut; Charles A. Hagner, of Delaware; John S. B. Davie, of New Hampshire; Elizabeth Hanson, of Delaware.

*Committee to digest report of president and to report on its recommendations.*—M. L. Shipman, of North Carolina, chairman; C. H. Gram, of Oregon; Maud Swett, of Wisconsin; Claude E. Connally, of Oklahoma; Nelle Swartz, of New York.

The CHAIRMAN. We will now have the report of the secretary, Miss Schutz.

## REPORT OF SECRETARY-TREASURER.

## RECEIPTS.

Cash on hand at making of last report	\$90.85
Building loan certificate on hand	200.00
Receipts from dues since May, 1922, for year 1922	225.00
Receipts from dues to July 1, 1923	360.00
Receipt from interest on loan	9.00
Interest on deposits	5.96
Total	890.81

## DISBURSEMENTS.

1922.

Aug. 3. Debts incurred by former secretary-treasurer, Miss Bresette:	
Western Union	\$1.05
Stationery	3.20
Letter service	22.45
Total	\$26.70
7. Debts contracted by present secretary-treasurer, Miss Schutz:	
Stamps	\$2.00
Notebook	.10
Express on suitcase from Miss Bresette	1.40
Total	3.50
Sept. 10. Enterprise Printing Co. 1923.	14.00
Mar. 15. Stamps	18.00
15. Printing, to Theo. Kelly	6.50
Apr. 23. Badges	20.19
24. Enterprise printing bill paid out of Miss Schutz's personal account, per check No. 8	50.25
24. Stamps	25.00
30. Printing	61.67
	225.81
Building loan bond on hand	\$200.00
Cash on hand and in bank, May 1, 1923	465.00
Total on hand May 1, 1923	665.00
	890.81

Respectfully submitted,

LOUISE E. SCHUTZ, *Secretary-Treasurer.*

The CHAIRMAN. You have heard the report of the secretary-treasurer. If there is no objection it will be received and handed to the auditing committee. If there is no further business, we will adjourn until 2 o'clock.

[Meeting adjourned.]

*TUESDAY, MAY 1—AFTERNOON SESSION.*

**NELLE SWARTZ, DIRECTOR BUREAU OF WOMEN IN INDUSTRY, DEPARTMENT OF LABOR, NEW YORK, PRESIDING.**

### **WOMEN AND CHILDREN IN INDUSTRY.**

Doctor CONNELLEY. I was very much interested when I looked over the program to find that Miss Nelle Swartz was to be the chairman this afternoon, because I believe we owe much to Miss Swartz and the investigation work she has done in the last few years in her association with the New York Labor Department, especially the two investigations that she has made of stores in New York regarding seats for the workers.

I take great pleasure in presenting Miss Swartz, of New York, who will take charge of this afternoon's meeting.

The CHAIRMAN. Previous to the war the industrial woman was unhonored and unsung, until her performance in the making of war materials and the replacement of men by women caused employers, labor officials, and her brother workers alike to recognize the change in industrial development. Prejudice against woman's work in the more skilled jobs was relaxed, because there was no one else to produce during the war. Prejudices were relaxed, but they were not shaken completely out of men's minds, because industry still regards woman labor as cheap labor, and that is why, in the minds of many people, women and children in industry have been considered together, and why this afternoon we have a "women and children" section—because women and children represent the exploited class in industry to-day.

One of the most interesting developments, I think, is the new tendency in labor legislation, and this new tendency in labor legislation has caused a new tendency in the State departments of labor. The State departments of labor are no longer merely law-enforcing bodies; they represent that arm of the Government which blazes the trail for new policies and new standards; they are policy-making departments, and carry on education among workers and employers alike. The detective method in the State department of labor is giving way to the preventive method. There is one State in the Union which stands out as having developed that preventive method probably more than any other, and that State is Wisconsin. We have the great pleasure this afternoon of having Miss Sweet, head of the women's department of the Wisconsin Industrial Commission, open the meeting.

**METHODS OF ENFORCING PROTECTIVE LEGISLATION FOR WOMEN AND CHILDREN.**

BY MAUD SWETT, DIRECTOR WOMEN'S DEPARTMENT, WISCONSIN INDUSTRIAL COMMISSION.

Labor legislation is based on the recognition of certain evils in our industrial system; that it is to the interest of all to have these evils remedied; and that the problems of industry are social problems.

During the early years of labor legislation little attention was paid to the administration or enforcement of the laws whose enactment, in many instances, had been so difficult to secure. The responsibility for enforcement was placed on no one. Now, however, it is recognized that administration of labor laws is of the greatest importance; that without effective enforcement working conditions will show little, if any, improvement. The statutes contain two sets of provisions intended to secure compliance with the laws—penalties for violation of the laws and special officials to enforce their provisions. However, a threat of punishment will not prevent violations which come from ignorance of the law and those due to an inefficient but well-meaning management. It becomes of increasing importance, then, what methods of enforcement, other than that of merely detecting violations and haling the offending employer into court, are employed.

I have been asked to tell you briefly about the methods we use in Wisconsin to enforce protective legislation for women and children. This subject is of increasing importance as more and more lines of industry and occupation are open to women and children. When I asked the secretary whether she wanted me to discuss a more or less ideal system of enforcement she said she preferred to have me keep as far away from generalities as possible and to tell how we handle various problems which we have met in our inspection. I gather that what she would like is a general experience meeting, with me to set the ball rolling, so when I talk about how we do things in Wisconsin it is not because we think our way is the only way or the best way, but because Miss Schutz asked me to be concrete and to tell about our work—how many deputies we have to do the work, and how we do it—and then, if you are interested in learning more, to try to answer any question you may ask.

In the first place, we feel we are fortunate in having one department in the State government to administer all the labor laws of the State. Of course, to facilitate its work, the commission carries it on under different departments, but it does not carry this separation to extremes. The departments cooperate with one another very closely. The department about whose work I am to tell you is designated the "women's department," but this department is charged with the administration of laws relating to both women and children.

Years ago, under the bureau of labor there was one woman factory inspector. After the commission succeeded the labor bureau the number was increased to three. In 1916 it was felt that the laws relating to women and children could be more effectively enforced if a distinct department were created which would be held responsible for the enforcement of the laws and for field investigations when special problems should arise. Since 1916 the department has grown

considerably, but owing to lack of funds (a condition, no doubt, which is chronic with most of you as it is with us) the growth of the department has not kept pace with the increase in the amount of work to be done. There are now, in addition to the director of the department, five deputies who do general inspection work throughout the State and one deputy who supervises the issuing of child-labor permits in Milwaukee and also has charge of the junior placement bureau in Milwaukee. The field deputies have their headquarters in Milwaukee because industrially, as far as women and children are concerned, Milwaukee is about half of the State.

The State is divided into districts for convenience in inspection, but each deputy spends part of the time in Milwaukee. This keeps her in close touch with the work of the department as a whole, gives her a view of industry in its larger aspects, and also keeps the director in close touch with conditions throughout the State. With the increase in the number of deputies it has been possible to visit the smaller towns of the State, which in the early days of the department, with only one deputy besides the director, could not be visited. All that could be managed then was the inspection of the larger industrial centers. Whenever a town is visited, every place which employs or is likely to employ women or children is inspected. After the town has been thoroughly covered the deputy summarizes what she found—the kinds of industries in the town, types of violations found, the number of women and children employed, the attitude of the employers, and characteristics of the town in general. This summary is used for reference before making future visits to that town and is also used as a basis for a newspaper story which is sent to the local paper. This story tells of the deputy's visit, draws attention to the kind of violations found, explains the laws which were found to be violated, and gives a word of praise where due (not to individual employers, but to the conditions of the town in general). We find that the local paper is usually glad to publish this story, and as almost everyone reads his local paper it is the means of acquainting the public with the work of the commission and with the provisions of the labor laws.

Usually, before beginning any inspections in the town, the deputy visits the person who has been designated by the commission to issue child-labor permits, going over his work with him, helping to clear up any difficulties which he may have, receiving any complaints he may make on child labor, etc. His records of permits issued are of great help in detecting and clearing up violations of the child labor law. The deputy also gets in touch with the various social agencies in the town. She often receives an invitation to speak, which she feels it is her duty to accept. What we are trying to do is to educate the public generally, as well as the employers, as to the laws relating to women and children, for we believe that only in so far as we can secure the cooperation of employers and get the backing of an enlightened public can we have such enforcement of the labor laws as will be lasting in its effect.

It is a principle of political economy that the competition of the worst employers tends to drag down the best employers to their level, but we often find the reverse to be true. We use the example of the most progressive employers to help us to pull up the poorer ones to their level. We encourage all employers of a considerable num-

ber of women and children to employ service secretaries or employment secretaries, and many have done so. If an employer can be made to see that the job of keeping him in line with the requirements of the labor laws is a real man's size job, our troubles with the violations which occur in the well-meaning but poorly organized establishments are greatly lessened. Our work then becomes a supervision of supervision.

In addition to the matters involved in our regular routine inspections the deputy makes many special investigations, especially of problems arising in connection with the minimum wage and child labor laws.

Special attention has been given to seasonal industries, for it is the seasonal industry which presents the most difficult problem under the women's hours law and the child labor law. Our chief seasonal industry is the pea-canning industry. We have spent much time in helping to work out the canners' problem but feel it is time which has been well spent. I do not know of any work more gratifying in its results. The canners used to think that unless they could can peas with all restrictions as to the hours of employment of women removed during the canning season it meant their utter ruin.

They do have a problem. They are dealing with an extremely perishable product; they can not control climatic conditions; machinery which is in use only a short time during the year is more subject to breakdowns at a critical time than machinery which is in use every day. The commission recognized these problems and since 1913 has granted concessions with regard to the employment of women. Until 1917, in spite of the concessions granted, the numbers of violations were increasing. The canners claimed that they could not secure enough employees to establish a two-shift system. The commission requires the canneries to keep accurate time and statistical records. In 1917 the commission also asked for acreage and equipment records. After analyzing these records the commission felt that the violations were due to: (1) Low wages; (2) no one responsible to see that the commission's orders were complied with; (3) in some cases too much acreage for the equipment; (4) the canneries were organized with the long day permitted in the concessions as a normal day instead of a 10-hour day. Since 1917, therefore, the concessions granted are conditional upon the payment of a specified minimum wage rate, and, since 1918, also upon the designation of some one person to be responsible for compliance with the orders of the commission and that the canneries shall be organized upon the basis of a normal working day and a week not to exceed the hours permitted to other industries, using the longer day only in a genuine emergency. Thanks to these conditions and the cooperation we have received in recent years from the Wisconsin Pea Canners' Association, violations of the pea canning orders are now rare. Most of the canneries are on a two-shift system and do not use even the 10-hour day and 55-hour week permitted to all manufacturing.

When violations of the laws are found, a report giving details of the violations is made in triplicate by the deputy. One copy is sent to the commission at Madison for its consideration, one copy is left with the employer, and one copy is kept at the Milwaukee office. It is

explained to the employer that the commission will expect a written explanation from him with regard to the violations.

In most cases of first offense, where it is clear that an employer has been careless through no desire willfully to violate the law, he is given an opportunity to correct the condition, with the understanding that he will be held strictly to account for future violations. When it is felt that the condition is so serious that it may be necessary to report the matter to the attorney general for prosecution, the employer is given an opportunity of meeting with the commission when it has the case under advisement, to give any reasons which he may have to offer as to why he should not be prosecuted.

Every effort is made by the commission to make clear to employers their responsibilities under the child labor law. When these efforts fail to secure a proper compliance with the law, the commission feels justified in adopting extreme measures. In some cases the commission may suspend the issuing of permits to a firm until the management can prove to the commission that it has made such plans for supervising the employment of children in its establishment as will result in the proper care of the children. In aggravated cases, the commission may revoke all live permits in an establishment as well as suspend the issuance of new permits.

With the character of compliance with laws which we are striving for, the type of inspector or deputy chosen is most important. It must be some one trained in getting the facts, for without facts there can be no effective enforcement of the law. It must be some one with such a personality that she can get facts without antagonizing the one from whom she gets them; one who can see the employer's problems, but who sells him a method of ironing them out, rather than letting him sell to her his objections to the law. Her tenure of office should be secure. In training the deputies who come into our department we keep each deputy long enough in the Milwaukee and Madison offices to learn the routine of reports, to become thoroughly acquainted with the granting of permits to children, and to become thoroughly familiar with the policy of the commission, so that she can help us carry out our purpose, which is not to administer the law in a spirit of police authority, but to do our work in a spirit of cooperation and helpfulness, for it is the spirit of these laws which we wish complied with, as we believe that "the letter killeth but the spirit giveth life."

## DISCUSSION.

The CHAIRMAN. I am going to call on the chief inspector of the division of factory inspection of the Department of Labor of Illinois, Mr. R. L. Dye.

Mr. DYE. I have listened with interest to the talk on the method of enforcement of laws protecting women and children in industry, and wish to outline briefly the enforcement of the two laws in question in the State of Illinois.

We have the woman's 10-hour law which went into effect July 1, 1909, and was amended by an act which became a law July 1, 1911. This law regulates and limits the hours of employment of females in any mechanical or mercantile establishment, factory, laundry, hotel or restaurant, telegraph or telephone establishment or office thereof, or any place of amusement, or by any express, trans-

portation, or public utility business, or by any common carrier, or in any public institution, incorporated or unincorporated, in this State, in order to safeguard the health of such employees, and provides for its enforcement and a penalty for its violation.

This law does not apply to real estate, dentists', doctors', and insurance offices, or offices of a like nature; nor does it apply to banks, is the opinion held by the attorney general of our State.

In applying this law we gave special attention to the employment of females in factories and mercantile establishments. As time passed, we found that the law was strictly observed in the factories; and we began investigating the mercantile establishments, restaurants, and such places, where we found the greatest tendency for violations of this law, as for instance, the small mercantile establishments where they have only one female employee, whose duties often require her to put in more than 10 hours in any one day.

To those not familiar with the provisions of the 10-hour law in Illinois I wish to state that no female employee in the places mentioned may, under the provisions of this act, be employed more than 10 hours in any 24 hours.

In order to regulate these hours of employment the law provides that a time book or record shall be kept showing for each establishment the hours which each and every female is employed. This record must show the hour they start, the time off for lunch or the rest period, and the hour they finish employment. Said record shall be open at all reasonable hours to officials of the factory inspection department.

We find, in endeavoring to enforce this law, that there is a tendency on the part of some female employees, in order to get extra pay, to make a false report to an inspector as to the number of hours employed, and that the management will also make a false record to cover this violation.

The law provides a penalty for any employee who makes a false statement to an enforcing officer of this law and also provides a penalty for an employer. It is not unusual for our department to receive complaints from employees who have been working overtime upon their own volition or at the request of the management, in the event they are discharged for infraction of some rule, that they have been working more than 10 hours. These complaints are carefully investigated, and if we can show that the employees have been falsifying time records, action is taken against them and also against the management.

Quoting from a survey made for the fiscal year ending June 30, 1922, 72.2 per cent of the female employees in Illinois are working 8 and under 9 hours per day, 18.9 per cent are working 9 hours and under 10 hours, and 8.2 per cent are working the full 10 hours.

The method of enforcement of laws protecting children in industry is a matter in which I am deeply interested.

The laws of the State of Illinois provide that there is no gainful occupation for a minor under 14 years of age when the school in the district in which he or she resides is in session. A minor between 14 and 16 years of age with the proper employment certificate can be legally employed except in forbidden employments, which will be explained later.

A minor can be legally employed eight hours per day any eight hours from 7 a. m. until 7 p. m. six days per week.

To secure an employment certificate a minor must provide himself with the following credentials:

1. A statement from the prospective employer showing that he will be given employment—the class of work he is expected to do must be shown and the hours he is to be employed.

2. A school record from the last school attended, showing 130 days' attendance during the year prior to the time of his making application for certificate, or between his thirteenth and fourteenth birthdays; also that he has passed the sixth grade, or work equivalent to the first six years of elementary schooling.

3. He must provide proof of birth, which is required in the order herein designated:

(a) Transcript of the birth certificate, baptismal certificate, or transcript of the record of baptism. (These must carry the seal of the church if the minor has attended the parochial school.)

(b) A passport showing the age of the minor when coming into this country.

(c) In the event none of the aforesaid proofs of age are obtainable, and only in such case, the issuing officer may accept in lieu thereof other documentary records of age, such as official certificate of arrival in the United States, bona fide Bible record, life insurance policy, which must be at least one year old at the time of minor's application for the permit. Further, a written statement signed by the principal of the public or private school showing a record of the age of the minor for at least two years while attending said school.

(d) If none of the above proofs of age are available, the proper issuing officer may accept a signed statement by two physicians who have examined said minor, one of these physicians, however, to be a health officer or a public-school physical inspector, and they must agree that the minor is at least 14 years of age.

Illinois designates a long list of occupations at which no minor may be employed, if under 16 years of age, and the hazardous machinery which a minor may not operate or assist in operating.

It also provides that no female under 16 years of age shall be employed in any employment requiring her to stand during the performance of her work.

We find the violations of the child labor law in the smaller mercantile establishments—large factories, except in certain industries, do not employ minors under 16 years of age.

The following statistics for the last four years concerning the violations of the child labor law will show that child labor is gradually decreasing, while the number of establishments inspected are increasing: Number of inspections from July 1, 1918, to June 30, 1919, 72,397; number of violations from July 1, 1918, to June 30, 1919, 4,617; number of inspections from July 1, 1919, to June 30, 1920, 74,030; number of violations from July 1, 1919, to June 30, 1920, 3,538; number of inspections from July 1, 1920, to June 30, 1921, 89,913; number of violations from July 1, 1920, to June 30, 1921, 2,062; number of inspections from July 1, 1921, to June 30, 1922, 93,016; number of violations from July 1, 1921, to June 30, 1922, 1,185.

This shows an increase in inspections from July 1, 1918, to June 30, 1922, of 20,619 and a decrease in violations of 3,432. There are fewer children employed to-day in the State of Illinois than there have been in years.

Mr. DAVIE. I would like to ask one question. In considering your figures, has there not been an increase in the employment of children each year?

Mr. DYE. I would say an increase in the employment of children and an increase in inspection. It is impossible for me to determine what increase there is in the employment of children. The only way I can determine that is by the number of inspections and what the cards show. The cards of the inspectors, which are turned in to the office, have on them the number of children employed. I would have to go over my entire records and figure up the data on those cards to see how many are employed before I could answer intelligently the question you ask.

Mr. DAVIE. I would like to have accurate figures. That is the only way you can tell whether the violations diminished proportionately with the larger number of children that were employed.

Mr. DYE. As I said before, I have no way at present of telling you whether or not there has been an increase in the number of children employed. I presume there was during the war. I could get such a record from my office.

Miss MINOR. May I ask whether you have any knowledge of the number of children at present holding certificates in the State of Illinois?

Mr. DYE. I have not that knowledge, but I can get it at my office, because the law compels me, and gives me the right, to have in my office a copy of every certificate issued.

Miss MINOR. Because only on the basis of the number issued and the number existing in the State would it be possible to determine whether the number of children at work had really decreased. You could not judge it by the number of violations found. You could, perhaps, state that the law was being better enforced and better obeyed.

Mr. DYE. I imagine that when violations decrease you have fewer children employed.

Miss MINOR. I beg to differ with you. As former chief of the division of employment certificates of New York I have not found that to be the case. Your violations decrease in accordance with the stricter enforcement of the law, but I do not think that necessarily bears any relation to the total number of children employed.

Mr. DYE. Well, at any rate, if you decrease the violations you decrease the children that are working illegally.

Miss MINOR. Yes, illegally, but not the total number of children.

Mr. DYE. Well, possibly not. There is only one way I could get the information you ask for and that is by going over the certificates in my department. I wish I had done that, but I never thought of it.

Mr. DAVIE. Just one other thing. You made the statement that the Illinois child labor law was the best enforced law in the country. I want to take exception to that.

Mr. DYE. I beg pardon. I said I believed it was.

Mr. DAVIE. Well, you believed it was. I am glad you put it that way because New Hampshire is giving you a close run on the child labor law.

Mr. WILSON. There is one question I want to ask, and that is with reference to the employment of children without certificates. Have the employers who fail to secure child labor certificates and thus violate the child labor law any defense in court in case of suit for injury?

Miss SWETT. Our compensation act provides treble liability in case the child is injured while illegally employed. He may be illegally employed in two ways—without the certificate or with the certificate not on file—in our State the employer has to keep the certificate on file at his place of employment—or the certificate may be on file but the child be working at some prohibited employment, in which case if he is injured the employer would be subject to treble liability. The fact that the child falsifies his age does not protect the employer.

Mr. WILSON. The reason I asked that is because our courts have held that employers are without defense in case of suit for damages, and I just wondered if that was peculiar to our courts.

Miss SWETT. That, of course, is really no different than it was under the common law. Under the common law, if the child were illegally employed the employer had no defense. He was negligent because he employed the child illegally, and the child could recover. The employers themselves asked that they be put under the compensation act.

Mr. STEWART. May I ask Miss Swett a question? Of course, we all know the Wisconsin idea and the Wisconsin policy, as Miss Swett has stated, of making the better employers pull the poorer ones up, instead of letting the poorer ones drag the better ones down. In the case of the pea canneries there was a recent statement issued by Wisconsin to the effect that a very large percentage—I do not remember the exact percentage now—of the pea canneries do not employ women even up to the 10-hour limit which the orders permit, and yet within the last week Wisconsin has issued an order permitting certain pea canneries to employ women more than 10 hours. Now if a very large percentage of the canneries can get along without employing women more than 10 hours, what becomes of the Wisconsin policy, what becomes of the Wisconsin idea, when year after year you permit a few canneries to employ women more than 10 hours?

Another question that I would like to ask is, isn't it true that the pea farmers and raisers of peas could stagger their crops? It may be true—I think perhaps it is—that the early crop is the best, but after all you can plant peas practically all through the year and get a reasonably good crop, and the fall crop of peas is, within a few per cent as good as the spring crop. Has the commission attempted to reach that trouble at that end of the line?

MISS SWETT. Yes; the reason we issued the same orders this year as last year is that last year we accommodated the canners to quite an extent. They wished to be permitted to have women work not to exceed 15 hours. If your canners let one or two women work 10 or 15 hours, that cuts off a day. So it is not so much as it sounds. Last year we cut the daily hours down to 10 and the weekly hours to 66 because the canneries felt they sometimes needed at the end of the week a few extra hours' work beyond what they could have. By the women's hour law a girl of 16 could work in some establishments as delivery woman. We have changed that so that now we do not let any girl under 17 work. We could have raised the age to 18, but we left it at 17. This year we considered cutting the hours down still more, in view of the fact that so many of the canneries did not make use of the concession granted and thus proved they did not need it. But last year was an exceptionally good year. It was a cool season and the canneries could can for a long period. There are times, however, when, no matter how much they try to stagger the crops, peas planted now may mature at the same time as some planted four weeks from now, or those on one side of a hill may mature at the same time as those planted two or three weeks before. We have unusual weather conditions. Last year at this time in April the peas were through the ground; this year there has not been a pea put in the ground. The canners are afraid they are going to have a very bad season with everything rushed into July. The average canning season, in most parts of the State, is about 30 days. In some sections of the State they can string it along into the fall, but in the other parts of the State they can not, and so they try to control the planting of the seeds, having the planters space their planting, but even then the planters will probably want everything hauled and canned at once if there is something else they want to take care of.

So the canneries do try to stagger the crop, and we felt that we could let them work this year under that concession—if they had abused the privilege we would not have let them. So we continued the concession this year and we feel, if we get through this bad season, which we expect, we can go to them next year and say, "What is the use of your getting a black eye and our getting a black eye for giving you this concession when you do not need it and have proved it in good and bad seasons?" If they had abused the concession we would have shut down on everybody.

MR. GRAM. I would like to ask Miss Swett whether, under a permit to work these extra hours, you compel them to pay an extra wage?

MISS SWETT. Yes; we make them pay time and a half for anything over 10 hours, but with the bean canneries we do not let them work at night, and we have never allowed them to work over 10 hours; if they run over 8 we make them pay time and a half.

MR. HALL. Is it not a fact that all occupations, all industries, and especially agricultural industries, have times of emergency when they need overtime work?

MISS SWETT. Well, you see they do have emergencies, but emergencies which usually can be foreseen and controlled.

MR. HALL. Your hours are not limited between certain hours—they can work two shifts?

Miss SWETT. In any other industry they can.

Mr. HALL. They can work in shifts and do not have to work over-time?

Miss SWETT. They do work in shifts. Very few of them use the 10-hour day because they can get in the two shifts. For instance, if the canneries run one shift of 10 hours then the other shift is such a short shift that the workers do not like it. So they try to even up both shifts and give each one about an equal amount of work. The result has been that we have shut off those long days, 15 and 20 hours, when they use only one shift. It is less trouble to use one shift than to get another crew of women.

Mr. HALL. Do you have any complaint from any industry that you are discriminating in favor of the pea industry?

Miss SWETT. Not to any extent. I think they all feel that there are conditions in that industry that are different.

Mr. HALL. Is it entirely discretionary with the commission to grant it to any industry?

Miss SWETT. The law provides that no woman shall be permitted to work for any period of time prejudicial to her welfare, and leaves it to the commission to determine what hours are prejudicial. Under that law we have shut off night work in laundries.

Mr. HALL. Then the commissioner can shut off this pea-cannery work?

Miss SWETT. Oh, yes; and we will discontinue it next year, I am sure, and perhaps after a while not give any concessions, but if you could have seen the change in the canning industry itself—we could, perhaps, have shut it off in 1917 but we would not have had the support we have now.

Mr. HALL. In this State we have a problem which is subject to emergencies just as much or more than the pea industry, and that is the tobacco industry. Tobacco has to be cured within a few hours after it is cut, but we do not permit an extension of the hours. We do not think it is good policy to make exceptions.

Miss SWETT. I said we were criticized, but we are ready to stand by anything we have done.

Mr. HOOKSTADT. What has been the effect of the treble liability provision in the compensation act upon child labor?

Miss SWETT. It has had considerable effect, because the treble liability can go so far beyond anything we have had or anything else you can do in shutting off employment. Just the other day a boy got his foot cut off. He had given his age as 19, but he was 16. That means a tremendous amount in compensation for that firm. It also means that if we feel that they are so careless at that plant that they do not know how to take care of children and do not know how to prove how old children are, we will probably shut off permits at that place for a considerable time to come.

Mr. HOOKSTADT. Do your records show a great drop in violations after that provision was enacted?

Miss SWETT. I can not answer in accurate figures.

The CHAIRMAN. I can answer that question, because in New York the same thing has been coming up. There was a bill introduced in

New York for double compensation, and I got in touch with Commissioner Wilcox, of Wisconsin, asking the effect there of the treble compensation, and he said that it did more toward reducing the number of children illegally employed than anything else—it considerably reduced the number of illegally employed children.

MISS SWETT. You see, it is not only the commission that is bringing it to the attention of the employers all the time; the insurance companies, also, are always preaching it to the employers.

MISS ANDERSON. Under the discretionary powers of the Wisconsin commission, has it ever issued an order shortening hours?

MISS SWETT. We changed the schedule in this respect, that we shut out night work and provided that in laundries the original schedule in the law did not apply. We do not let them work after 6 p. m. or before 6 a. m. We did shorten the close of the day from 8.30 to 6.30 in other types of establishments where we provided for 8-hour day work and a 48-hour week. We have not adopted the 8-hour day.

THE CHAIRMAN. Didn't you adopt the 8-hour day during the war?

MISS SWETT. Yes; for street-car conductors.

MISS ANDERSON. The actual hours of work per day have not been shortened?

MISS SWETT. No; we did not change them from 10 to 8, except in the case of the street cars.

THE CHAIRMAN. I wish there might be some discussion this afternoon as to which is the better way to legislate as to the workday of women, whether the industrial board should be given power to shorten the day or whether standards should be written into the law.

MISS MINOR. I would like to know whether in any State there exists a satisfactory relation between the inspection bureau and the school department. We are trying to establish such relations in New York by reporting violations found by truant officers to the labor department and by reporting violations of the child labor law, children found out of school, to the school department. Such reciprocal information I think would be very valuable. I would like to know whether any State has worked that out.

MR. HALL. We have very close cooperation with the schools. Certificates are issued by the school authorities and our inspectors keep in touch with them and they keep in touch with the inspectors.

MR. SMITH. West Virginia has that law, and if any child is absent from school the inspector reports to the factory inspector, and he finds out if the child is illegally employed; and if so, they act.

MR. DYE. I stated in my address that we have two inspectors that we turn over to the board of education and who make their inspection as to child labor under the direction of that board, getting their information from the truant officer; their work is specifically child-labor inspection but under the direction of the board of education of Chicago.

MISS SWETT. I do not know that I made it clear that in Wisconsin the commission issues its permits through its own staff or its designated authority. The school authorities do not issue permits

unless they are designated by us to do so. That, of course, makes for uniform administration throughout the State, and when our deputies go into a town where there is an issuing officer designated by us they get in touch with him.

Mr. DAVIE. The New Hampshire procedure is rather peculiar. The child labor law is administered and enforced by the department of education. Any child who has not completed the elementary school at the age of 14 is subject to the compulsory school law, which requires him to attend school until he is 16. The local truant officers are supposed to look out for all children in the local community. The board of education has three inspectors, who supervise the enforcement of that law very carefully, and many times there are violations which they catch. Cooperation between the two departments has been almost ideal since I have been commissioner, and I believe that perfect cooperation on the part of the enforcing body of the department can be worked out successfully in any State. After the child arrives at the age of 16 he then becomes subject to the bureau of labor of the State.

Mr. GRAM. The question was asked the chairman a while ago whether shortening of the working time should be left to the board or fixed by statute. Personally, I feel that the board should have some discretion. In the majority of the States the limits are fixed by the statute and the board has no discretion. Our experience is the same as that of our friend from Illinois—we have workers who are money mad, who do not consider the effect of long hours on their physical condition just so long as they can get the money. I think the laws ought to be amended so that the worker will be penalized as well as the employer. I do not think we will ever succeed in stamping these law violations out until that change is made.

Mr. DAVIE. I do not agree with the brother. I think those of us who are older in the work have found that if you give a certain group of employers an inch they will take a mile. I could agree to leave some discretion to the board or commission, if I knew the commission or board, but you have to have a pretty high-grade board and pretty high-grade men to sit in on such an important question as that of letting down the bars that we labor people have fought for for years. I believe it is a pretty good thing to have a pretty hard and fast statute and to educate the employers as to what that statute is, giving no privileges whatever, because in my experience I have found that the administration or enforcement of any law depends a whole lot on the attitude of the public toward that law. So I say let us get along without letting down the bars; let us rather improve what we have and endeavor to standardize hours of labor and, in fact, all labor laws from coast to coast, so that we can have uniformity.

Mr. SMITH. I heartily indorse Mr. Davie's talk. The employer has no trouble at all in finding out the age of the child, not a bit in the world. If you give him a little excuse, then he is gone. The State commissioner in West Virginia issues all these working certificates to superintendents of schools, and then the superintendents of schools issue them to the children. They have a good chance to check up and we do not have much trouble in West

Virginia now. We did have a great deal. If you put a fine upon the children for violations, it would be a bad start.

Mr. GRAM. I am not suggesting putting a fine on the child. When I spoke of fining I was referring to the law regulating the hours of work for women, and though I do not believe it would be advisable to give the commissioner too much discretion in the matter of children—I had a case where a boy was sent to our office for a permit. He was as big as I am and was making \$22.50 a week in a cannery, supporting his mother and sister. He was not quite 15 years old and was only in the fourth grade, so it was impossible under the law for us to give him a permit, and we had to force him into school. Inside of three months he went to the reform school simply because he was not able to learn at school—he was much larger than the pupils in his own class—and he was no good. As to giving the commissioner discretion in the women's law, our law does not allow women to work over 10 hours, but we have an 8-hour law as to public work.

Mr. DAVIE. The brother recited a rather peculiar case. I would like to ask this question. You name one case out of your knowledge as commissioner in the State of Oregon. How many of those cases come to your attention? I want to see how much harm is done.

Mr. GRAM. I have been in the work since 1906. In that length of time I have not had more than half a dozen cases, but that is half a dozen cases. This boy could have been saved from the reform school if he could have been taken care of.

Mr. BLANKINSHIP. If this boy had been put in school when he should have been, as a child, would that condition have arisen? I think it is a stupid child that can not learn in school. He might not progress in one line but if our schools were more flexible and he was taught when he was capable of learning, he could learn something. That is where the fault lies, in those exceptional cases, in the policy that tries to educate every individual along the same line. If our educational system were made more flexible so that the child who could not learn history would be taught what he could learn, then we would not have these exceptional cases. But even granting that that case is exceptional, would not altering the law to meet that one exception hurt a great many more in the other direction? There is a possibility that if you give the commissioners authority to let down the bars to meet a situation like that, they will do it in a number of cases where it is not necessary and where the injury will far exceed the injury done in this particular case.

Mr. SHIPMAN. In North Carolina there is the closest kind of cooperation between the educational authorities and those engaged in the enforcement of the child labor law. In fact, the superintendent of public instruction is a member of the child-welfare commission.

Mr. WILSON. I will say that while the law provides for our issuing the certificates, we allow the proof of age to be made before the school superintendent or some person designated by the commissioner of labor. These proofs of age are sent to the central office, and all certificates are issued from that department.

As to discretionary power, I believe in the commission complying with the statutory limitation as to how far the commission may depart from the statute. I believe in a minimum in the statute and in letting the commission use discretionary powers above that to meet the conditions. I believe that is the way the commission ought to be authorized to increase wages and hours.

Mr. DAVIE. I am interested in the question brought up by the brother from Oregon. He thinks that the application of the women's 10-hour law should apply to the employee as well as to the employer. I am in favor of that myself, but would not that make the law class legislation and unconstitutional?

Mr. HALL. I believe in statutory law for enforcement officers. I believe in discretionary power for judicial officers, and that is the point we ought to adhere to. When a law enforcement officer has discretionary power he sometimes makes mistakes and that very often vitiates his whole authority, because he is bound to give one person the benefit of the doubt and punish another person.

Miss ANDERSON. Your discussion about fining employees as well as employers applies mostly to woman employees. I wonder if we should not take this into consideration, that very seldom are employers penalized, because you can not get convictions. You very seldom get convictions even when the women testify, and when they testify they usually lose their jobs. I would like to know if that is not penalty enough.

The CHAIRMAN. We will now go on to the subject of minimum wage legislation, and we are very fortunate in having Mr. Fester, of the Minimum Wage Board of Ontario, Canada, speak to us.

#### ADVANTAGES OF THE CONFERENCE METHOD IN THE ADMINISTRATION OF MINIMUM WAGE LAWS.

BY H. G. FESTER, MEMBER ONTARIO MINIMUM WAGE BOARD.

The object of this paper is not to criticise the various methods of minimum wage administration now in vogue in America, nor to attempt comparisons, for very obvious reasons.

I am fully aware of the many difficulties that lie in the way when one attempts to set forth a hard and fast rule in matters of administration. Every locality has problems peculiar to itself; likewise, every people have a psychology which is peculiar to themselves, and methods which prove efficacious in one part of a country very often fail dismally in other parts. However, these differences apply more to the details of administration than to fundamental principles.

There are three methods of minimum wage administration prevailing in the United States and Canada at the present time:

1. The flat rate, by which a commission or governmental department fixes certain rates for groups of industries, without entering into prolonged negotiations with each individual industry.
2. The trades board method, whereby a minimum wage commission is appointed, which in turn selects an equal number of employers and employees from a given industry or industrial group. The commission then appoints either one of its own members, or an outsider to act as chairman. This group is organized into a trades board, which then proceeds to fix rates and regulations for

the industry in question. After the trades board has concluded its negotiations, it submits a report to the minimum wage commission, which may adopt, modify, or reject the recommendations contained in the report.

3. Where a minimum wage commission is appointed and is given full power to negotiate directly with the industries concerned, to hold conferences with groups of employers and employees, and to establish rates and regulations mutually agreeable to all parties concerned.

The Minimum Wage Board of Ontario, Canada, adopted the third method, and after nearly two years and a half of work is nearing the completion of its task. As a member of that commission, I think I may safely say that our work has been uniformly successful throughout. This is a strong statement to make, in view of the fact that the Ontario commission began its labors in the fall of 1920, when the first effects of the business depression began to manifest themselves. Throughout all of the dull years of 1921 and 1922, the commission steadfastly continued its work, and we are rapidly approaching the end of the first half of the year 1923. At the present time we have minimum wage rates established in all of the important industries of Ontario which employ female labor, for the Ontario minimum wage act applies only to women and girls. A few scattered groups remain to be dealt with, but they are of minor importance from the standpoint of our work, as they employ comparatively few women.

In appointing the present commission the Ontario government adopted the following course. It approached the Ontario section of the Canadian Manufacturers' Association, and requested it to submit a list of names. Out of this list Mr. R. A. Stapells, vice president of the Toronto Board of Trade, and Mrs. Horace Parsons, general secretary of the Canadian National Council of Women, were selected to represent the employers.

The government then approached the Trades and Labor Congress of Canada in the same fashion, and out of the list of names submitted, Miss Margaret Stephen, of the United Garment Workers Union of Toronto, and H. G. Fester, general secretary of the Hamilton Trades and Labor Council, were chosen to represent the interests of employees. For chairman the government selected Dr. J. W. Macmillan, professor of sociology in Victoria University.

The commission, immediately following its appointment in the fall of 1920, proceeded to make a survey of the entire Province of Ontario for the purpose of ascertaining the extent of the task committed to it, and also to determine the cost of living in the various localities.

Regulations were then framed and a budget drawn up. After this the commission gave careful consideration to the method it was to employ in applying the law. After several long drawn out discussions, it was unanimously agreed that the commission assume full responsibility, and that direct conferences be held with representatives of the industries affected.

The procedure is as follows: The commission selects an industry, or a group of closely allied trades, and submits a questionnaire accompanied by a courteous and conciliatory letter, setting forth the object of the questionnaire and requesting an early reply. After

a majority of these questionnaires have been returned, a conference is arranged in the following fashion: A communication is sent to the secretary of the Manufacturers' Association, apprising him of the fact that minimum wage rates are about to be set for a certain industrial group. He is requested to have the group affected hold a meeting and select representatives. These representatives then meet with the commission. The principles underlying minimum wage legislation are carefully and sympathetically outlined to them. They are invited to state the problems which are peculiar to their particular trades, and in conclusion the chairman of the commission always makes a strong appeal for cooperation and help. It is only fair to say that the vast majority of employers have readily consented to this and have assisted the commission in every possible way.

The next step is a conference of employees. This is more difficult, as most woman workers are unorganized and it is therefore difficult to secure a representative group. The method generally adopted is to pick out a number of friendly employers and have an investigator visit their plants and either select a few representative women or induce the workers to choose their own representatives. They, like the employers, then meet with the commission, their problems are considered and discussed in a friendly informal way. By this time a general feeling of good will and confidence has been created throughout the trades affected. After this has been accomplished, the commission selects or invites the respective groups to select a few of their own members to represent them at a formal conference. The two sides are then brought together, and they, together with the commission, establish the rates and regulations for the trades involved.

It will be noticed that the whole procedure is one that is calculated to win the approval and support of all parties concerned. First, confidence is established, then business is allayed and hostility reduced to a minimum. For the purposes of this work much depends upon the proper type of chairman. He must be a man of wide information, and a thorough student of minimum wage legislation. He must possess tact, patience, and diplomacy, and at the same time exercise sufficient firmness to make the work of the commission effective.

In this respect the Province of Ontario has been singularly fortunate, for Dr. J. W. Macmillan possesses all of these requisites in abundance. For Ontario the methods applied have been amply justified by the results, and after nearly two years and a half of work, the Ontario Minimum Wage Board enjoys the confidence and good will of organized capital and organized labor, and it has yet to meet with serious criticism from any responsible quarter.

The results of our work are being shown on every hand. The cooperation of the employers of the Province of Ontario has taken a very material form and they have helped us in the enforcement of the law. Employees also help us in the enforcement of the law, and the one reason why we can count on the help of the employees is that we have never betrayed their confidence. No employee that I know of has ever lost her position because of any information which

she has given to the Ontario Minimum Wage Board. We have other methods of dealing with situations of that kind. It is true that in a number of cases we have been required to collect very considerable amounts of back pay, but I want to say that we have an exceedingly drastic law. We can fine an employer from \$50 to \$500 for each employee that he underpays, and we can imprison him for a period of six months if he is unwilling to pay that fine or if he violates the act a second time.

So far we have never had recourse to the latter section of that law, and in very few instances has the commission been required to take such steps as would necessitate the imposition of a fine. We have had to do it but it has not been very often. The spirit seems to be to meet the law half way. We won the confidence of the employers and we won the confidence of the employees, and all of them seem to be anxious to cooperate to that common end.

I want to draw your attention to one little incident to bear out these remarks. At the time when we were first given the minimum wage act to enforce, the law made no provision for the control of hours, but our survey throughout the Province of Ontario showed us that the prevailing rate was anywhere from 44 to 52 hours. There were a few industries where they worked as many as 55 hours—I think you could count them on one hand. Now, the Ontario factory act permits of a 60-hour week. So you can readily understand the position in which we found ourselves, having no control of the hours and the prevailing hours being less than those allowed under the factory act. We set about to fix a rate which would mean substantial increases of wages to numerous groups of employees. We made a personal appeal to every group of employers that we dealt with, saying: "Gentlemen, we are going to stipulate in our recommendations that these minimum wage rates shall apply to the number of hours in vogue in your plants. If we find you are violating this law we are going to the Ontario Legislature and ask them to give us control of the hours." For two years that law has carried on fairly well, and when you consider the enormous number of factories in a Province such as Ontario, scattered over 400,000 square miles of territory, which is possibly nearly 100,000 square miles more than your State of Texas, you will appreciate the amount of cooperation that we have been getting.

It will always happen that there are some who will kill the goose that lays the golden egg, and so it happened in this case. There were a few fellows who were situated along the border near the Province of Quebec, which Province is notorious for long hours and low wages. I do not think I am casting any insult in their direction when I make that statement; it is perfectly true. Along this border the tendency is to pattern very closely by what takes place in the Province of Quebec. The result was that when a number of these employers found themselves faced with a considerable increase in wages they automatically increased the hours of labor to take care of the increase in wages. That made it necessary for us to go to the Ontario Legislature and ask for a law giving us a measure of control over the hours of labor.

We did not get the amount of control that we sought, but we did get this much: They conferred upon the Ontario Minimum Wage Board the power to fix the number of hours in which the minimum

wage must be earned, and to fix overtime rates for all hours that are worked in excess of that. That was conferred upon us only this last winter, and we are now making a survey of the Province, looking to the application of that portion of the amended act. We are dealing particularly with the textile group, which has the longest hours and is the largest group in Ontario industries employing female labor, I think before we are in existence another year we may have it generally applied throughout all those industries which employ women.

I have digressed somewhat from the subject of my paper, but I was anxious that you should have an outline of what is being done in the Province of Ontario.

### DISCUSSION.

MR. SHIPMAN. Has any question been raised about the constitutionality of your minimum wage board?

MR. FESTER. I am in rather a delicate position. I live in the Dominion of Canada; you folks are Americans. We are Americans, but we live in the upper part of America. Undoubtedly your Supreme Court is in many ways an invaluable asset to your country, but as for myself, as far as the protection of women is concerned, I am glad that we have no supreme court.

MR. STEWART. I would like to say a few words on this question of the allocation of minimum wage rates by industries. It seems to me that we forget what the minimum wage is for. Some years ago the German Government, under the domination of the Prussian idea, found that the average height of its soldiers was decreasing, the draft was compulsory from about 21 to 24 years—I am not sure of the ages, but anyhow, every young man had to serve three or four years in the army. The average height of the young men of Germany drafted into the army, decreased very rapidly. Germany found, just as France found, that the average height of its standing army decreased 3 inches in 25 years. The German Empire made an investigation, probably the most thorough ever made, and as a result of it night work for women was stopped, and child labor laws, more or less liberal, certainly in advance of any Germany had ever had, were enacted. This was done as a military measure—as a war act, if you please. It was not a question of whether women should or should not eat or how much they should eat. There is nothing in the investigation or in the law that indicates that Germany cared a rap for women or for children, but she had sense enough to know that the women are the mothers of the men. We had a war not long ago, and the physical condition of the men enlisted and drafted “jarred” some of us.

Anybody who handles the minimum wage law ought to realize that what we should consider is not industry, not administration, not legislation, but the social question, society; it is the question of whether our men are going to decrease 3 inches in height in 25 years as the men in France did. No industry has a right to mold women who are to be the mothers of our men in such a way as to deteriorate the race.

That is the minimum wage question. I want to emphasize that proposition, which seems to be lost sight of when the Supreme Court tells us that perhaps the situation is changed since the nine-

teenth amendment—women can vote. The nineteenth amendment did not change the fact that the women are the mothers of the men and that the United States Government should, if it will—the people, if it won't—protect the stature, the manhood, the physique, and through the physique the intellectual and moral standard, of our race.

The CHAIRMAN. We are going to hear from Miss Elizabeth Brandeis, the daughter of Justice Brandeis of the Supreme Court, on "Minimum wage enforcement" with special reference to the problems of the learning period.

#### MINIMUM WAGE ENFORCEMENT, WITH SPECIAL REFERENCE TO THE PROBLEM OF THE LEARNING PERIOD.

BY ELIZABETH BRANDEIS, SECRETARY DISTRICT OF COLUMBIA MINIMUM WAGE BOARD.

I regret that as regards minimum wage enforcement in the District of Columbia I must speak in the past tense since our law has been nullified by the decision of the United States Supreme Court, which held it unconstitutional. Whatever may happen in the District in the future, however, I feel convinced that our four years' experience with a minimum wage law has been of great value, chiefly, of course, for what it accomplished in the District of Columbia, but also because it served in a way as a laboratory experiment in minimum-wage administration. Because the District is so small it was possible to try out certain methods of enforcement which many States with minimum wage laws have not attempted. Some of the methods are perhaps not feasible in a large area; others I believe are.

Before discussing the peculiar problems involved in the establishment of a learning period, I may say that, broadly speaking, minimum-wage enforcement is similar to the enforcement of other labor laws. Continued inspection of establishments subject to the law is absolutely necessary. All labor law administrators will agree, I imagine, that we can not wait for complaint of violation. In many cases the workers are too ignorant or too timid to report infringement of the law. Moreover, the inspector must insist on careful record keeping on the part of employers, since without a record it is often impossible to determine whether or not violations have occurred.

But from the point of view of enforcement a minimum wage law differs in one essential from other labor laws. Where a violation has occurred and a woman has received less than the minimum wage it is possible to adjust the matter by requiring the payment of the back pay due. This possibility leads to many reports of violations. The workers are vitally interested in having the law complied with. Furthermore, it makes it possible to penalize the employer who violates without the necessity of taking the matter into court. Most of us probably agree that prosecutions for labor law violations should be rare. But when a violation is discovered, whether willful or otherwise, it seems rather inadequate merely to exact a promise "not to do it again." In the enforcement of a minimum wage law it is possible to stipulate that all back pay must be paid at once or prosecution will be undertaken. Personally, I believe in a very rigid collection of all back pay due under a minimum wage order,

whether the error in rating was intentional or due merely to ignorance.

One of the principal problems in minimum-wage enforcement is the regulation of learners or apprentices. Most minimum wage laws provide for the establishment of subminimum rates for this group. Under the District of Columbia law the conference which recommended a minimum rate for a given industry could also recommend lower rates for learners if it thought such rates necessary. The board itself was given the power to set special rates for minors. On first thought, it may appear illogical to permit the employment of anyone, whether experienced or inexperienced, at a wage below that agreed upon as the lowest which can possibly meet the cost of living. But I believe that in any occupation which takes some time to learn there is a theoretical justification, as well as a practical need, for subminimum learners' rates. Undoubtedly a person doing unskilled work is entitled to a living wage in return for her labor just as much as one doing work more skilled. In certain industries, where practically all the work performed is unskilled, the beginner should properly receive the minimum wage at once. But a person who is learning a semiskilled or skilled occupation is receiving something from her employer in addition to the actual money wages—namely, instruction in that calling; so long as she really receives instruction she may properly be paid less than the minimum cash wage. In such industries a longer learning period for a minor than for an adult is proper, because a minor probably needs more instruction. Of course the question remains as to how long the learning period should last and how much below the minimum the learners' wage should be. Undoubtedly most of the learning periods which have been established in the wage orders have been too long; that is, they exceed the time which it takes the average worker to become reasonably conversant with the task. Most minimum wage boards have adopted a graduated scale, through which the learner progresses until the minimum is reached. The establishment of this scale is always a difficult problem. The differential between the learners' rates and the minimum wage must not be so great as to put a premium on the employment of learners. If the learners become too numerous in proportion to the experienced workers, the minimum wage becomes a mockery. Where the proportion tends to become too large, it is my belief that a percentage limitation should be fixed. That is to say, the number of learners in any one establishment should be limited to a certain percentage of the total number of women employed. This percentage should never exceed 25 per cent. From our experience in the District of Columbia I should say that it is possible to establish a scale of learners' rates which will give the bona fide learners a chance to begin at the bottom and work up, but which will discourage the employment of a large group of inexperienced persons in unskilled work where they really learn nothing. Therefore a limitation of the proportion of learners can be made unnecessary. Conditions vary in different industries and different places, and it requires a good deal of experimenting to discover the most workable scale under given conditions.

With the learners' rates established, the problem of enforcing them remains. They are bound to be somewhat complicated, involving a wage increase every few months, and there is always the question

where a person has worked in one place and goes to another whether her previous experience should count in determining her rating. To insure compliance with a scale of learners' rates it is in my belief necessary that all learners should be certificated or licensed. Of course the certification of all persons employed as learners can not be done unless the body charged with administering the law has an adequate appropriation for the work, but I maintain that without a certificate system a minimum-wage law can not be properly enforced. Unless the employer has a certificate to go by he is very apt to forget to give the learner the raise when it is due, and he is almost sure in raising a new employee to disregard any previous experience which she may have had. Without a certificate system even frequent inspections are not sufficient to prevent many violations due to carelessness or misunderstanding. Under a certificate system there is a record in the office of the board of all persons employed as learners, and it is therefore possible to follow up these individuals and make sure that they are being paid in accordance with the scale and are not being kept as learners beyond the allowed period. California and the District of Columbia have independently worked out follow-up systems which have proven feasible and are in my belief far more effective than a vast amount of inspecting, though, of course, they are not in themselves sufficient but must be supplemented with field inspection.

In California application for a learner's certificate is made by mail on a form filled out by both employer and employee. In the District of Columbia the applicant applied in person at the office of the minimum-wage board. The District method has certain advantages, assuring far greater accuracies in rating. This method appears to be impossible where the minimum-wage law covers a whole State. I would suggest, however, that the local authorities who issue child labor permits might, perhaps, be delegated to do this work. Under minimum-wage laws the great majority of the applicants for learners' certificates are minors, and in States where the child-labor-permit age is fairly high it would, I think, be found that a greater number of them were permit children. They might then very properly get their permits and minimum-wage certificates from the same official. The office copies of the minimum-wage certificates would, of course, be sent in to the central office, and the follow-up would probably be done from there.

From the foregoing it may appear that the enforcement of a minimum-wage rate with subminimum rates for learners is highly complicated and involves an undue amount of red tape. My reply is that such a law works very unfairly unless it is strictly enforced. The conscientious employer who takes pains to comply with all the provisions of the law must not be penalized by permitting his less scrupulous competitor to disregard the law with impunity. Strict enforcement, I believe, necessitates some such system as I have described. This system proved workable in the District of Columbia and is in my opinion capable of being extended to a larger area.

## DISCUSSION.

MISS DEWSON. I am glad to speak of the program of the National Consumers' League in the light of the decision of the Supreme Court. We had a conference, within a few days, of officials from the various minimum-wage States, and we had delegates from California, Washington, North Dakota, Minnesota, Wisconsin, also one of the members of the Massachusetts commission, and other delegates. I have spoken since then with representatives from Oregon and Arkansas, and in all those States the officials have agreed to enforce vigorously the minimum-wage laws until interfered with by order of court.

That seems to us the very best thing to do for two reasons. In the first place, the members of the Supreme Court are human. I think sometimes we think of them as very aged men, but they are not. I went to see them and found all but two of them are almost in our class. We want to carry to the Supreme Court every State law, if it is necessary to do so, and have it decide on them one by one because, after all, it is the common law that a case is a case, and they must be decided case by case.

We have offered to do all we can to help the various minimum-wage States in the protection of their laws. In addition, the conference of these various delegates from the minimum-wage boards and the various economists and publicists already spoken of, decided that New York was to be commended for immediately changing the mandatory bill before its legislature to a bill which would have the Massachusetts permissible features; that is, that if the law is not carried out the names of the employers may be published—if they fail to pay the minimum wage their names may be put in the papers. That, we believe, would be constitutional in any case. So you see we have a complete line of procedure.

The first line of attack is to carry on the minimum-wage laws as they are; then, if they fail, to adopt the Massachusetts system in States that have passed mandatory laws, to try to get the Massachusetts system passed. The reason we believe in that is that it is infinitely better than nothing. If you are familiar with the Massachusetts law you will know that in the last two or three years some of the best wage studies in the country have come from the minimum wage commission of Massachusetts. It threw light on the situation by relating wages very closely to the cost of living. When the whole State is pretty well informed as to what the proper living standards should be and what the minimum cost of living is, you are going to get a minimum living wage.

That was the second thing we discussed in our meeting. The third thing was to have an economic examination of the decision of the Supreme Court. I advise you to read that decision. I was more pleased with the opinions of Chief Justice Taft and Mr. Holmes, but the majority opinion is the most interesting because I could not conceive, in the words of a New York economist, that the Supreme Court could be so "illiterate in economics."

That economic examination we hope to have forthcoming by the time the next State case comes up. In the meantime some member of the Supreme Court may have changed his mind or the court may

have reached the point of view that it does not know so much about the situation in a State as in the District of Columbia. While it may have some peculiar knowledge of the District, it may take the advice of the people of California or Wisconsin as to the law of that State in preference to its own opinion, and also it may feel that there is some difference between a State law and a law passed by Congress. There are those possibilities.

In the meantime the National Consumers' League is having an amendment drawn to the Constitution to make minimum wage legislation permissible and that amendment will be a separate amendment. We think it unwise to couple it with the child labor amendment because we do not want to sink the child labor amendment and we are not sure we can float this one. We think that as fast as the Supreme Court gives a negative decision of this kind we ought to offer an amendment to the Constitution that will in the future prevent any such decision.

The CHAIRMAN. What are the effects in some of the States since the decision of the Supreme Court?

Miss SCHUTZ. In Minnesota we had two cases pending where employers were obstinate. The very afternoon of the day on which the decision of the Supreme Court was announced one of these employers called up and said he was not going to pay the wage adjustments. Of course, he was acting upon the advice of his attorney. So our only recourse is to prosecute him, and we expect to do so. There has been considerable publicity in the papers with regard to a contemplated action on the part of the manufacturers' association of Minnesota, but no such action has been taken. A statement was issued by the industrial commission to the effect that this decision does not affect Minnesota and that it would continue to enforce the law.

Mr. GRAM. As far as Oregon is concerned, we have seen no change since this decision. We had not received a copy of the decision before leaving home, but the attorney general was of the opinion it would not affect us very much. We are continuing to enforce it just as if the decision had not been made.

Miss SCHUTZ. I would like to ask as to the experience of the various States in establishing the apprenticeship period in different industries. Could that be worked out for each industry separately? Has it been worked out?

Miss BRANDEIS. In the District of Columbia the apprenticeship period differs from industry to industry. We have an entirely separate order for each industry we have covered, and the apprenticeship provisions are entirely different in each one.

Miss SCHUTZ. And in some you have no apprenticeship at all?

Miss BRANDEIS. Yes.

Miss SCHUTZ. In what?

Miss BRANDEIS. In the hotels and restaurants order there is no apprenticeship period at all.

Mr. FESTER. I may say we have had the same experience in the Province of Ontario. We have fixed different learning periods for different industries, and in some we have fixed no learning period at all. We have found this method to be very successful. We have

found that in two or three industries it has been advisable to fix a long learning period; for instance, in the millinery trade, where the beginning is small, but it is practically certain that if the girls get the necessary training they will be able to earn a reasonable wage to compensate them for the small beginning.

Miss SCHUTZ. I would like to ask about how the States in general feel as to the advisability of issuing apprenticeship certificates, or if the Wisconsin method of issuing no certificates but allowing an apprenticeship period is preferable.

Mr. FESTER. I can not answer for the States; I can only say that in the Dominion of Canada the certificate system is, I believe, in vogue in the Province of Manitoba, and we are considering it at the present time for the Province of Ontario. We have thought it advisable to try the other method first, but as time goes on we find that it is difficult to keep track accurately of the vast numbers that are coming and going from industry to industry. So at the present time we are considering the advisability of adopting the certificate system, and I believe, from the present sentiment of the commission, that it may be adopted in the very near future.

Miss SCHUTZ. I would like to ask further—I am interested in the details of the minimum-wage question—what constitutes an experienced worker. For instance, if a girl learns to operate a machine in one factory, when she goes into another factory she is not an unskilled worker.

Miss BRANDEIS. I can not answer that with regard to factory work because we have never had a manufacturing order, but we made a similar distinction in our mercantile order because many department store women change. The employers said that because a girl worked in a 10-cent store she was no better qualified to work in other stores than if she had never worked. I considered any store experience was of some value, that if a girl had worked in a store, regardless of the type of store, it should count as experience.

Mr. FESTER. We make the industry and not the occupation the basis. Of course, we know that a girl in a knitting factory may know the knitting machine and be inexperienced on the looping machine, but she is not absolutely green when she goes to the other machine. We feel that the learning period is more or less a compromise with the employer and can be stretched out indefinitely, but we doubt if we have the authority to make it as long as the employers want it because our law says that the girls shall have a living wage. So we tell the employers that if they are not satisfied, we will have to go back and start at the very beginning, because we can not stretch out the learning period indefinitely.

[Meeting adjourned.]

*TUESDAY, MAY 1—EVENING SESSION.*

**CLIFFORD B. CONNELLEY, FORMER COMMISSIONER PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, PRESIDING.**

The **CHAIRMAN**. You will notice on the program the names of two men, one who has recently come from abroad and one who has been doing a work here for the last 15 years that has been most noticeable. If there ever was a time in the history of America when somebody was needed at the helm for the direction of labor legislation it was some 15 years ago. The disputes between labor and capital at that time, due to each believing that it was right, were only too evident to the people, but each year such disputes are becoming fewer and fewer, because labor legislation in this country is being listened to and carried out in a really worth-while manner. I believe that such men as Doctor Andrews will be instrumental in bringing about an understanding between capital and labor. He has helped all who have been interested in labor problems. We are most fortunate in having Dr. John B. Andrews speak on the progress in American labor legislation.

**PROGRESS IN AMERICAN LABOR LEGISLATION.**

BY JOHN B. ANDREWS, SECRETARY AMERICAN ASSOCIATION FOR LABOR LEGISLATION.

I am glad of an opportunity to talk with men and women who are enforcing labor laws. I might say for the benefit of a few of the delegates who were not here at the morning session that the special feature of that session was the reports from some twenty-odd States and Provinces on the progress of labor legislation in those States and Provinces during the current year. Each speaker was limited strictly to three minutes—he did not really need that much time. I should say that fully one-half of the reports might have been summarized something like this: “From our legislature this year we expected nothing—and we got it.”

Those brief reports of the progress of labor legislation in 1923 were not very encouraging. I presume my function is to take a backward look and to consider what progress has been made as measured by past years. Eighty-seven years ago the first labor law was enacted in America. In 1914 the United States Bureau of Labor Statistics published two volumes of American labor legislation, reprinting the laws, which, with all accident compensation legislation left out, made 2,200 closely printed pages, and the very next legislatures added 500 new statutes to the list.

Progress began in 1836 with the first labor law, in Massachusetts, providing for educational requirements for children who were going to work, which was about a generation later than the first modern labor law in England, also for the protection of working children. Our industrial development in the United States has come about 40 years later than that in England, and our labor legislation trails historically about one generation behind the labor laws of England.

This first labor law in Massachusetts was followed in 1842 by a labor law of the same State which provided further limitations upon working children, holding that children who were less than 12 years of age ought not to work more than 10 hours a day. That is something by which we can measure progress in American labor legislation. Now one-half of the States have the 8-hour standard and the 14-year limit is pretty general. All but two of our States, in fact, limit the working hours of children.

You are familiar with the two outstanding Federal efforts to place safeguards around working children; the first effort, through the interstate commerce power, which was declared unconstitutional, was followed almost immediately by a law to throw these safeguards around working children through the taxing power, and that law has only recently been declared unconstitutional. In the last Congress a resolution for a constitutional amendment was introduced and after exhaustive hearings was reported favorably by the judiciary committees of both House and Senate, but neither House did anything about it. This is definitely on the program for the beginning of the new Congress next December.

If we turn to other legislation and consider the protection of working women, we find that working women as long ago as 1847 secured in New Hampshire the enactment of a 10-hour law, and that half a dozen other States followed in the next few years. Those textile factory girls and shoe factory girls marched up and down the streets with banners, composed a special song, and excited a great deal of popular enthusiasm for their cause. But those laws were not enforceable; there was a little provision incorporated in them—I surmise by some shrewd lawyer—which made it possible to contract to be relieved of the legal obligation. So all that was necessary was for a piece of paper to be passed through the window at the factory, and each girl promptly signed an agreement to work longer than 10 hours. Now, however, all but five States regulate the working hours of women, the majority having the 60-hour week and a few the 8-hour day.

Turning to important labor legislation restricting the hours of labor of men, we find as early as 1842 President Van Buren by an Executive order establishing the 10-hour day in the navy yards. Then in 1860 Congress passed legislation for men in the navy yards. Now about one-half of the States have adopted the eight-hour day standard for men in public works and public utilities. The eight-hour day for men has, of course, been established for years in mines and smelters as a health protection. That is established in about 15 of our mining States. More recently, beginning in Mississippi a few years ago and followed in Oregon, there has been enacted a 10-hour law for men or all workers in sawmills, which has been extended to factories, but not to all factories. This legislation has been upheld as constitutional by the Oregon Supreme Court.

The delegate from Oregon pointed out this morning that in his State there was enacted this year an eight-hour law for all workers, including adult men. This is limited, I think, to the lumbering industry and, as he pointed out, it is contingent upon the enactment of similar restrictions in adjoining competitive States; that is, California, Washington, and Idaho. This is an effort to establish

a maximum working day, thus continuing a development of the war period, when it was recognized to be good public policy for all independent, private organizations to have the eight-hour day. This reciprocal sort of legislation is something a great many people have looked forward to with some hope. It remains to be seen how long it will take those other States to enact similar legislation and how much opposition will be concentrated upon the last State which is to pass the same sort of bill. It is an interesting experiment in social legislation.

Just to advert briefly to some legislative efforts in restricting the wage contract, we find that, beginning in 1912, no less than 14 States enacted legislation fixing a minimum limit upon the wage, just as a large number of States are fixing a maximum limit upon the number of working hours, and you are all familiar with that decision of the United States Supreme Court on April 9 which declared the District of Columbia minimum wage law unconstitutional.

If we turn for a moment as a part of this discussion to the question of unemployment, we find that Ohio, in 1890, was the first to establish a public employment bureau. Then followed one State after another, the movement being greatly accelerated by the industrial depressions that have come upon us with great regularity every eight or ten years. Now about one-half of the States have public employment services. Canada is in this respect far beyond us. She did not scrap her national system at the close of the war, as our Congress did ours by refusing appropriations, but has continued it and carried it on into a system of public employment bureaus which, as far as we can learn, is working with efficiency.

Legislation in this country with reference to public works—particularly the advance planning of public works in order that in times of depression in private industries we can have something to keep things going—has had a beginning. In 1917, in Pennsylvania, was passed the initial law in this country providing a special fund for emergency purposes, so that the unemployed may be employed on public activities in times of industrial depression. California followed in 1921 with a special law to carry out the same purpose; but that has been the end of such legislation. It would seem that that movement for a new kind of legislation would have gained a tremendous impetus from the Federal unemployment conference in 1921, but, as you will remember, there was a continuing committee which was to make its report on constructive measures, and that committee made its report just two or three weeks ago, after most of the legislatures had adjourned. It was unfortunate that it took so long for that committee to formulate its recommendations.

The question of unemployment insurance is of very great interest, particularly in Wisconsin. There a bill was drafted after careful study, was presented to the legislature two years ago, was reported by the senate judiciary committee, and failed by only one vote to pass the senate. The bill provided the same sort of insurance protection to the worker who is out of a job on account of unemployment as is provided in case he is out of a job on account of an industrial accident. Wisconsin, like most of the States, meets in legislative session but once in two years, and this year unemployment compensation is up again. I was in Madison recently and was very much

interested to find how close the division of the legislature apparently is on that particular bill.

Interest in industrial hygiene as a matter of labor legislation was greatly accelerated by the famous decision of *Holden v. Hardy* in 1898, which indicated it might be possible to get a great deal of labor legislation upheld as constitutional if it was carefully formulated and presented as a health measure. So we have had since 1898 much legislation with reference to industrial sanitation and ventilation, enacted in about three-fourths of the States. Then came compressed-air laws, begun in 1909 in New York and extending to the four States where most of the work in compressed air is carried on in the construction of tunnels under the rivers and digging in the caissons for the foundation of skyscrapers. The poisonous-phosphorus-match legislation in 1912 was a striking illustration of the need of the legal method in meeting the health problem in industry. Girls working in match factories were becoming poisoned from the phosphorus conveyed to their mouths; their teeth were dropping out; their jaw bones were decaying; and many surgical operations had been performed for the removal of entire jaws. Investigation led to the enactment of prohibitory legislation by the use of the Federal taxing power. This was an instance where 95 per cent of the manufacturers in the industry were willing to stop using that deadly poison, but 5 per cent of them refused to do so because the deadly phosphorus was a little cheaper. As soon as the uniform legislative restriction was placed upon the use of that poison they gladly stopped its use.

Following closely upon this came special legislation for the protection of workers in lead—white lead and red lead particularly. Laws were passed in most of the States where lead is manufactured. Occupational-disease reporting came after 1911 in 15 States. Though this is merely the service of pointing out certain sore spots in the industries, it has sometimes led to the inspector making an intensive study of the establishment and suggesting precautions for the health of the employees.

Medical inspection in factories is a matter which excited a great deal of interest about 10 or 15 years ago. I was astounded recently, when trying to answer a request from Europe on our legislation on medical factory inspection, to find, after considerable research and after application to half a dozen people who are in a position to know, that there is no real article or report on that subject in this country. There are a number of States that have medical inspectors, but no one has apparently thought it worth while to write the subject up in an informative way.

Of course, without occupational-disease compensation, much of the preliminary fact-finding work will be ineffective. Occupational-disease compensation, which is dependent upon the bringing out of information, offers an inducement to people to make full and careful reports of occupational diseases and also provides a stimulus to industry to bring about better conditions, as has been done by the accident compensation laws.

This brings us to safety. Massachusetts in 1886 enacted the first accident reporting law and in the following year, 1887, the first safety device law. It was a little earlier, in 1869, when Massachusetts created the first State bureau for the collection of labor statistics—

the first in the world. Now we have in all our States some kind of an administrative official to deal in this way with at least some of the employments.

I have referred to accident compensation. The first one of our comprehensive compulsory compensation laws was passed in New York in 1910. In a few months it was declared unconstitutional in the famous Ives case. But in 1911 New Jersey enacted a law which was the first to go into effect and to remain in effect. Wisconsin passed a bill a little bit earlier, but it did not go into effect until some months later than the New Jersey act. We now have in this country, after a dozen years, no less than 45 workmen's compensation laws, including those of Alaska, Porto Rico, and Hawaii, and also the act of the Federal Government. The only States now lacking compensation laws are six Southern States, including the State of Missouri—the one remaining industrial State of considerable importance—and the District of Columbia. The District of Columbia, with approximately 100,000 men and women in private employment, almost in the shadow of the National Capitol, is without an accident compensation law. But realize, please, that Congress has never provided even an employers' liability statute for the District of Columbia, so that those employees, when injured, have to go back to the rules of the common law, under which they are usually without any remedy in case of accident. Legislation has been introduced, and it is hoped that at the next Congress we, as a people, will recognize our responsibility for those folks in the District of Columbia who have no vote and who are dependent upon our representatives in Congress for their relief.

The industrial Provinces of Canada have enacted compensation laws, most of them of a superior type of insurance legislation. Workmen's compensation is the greatest step in labor legislation during the past 12 years in this country and really big advances have been made, although very many of the laws are still unsatisfactory and need improvement.

I was amused by the objections that were made recently in Tampa, Fla., on the introduction of a compensation bill in that State. These protests carry one back 15 years when this legislation was first presented in other States. I can not see that anything new under the sun has been developed in the methods of opposing labor legislation. A couple of years ago, in some lectures I gave at the University of California, I made a comparison of the objections raised 100 years ago in England. They were all there, except perhaps the objection that labor legislation was "made in Germany"—they had not picked that one out at that time.

Another step in social legislation which is coming to be one of considerable importance is the old-age pension. That campaign has been pressed this year for the first time with vigor. Bills were introduced in some 20 different State legislatures and already this year old-age pension laws have been enacted in Montana, Nevada, and Pennsylvania, and the one earlier law, in Alaska, has been strengthened.

The argument that is being used most effectively in the presentation of this legislation is the same one that was used in securing mother's pension legislation. In about 10 years, from 1911 to 1921, no less than 42 mother's pension laws were enacted in this country,

and the most effective argument used at the legislative hearings was that this is simply a device to permit the mother to keep her children in the home, which is far preferable to putting them in public institutions, where the care is always unsatisfactory and where the expense to the State is greater. Old-age pension legislation will be an interesting thing to watch during the next 5 or 10 years.

Most of the States, as you know, have some bureau which provides voluntary methods of mediation and arbitration in time of industrial disputes. Some of the most successful are those that have attempted to get in touch with the employees and employers before a strike or lockout occurs. In Colorado a few years ago the Canadian system, which provides a check of a period of 30 days before a break can be made, was adopted. However, we have a unique law in Kansas. A few years ago, under Governor Allen, a compulsory arbitration law was enacted. Since then there has been much dissatisfaction and the law has not been copied.

Undoubtedly the principal obstacle to the progress of labor legislation in America is selfish interest. Employers appear to learn nothing as a result of experience under one particular kind of labor legislation; all has to be learned over again, beginning with the A B C's, when the next new step is proposed. "It will drive industry out of our State," is probably still the most familiar argument made at legislative hearings.

In Pennsylvania, at a hearing in Harrisburg a couple of weeks ago, the lawyer representing the manufacturers of the State declared that to make the Pennsylvania compensation law more nearly adequate would place the manufacturers of Pennsylvania at such a disadvantage with manufacturers of adjoining States that they could not remain in business. But Pennsylvania employers for several years have had a 50 per cent advantage, because the employers of New York have been paying 50 per cent more for their compensation. Effort to make the laws uniform is met with this absurd cry: "It will drive industries out of this State."

One of the really thrilling things that happened this year—I wish there had been a man from Missouri here to report upon it—was that the counsel for the associated industries of the State of Missouri appeared at a public hearing in the capitol of that State and urged that the legislature enact a workmen's compensation law. He argued: "We are at a disadvantage here in Missouri. When the packers and others are extending their plants they are doing it in other States instead of Missouri because our employers are embarrassed by claim agents and ambulance-chasing lawyers." That is surely an interesting sidelight on the old argument of interstate competition.

The situation with reference to the coal miners is one which is going to have much-needed consideration. Suppose we digress just for one moment and consider these fellows digging coal underground. Can we put an end to the wholesale killing of miners who dig our coal? Explosions and other accidents continue to take the lives, on an average, of 2,398 coal miners every year. They are being killed in the United States three times as fast as in Great Britain.

In the work of preventing mine accidents the Federal Bureau of Mines, although encouraged to make scientific studies, is totally without further authority. Responsibility for mine safety laws,

as well as for safety inspection and enforcement, falls solely upon the individual States.

Some local mining bureaus have made great efforts. Most of them have been ineffective because of insufficient appropriations, inadequate inspection staffs, and the deadly blight of partisan political and industrial influences. The best of them lag far behind engineering knowledge of what can and ought to be done.

The most capable and conscientious mine inspector wearies of well-doing if his safety orders are annulled upon a mine owner's appeal to the governor. His single devotion to "safety first" is distorted if he is required to do partisan political work in order to hold his job as mine inspector.

The mine management is with difficulty turned from the compelling task of making dividends to the sometimes initially expensive one of making the mine safe for the workers. After this inertia has been overcome, there frequently remains a profound skepticism of the most conclusively proven measures of safety. When finally convinced that coal dust is explosive, the mine owner falls back upon the assertion that the coal dust in his mine is not explosive.

The prevention of coal-mine accidents calls for a public opinion that will insist upon the application of modern scientific knowledge, even in coal mines. The knowledge that powdered shale sprinkled in coal mines will prevent the spread of dust explosions—the greatest single scientific contribution to mine accident prevention—should no longer be ignored in America.

Able mine inspectors, in adequate numbers, should be encouraged to stay on the job, with the assurance that they will be protected from partisan interference either political or industrial.

And finally the mine owners, possibly with the aid of special further adjustment of accident compensation to the nature of the hazards, must be taught that the prevention of mine accidents is not only good business but also a social obligation which must be met if they are to continue to manage the mines.

If—with that little excursion into a special mining field which is going to have public consideration within the next year—we now turn to other obstacles confronting all kinds of labor legislation, we find one of the greatest of these has been an after-war reaction. People, as one result of the war, are sick and tired of having the individual subordinated to the State. It is therefore much easier now than formerly to head off efforts to extend the arm of the State, even where its protection is most needed. It can be said, however, that in the United States, industrial welfare standards were maintained during the period of the war probably better than in any other country.

Another big obstacle is, of course, adverse court decisions. The United States Bureau of Labor Statistics recently published a bulletin on "Labor laws that have been declared unconstitutional," in which it is stated that a survey of the United States Supreme Court decisions discloses the fact that during the last 40 years no less than 21 cases have been decided by a vote either 5 to 4 or 4 to 4, two-thirds of them occurring during the past 10 years. I merely throw this out as an indication of an obstacle to progress in American labor legislation which will be widely discussed during the next two years and upon which ultimately some action may be taken by Congress.

It is more cheerful to turn to some of the more helpful influences in America. Probably the first is that, in a hurried look back over 87 years of American experience, we can see that it is within the last 20 years that most of the progress has been made. It has been made, I think, largely because we have had more knowledge of the need for the protection, and the cause for it has been presented more constantly in educational campaigns. Only seven years ago there was no comprehensive text book on labor legislation in the English language. Now it is being taught in most of the colleges and universities. You can not estimate what this means for future progress, because our judges, as well as many of our legislators, come from these institutions. I recall that in 1909 we brought out our first annual summary of labor laws. One of the principal labor leaders wrote to me and said, "This is the greatest help we have had. We fellows have been burning the midnight oil trying to find out what labor laws have already been passed."

Another helpful influence is the pioneer employer who dares to experiment. We find such employers in increasing numbers year by year—employers who have a wide vision, who want to do the right thing, wishing to clean up their own establishments, and willing to take a chance and try out anything they believe will work and then permitting us to tell the world about it.

Trade-unions also are taking a more sympathetic view toward the use of the legislative method. Then there is another big influence—the women now have the ballot, and women in increasing numbers are coming to participate in the administration of the labor laws.

There are also a number of organizations, such as the Consumers' League, organized in the eighties, doing a magnificent work. The Child Labor Committee organization, now nearly 20 years old, has been extremely effective. And perhaps I may mention the American Association for Labor Legislation and its international connections, which have brought to this country the experience of other lands in labor legislation.

Probably the one thing that we can point to as the greatest influence in rapidly extending labor legislation in the last few years is the adoption of the principle of Federal-State aid. When you see vocational rehabilitation of industrial cripples and also maternity protection extended to about three-fourths of the States in a period of three years by that device, it is worth considering whether we can not overcome some of our prejudice and realize that this is a method of accelerating progress.

Then, increasingly, the administrators of labor laws have come to regard it as their function to recommend improvements in labor legislation. I remember that 15 years ago when I made my first round of friendly visits to State administrators of the labor laws I was impressed by the fact that few of them seemed to think it their business to make suggestions or recommendations as to needed changes in the law. Of course, there are still some, in States where the political conditions are somewhat haphazard, who continue to think that way. But we have begun to get away from that in the last 10 or 12 years, especially in connection with workmen's compensation.

A more active participation of the administrators was noticeable after 1911 when a new spirit was injected into labor-law administration—particularly by the exercise of the power of issuing through the industrial commission administrative orders having all the effect of law. That was a great step, because farmers and lawyers, who make up the vast majority of our legislatures, should not be expected to understand the technique of each one of the industries and to be able to draw up a bill that will fit every condition. And even if they did, their product might need revision a few months later as conditions changed. To me it was a very striking thing that in all of your reports this forenoon only one, I think, made any mention of these legislative or administrative orders issued during the past year. This labor legislation is perhaps more important than the labor legislation that is enacted by our legislatures once in two years. But unfortunately there is no place to which we can turn to get a comparative summary of what has happened in this special new field during the last 12 years. I suggest that the United States Bureau of Labor Statistics or some other Federal agency be invited to bring together and publish in comparative form, where it will be readily accessible, information as to what has been accomplished in this respect. I believe it would be a valuable contribution.

There is also an increasing demand for better qualified administrators, men and women, selected on the basis of merit and adequately paid. There are 15 labor administrative heads in this country who receive salaries of less than \$3,000 a year and only 12 that receive \$5,000 or more. These officials surely ought to be retained in office long enough to make good. In at least one State I find inspectors of mines are still being elected at county elections. If the history of the enforcement of labor laws in England and the United States has taught us anything, it is that we should not go on electing factory and mine inspectors at local elections. The man who can get the most votes, without any reference to qualifications, gets the job, and he is sometimes underambitious in requiring his neighbors to observe the safety laws.

Finally, I want to say that we do not have to look back 87 years—we do not have to look back 15 years—to realize that we have made great progress in the United States and Canada in labor legislation. But as long as we have a million or more children working who ought to be in school, as long as peonage still exists even in one State, as long as women are still employed for long hours in parasitic industries for wages below a decent subsistence level, as long as many thousands of men are worked 12 hours a day and 7 days a week, as long as we are killing coal miners three times as fast as they kill them in England, surely there is need for further progress in labor legislation in this country. And you administrators are officially selected for the responsibility and the opportunity of improving industrial conditions. To my mind one of the most encouraging things is that year by year skilled men and women recognize their great opportunities and render most important service in the administration of the labor laws of this country.

The CHAIRMAN. We have another speaker here, one who came from Switzerland because they needed him in Pennsylvania. We prevailed on Doctor Meeker, in spite of his busy life, to come here

and tell us about the international labor situation. I know of nobody who could tell it better, even if he had not been abroad, because he has made a study of it.

### THE INTERNATIONAL LABOR SITUATION.

BY ROYAL MEEKER, SECRETARY PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.

It is a great pleasure, indeed, to address the members of this great organization. It has been many years since I had the pleasure of meeting with you, and it is indeed with renewed pleasure that I greet you again to-night.

I have been asked to discuss the international labor situation to-night. The hands of my watch, the heaviness of my eyes, and your own politely stifled yawns warn me against delving deeply into this vast subject, whose vastness is only equaled by its vagueness. Apparently, the international labor situation can be very briefly and succinctly described, even more briefly and succinctly than the frogs and snakes of Ireland. The international labor situation to-day is rotten. The only thing that can be said in favor of it is that it is not quite so rotten as it was in 1920, 1921, and part of 1922; but it is fraught to-day with certain features that make it quite possible and even likely that it may grow rapidly worse, even to the point of explosion.

You have heard, no doubt, the description of democracy versus autocracy stated in the familiar words that democracy is government by law, autocracy is government by persons. I am here to tell you that there is no such thing as government by law. All law enforcement depends upon the personality of the law enforcers, and the law is as it is enforced, not as it is written on the statute books. Some poet once said, "Let me write the songs of my country and I care not who writes her laws." The law-enforcing agent could say with even greater truth: "Give me the enforcement of the laws of my country and I care little who writes either the laws or the songs of that country." You are the responsible law-enforcing agents and you realize the force of those words. The law enforcement is the all-important thing; the law on the statute book is quite secondary. In this country we are not too proud of our labor-law enforcement. I was formerly a good deal less proud of it than I am to-day.

The nearer you approach to the inspection systems and administration systems of Europe, the less likely you are to draw unfavorable comparisons between the European system and our American system. It would be impossible to make any attempt, even in skeleton form, to outline anything with regard to the international labor situation without referring to the League of Nations and the International Labor Office.

The International Labor Office is the only agency in existence whose purpose it is to collect and compile and publish information concerning labor and industrial matters in all countries throughout the whole world. For nearly three years I was in charge of the research division of that office. My function was to perform on a world-wide scale many of the same functions I performed formerly as United States Commissioner of Labor Statistics.

If it was difficult to standardize and formulate labor legislation and practices in the United States, it is infinitely more difficult to do that thing for the whole world. I have said it so many times that I long ago wearied of saying it, that the principal difficulty in the way of establishing an international alliance of the people of the world is the language difficulty. The collection and compilation and publication of information is difficult in one language, but the difficulties increase in view of the number of languages involved in the world. If somebody could perform the miracle of bringing into the world fully operative a universal common language, the League of Nations and the International Labor Office would come about on that occasion; you couldn't prevent it. It would come in spite of all the obstacles you might put in the way of it. But, unfortunately, we have no universal language and no substitute will be acceptable, much less any living language of to-day. The great difficulty in collecting and disseminating information in regard to labor matters to-day is the language difficulty. We are dabbling with it in Geneva the best we may, overcoming it in part, but it is impossible to overcome it totally.

Just before I left for America I started two investigations which are of the deepest concern to you who are charged with the duty of enforcing the labor regulations in the various States of the Union. The International Labor Office, I must first explain, consists really of two functional parts. The first is the maintenance of standards, the bringing of the nations of the world into greater uniformity with regard to labor legislation. That task is performed largely through the International Labor Conference, which meets every year. The language difficulty makes it even more necessary to have a great international conference of this kind, where two official languages and several unofficial languages are spoken, because most of the delegates to the International Conference understand only dimly and imperfectly either English or French, the two official languages, but speak German, Czechoslovakian, Slovenian, Polish, even Roumanian, during the conference, necessitating translation into both English and French. You see the difficulties in such a conference.

It is necessary to have a definite program for a conference in the United States of America where English is the usual language spoken and understood, and it is not always understood then. If it is necessary for a program to be framed and adhered to rigidly in conferences of this sort, it is absolutely indispensable in a conference made up of such a confusion of tongues. Therefore, it is very carefully worked out.

The conference then meets and it considers the agenda, and if it seems good to the assembly draft conventions are adopted. Draft conventions are treaties, just the same in effect as the treaties drawn by diplomatic agencies; simply a new way of originating treaties and a much easier way and a much more open way. All the discussions are open to the public; all the discussions, if of sufficient importance, are reported in the press in every country in the world, so that the people of the different countries know what treaties are being considered and what debates are being held with regard to the provisions of these different treaties. It requires a two-thirds majority of the conference to adopt a draft convention.

Now, every nation member of the International Labor Organization is entitled to send four official delegates to the conference. In the labor conference two of these delegates represent the Government, another also represents the Government but is chosen by the Government by and with the advice and consent of the employers of that Government, and the other one is just as official as any of the other three delegates, but is chosen by the Government by and with the advice and consent of the most influential labor organizations of that country. So you have all three represented—the Government, employers, and employees—and you have the fullest discussion. Very often the workers' representatives attack their own Governments vigorously and often violently, and the same is true of the employers; the employers are much more conservative than the employees. So you have the broadest sort of discussion. The voting is absolutely free, except that the principle upon which the conference is organized is a proportionate representation which will give the Governments' delegates equal voting strength with both the employers' and employees' delegates. So a country, like the South American countries, which is not able to send a full delegation consisting of four delegates is not entitled to vote because it would throw the whole organization out of balance if it had two representatives, both representing the Government. It would give the governmental element in the conference a preponderance, a greater power than the theory permits of. So they are not entitled to vote on draft conventions.

If two-thirds of the delegates vote in favor of a draft convention, then it is adopted by the conference. Then it is a treaty, pure and simple. I do not know how the fable came to be put across in America to the effect that the International Labor Office along with the League of Nations was a kind of superstate and met in solemn conclave to legislate for the whole world, and if the United States joined the International Labor Organization the United States would be bound to live up to the draft conventions adopted by the annual International Labor Conference. That can be answered directly. It is not true; it is a lie. I imagine that it is a deliberate lie.

The draft conventions, once adopted by the International Labor Conference, are treated just like any other treaties. The only compulsory feature in the whole organization is this—and it is not very compulsory either. The States members of the organization are obliged to submit these draft conventions to the competent authority. I quote the words of part 13 of the treaty of Versailles—"the competent authority." Nobody knows what that means. Great Britain interprets it to mean the Parliament; in most countries it is interpreted to mean the Parliament; and the draft conventions must be submitted to the Parliament and the Parliament can do what it pleases about them. If it ratifies them, then the draft convention becomes a ratified treaty and is enforceable just as any other treaty is. So all of this nonsense about the superstate and about surrendering sovereignty in order to join the International Labor Organization is piffle, pure and simple; no ground whatsoever for it to stand upon.

The debates in the International Labor Conference are most interesting, sometimes exciting, because there is the greatest freedom

of discussion. Here is the principal difference between the league assembly and the International Labor Conference. The league assembly is composed, as you doubtless know, of not more than three official governmental representatives from each of the countries, members of the League of Nations. The membership of the league and the International Labor Organization is not identical. Germany and Austria both joined the International Labor Organization long before Austria was admitted to the League of Nations; Germany has not been admitted as a member of the League of Nations. The two organizations, while Siamese twins in a way, both created by the treaty of Versailles, are entirely independent as far as organization and functions are concerned.

The league assembly, being composed of official representatives, naturally gives utterance only to official opinions, so that the debates in the league assembly are always between Governments as such. You do not get the views inside of the countries at all. In the labor conference, on the contrary, you get the broadest discussion, and the differences between Governments and employers and Governments and employees are brought out, and there is the utmost freedom in voting. Sometimes Government delegates vote with employers' delegates. I think more frequently, probably, they have voted with the employees' delegates. There is the greatest freedom in that regard, and by no means do the Government delegates all vote on the same side of a question, any more than the employees' or employers' delegates.

I have been describing the functions of the International Labor Office with regard to standardizing and improving labor legislation through the treaty-making power. It is one thing to adopt draft conventions and quite a different thing to get them ratified. For instance, the conference which met in 1919—the first International Labor Conference—adopted, I believe, eight draft conventions. One of them was the so-called eight-hour convention. The British delegation voted solidly for the eight-hour convention but the British Government—the Parliament of Great Britain—when it came to consider the ratification of this draft convention rejected it for reasons that seemed good and sufficient to that Parliament. It says that the Government is not at all bound by its delegates to the International Labor Conference.

It is so difficult to secure ratifications that the International Labor Conference now will not consider—will not vote upon—will not put upon the agenda—a draft convention unless a very large majority of the States members of the organization favor placing it upon the agenda and acting upon it favorably. The experience with the eight-hour convention led to that course of action.

Even when the draft treaties are ratified by the countries that is not the end, but the beginning. Just like marriages; they usually begin with the marriage and sometimes end with divorce and sometimes with something else. The ratification of a draft convention is merely the beginning of the work with the International Labor Office. Machinery must be built up in a few years in order to keep the countries of the world up to a proper standard of labor-law enforcement, in order to ascertain whether the countries are actually living up to their own statutes. It was one of my principal functions

to keep tab on the different countries with a view to ascertaining how well they were enforcing labor legislation. With that in view, I sent questionnaires to all of the countries in the world having medical factory inspection and asking them to describe, as fully as I thought I could get them to describe, their systems. Now I do not expect to get much from that—replies had come from most countries before I left Geneva—but we will get a certain amount of information that will be an entering wedge.

Long months before I left Geneva I had framed a questionnaire on factory inspection in general, for the purpose of having the answers give as much as the factory inspection departments would tell me about their factory inspection systems. That is just one of a thousand different kinds of work that the International Labor Office is engaged upon.

Now I can not dwell any longer upon that. The aspect in the international labor situation which is most in evidence, which strikes us most in the eyes to-day is the matter of unemployment. The unemployment situation in this country never was as serious, I am satisfied, as the newspaper stories and publicity would lead the unsophisticated to believe. Certainly the United States never suffered an iota of what Great Britain, Czechoslovakia, and some other countries of Europe have suffered from unemployment. Unemployment is the great bugbear in Europe to-day. Austria is going through the throes of unemployment. For a considerable time there was no unemployment in Austria, any more than there was in Germany, until very recently. The depreciation of the currency of these countries—that would include also France and Belgium, and Italy, even—the depreciation of the currency, constant depreciation, gave these countries a selling advantage in the foreign markets because the purchasing power of their currency was much greater within the borders of their own countries than it was outside of those countries. Therefore it enabled them to manufacture at much lower costs than their rivals who bid against them in foreign markets, but just as soon as this currency is stabilized that selling advantage disappears at once. Austria has reached that point. Austria was sliding down the toboggan at a continually accelerating speed.

Don't confuse the Council of the Ambassadors—Council of the Allies—with the Council of the League of Nations. They have absolutely nothing to do with each other and oftentimes they are at sword's point in regard to problems. The Council of the Allies had been dealing with Austrian affairs, had been advancing money to her, but conditions in Austria got worse and worse. Finally the Council of the Allies said to the official people of Austria: "We are sick and tired of advancing you money. We are very busy with other things, anyhow. Suppose you go to the league and see what they can do for you." Austria, being absolutely destitute, had no shame in appealing to the League of Nations. The league hastened to the people and said: "This is a matter of primary importance. If Austria goes into bankruptcy it means that all of the surrounding countries will at once invade Austria, demanding the protection of their asserted rights or property and the safety of their borders and so on, which can not be allowed. Austria must be made to stand upon her own feet." And

they counseled together. The nations members of the league decided to go to the financial assistance of Austria.

Now do not forget this at any time: The financial and credit situation in the world to-day is the core and center of the whole world platform to-day. There can be no rehabilitation, no setting up of industry, no stabilization, without stabilization of credit and credit conditions. All the attempts made to revive the industry of Austria were complete failures until the matter was attacked—as we who are giving special study to the subject knew it must be attacked—from the financial and credit standpoint. The members of the league came to her assistance, pledged financial support to Austria, and appointed a financial officer to take charge of the finances of Austria to see that the loans extended to Austria were properly expended for lawful and legitimate purposes. Immediately the Austrian kronen was stabilized.

In Vienna, when I first drew on my letter of credit I think I got 60,000 kronen for a pound sterling. Formerly the kronen was worth around 20 cents in our coin. On another occasion I had to draw another amount. At that time it was not necessary to cash more than £5 at a time. When I drew the second time I got 68,000 kronen per pound sterling. Before I left Vienna at the end of the week, which was no more than three days after, the kronen had fallen to 100,000 per pound sterling and they kept on going down until now I believe it is something like 300,000 kronen per pound sterling. But the important thing is that the League of Nations through its financial aid has stabilized the financial credit situation in Austria so that the kronen has not declined for the last eight or nine months. It is right where it was at that time, but what does that mean with regard to the selling power of Austria in foreign markets? It is taking that advantage away so that Austria is now going through a rather serious unemployment crisis, due to the fact that industry was necessarily slowed down in order to rehabilitate Austria financially and commercially. Now that is just the process that faces Germany. You can't eat your cake and have it. Germany has enjoyed a selling advantage, but that does not mean Germany is making wealth. It makes me extremely tired when I read so many things that are given out to the press by returned travelers coming from Europe. I think there is nothing so dangerous as the returned traveler coming from Europe.

I am a kind of returned traveler, but I had certain advantages. In the first place, it was my business to ascertain the truth, and if I did not ascertain the truth I would have been eliminated. If I had not found out what was going on industrially and commercially and laboriously I could not have held my job for two weeks and I would have been brought around to account. I had certain advantages.

Germany has not gained wealth by selling large quantities of manufactured stuff abroad. Germany has grown continually more impoverished, but she will grow even more rapidly impoverished when she faces commercial and financial rehabilitation, which she must face. The mark can not continue declining in value. It is inconceivable that the mark should become valueless. It can not happen. If the mark becomes valueless, some other currency will be substituted for it. German transactions with England and America to-day are carried on on the pound sterling and dollar basis.

England faced that problem from the very beginning, and that is why England has faced an unemployment condition that no other nation on earth could have faced. Great Britain set out deliberately after the armistice to rehabilitate the pound sterling and make it equal to the gold sovereign in purchasing power. Great Britain's greatness depended upon her doing that, at least as far as her manufacturing and industrial plants were concerned. England was the nation of international credit. The pound sterling was the international currency. At the time of the armistice the pound sterling was selling on a basis of somewhere about \$3.20 and its par value is \$4.8665, a very great difference, and very few people thought that Great Britain would ever be able to bring back the pound sterling to its mint par value, thought that it was impossible. It was very nearly impossible, but they set out to do it and have very nearly done it and will do it.

Now, the brunt of the burden has fallen upon just the people that it always falls upon, the people that are least able to bear it, the laboring classes. The workers have to bear the shock in unemployment or employment at lower and ever lower wages. Labor has been liquidated in England. Now, if there are any employers here in this audience and they are banking upon the decadence of England, they had better take another thought. England is the livest corpse I have seen in many a day. Labor is liquidated. England is now ready to produce at costs which will enable them to compete with Germany, to say nothing of the United States. They can outbid us now on almost every line of manufacture in which we come in competition with Great Britain in foreign markets. Great Britain will be a very great competitor in a few years. Great Britain has faced unemployment and gotten well beyond the slump, I believe, and the labor situation in England will improve during the next few years.

France has not yet faced it, Belgium has not faced it. There is no unemployment yet. There is employment in Germany, a good deal of overtime, overtime even in conflict with the eight-hour law. Germany is one of the few nations that enacted an eight-hour law and honestly attempted to live up to it, but because of the labor conditions it was not possible to live up to it. Workers would work for eight hours in one establishment and go to another establishment and work another eight hours, or go to work in their own little home trades for another eight hours, the result being overemployment and overfatigue.

Well, there you have part of the labor situation. It is only the broadest sort of an outline—Great Britain well past the most difficult stage of unemployment; Austria in the midst of unemployment, due to the stabilization of currency conditions; France and Belgium not ready yet to face rehabilitation; Germany not able to face it even if she would because of the unstable industrial condition due to the invasion of the Ruhr and other things. Italy is a difficult country to determine its condition. Do not bank too heavily upon the rehabilitation of Italy through the Fascisti. I feel rather doubtful about the ability of the Fascisti to solve all of the problems in the field of labor and industry in Italy.

The Fascisti movement, as you doubtless know, came about as a reaction from the labor-radical-socialist movement in Italy. The

socialists, as you recall, seized many of the manufacturing plants in northern Italy. They tried to run the plants and made rather a mess of it. They seized the managers along with the plants and kept them shut up in the plants and made them work at the business of managing, but even so they found that forced labor of managers was not any more successful than forced labor of manual laborers, and so finally they handed the plants back to the managers and owners, but they warned these owners when they handed them back: "We just hand these back to you, but whenever we feel like it we will take them over again."

Well, the feeling of disappointment, and disgust also, due to the failure of direct action and management of the industries by the workers, was so strong that the Fascisti were able to seize the reins of government and all the reins of industry as well. The Fascisti were mostly ex-service men, and they have absolutely shot to pieces the socialist-labor organizations and have used every persuasion, even the persuasion of the bayonet, to induce these labor unions to join the Fascisti. They now maintain that the Fascisti is a labor movement. They have taken in such a large number of socialist trade-unionists that that has greatly modified the policies of the Fascisti.

Whether they will be able to carry through, whether they will be able to effect a stabilization of credit, currency, and commercial conditions in Italy I am quite doubtful, in that Italy has a good deal of history lying before it, as most of the other Nations of Europe have.

The international labor situation, of course, includes the United States. I have not been back in the United States very long. I think that the conditions here are about as disturbed as they are in Europe. I have sometimes said that Europe is in the state of chronic war and we are in the state of chronic peace and of the two peace is rather more fatal than war. We kill rather more people in our mine strikes in Pennsylvania and West Virginia than are killed in the frequent wars of Europe, apparently.

The labor situation is not comfortable. Nothing is very comfortable in the world to-day, as I view it. The world seems to have run amuck and we are just about as crazy as any of the rest of the lunatics that inhabit the world to-day. I suppose it is as Doctor Andrews has described—a reaction from the war; something that always happens after a war; something that we should expect; something that we should be able to discount in the future. I have about come to the conclusion that General Sherman's description of war was perhaps inadequate and in any case it should be extended to include peace. The peace which we are waging to-day is almost as disintegrating and demoralizing as the war we have just finished waging. Haven't quite finished it, have we?

It is a sad world to contemplate, but we must not allow ourselves to become pessimistic. I am naturally optimistic, but it requires all the will power of my optimistic nature to keep me from getting the blues. Certainly there never was a period in the history of the world that was more united than that in which we now live. The world to-day is united in its unions as it never was before. I use those words advisedly. The world to-day is more united economically, commercially, and financially than it ever was before. We

were driven together during the period of the war. You, no doubt, read in your little school reader about the fable, "In union there is strength," and, no doubt, you read the classical illustration to prove the truth of that aphorism, of the man lying on the death bed calling his three sons to him, showing the bundle of faggots to each of them and asking each of his three sons to break it. They could not do it. Then he took the bundle and separated it into its component sticks and handed the sticks to his sons, and they could break the separate sticks very easily. It is a beautiful fable. I love it. In union there is strength. It sometimes depends upon the union and also on what it unites. Suppose you try uniting a lighted match to a barrel of gunpowder, and see how much strength is produced by that union. You will get strength of a sort, but not the sort demonstrated in the fable. Suppose you unite water or the elements hydrogen and nitrogen, or hydrogen, nitrogen, and oxygen and produce ammonia, or nitrate of soda. Do you produce stability? Do you produce stable compounds by such unification? You do not. This war has been something like that. It has unified people in this union. It has unified unstable elements. It has unified compounds that are ready to burst and split the world open.

The next war is not far off. I wrote to ex-President Wilson during my trip through central Europe last summer, stating I felt much discouraged because of what I had seen and observed during my trip. I said I thought the main trouble with Europe was that she had too much history. If only the people of Europe would forget their history what a blessing it would be, but they won't. We have got to deal with them as they are.

I told ex-President Wilson that I felt that another war was inevitable, and that it was inevitable within the next 10 years unless there was a complete change of heart and of mind in the central and eastern European countries, and in all European countries, in fact. I fear the next war is nearer to-day than it was when I wrote to ex-President Wilson last summer. I very much fear that. The blazing hatreds, the flaming issues of patriotism and of jealousy and suspicion, are more alive to-day than ever before. The war has unleashed those passions. We who lived through the war in that benevolent thought that from this baptism of fire we would come forth a redeemed and regenerated people; we who believed in the utterances of those who were seeking to win the objective of the war, the promises that this should be a war to end war, a war to make the world safe for democracy, a war to make the lands engaged in the war fit dwelling places for heroes; we who lived through that and believed they were in process of fulfillment—what a sad disappointment! We observe to-day broken promises, promises made in perfect good faith, and promises which in many instances were economically impossible of fulfillment, in other cases were possible of fulfillment only in case of that spirit of striving or resolve to obtain the highest possible good attainable through human cooperation. Only in that case could it have been possible to have kept most of these promises, and all of them have been broken and all of them have resulted in failure.

There is ground for the belief that war is something worse than hell, and that war is always evil and out of evil no good can pos-

sibly come. But we must not dwell too much upon these disappointments, these failures. Some good was accomplished during the war. I do not think it comes anywhere near counterbalancing the evil that came out of the war. At least we still have some good things in our possession to-day. Let us hold fast to them. Let us strive to increase the virtue of those things. Let us strive to regain all that has been lost during the war. Let us strive to unite the peoples of the world, if not in one way, then in another. One way for the United States—for the members of this organization—to aid in world rehabilitation is to rehabilitate ourselves, to get our own people more unified, to improve the standards of our own labor legislation, and the standards of our labor-law enforcement.

I am about through as a labor-law administrator. My functions as United States Commissioner of Labor Statistics were largely investigatory, as a citizen, as a preacher, if you please, to preach prevention to you men who have the hard, arduous task of enforcing the labor laws. Yet sometimes this preaching is harder than working. I have an extremely difficult job to perform in the State of Pennsylvania. I am only just beginning to encompass the magnitude of my job.

The other day two men walked into my office and wanted me to plug some abandoned gas holes. I said, "You have gotten in the wrong pew; I have nothing to do with gas wells." "Oh, yes, you have," they said, and pulled out the law directing me to plug all abandoned gas holes. Just who was delegated I could not very well tell, but the department of labor was made the goat. It had been appointed the official abandoned gas-well plugger. All I had to do was to send a man out and try to plug those gas wells.

I discovered a few days ago that I am responsible for the sanitary and hygienic conditions in every dwelling in the State of Pennsylvania in which home work is carried on. We don't pray for home work. Nobody has any idea how many dwellings are used for home work. Someone said out of the blue, 40,000. I should guess much higher than that. Not only that, but I have to vouch for the safety and fire protection of every building more than two stories high in which more than one family lives. I have been looking for a place to lay my head in the city of Harrisburg. It is not easy to find such a place there, and I have seen at least a score of places that would keep me awake nights worried about my official responsibility for the fire hazards of those places and the general conditions of safety, if I didn't have a very easy conscience.

I have an absolutely impossible job to perform, but I am used to that. When I went to Princeton University I was asked to perform an impossible job. We all had impossible jobs to perform, but we were left perfectly free as to the methods to be employed by us in performing the impossible. So in the State of Pennsylvania I feel quite at home. I am coming back to it after years of absence from this country and many more years of absence from my native State. I have an impossible job, but I trust I am left perfectly free as to the methods I may employ in performing the impossible.

[Meeting adjourned.]

*WEDNESDAY, MAY 2—MORNING SESSION.*

**JOHN S. B. DAVIE, COMMISSIONER OF LABOR OF NEW HAMPSHIRE, PRESIDING.**

### **INSPECTION AND SAFETY.**

The **CHAIRMAN**. This session will be devoted to inspection and safety. We have heard about minimum wage, and child labor, and workmen's compensation, and so on and so forth, but I do not think there is an activity of the members of this association which means so much as safety and health for employees. If we are able through our activities to make everything perfectly safe and healthful, we will not need compensation laws—we will not have any sick people.

The first speaker is a man who has made quite a study of this subject, and it is a great pleasure to me to introduce to you Dr. M. G. Lloyd, who will speak on "Safety legislation"—as I understand it, on the safety legislation that has been adopted by the various States.

#### **SAFETY LEGISLATION.**

**BY MORTON G. LLOYD, CHIEF SAFETY SECTION, UNITED STATES BUREAU OF STANDARDS.**

In presenting the subject of safety legislation it is my idea to outline the present situation in the various States with respect to promoting safe conditions for work in factories and to consider the ultimate ideal toward which the efforts of those interested should be directed.

Safety legislation has been a matter of gradual growth. Examples of such laws may be found in ancient history. As in most other matters connected with conditions of congested factory operation, developments took place in England earlier than in this country. The first law of this kind in the United States was one passed by Massachusetts in 1877, which called for safeguards for moving machinery, belting, etc., and suitable exits in case of fire. In most of the other States, similarly, these have been the provisions first enacted.

Safety is here considered broadly as including such matters as sanitation and ventilation, which have to do with health rather than accident prevention. In this broad sense safety legislation covers four items: (1) Accident prevention, (2) sanitation, (3) hygienic conditions (light, ventilation, etc.), (4) reporting of accidents. With respect to the persons affected we distinguish two general classes: (1) The public, (2) employees.

Among both public and employees there are sometimes distinctions made, and special precautions taken to protect women and children. In the public class this is evidenced by special requirements for the construction and lighting of school buildings. Among employees it is evidenced by such items as the requirement of seats for women

and the exclusion of children from occupations which are especially hazardous. As between the protection of the public and of employees, there is a distinct tendency for municipal legislation to be enacted which will protect the public, as distinguished from State legislation to protect the workers. It is quite common for municipalities to establish codes relating to building construction, electric wiring, elevator installations, steam boilers, and street traffic, all of which have primarily to do with the protection of the general public. On the other hand, requirements for safe conditions in factories and in mines and the requirements for fire escapes and safe exits from buildings are more often to be found in acts of the legislature or in regulations established by administrative bodies which the State has created. This distinction between State and municipal legislation is by no means consistently carried out, however, and many States have established regulations applying to bakeries, barber shops, and other places where sanitary conditions may directly affect the patrons of the business.

In establishing regulations for the safety of employees, the nature of the work usually serves as a basis for classification. Upon this basis nine classes may be recognized and the extent to which the law covers them is, in most States, very different: (1) Transportation; (2) mines, quarries, etc.; (3) factories and workshops; (4) building construction, etc.; (5) commercial (stores, etc.); (6) clerical (offices); (7) work involving public health (hotels, bakeries, laundries, etc.); (8) agriculture; (9) domestic service.

Some of the principal hazards connected with transportation have been covered by Federal requirements, such as those for air brakes and automatic couplers, but many State enactments have been rendered relating to other details.

Most of the States in which mining is extensively carried on have definite regulations for safety in mines and have provided mining inspectors to enforce them. In some of the States this work is administered by the same officials in charge of factory inspection, while in other States they are entirely independent. The safety of employees of common carriers is commonly put in the hands of a railroad or public-service commission. Where either of these functions are administered separately from the factory inspection laws they will not be considered in detail in this paper.

Where outdoor employment such as building construction, and where commercial and mercantile pursuits are covered at all by State legislation, they are usually combined with the work of factory inspection, although this is not universally true. Such employments will not, however, be separately considered.

In most of the States the legislation regarding safety, in common with much of the other labor legislation, is not applied to agriculture and domestic service, these occupations being generally exempted from the application of the law. This has probably arisen from a combination of several considerations, one of which is political and is connected with the wide distribution of such work among those having the voting power. Another consideration is that the employer and employee in these occupations usually come into direct

personal contact so that the working conditions are well known to the employer and are frequently conditions under which the employer himself works, so they are not likely to be as bad as in other industries. Finally, these occupations are not among the more hazardous ones.

In a few of the States, however, the jurisdiction of labor officials covers all employments whatsoever. When employers, including farmers, come to realize that compensation laws definitely fixing the liability of employers and removing damage suits from the courts are an advantage to the employer as well as to the employee, we may expect to find agriculture more generally included in labor legislation.

Regarding accident prevention in a more restricted and literal sense, it can be considered under the following headings with respect to the means taken to provide protection: (1) Machine guarding; (2) dust and fume removal; (3) fire and explosion hazards; (4) building construction; (5) building equipment (elevators, lighting); (6) protective clothing, goggles, etc.; (7) special requirements for special industries.

I am making here some attempt at a logical analysis and classification of the subject, more especially because the development of legislation has been anything but logical, except as it has been guided by the practical logic of experience. The most logical aspect of the early legislation on the subject was the effort first to acquire facts regarding actual conditions through the creation of bureaus of labor statistics or of similar bodies, the duty of whose administrative officials it was to assemble information regarding conditions in industrial plants, including reports as to the number and nature of accidents. A generation ago the principal State labor officials were commissioners of labor statistics. Preventive legislation was usually first applied to the more hazardous industries, such as mining, and those involving moving machinery and power transmission. It has already been pointed out that most of the States in which mining is a prominent industry have statutory mining regulations. In some cases mining is included in the scope of a single official or industrial commission, but in many of the States it is handled separately.

The progress of safety work in most of the States has been from a commissioner of labor statistics, whose only power was to collect information, to laws requiring specific measures to be taken for accident prevention, ventilation, sanitation, etc.; and the creation of a factory inspector or staff of inspectors to investigate whether statutory requirements have been lived up to and to enforce the law. The more prominent industrial States have taken the additional step of endowing the commissioner of labor or an industrial commission of some type with legislative as well as administrative powers, consisting of authority to make definite and specific regulations to carry out the general intent of a statute which calls for general attainment of the ideal of protecting the life, limb, and health of the employees throughout the Commonwealth. In some cases this power is exercised by giving specific directions for the correction of improper conditions in individual factories or workshops at the time of inspection; while in other States the industrial

commission has established, sometimes through machinery specified in the statute, a specific set of regulations applying to particular industries, or to particular processes and operations which may be common to many industries. In some States the authority to make regulations regarding a particular subject has been given to a separate board created for this specific purpose and usually without authority to enforce its own regulations.

In Table 1 the States are classified according to the type of legislation which is now in force, with the distinctions just enumerated, namely:

(A) States having a commissioner of labor statistics or similar official whose duty is to collect and report information.

(B) States having statutory requirements for accident prevention.

(C) States having statutory requirements for accident prevention and a staff of factory inspectors to enforce these requirements.

(D) States having some board, official, or commission with power to make detailed regulations, usually with reference to only one subject or industry.

(E) States having officials or commission with power to make detailed regulations for industries in general and with a staff of inspectors to enforce both statutory requirements and commission orders.

TABLE 1.—CLASSIFICATION OF STATES ACCORDING TO TYPE OF LEGISLATION.

(A) Commissioner of labor statistics or similar official to collect and report information.	(B) Statutory requirements for safety.	(C) Statutory requirements for safety with factory inspection and enforcement.	(D) Board with power to make regulations.	(E) Commission with power to make regulations and enforce them through factory inspection.
Arkansas. Georgia. North Carolina. South Carolina. South Dakota.	Delaware Michigan. North Dakota.	Alabama (mines and children). Arizona (mines). Arkansas (mines and boilers). Connecticut. Delaware (canneries, women and children). Florida (children). Georgia (women and children). Illinois. Indiana. Iowa. Kansas. Kentucky. Louisiana. Maine. Maryland (children and sanitary). Michigan (mines). Minnesota. Mississippi. Missouri. Nebraska. New Mexico (mines). Oklahoma. Rhode Island. South Dakota (mines). Texas. Virginia. West Virginia. Wyoming (mines). Vermont.	Delaware (boilers). Iowa (elevators). Maryland (boilers and food products). Michigan (boilers). Minnesota (boilers). New Mexico (sanitation). Oklahoma (boilers). Vermont (heat and ventilation).	California. Colorado. Idaho. Maryland (mines only). Massachusetts. Montana. Nevada. New Hampshire. New Jersey. New York. Ohio. Oregon. Pennsylvania. Rhode Island (boilers only). Tennessee. Utah. Washington. West Virginia (mines only). Wisconsin. Wyoming.

In Table 2 I have collected available information regarding the subject matter of both statutory requirements and commission orders in the various States. In this table the letter S indicates that detailed regulations are given in the law; the letter I that the regulations are found in orders established by an industrial commission, board, or commissioner of labor; and the letter U that the regulations have been established by the order of a public utility or railroad commission. It is realized that this table is probably incomplete and may contain errors. The author will welcome further information.

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TABLE 2.—SAFETY STANDARDS IN SPECIFIED STATES.

[See text for meaning of letters.]

Subject.	STATES IN GROUP E.																
	Calif.	Colo.	Idaho.	Mass.	Mont.	Nev.	N. H.	N. J.	N. Y.	Ohio.	Oreg.	Pa.	Tenn.	Utah.	Wash.	Wis.	Wyo.
Abrasive wheels.....	S		I	S			I	I	I			I		I	S	I	
Aeronautics.....	S			S				S				S			S		
Barber shops.....							S										
Boilers.....	I	S		I				I	I		I			I		I	
Building strength.....				S				S	I						S	I	
Ceramics.....				S					I		I						
Chemicals.....				S					I		I						
Compressed air.....	I			I				S	I			I		I			
Construction work.....	I			I	S				I	S		I					I
Conveyors.....				I													
Corn shredders.....																	S
Cranes.....	I			S	S			S	I			I	I				S
Dredges.....	I				S												I
Electricity.....	I,U		U	S	S	S,U		U		U	S,U	I,U	U	I,U	S	I,U	
Elevators.....	I	I	I	S	S		I	I	I	I		S	S	I		I	
Exhaust systems.....	S			S				S	S		S	S	S	I	S		
Exits.....		S	S	S	S		I	S	S	S	S	S	S	I	S		S
Explosives.....	I			S				S	S	S	S	S	S	I	S		S
Fire alarms.....								S	S	S	S	S	S	I	S		S
Floor openings.....	I	S					I	S	S	S	S	S	I	I	S		S
Food products.....					S			S	I	S	I	I	S				S
Foundries.....								S	I	I							S
Gas.....	I								I								
Head and eye.....												I	I	I			I
Ladders.....	I	S		S			I		S	I		I	S	I	S		I
Laundries.....	I		I	S				I				I	I	I			I
Lighting.....	I			I				I	I			I	I	I			I
Logging.....											I				I		
Machine tools.....	I			I					I			I	S	I			I
Mines.....	I	S	S		S	S		S	I	S	S	I	S	I	S		S
Paints.....				I				I				I					
Paper and pulp.....				S													I
Power control.....				I													
Power transmission.....	I	S	I	I			I	I	I	S	S	I	I	I	I	I	
Printing.....				S				I	I			I	S	I			
Punch presses.....				I				I	I			I					I
Quarries.....	I			S				I	I			I	S	I	I		I
Railings.....	I		I	S			I	S	I			I	I	I	S		I
Refrigeration.....				S								I	I	I			I
Safety organization.....							I			I		I					

Sanitation.....	S			S				I	S	I			I	S	I			I	S
Shipbuilding.....	I																		
Steam engines.....	I			I	S				I			I	I					I	
Steel.....				I	S							I							
Tanneries.....				I	S														
Textiles.....				I	S														
Ventilation.....				S					I			I	S	S	S				
Window cleaning.....	I		I	I					I	I	I		I	I	S				
Woodworking.....	I			I					I	I	I		I	I	S				

OTHER STATES.

	Ariz.	Ark.	Conn.	Del.	Ill.	Ind.	Iowa.	Kans.	Ky.	La.	Me.	Md.	Mich.	Minn.	Miss.	Mo.	Nebr.	N. Dak.	Okla.	R. I.	Tex.	Vt.	Va.	W. Va.	
Abrasive wheels.....			S		S								S			S	S		I					S	
Aeronautics.....			S					S			S			S				S	I	I					S
Boilers.....		S	S	I		S	S					I	S	S		S		S	I	I					S
Building strength.....						S				S			S				S		S			S			
Chemicals.....																									
Construction work.....										S			S	I		S	S	S	S						
Conveyors.....													S	I				S	S						
Cranes.....														I					S						
Electricity.....	U		U		U	U	U	U					U				U	U	U						
Elevators.....			S		S	S	S	S					S	S			S	U	I	S					S
Exhaust systems.....			S		S	S	S	S					S	S			S		S						S
Exits.....			S	S	S	S	S	S	S	S			S	S		S	S	S	S	S	S	S	S	S	S
Explosives.....			S	S	S	S	S	S	S	S			S	S		S	S	S	S	S	S	S	S	S	S
Floor openings.....			S	S	S	S	S	S					S	S				S	S						S
Food products.....			S	S	S	S	S	S				I	S	S				S	S						S
Foundries.....			S	S	S	S	S	S					S	S				S	S						S
Gas.....					S	S							S	S					S						S
Head and eye.....														S					S						S
Ladders.....			S																S						S
Laundries.....			S											I				S	I						S
Lighting.....																			S						S
Machine tools.....			S											I					S						S
Mines.....	S	S			S	S	S	S	S			S	S			S		S	S						S
Paints.....																			S						S
Power control.....														S				S	I						S
Power transmission.....			S			S	S	S	S	S	S		S	I	S	S	S		S	S		S	S		S
Printing.....										S									S						S
Punch presses.....			S											I					S						S
Railings.....			S						S	S				I	S				S		S				S
Sanitation.....		S	S	S					S					S			S		S		S				S
Textiles.....			S																S		S				S
Ventilation.....			S										S								S				S
Woodworking.....																									S

The experience which has now been obtained in this country in the enforcement of safety legislation is sufficient to enable us to form a definite idea as to the type of legislation which will secure the best results, although this idea may have to be modified to some extent by local differences in political or industrial conditions. It should be noted that most of the prominent industrial States have adopted the method of delegating the legislative authority for enacting regulations to the administrative officials who are concerned with the enforcement of the regulations, and whose regular duties bring them into contact with working conditions as they are met in industry. There are now 17 States where such powers for industries in general have been given to an industrial commission or similar officials, and there are others where similar powers with respect to mining or public utilities reside in a separate commission. This may be regarded as the complete development of the system of protection for the worker against industrial accidents. This system has the advantage over statutory requirements in that the regulations may be changed with comparative ease when experience, advancement in the arts, or wider knowledge of industries and processes show such amendment to be desirable. It is then unnecessary to wait for a legislative session or to convince legislators who are unfamiliar with the details of the matter and who are largely occupied with matters of a political nature of the desirability of the change. It is also possible to cover additional industries or new conditions in old industries as soon as the subject may demand attention. It is also possible to give the detailed requirements much more extensive and more technical study than it is possible for legislators to give. The regulations are consequently likely not only to be more complete and more adaptable to conditions, but also more satisfactory both to the inspector and to those who must comply with them.

It would consequently seem desirable in future legislation on this subject that those who are attempting to improve present conditions should work toward the establishment of administrative authorities with full powers to make the detailed regulations which are to be enforced and to combine with this the authority to amend regulations which have already been placed upon the statute books. In many cases such regulations have become obsolete before they have been repealed or amended by later statutes. This is one of the most objectionable features of detailed statutory requirements, which usually do not permit exercise of any discretion upon the part of the inspector or administrator.

There are now six States as well as the District of Columbia which are without workmen's compensation laws, and several of these also lack adequate measures for accident prevention.

Whether detailed regulations for accident prevention are incorporated in the statutory law or are promulgated by some administrative authority, it is desirable that they should, as far as possible, be uniform in different jurisdictions. The possibility of securing such uniformity is much enhanced by the existence of a series of national safety codes covering the ground in question. Such a series of codes is now being formulated by committees organized upon a national basis and containing representatives of all the various interests involved. These interests include, besides the administrative

officials involved, the employers, employees, casualty insurance companies, manufacturers of the safety devices which may be involved, and qualified technical experts. The personnel of these committees, which are engaged in the actual work of framing the detailed requirements of safety codes, is carefully examined by the American Engineering Standards Committee, which vouches for the proper representation of the various interests concerned; and when it finally approves the safety codes which result from this work the assurance is had that the subject has received the fullest consideration and that no essential point of view has been overlooked. Up to the present time the following codes have been completed and approved by the American Engineering Standards Committee:

Code of Lighting Factories, Mills, and Other Work Places.  
 Safety Code for the Use, Care, and Protection of Abrasive Wheels.  
 Safety Code for the Protection of Industrial Workers in Foundries.  
 Safety Code for Power Presses and Foot and Hand Presses.  
 Regulations for Electrical Wiring and Apparatus in Relation to Fire Hazards.  
 National Electrical Safety Code.  
 Specifications for the Testing and Use of Permissible Explosives.  
 Safety Code for the Protection of the Heads and Eyes of Industrial Workers.

The following codes are now in process of formulation and a number of these are about completed:

Safety Code for Building Exits.  
 Safety Code for Construction Work.  
 Safety Code for Floor and Wall Openings, Railings, and Toe Boards.  
 Safety Code for Ladders.  
 Safety Code for Elevators and Escalators.  
 Safety Code for Mechanical Refrigeration.  
 Safety Code for Paper and Pulp Mills.  
 Safety Code for Woodworking Machinery.  
 Safety Code for Logging and Sawmill Machinery.  
 Safety Code for Machine Tools.  
 Safety Code for Mechanical Power-Transmission Apparatus.  
 Safety Code for Compressed-Air Machinery.  
 Safety Code for Conveyors and Conveying Machinery.  
 Safety Code for Mechanical Power Control.  
 Safety Code for Electric Power Control.  
 Code for Protection Against Lightning.  
 American Aeronautical Safety Code.  
 National Gas Safety Code.  
 Safety Code for Textiles.  
 Safety Rules for Installing and Using Electrical Equipment in Coal Mines.  
 Safety Code for Tanneries.  
 Industrial Sanitation Code.  
 Ventilation Code.  
 Safety Code for Laundries.  
 Safety Code for Exhaust Systems.

Your association is one of the sponsors for the Laundry Code. It has also participated in this work by appointing representatives upon a number of the committees which are developing the individual codes and also upon the Safety Code Correlating Committee, which has very largely managed the machinery for developing these codes and set it in operation. The Safety Code Correlating Committee has in general decided which codes among those not yet developed were the most urgent and has selected the sponsors who have managed the detailed work and organized the individual committees. It has attempted to define the scope of each code so as to prevent

overlapping and to cover the necessary field of application for the individual sets of rules. In order to obtain for this work the greatest success, it is to be hoped that those of you who are in a position to do so will secure the application of these codes in your respective jurisdictions, and in that way promote the welfare of the workers in your own State by means of the most thoroughly considered and most practical rules on each subject which are at present available for enforcement.

### DISCUSSION.

Mr. CONNALLY. I want to make a motion that there be a committee appointed, as suggested by Doctor Lloyd, to draft the suggested uniform legislation for the States for the adoption of safety codes.

Mr. STEWART. I would like to ask a question as to that. Is the resolution and is Doctor Lloyd's proposal confined to the subject of such a change in the law as will provide for industrial commissions or boards to promulgate safety regulations, or does it propose a general uniform labor law? I am ready to vote on the question of industrial boards to formulate safety laws, but uniform labor legislation is quite another proposition.

The CHAIRMAN. As I understand the motion, it is to appoint a committee to draft something tending to promote a uniform code and uniform standards and administration of the standards.

Mr. CONNALLY. The committee was recommended in Doctor Lloyd's address.

Doctor LLOYD. I want to make it clear that my proposal covered only the question of safety provisions. For instance, when you get into the field of compensation you may have very wide and strong differences of opinion in regard to having State-fund or insurance-company insurance and things of that kind, and I do not know whether you would be willing to agree on a model clause covering other items of labor legislation. So far as I have been able to determine, however, there is not much difference of opinion on this particular item of safety, and I think it is possible to reach an agreement upon a model clause of a law covering that ground at least.

Mr. STEWART. This motion is confined to that subject?

Mr. CONNALLY. Absolutely to safety. That was the thing Doctor Lloyd was discussing.

[Motion carried.]

The CHAIRMAN. I am pleased to introduce to the convention the next speaker, John A. Dickinson, of the Bureau of Standards, Department of Commerce, Washington, D. C., who will speak on "Logging and sawmill hazards."

### LOGGING AND SAWMILL HAZARDS.

BY JOHN A. DICKINSON, UNITED STATES BUREAU OF STANDARDS.

The measure of the need for a safety code for a given industry is the completeness with which it can fulfill the following requirements: Is the industry national in extent? Does it employ relatively large numbers of men? Are the inherent hazards of the industry serious?

The first question is decidedly important. It would obviously be a waste of time to prepare a code on the mining of cinnabar (mercury ore), when this substance is mined in only one or two States. It would likewise not pay to write a safety code for cable splicers, because, considered as an industry, it would not affect enough men to warrant the time and effort involved in preparing a specific code. It might, of course be covered as a part of another code. An occupation such as bookkeeping, while it employs large numbers of people, has hazards that are so slight that a code would scarcely be warranted.

If we apply these standards of measure to the lumber industry we find that lumbering is an important industry in 20 or more States, from Maine to California and from Minnesota to Mississippi. In some States it ranks in the first two or three industries in importance. It is quite evident, then, that the industry is truly national in scope. According to the best obtainable figures, the lumber industry employs in normal times approximately half a million men. It thus ranks as one of our largest industries.

When the last question is considered it is only necessary to look at the fatalities due to logging and sawmill operations in any State where it is a reasonably important industry. For example, California during 1919, 1920, and 1921 had 149 fatal, 383 permanent, and 9,416 temporary injuries to men engaged in the lumber industry. This, it must be remembered, is in a State with a well-organized and efficient industrial accident commission, which maintains a force of field inspectors. In fact, California's fatalities are low compared with many other States. Some time ago I had occasion to work out the lumber produced per fatality, and found that California produced almost a third more lumber per fatality than did some of the Eastern States.

As a further evidence of the seriousness of the hazard it is only necessary to compare the severity rate for the lumber industry with some of the other large industries. The tables issued by the Prudential Insurance Co. show the relative hazards in a very interesting manner. It may be of interest in passing to mention the fact that lumbering is apparently more hazardous than the manufacture of explosives. The evidence all goes to show that this industry is national in scope and that it is one of our largest and most hazardous industries.

The only States to prepare specific codes for logging and sawmill operations are the three west coast States—California, Oregon, and Washington. Fortunately, these codes are quite in accord in essentials.

It is rather unfortunate that a number of States in which lumbering is an important industry have no industrial commission or similar body to make and enforce regulations. In many such States a national code would probably be first introduced and used by a lumber manufacturers' association. The Southern Pine Association has done some very valuable safety work. In fact, many of their mills, located in States which have no factory inspection nor any regulations covering such establishments, compare very favorably with mills in States where there is first-class factory inspection. Many of the national code requirements are based on hazards which are entirely inherent to the lumber industry. A State which main-

tains a good factory inspection force may be handicapped by the lack of a definite code covering specific hazards. For example, a certain Eastern State which prides itself on its factory inspection service contains a number of large mills, and these mills are regularly inspected by their factory inspection force.

Several years ago one of these factory inspectors visited a large mill and in making his inspection recommended a standard guard rail along the saw carriage runway. The mill owner objected. It was pointed out that in this particular case, while the standard guard rail would prevent anyone walking into the space traveled over by the carriage, it would also pen the three men who normally worked on the carriage so that it would be impossible for them to escape in case of accident. It sometimes happens that in placing a log on the carriage the steam nigger will throw a log from the head blocks and it will drop down on the space normally occupied by the carriage crew. Again, a log may tear loose from the dogs which hold it in place, or the shackle connecting the steam drive to the carriage may break. In any of these events the crew would probably have to get off the carriage as quickly as possible to avoid a serious accident. If the guard rail was made just the height of the carriage platform it would still afford ample protection and at the same time would allow the carriage crew to escape in the event of any of the above accidents or any other accidents of similar nature occurring while they were working.

The question of guarding many of the large saws in a sawmill is an entirely separate and distinct problem from guarding the smaller circular saws in a woodworking plant. To begin with, the greatest source of danger in the sawmill is not from actual contact with the saw but rather from missiles caught and thrown by such machines. Edgers, trimmers, and slashers are particularly dangerous from this standpoint unless properly guarded. The large amounts of power ordinarily required to drive such equipment mean that large pieces of wood can be thrown with tremendous speed, and it is necessary that the guards be designed to withstand such impact. In one instance a slasher guard constructed of 2 by 10 planking was completely pierced by a piece of timber thrown by the slasher saws. Yet it frequently happens that such saws will be guarded by a framework of  $\frac{3}{8}$ -inch or thinner boards. Such guards do not really protect the men in the vicinity and yet they would undoubtedly offer sufficient protection in most industrial plants, where they are not subject to the impact of heavy flying pieces nor to the abuse which a sawmill guard will normally be subjected to.

It must be borne in mind that all of these national standards are primarily standards upon which State codes are constructed. This is particularly true of the logging and sawmill code, because it is necessary, if the code is to be anywhere near complete, to include many special provisions or methods of handling logs which may not be used at all in certain sections of the country. For instance, the section on ice and snow roading would not be applicable in the southern pine or cypress forests. River driving is not common in many of the logging sections, although still used extensively in other districts. Probably no State would need to adopt this entire code as written, but the endeavor of the sectional committee has been to

prepare a code which would give the material needed in virtually any forest area in the country.

It is hoped that this code will be of value to the various States in which logging and lumbering is an important industry and that a marked decrease in the present high accident rate will result from its use.

#### DISCUSSION.

Doctor MEEKER. I would like to ask a question, but I fear it is necessary for me to make a speech in order to make my question intelligible. Is that in order?

The CHAIRMAN. You can make a three-minute speech. We would be glad to listen to it.

Doctor MEEKER. If you keep tab on the time, I can furnish the speech. I am much more interested in whole workers than I am in fractional parts of workers—I think we will all agree on that—the enormous task of preventing rather than taking care of casualties after they occur. That brings us right to the point discussed by Mr. Lloyd in his very able presentation. We ought to do everything possible to make industry safer than it is.

The question was raised by Mr. Lloyd as to this organization assuming sponsorship for some of the safety codes or safety standards, as Mr. Dickinson prefers to call them. When the National Safety Codes Committee was first formed—Mr. Lloyd no doubt will bear me out in this—it was the intention that the States should be represented through their organizations, and the International Association of Industrial Accident Boards and Commissions was made sponsor and assistant sponsor in the formation of safety codes.

The point I am trying to make, and make as emphatically as I can, is the necessity of getting the facts and experience of the administrative officers in the State, the officers who must enforce the codes when they are once adopted. I am not familiar with the development in the Safety Codes Committee since I left this country, but apparently some rather important changes have taken place. Pennsylvania, for example, does not now seem to be actively interested in devising these national safety codes or safety standards. I received communications from the Engineering Standards Committee inviting me to be present, but there seems to be no definite organization in my department in order to get the facts and experience of the enforcing officials in the State of Pennsylvania. I think every effort should be made to secure the views of the enforcing officials, otherwise the codes will be more or less up in the air. Unless we can get the full assistance and cooperation of the officers charged with the duty of enforcing the codes, either the codes will not be enforced at all or inadequately enforced.

The CHAIRMAN. Is it the pleasure of the convention to grant him three minutes more?

Doctor MEEKER. I haven't gotten to my question yet. My own policy is to adopt the codes as framed by the Engineering Standards Committee wherever possible. I believe thoroughly in uniformity, where uniformity can be obtained and is desired. Mr. Dickinson has pointed out the impossibility of uniformity in the case of logging

codes, but we must have our codes as nearly uniform as possible, so as to avoid just those administrative tangles and working at cross purposes which so much handicap our work. I want to point out the importance of statistics in prevention work. Mr. Dickinson adverted to it, by the way. Until we have analyzed our accident statistics more than we have thus far, we will not know which industries and occupations are the hot points, the points that need attention. We should make every effort to increase and improve our reports and analyses of industrial accidents.

The question that I have to ask is this. The State of Pennsylvania is now working on a safety organization code. I do not see it listed among the codes that are in preparation by the National Safety Codes Committee. I regard that as highly important. I notice several codes in course of preparation. I had no previous knowledge that these were being worked upon. I think there should be means of keeping the State officials fully informed of just what the status is with regard to all these codes, so that we may be able to lend our assistance, our criticism, the result of our experience, to the National Safety Codes Committee. It seems to me that the formation of a code or standard of industrial safety organization is perhaps the most important standard to be worked out just now. Of course, you are all familiar with the classification of statistics of industrial accidents, putting the blame upon the worker or upon the employer. Such statistical analyses are not worth making. Nevertheless, you can safeguard your plant until the cows come home and make very little advance with your accident reduction unless you educate both the employer and the employee into safe practices and safe methods. I put the employer first, probably because the employer needs education more than the employee does, and the worker needs a whole lot of education. I have worked at logging and sawmills and I know the hazards of that industry, and it does not astonish me at all that the hazards in logging and sawmills are much higher than in explosive manufacture. In fact, there is no reason why the manufacture of explosives should be a hazard at all if proper safeguards are observed, but it is wholly impossible to safeguard logging and sawmilling so as to make it a safe industry. Do our best, it will still remain a hazardous industry. It is extremely important, then, that we should take that particular industry. Any proper analysis of statistics will indicate it as one of the points to be attacked and will point out just the hazards Mr. Dickinson has pointed out to you as the hazards of that industry. All I can say in this brief speech is: Let's get together and let's keep together in bringing down our accident rates. Let's prevent the casualties instead of laying our principal emphasis upon taking care of the casualty after it has occurred. I am not minimizing the importance of rehabilitation work or compensation, but it is manifestly more important that we do our best to put the rehabilitation and compensation officials out of their jobs.

Mr. DICKINSON. With regard to Doctor Meeker's remarks about the part Pennsylvania would like to play, I wish to remark that we had a member of the Pennsylvania board on the logging and sawmill committee for the last two years, but we could not get any correspondence out of him and so we abandoned the effort.

Doctor LLOYD. I think probably Doctor Meeker's absence from the country is responsible for the fact that he is not as familiar as most of you with what has been done. This association is represented on the Safety Code Correlating Committee which is engaged in this work. Your representative has been Doctor Connelley, I think, and the alternate Mr. Wilcox, of Wisconsin. I do not know whether or not Doctor Connelley continues a member or your representative, but if not, it is up to this assembly to see that some one is appointed to take his place. I do want to point out this: If your association desires more than one representative on the Safety Code Correlating Committee, you are entitled to it. In fact, your organization is such that you can have as many representatives as you want upon that committee. That is the guiding or, as some one said, the car-loading committee—covers the whole subject.

Now as to the industrial codes. I think this association gets an invitation in every case to name representatives upon the working committee that draws up the rules. I think on every one of those committees there are State representatives, in some cases appointed through the association and in other cases the invitations have gone to the individual States which have appointed them. In some cases they are almost a predominating element in the make-up of the committee, but in every case, I am sure, there is some representative of the State officials on the committees doing the detail work of drawing up the code. So the viewpoint of the administrative official is obtained in every case, and is a large part, I might say, of the elements that are involved in making up the code.

Doctor MEEKER. How about the safety organization code? That has not been taken up, has it?

Doctor LLOYD. That has not been taken up, and I can not say what final disposition will be made of it; but at the time it was considered, as I recall it, there did not seem to be enough general demand to make that one of the urgent needs. There was interest in it in Ohio and in Pennsylvania and one or two other States, but it did not seem to be one of those most urgently desired.

Doctor MEEKER. I might say with regard to Pennsylvania that it is not only urgent but two meetings have already been held, one in Philadelphia and one in Pittsburgh. At the meeting in Philadelphia I was present. The meeting voted unanimously against the adoption of a compulsory safety organization code but merely recommended or requested the commissioner of labor and industry to make known to the different industries what was being done in their industry in the way of safety organization. A meeting was held a little later in Pittsburgh at which diametrically opposite views were expressed. They thought a compulsory safety organization code should be adopted, and then they moved the tentative draft of such an organization code. The result is that a joint meeting will be necessary in order to thrash out those difficulties. The thing is of such importance in Pennsylvania that it can not be delayed. Pennsylvania must go ahead and act upon this, and probably the result will be the adoption of recommendations of a compulsory safety organization code in the State of Pennsylvania. Now that is just the kind of development that I do not like to see. What I would much prefer is to have these codes all considered nationally, where na-

tional issues are involved. There is no earthly reason why safety organization should be any different in Pennsylvania than in California or Maine. The same thing is true with power transmission, machine tools, compressed air, and so on. Almost all of these codes should be uniform throughout the United States. Now, in Pennsylvania, we are in the position of having our hands forced. We will be obliged, with insufficient experience, to promulgate a safety organization code. I wish that it might be referred to the National Codes Committee for consideration.

The CHAIRMAN. I would like to ask Doctor Lloyd a question. I understood from your address that those codes or standards were simply a basis throughout the length and breadth of the United States. If I understood you correctly, you thought that was much more proper than a hard-and-fast statute that you might not be able for at least a year to have repealed or amended to meet some changed condition. Is that right? I wish you would make that plain, that the standard differs from hard-and-fast legislation because it gives you a standard upon which to base a code for any particular industry or particular type of machine. Is that the idea?

Doctor LLOYD. I would like to make my attitude clear on that point. There are several reasons for having the standards set up by the administrative authorities rather than including them in a statute. One of them is this question of flexibility as against rigidity and permanency in a statute, because it is often difficult to amend a statute, whereas an administrative official, if he has power to make rules, has power to amend them, and he can do it as soon as he finds the need for amendment. There is another condition, however, which favors the latter method, and that is this: It is very hard to draw up general rules which will be universally the basis where, however much wisdom is brought to bear in framing the code or standard, there are likely to be individual standards in individual industries which will make a departure from that standard in that particular instance. If you have a statutory requirement, normally the enforcement or administrative officer has no discretion in applying it, though I think frequently they are skillful enough to use discretion and not follow the statute completely, but legally a statutory requirement must be enforced. If the administrative official has power to make his standards he can make exceptions, not only generally by modifying the general standards, but individually in any particular location or instance where a departure seeming to give greater safety or perhaps as nearly equal safety would be more practicable and satisfactory in its application. So there are two very broad reasons why I favor the administrative as against the statutory method of enacting detail requirements.

Regarding the other matter, I feel that the national codes should be followed by the separate States as far as possible. There may sometimes be local conditions which would make departure from the national code desirable, but as Mr. Dickinson pointed out, you need not cover the ground locally that is covered in the national code. Moreover, I think most of you, in adopting anything locally, want to have it, in a way, passed upon by a local committee, want your State organizations to consider it and tell you whether they think it is good and proper for application, and get the benefit of their own

local experience. There will occasionally be good reasons for making some modification in applying the national standard locally. It has been my experience, however, that very often where local variations are proposed they cover items where the wider national experience has dictated a different answer, and that the local departures from the national code are not justified. Very often the questions that are brought up locally have been considered by the national committee and the decision was not made until after due consideration was given to all points involved. Now those questions are often brought up when the matter is considered locally, and there is no one who can tell why the decision in the national code was made as it was. If that wider experience could be brought into the local situation the reason for any local change would disappear. I think it would be fine if those of you who may have local committees working on these standards would endeavor to get someone who has participated in formulating the national code to sit in on some of your meetings, and more especially your final meeting, as very often points that may be local can be explained and a decision reached on the same basis on which the national decision was reached, with the result of getting not only greater uniformity but a greater result.

Mr. FESTER. I wish not to ask a question, but to make a statement. If you make your compensation liabilities high enough you will find that employers generally will begin to establish safety appliances. In the Province of Ontario, Canada, for the year 1920, \$9,000,000 were spent in compensation benefits. The result has been that many of the larger employers in the Province are beginning voluntarily to install safety appliances of all kinds. We find almost all the manufacturers and manufacturers' associations at the present time conducting safety campaigns. It is very unusual, but it is a reflection of the tremendous liabilities that have been incurred in a compensation way.

The CHAIRMAN. The next speaker was at one time a factory inspector in Wisconsin and later she organized the women's department and for eight years gave very good service in that State. She has been taken out of that work and put into her present position. It is a very great pleasure and privilege to introduce Miss Tracy Copp, special Federal agent, Bureau of Vocational Training, Washington, D. C., who will speak on "Inspection service."

### INSPECTION SERVICE.

BY MISS TRACY COPP, SPECIAL AGENT FEDERAL BOARD FOR VOCATIONAL EDUCATION.

There has been a tendency in the past to estimate the advances made in the interests of better working conditions by an analysis of the provisions of our labor laws. We have been impressed with the progress in this country in social and labor legislation. This is, in fact, a proper way to test the willingness of Governments to establish minimum standards of safety and health for workers. A real test, however, of our advance made in these matters would come from a careful analysis of the administrative machinery and the actual conditions in the shops of the country. There is an increasing demand for administrators of high faith and purpose, and one way

to estimate that faith is by the character of the day by day field work of a department. Inspection service, for the purposes of this discussion, refers to that department which is empowered and directed under the law to investigate and inspect industrial conditions. The requirements of the work are such as to impress upon us immediately the importance of the inspection department in the administrative program of labor laws. It is on this department that the responsibility of much of the expansion and improvement of the whole program depends. The work of a labor commissioner is just as competent as that of the least able of his field workers. Factory inspectors must be selected because of technical ability or experience which equips them for their work.

In States where there is no civil service, the philosophy and procedure which is in vogue in the progressive States can be applied by a department with a fair degree of success. The unjustifiable changes in the inspection force due to changes in high administrative circles is one of the greatest obstacles in the way of effective administration. Competent and successful inspectors should be retained in public service just as they would be if at work for private enterprises.

Inspectors should be instructed and encouraged to interview in each industrial plant the highest person in authority who is responsible for all expenditures for equipment, maintenance, and supervision. There are no good reasons why this person should not be seen before an inspection is made. There is every reason for him to know precisely how the labor laws affect him and how the inspector proposes to do his work in the plant. An attempt should be made to have some responsible person accompany the inspector through the plant. Sufficient time should be taken to do a thorough job, if it takes a week. An inspection should be considered incomplete if the whole situation in the plant is not fully discussed with some one in executive authority.

There are two phases of the factory inspector's responsibility. One is the inspection. In this the workers are required to inspect workplaces for the purpose of checking conditions of work with the requirements of the law. This is a routine type of work for which the mechanical procedure should be easy to develop. From the records of findings certain follow-up schemes lead to official approval of conditions as found, or to probation, or to prosecution. Inspection can be considered in two ways.

One is the inspection of physical equipment. This inspection covers, first, the production equipment, by which is meant the machinery that is used directly in the manufacturing processes. The study of this machinery is made for the purpose of listing unguarded danger points for which guards are required in the law or the orders of the board. The inspection covers, second, such physical equipment as is used indirectly in production, such as elevators, fire escapes, etc. The inspection covers, third, the sanitation equipment, by which is meant the machinery for removing dust, fumes, and gases; the sanitary conveniences, washrooms, lockers, etc., chairs for workers; and all other equipment which may be known as sanitation requirements, as distinguished from safety requirements, may be considered in this classification. The study of this machinery is made

for the purpose of listing such items as do not comply with the law or the orders of the board.

The other phase of inspection is the inspection of factory supervision. This inspection covers the field of hours of labor of woman employees, hours of labor and permit requirements of employed children, and the regulated or prohibited employments of both women and children. This is an inspection responsibility quite different from the inspection of physical equipment for safety and sanitation. This type of work requires most careful and thorough examination of records. It frequently requires personal interviews with employees, either in the shop or at their homes. In the child-labor inspection there is required not only careful examination of time cards and records but search for and examination of the original evidence of age upon which labor permits are issued. The public officials charged with the responsibility of issuing child-labor certificates are always involved in the inspection of child workers in their places of employment.

It is quite proper here, I take it, to draw attention to some of the differences between the inspection of physical equipment and inspection of factory supervision, although both are done to protect life, health, and welfare of employed people. In the inspection of the physical conditions of a shop, it is conceivable that the time may come when it could be said that a shop complies with the law. By that is meant that, in so far as devices are required for safety and health, everything has been done. If the law requires automatic covers on extractors, then when such covers are installed the machine is safe. This does not, however, relieve the department of inspection of responsibilities altogether, as there will always be the need of inspection of the maintenance of the safeguards, though such inspections are not as imperative nor needed as frequently.

In the inspection of factory supervision relating to hours of labor, wages, child labor, and controlled or prohibited employments, however, a factory can not safely be said to comply with the law except for the specific time when an inspection is made. Changes in the working force, in supervisory and managerial personnel occur much more frequently than changes or deterioration in physical equipment. Therefore, if it is contemplated to enforce all laws with the same faithfulness, the inspections of factory supervision should be made oftener than inspections of physical equipment. It is to be noted, also, that these two purposes in inspection obviously call for different types of procedure.

It is suggested that in making assignments the above be carefully considered. In order to make the most economical use of a force that will always be inadequate as to numbers, and also to avoid unnecessary duplication, it is advisable to assign inspectors on the basis of their special qualifications and the industrial needs.

It may be said, in general, that in many shops the major requirements of inspection will be the inspection of physical equipment. Similarly, it may be said that in many shops the major requirements of inspection will be the inspection of factory supervision. It would be good business to assign persons chosen because of special qualifications for inspection of factory supervision to the industries and to the industrial centers where the major requirement of inspection is

inspection of factory supervision, and, when expedient, add to the responsibility of that inspector the responsibility of inspection of physical equipment.

It would be good business, likewise, to assign persons chosen because of special qualifications for inspection of physical equipment to the industries and to the industrial centers where the major requirement of inspection is the inspection of physical equipment, and, when expedient, add to the responsibility of that inspector the responsibility of inspection of factory supervision.

There would necessarily be variations in the arrangement suggested above, but as a general plan it should work efficiently.

Another duty of the factory inspector, and one quite unlike the inspection work, is the responsibility for carrying on continuous investigation. It is desirable that those persons who have the difficult duty of seeing the negative side of this program have at the same time whatever affirmative and agreeable duties are involved in the work. There should be continued study made in the shops in which the minimum standards set by the State have been improved upon. Studies of improved safety devices, of improved sanitary conveniences and equipment, of better production equipment, should have two purposes: (1) To acquaint the inspector with the possibilities of improvement which should be passed on to other employers; and (2) to give the State the material evidence needed in improving State requirements. Continuous study is needed to discover new hazards arising out of the introduction of new machine processes and new production materials.

Studies of improvements in factory supervision would reveal better arrangement of the working hours, the advantages of the introduction of rest pauses, and improved practices in office records, designed to assure management of compliance with law by persons in subordinate supervisory positions. The collection of this material should have two purposes: (1) To give the inspector the opportunity of giving constructive help to the more backward employers; and (2) to show the possibilities of improved methods of supervision, which should be the goal for State requirements.

Continuous investigation along specified lines by the inspection force should eliminate the need of much special investigation. When special investigations are conducted along technical lines, however, the investigators should be accompanied from time to time by the regular inspectors of the department. There should be as close a connection between the report of an inspector (which includes his judgment on the case) and the disposition of the case as can possibly be maintained. Delays in the disposition of cases needing follow up breaks the spirit of the inspector and encourages contempt of the department among industrial managers.

The material gathered through continuous investigation by the field workers should be recorded in such a way as immediately to be useful for other departments, and should serve as material for publicity. The most effective use of such material, however, is found in the work of committees of technical people, who should be constantly engaged in satisfying the laws and the regulations of the board with the needs of the industrial workers.

It is known that violation of labor laws are of differing degrees of seriousness. It is known, too, that prosecution of every case of law violation would not be altogether effective in the general program of law enforcement in a State. There are many things to consider in a case in addition to the actual records. It is to be expected that a sincere attempt is made to discover, if possible, any evidence to show real intention to violate the law, and upon that evidence will rest largely the decision for probation, prosecution, or some other type of disposition. No one in the labor department organization is better qualified to advise and counsel the department than the inspector. His judgment and advice should be a part of every step in the case. He should personally participate in each subsequent stage of the case from the time of his inspection to disposition, and no step should be taken without his knowledge, even though his judgment may not always prevail.

The means for training and developing satisfactory factory inspectors has not yet been found. Persons who have succeeded in it are those who have been courageous, thorough, and judicious, and who have been successful in similar lines of work. The work itself offers unusual opportunities for the development of persons engaged in it. Every effort of the inspectors toward improved technique should be encouraged.

Mr. GRAM. I want to indorse everything the last speaker said, especially when she spoke of inspectors being changed along with administrative changes. In our State they are local administrative and elective officers and not dependent upon anybody except the voter. Necessarily, we try to keep close to him. I worked as an inspector for 12 years, and we were accused by some of the employers of falling down on the job on account of political influence. I created a board to pass upon inspectors, and every inspector that is put on the job has to go before that board and take an examination, and political influence or political pull does not make any difference to us.

[Meeting adjourned.]

61212°—23—7

WEDNESDAY, MAY 2—EVENING SESSION.

ELLEN N. MATTHEWS, DIRECTOR INDUSTRIAL DIVISION, UNITED STATES  
CHILDREN'S BUREAU, PRESIDING.

### CHILD LABOR PROBLEM.

The CHAIRMAN. Last year in planning a conference in Boston, when we wanted some one representing a State department of labor to talk upon the function of such a department in supervising the work of issuing employment certificates, we chose Mr. Frye, who has charge of that work in the Wisconsin industrial commission, and he gave a very excellent paper. I understand from Miss Swett that she has all that information brought up to date in her hands to give us to-night.

### STATE SUPERVISION OF THE ISSUANCE OF EMPLOYMENT CERTIFICATES.

BY TAYLOR FRYE, DIRECTOR CHILD LABOR DEPARTMENT, WISCONSIN INDUSTRIAL  
COMMISSION.

[Read by Miss Maud Swett.]

During the first 32 years of its existence—from 1867 to 1899—the child labor law of Wisconsin contained no provision for employment certificates, or child-labor permits as we call them.

During the legislative session of 1899 the statutes were amended to provide for the permit, and the requirement has been in force continuously since that time. Previous to September 1, 1917, power to issue permits for child labor was placed by statute in the hands of the labor department and county, municipal, and juvenile court judges.

During the latter part of this period, judges were required to file copies of permits issued by them with the labor department. The head of the labor department was authorized to revoke a permit which appeared to have been unlawfully or irregularly issued, but had no effective means of preventing a repetition of the irregularity. On one occasion a judge warned the department that if it revoked a certain permit he would issue another, and that he would continue to issue permits as long as the department continued to revoke them. In the presence of such determination the department was practically helpless.

On September 1, 1917, the permit age was raised to 17. On the same date an amendment to the compensation law became effective, which provides that if a minor of permit age is injured while employed without the permit, or if a minor of permit age or over is injured while employed at prohibited work, such minor shall be entitled to treble compensation for the injury, and that the employer shall be primarily liable for the payment of the additional compensation.

Following this legislation, demand for changes in the statutes to render possible a more efficient administration of the provisions of the child labor law became increasingly insistent. The response, later in the same legislative session, was a statutory provision placing upon the industrial commission full responsibility for the issuance of child-labor permits and giving the commission authority to designate persons to assist with the work. At the same time a statute was enacted giving the commission authority to refuse to issue a labor permit if, in its judgment, the best interests of the child concerned would be served by such refusal. The vital importance of this last-named statute can not be overestimated.

In the appointment of permit officers, the commission is not limited to any class or condition. It, however, endeavors to secure the services of people already connected in some capacity with public service. In practice, all appointments terminate on June 30 each year, unless for special reasons it is ordered otherwise. Under no condition does an appointment hold for more than one year without renewal. During the more than five years of operation of this system, we have designated about 500 persons as permit officers. Of these 200 are acting at the present time. The changes in the personnel have been far fewer than we feared they would be when the system was inaugurated. The 200 active permit officers are classified as follows: School officials, 96; judges, 39; justices of peace, 10; bank officials, 14; village clerks, 9; postmasters, 7; miscellaneous, including attorneys, merchants, physicians, clergymen and others, 25.

Before a new permit officer is designated, the character of the work is explained to him—either by letter or in person—and he is given an opportunity to say frankly and without embarrassment whether he can and will give the time and sympathetic attention to the work which its proper performance requires. Our advances are sometimes, but not often, repelled. Every class to which we have appealed for help with this work has furnished its quota, small though it may have been, of individuals who have refused. When this occurs, our hearts go out in silent thankfulness that our statutes do not confer upon that individual the power and impose upon him the duty to issue permits for the employment of our young.

We try to make every permit officer realize that he is a member of our organization; that we shall try to help him in every possible way; and that he will not be subjected to unkind criticism and fault-finding. He is encouraged to submit doubtful cases to the commission for advice before acting.

Close cooperation with the schools is maintained. It is the statutory prerogative of the schools to certify to educational attainments of the child seeking a work permit. This prerogative is always respected. The commission goes further than the statute. School officials are requested to recommend for or against the issuance of the permit, regardless of the fact that the child qualifies educationally. Sometimes this request for a recommendation is declined, but not very frequently. In no instance has a permit been issued against the recommendation of the school official. On the contrary, in many instances we have been able to prevail upon the parents to keep the child in school after a favorable recommendation. School officials are encouraged to use every legitimate means at their com-

mand to induce children to remain in school and their parents to keep them there.

Approximately one-half of our permits are issued in the city of Milwaukee under the direct supervision of regular employees of the commission. About 70 per cent of the remainder are issued in cities maintaining day vocational schools. We have 38 such cities, exclusive of Milwaukee, including all of our important industrial centers. In 16 of these cities the director of the vocational school is the permit officer, but always on the recommendation of the regular superintendent of schools, who is first given an opportunity to do the work. This concentration of the work in the hands of a comparatively few permit officers favors close supervision by the commission of the issuance of working papers to the great majority of our working children.

There is but one standard for employment certificates in Wisconsin—that fixed by statutes and lawful orders of the industrial commission. It is our constant endeavor to maintain that standard throughout the State.

Copies of permits containing a statement of the evidence on which they are issued must be sent to the industrial commission. Our aim is to have these copies sent in at least semimonthly. Records are kept and communications are sent or visits made to permit officers who do not file copies. Sometimes failure to file is due to the fact that no permits have been issued; sometimes to inadvertence of the permit officer. All copies of permits are checked promptly upon receipt, and if any irregularities appear, they are called to the attention of the permit officer for correction. Contrary to preconceived notions, we have comparatively little trouble in getting corrections made—far less we believe than would be the case were the permit officer holding under statutory appointment.

Employment of the child is limited to the employer named in the permit. When the employment terminates the employer must return the permit to the person named therein. Before the child can again be lawfully employed a new permit must be issued or the old one must be reissued. A record of each reissued permit must be sent to the industrial commission. All blanks used in the issuance of permits are supplied by the commission.

Familiarity with the provisions of the child labor law is an essential part of the equipment of all deputies charged with inspection work. Special measures, however, are taken to educate and train the woman inspectors. They are taken into the central offices and made acquainted with every detail of the law and its administration. Stress is laid upon the spirit and purpose of the law and regulations and the administrative policy of the commission. No woman inspector is deemed adequately equipped until she is thoroughly acquainted and in full sympathy with all of the essentials of the legislative and administrative scheme for the protection of the working child and is a tactful and accomplished advocate of that scheme.

An essential part of the woman inspector's duties is to confer with the permit officer in the course of her work. She checks over his records, advises him of what she has found of interest to him in the local situation, encourages, exhorts, educates, corrects, and inspires him, as conditions demand and warrant. Early in the fall of 1922, a thoroughly trained and experienced deputy was assigned

particularly to field supervision of and cooperation with the various permit officers. A loose-leaf handbook of instructions and suggestions relative to the issuing of permits was prepared and furnished to each permit officer. This handbook is so arranged and paged that with slight effort it can be kept up to date. This supervision and help has been welcomed by the permit officers. Not a single instance of resentment has been recorded. This education of the permit officer is a tremendously important part of the work. We have found it to be a painfully common disposition of permit officers to break down standards, especially in so-called special cases. Never, for one moment, can we relax our efforts to maintain standards and to educate our permit officers, as well as others, in the philosophy and necessity of maintaining them.

After all, it should be remembered that the issuance of the work certificate is not an end in itself. It is a means to an end. Proper protection for the child is the end. Frequently it is essential to his protection that the permit be not issued, notwithstanding the fact that he can qualify for it under the law. Protection from hazardous employments and from careless, reckless, indifferent, or exploiting employers are cases in point. The commission is on constant guard in these respects. Under its statutory power, it withholds permits when in its judgment such action serves the best interests of the child.

Does an employer adopt the policy of discharging permit children as soon as their age and experience entitle them to pass to a higher wage classification and of taking on new recruits at the low wage? His attention is called to the objections to this policy, and unless the policy is promptly changed he is not permitted to employ permit children. Does an employer fail to organize his shop so that children shall be given the necessary supervision to keep their employment within lawful and proper limitations at all times? He is offered opportunity and help to correct the situation. Upon his failure to do so, he is not permitted to employ children.

Do investigations and experience demonstrate that unusual moral hazards exist for the young in any occupation? The commission resolves that permits shall not be issued to children for that occupation, advises the permit officers, and permits are stopped.

Are there occupations in which it is impossible for the commission to supervise the employment of children of permit age as the law contemplates it shall do? Permits are not issued for the employment of children in those occupations.

Does an employer of children in street messenger service, knowing that a child whose place of employment is the street has only a remote chance of recovering damages from his employer in a common-law action for injuries received in the course of his employment, adopt the policy of operating outside the provisions of the compensation law in order to save compensation insurance premiums, thereby throwing practically all the hazards of the employment upon the child? The reprehensible features of this policy from the viewpoint of the interests of the child and the State are pointed out to him, and he is given an opportunity to come under the act and assume his reasonable responsibilities. Failing, the issuance of permits to children to work for him is stopped.

These are not fanciful illustrations, as will appear from the following typical resolutions adopted and put into effect by the commission:

1. *Resolved*, That permits shall not be granted to minors under 17 years of age to work in bowling alleys.

2. *Resolved*, That permits shall not be granted to girls under 17 years of age to work in any hotel, club house, restaurant, boarding or rooming house, including boarding and rooming places conducted by industrial plants for their own employees.

3. *Resolved*, That permits shall not be issued to children under 16 years of age to work in lumbering and logging operations.

4. *Resolved*, That no permits shall be granted to any child to work in any place of employment in which an active strike or lockout of the employees is in progress.

5. *Resolved*, That no permit shall be granted for the employment of any child in messenger service on the streets by employers who are operating outside of the provisions of the compensation act.

6. *Resolved*, That no labor permit shall be granted for the employment of any child in any capacity in road construction.

By circular and personal letters and personal conferences, permit officers are kept informed on the actions and policies of the commission.

We are sometimes asked what we do if a permit officer refuses to conform to the standards. Well, we try to educate him. We try to have him get the vision. If we finally fail, we apply a gentle but effective soporific, and when the patient awakes, we have his voluntary resignation—or an equivalent—in our hands. We have been compelled in a few instances to dispense with the services of permit officers on our own motion, but I do not recollect an instance in which our action aroused resentment. The commission would not tolerate a defiant attitude on the part of a permit officer any more than it would on the part of any other member of its organization.

I am frank to say that I do not know how we could handle such cases if the permit officer held under statutory appointment. And in this connection it should be remembered that common sense, wisdom, tact, judgment, moral backbone, and vision can not be conferred upon people by statute.

One of the most powerful influences operating to secure compliance with the child labor law in Wisconsin is the treble compensation statute. Under this statute, the compensation insurance carrier is secondarily liable and must pay the extra compensation if the employer is unable to meet the obligation. The extra compensation in a maximum case is a little more than \$26,000.

All accidents to minors are investigated with reference to the legality of the employment and with the help of our—in the main—sympathetic corps of permit officers, we are able, with almost deadly certainty, to determine that question.

Under this statute, compensation insurance companies—as well as employers—are financially interested in preventing violations of the law.

Educational campaigns are continually being carried on by these companies to educate their policy holders in the necessity of a strict compliance with the permit law. During the last five years, hundreds of thousands of pieces of literature prepared by the commission, explanatory of the permit and other provisions of the child

labor law and the dangers incident to their violation, have been distributed by the insurance companies.

Child labor statutes, at least those of Wisconsin, are not simple and easily understood. The commission is constantly receiving requests for construction and explanation of the statutes. Not a few of these requests come from judges and attorneys. There have been recent instances in which our supreme court has reversed our circuit courts on interpretations of the law.

In those circumstances, it has been most helpful to have a central State body, clothed with power to interpret and apply the law, and whose decisions are of State-wide force and effect unless and until overruled by the courts.

The honest employer who is trying, in good faith, to comply with the law—and we believe he is in the great majority—as well as the child who is its special beneficiary, is entitled to this service.

Multiplicity of interpretations could not fail to be disastrous. The statute must not mean one thing in Milwaukee, another in Superior, and still another in Madison. Its application is uniform throughout the State when it comes before our supreme court. It is vital that it shall be so before it reaches that tribunal.

Agricultural pursuits are exempt from the provisions of the Wisconsin statute. But where do agricultural pursuits end and pursuits that are not agricultural begin? Children must not be employed at work dangerous to life or limb. But how determine whether an employment is included in this prohibition when it is not specifically named in the prescribed list in the statute? Not to answer these and similar questions correctly—in specific cases—is to expose some one to disaster.

Under our statutes a permit—even though issued in contravention of the provisions of the law and regulations of the commission—if issued by a duly appointed officer, protects the employer as long as he keeps the employment of the child within the terms of the permit. In these circumstances it will readily be seen how a careless or incompetent permit officer may sacrifice the vital interests of the child. For example, on some flimsy and unreliable proof of age, a permit is issued to a child as of over 16 years of age, when, in fact, he is under 16. This permit opens up to this child the whole field of employment prohibited to children under 16. The child is put at one of these hazardous employments and severely injured. The permit deprives the child of his right to sue for damages at common law and it protects the employer from the payment of treble compensation. The injured child gets only regular compensation and is compelled alone to bear the terrible burden placed upon his young shoulders by the defaulting permit officer.

Permit officers who are made to realize their great responsibilities and the disastrous consequences which may follow any lapse on their part are slow to wander from the path of safety marked out for their feet by the statutes and regulations of the commission. And all the time it is a matter of solicitude—yea, of increasing solicitude—on the part of the commission that the supervision of the work of the permit officer shall be so close that no irregularity in the permit, whether due to intent, inadvertence, oversight, or incompetency on his part, shall go undetected and uncorrected. The success of

our efforts may, in a measure, be indicated by the fact that during the more than five years of operation of the present system, the legality of the permit has not once been injected as a vital issue in the disposition of the claim of an injured child.

The limits of this paper forbid my going into detail as to what we are doing in the matter of safeguarding the health of permit children entering industry. I shall, therefore, content myself with the following quotation from a recent report on this subject, written by the former secretary of the commission, Mr. E. E. Witte:

Under the law as it now stands, however, permits may be refused in the case of children who seem physically unable to perform the labor at which they may be employed. This provision has been made the basis for a requirement that all children who seek regular permits in Milwaukee must submit to a medical examination, which is made by the city health department, or in rare cases, by some other competent physician of general practice. Information upon the conditions found is given to the industrial commission in detail, with the physician's recommendations, so that it may determine whether the employment offered is likely to prove injurious.

The results of the medical examination have not been startling. Comparatively few children have been found with conditions which are so serious that permits had to be refused. There have been many cases, however, in which physical defects were found which called for prompt treatment to prevent more serious trouble later. In such cases the commission has adopted the policy of granting provisional permits, conditioned upon the correction of the physical defects, as shown by reexamination within a given period of time. These children are offered the facilities of the various dispensaries and can there have their defects corrected for a nominal sum. This, together with the policy of allowing them to go to work while getting treatment, makes it financially possible for most families. It is believed that through this method more will be accomplished toward correcting defects than would be possible if permits were refused outright in such cases.

The system in vogue in Wisconsin enables us to gather interesting and valuable information regarding the working child, such as the number of children of permit age leaving school to enter industry, educational attainments of these children, availability of different forms of proof of age, migration of working children, reasons for entering industry, nature of industry, and nativity of the working child.

Our records show that, contrary to the usual impression, birth and baptismal records are exceedingly available as proofs of age. During the first year of operation of the centralized system, 21.1 per cent of all permits were issued on proof of age other than birth or baptismal records. During the next year, this percentage fell to 14.8 per cent, the following year to 13.8 per cent, and last year to 11.8 per cent. We know that this percentage is still higher than necessary. In fact, we are convinced that it need not be higher than 5 per cent. Our records further show that only about 5 per cent of the children to whom permits are issued are foreign born, and that the vast majority of permits are issued to children to work in the county of their birth.

We appreciate the advantage of having available the experience of others engaged in this work and feel that we are now in a position to cooperate with the Children's Bureau and others to do our bit in this important phase of child-labor regulation.

In closing, I desire to submit that not all our energies in Wisconsin are being used to uphold existing standards. With one hand we are holding tenaciously to what has been gained; with the other

we are reaching out for better things for the childhood of our State. Figuratively speaking, our extended hand is being grasped by great and increasing numbers of sympathetic people. Among those people who are joining us in this work, we have perhaps a peculiar feeling of gratitude and admiration for our permit officers. They have responded to the call of unselfish service, oftentimes at the expense of time and energy which they can ill afford. On the whole, their work is good and gradually growing better. The commission appreciates their help and is not backward about letting them know it.

And now, do we claim 100 per cent efficiency? By no means. None can be more conscious of our shortcomings than we ourselves. But we are on guard. A thousand eyes are watching for defects and a thousand minds are ready to offer suggestions and help for their correction.

Whatever elements of weakness the centralized system in Wisconsin has developed, we know that its elements of strength so far overshadow them that they can not be considered as of vital consequence, and that in this work we can safely say, in the somewhat paraphrased language of Dickens, that prince among the friends of childhood, "It is a far, far better thing that we now do than we have ever done. It is a far, far better rest that the children of Wisconsin now have from premature and blighting toil than they have ever known."

#### DISCUSSION.

The CHAIRMAN. I know that Miss Swett is in a position to answer any questions you may wish to ask, however detailed or abstruse, with reference to the subject of this paper, because she has worked in the same field as Mr. Frye for many years, and I am sure that she will be glad to do so.

MISS WARD. I would like to say that in Virginia permits are issued by the school attendance officer, and if there is no school attendance officer then by the division superintendent of schools or some one whom he may appoint. A copy of the certificate is sent to the State department of labor and checked very carefully. We find that the school superintendents or the attendance officers are very glad to make all corrections at once. When we visit a town we go to the issuing authority at once and check over the entire file and ask if they need any assistance or suggestions. They suggest to us the names of children whom they think are illegally employed. In Virginia the main difficulty we have had with child labor is the number of children who go to the employer and claim to be 16 when they are only 15. The law does not cover that at all, but we have been able to get the cooperation of the school people. At the same time we have gotten the cooperation of the manufacturer, who is perfectly willing to send all children only 16 to the issuing officer.

MISS SWETT. I think perhaps that works all right until you strike a special case. That is the reason why the standard for educational qualifications and age qualifications is set out in the law, and no matter how much pressure is brought to bear we can not give in on that. That has been the thing we have had to bolster up our permit officers on, that an officer must stand firm and not issue a permit to a child if he does not think him qualified. The first thing he thinks of is to

put the child to work so as to solve all the family difficulties. We are forced to think of some other way to get these children out of the family difficulties than by always putting them to work. It is sometimes the people you expect to stand back of you, though, who are the very ones to bring pressure to bear to induce you to issue the permit.

Mr. WILSON. What do you do in the event of the employer insisting on having some evidence from the certificating officer that the child is beyond the required age limit for a certificate? As an illustration, the child is past 16 and the employer insists on having some statement from the department that the child is beyond 16. What steps do you take then?

Miss SWETT. If we have issued a permit to that child we have investigated satisfactorily his age and we would be glad to issue a permit to that child. If we have no such record we tell the employer to make the child present some proof of age, and if he is a little bit doubtful about looking over these records we will do that for him, but we will not take the stand of furnishing the proof. The responsibility of getting correct proof is on the employer; he can not pass that responsibility on to somebody else. We help him in getting the proof, but we are not going to take the responsibility from him.

Mr. WILSON. My question was prompted by a condition that came up in my State. We have a number of employers, particularly the mills and other factories, some of whom will not employ a child under 18 and others who will not employ one under 16. We met that difficulty this way. We have no legal right to issue the permit, but we require the child to make proof of age, whether it be 16 or 17 or 18 or over that. Then we issue to him a card stating that the child has made proof of age and is over 16 or 18, as the case may be. I was wondering whether or not the plan we had adopted was a good one. The child makes the proof just the same as if he was subject to the law, and then we issue this little blue card stating the child has made proof of age that he is 18 years of age. That card is the property of the child, and when he leaves the employment of the first establishment the employer returns the card to him, and, of course, that settles his age definitely. I was wondering if our plan was a good one.

Miss SWETT. I think you have to help the employer, because if the employer says he will not have anyone under 18, then every child who comes to him will be 18 or 19. The employers do need help, especially in our State, but I do not think I would tell him absolutely that the child is such an age. I would examine the proof and tell him what that proof was.

Mr. WILSON. That is the phraseology of the court.

Mr. CONNALLY. I would like to ask what your school requirements are in Wisconsin. Do you require full-time attendance in school for the children?

Miss SWETT. Children up to 14 years, full time; children from 14 to 16 years, half time in the daytime, either in a vocational school or other school if they have not attended school four years after completing the eighth grade, and children from 16 to 18 years, eight hours a week.

Mr. CONNALLY. In issuing your certificates do you have any difficulty in complying with the compulsory school attendance laws?

Miss SWETT. The children must have finished the eighth grade before they are qualified to go to work. They are subject to the full time then until they finish the eighth grade, that is if they are 14, or must have gone to school at least nine years. We give them a chance to finish the grade, and we do not count the kindergarten.

Mr. SWIFT. You have the workmen's compensation in the same law?

Miss SWETT. Not in the same law, but all of our labor laws are administered by the one department.

Mr. SWIFT. Suppose the child is illegally employed and he has been injured. Would that child have any civil damages against the employer?

Miss SWETT. You mean if he is working under a permit?

Mr. SWIFT. No; illegally employed.

Miss SWETT. He has the right to three times the compensation, then, if he is of permit age. If not of permit age he would have to enter suit.

Mr. SWIFT. If under the permit age he would have to go to the common law?

Miss SWETT. The principle is just the same under compensation as outside of compensation. If illegally employed the employer does not have any defense because he would be guilty of negligence in employing a child illegally, and the damages can be much more than under compensation. The employers came to the legislature and said they would be glad to pay treble liability if children of permit age were placed under compensation and were injured while illegally employed.

Mr. SWIFT. The reason I asked this question is that I recently investigated the compensation law of one State and it appears that if the child is illegally employed and is depositing his money in bank, that is, not contributing to the support of the father and mother, he might get both arms, both legs, both hands injured and lose the sight of both eyes and he could not get a cent of compensation.

Miss SWETT. Just because it was illegal?

Mr. SWIFT. Because he was specifically put under the compensation law and had no dependents.

Miss SWETT. Why doesn't he get the compensation himself if he is not killed?

Mr. SWIFT. Oh, he might if not killed. I mean being killed with all that.

Miss SWETT. I do not think I understand your question then. If there was no one dependent, there would be no compensation paid.

Mr. SWIFT. If he was not under that law, suit could be brought in the courts for his estate?

Miss SWETT. Yes.

Mr. SWIFT. That is the point that interested me.

Mr. SMITH. West Virginia had a case where a boy lacked a couple of months of being 16. He was working in a factory and was killed. The parents refused the compensation and sued for \$10,000, and the courts allowed the boy's parents \$7,000. The courts ruled that the compensation did not apply when he was illegally employed in West Virginia.

The CHAIRMAN. As I understand, Miss Swett, compensation can go up to \$26,000?

Miss SWETT. That was in case of a child of permit age.

The CHAIRMAN. How about in case of death?

Miss SWETT. In death it would not be as much as that. It would be four times what the child contributed toward the support of his parents during the year preceding his death.

Mr. SMITH. In the last legislature in West Virginia—just finished on the 27th of last month—the factories tried to get a bill through giving double compensation in case a boy was not being employed legally. The bill failed.

The CHAIRMAN. Miss Minor is going to tell us about a bill that has recently been introduced in the New York Legislature. She has another and more comprehensive subject for her paper; namely, "The relation between official and unofficial agencies dealing with child labor problems," but I think as a part of her contribution on that subject she will tell us something about what the New York child labor committee has done to bring about the introduction of this bill in the legislature.

#### RELATION BETWEEN OFFICIAL AND UNOFFICIAL AGENCIES DEALING WITH CHILD-LABOR PROBLEMS.

BY MISS JEANIE V. MINOR, ACTING SECRETARY NEW YORK CHILD LABOR COMMITTEE.

It seems particularly appropriate that a talk on the relation between official and unofficial agencies dealing with child-labor problems should follow the legislative experience meeting at which, on the opening day of the session, labor department officials from State after State reported the legislative defeat of constructive labor bills. A finer program for advanced protective legislation has seldom been placed before various legislatures than was announced at this conference, but the unanimity of failure attending all such bills was significant and depressing. In view of this array of testimony it may perhaps be of value to the members of the conference to know what part an unofficial agency in New York has been able to take in assisting the labor department of that State to put through and enforce a succession of protective measures relating to child workers.

The New York Child Labor Committee, organized in 1902, adopted as its program the following objects:

To investigate and report the facts concerning child labor in the State of New York.

To raise the standard of parental responsibility with respect to the employment of children.

To assist in protecting children by suitable legislation against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency.

To aid in promoting the enforcement of laws relating to child labor.

To form auxiliary associations for the purpose of accomplishing these things.—[From the certificate of incorporation.]

After a short survey of child-labor conditions in 1902, the New York Child Labor Committee presented in 1903 a number of child-labor bills which, thanks to an active legislative campaign, were passed and resulted in far-reaching improvements in the laws to safeguard working children. It was soon evident, however, that the best laws were unavailing unless the commissioner of labor was in sympathy with them, and the committee requested the governor that when the time came for appointing a new commissioner he would select a man whose interest in enforcing protective legislation could be counted on. Just here it may be said that at that time the committee established a procedure from which it has never deviated, i. e., no candidate was indorsed then or ever has been indorsed by the committee. In this way the committee, made up of 28 individuals who belong to Republican, Democratic, Socialist, and Labor Parties, has always managed to keep the work of the committee absolutely clear of any political affiliation or any question of preferring one political candidate to another. When a case of political appointment of labor, health, or education officials concerning the enforcement of laws affecting children is in question, the committee's action is always to outline qualifications which are desirable for such a position and to ask the appointing officials to regard these qualifications in determining their choice of an appointee.

The Hon. T. Tecumseh Sherman was duly appointed, and his strict enforcement of these laws resulted in a new era for children employed in New York State. But it was soon obvious that to enforce the law further appropriations for more inspectors were essential, and the New York Child Labor Committee worked hard and with a large measure of success for adequate appropriations for the labor department and succeeded more than once in preventing cuts which were about to be made in the department's budget.

The next piece of work was to secure the transfer of jurisdiction over mercantile establishments from local health departments to the State department of labor. Realizing that civil-service principles, to be of any value, must be unquestionably upheld, the committee demanded a public civil-service hearing when it was proposed to exempt positions for supervising factory inspectors from the civil service. The result of this hearing, at which the New York Child Labor Committee had secured as speakers many prominent men and women, was that only 4 out of the 11 prospectively exempt positions were put in the exempt class.

The New York State employment certificates were, until September, 1921, issued by local health boards, and the committee found that criticism between health departments and school officials was rife and that the children themselves needed help to establish their age. As a matter of assistance to both school and health officials the committee placed a special agent in the office of the New York City Board of Health by special permission of the commissioner of health, and for nine years this agent remained there solving the individual problems of the children and acting as a buffer between the two departments. The work of the agent proved to the department of health that a special division of employment certifi-

cates was essential properly to supervise the certification of approximately 50,000 children annually, and the division was accordingly established and the committee's special agent placed in charge pending a civil-service examination. The relations between the committee and the department of health have always been both close and cordial, and the committee's assistance with reference to further standardization of the work of issuing employment certificates has been continuously at the disposal of the department and accepted and acted upon.

Year by year the committee, both in New York City and throughout the State, has kept in touch with local child-labor conditions as far as feasible and has the following report to make of its 20 years of work. Thirty-five surveys have been conducted in 72 cities, towns, and villages of this State. Thirty-three laws safeguarding the health of child workers and providing for their better education were drafted by us and enacted into law by virtue of our active campaigning. Thirty-five investigations have been made of the working conditions of children in factories and stores; of children in canneries and sweat shops; of children on the stage and in the hazardous employment of "movie actors"; of little newsboys and wandering bootblacks; and of the causes of truancy, delinquency, and crime. Following these surveys our committee on legislation has drafted bills to meet obvious needs for further and higher standards in child protection, has submitted them to the department of labor for its approval, and has conducted annually an active campaign in the legislature at Albany and also by wide publicity through the State.

The factory investigating committee was created by the legislature of 1913. Four members of the New York Child Labor Committee served on the advisory board, and the committee's field secretary was released for a study of cannery conditions. Other members of the staff were placed at the service of the investigating committee to assist in a tenement homework survey. To list the legislative gains acquired year by year since 1903 would take too much of your time, but a few outstanding points may be mentioned, such as the establishment of the eight-hour day in factories in 1907, and in mercantile establishments in 1914; the laws raising the grade at which children may be allowed to leave school to go to work from no grade qualifications at all to the present standard of graduates from an eighth grade grammar school for children 14 to 15, and the completion of the sixth grade for children between 15 and 16; the night messenger bill prohibiting the employment of boys under 21 as messengers between 10 p. m. and 5 a. m.; the law prohibiting the use of children in the making of motion-picture films without a permit, granted only on a sketch of the scenario showing that no harmful use is to be made of the child. This followed a study made by the committee in 1915 of conditions under which little movie actors were being used, showing that they suffered great mental and physical strain and incurred grave danger to life and limb.

During the war period the committee successfully opposed every effort to break down the high standards of the labor law, which had taken so many years to erect; it made a study of conditions in New York City tenement homes in which uniforms were being made

which resulted in the creation of the board of labor standards in army clothing.

In 1920 the committee recommended that the legislature create a children's code commission, which suggestion was followed almost immediately by a bill which was enacted into law and created the New York State Commission to Examine Laws Relating to Child Welfare. In the recodification of the labor law by the Knight commission the same year, the commission's secretary, by request, recodified all sections of the law pertaining to child labor.

For several years the committee's interest in the dangerous trades section of the labor law, i. e., that section prohibiting the employment of children under certain ages and under certain conditions, has been very keen and the secretary has been engaged in studying the labor laws of other States with reference to this phase of legislation. When a study of statistics of the workmen's compensation bureau showed that approximately 2,000 children under 18 in New York State were awarded compensation for industrial accidents last year, the committee presented to the commissioner of labor definite figures showing the relation of the accidents reported to the dangerous trades forbidden to children, and requested that he have a study made in order to determine what action would be best for the industrial board to take in view of these pertinent figures. The committee tendered the services of its field secretary for the purpose of making this study and the offer was cordially accepted. Within the last few months the department's study of "children's work accidents" has been published, and following a recommendation made in that report, to the effect that the Wisconsin law of treble compensation for minors illegally employed while injured would be a good plan for New York to follow, the committee drafted a bill accordingly.

This bill was submitted to the commissioner of labor, who felt that double compensation would be preferable to treble compensation, but agreed with the committee that the provisions of the bill should be made rather more stringent than those of the Wisconsin law. The commissioner of labor redrafted the bill and returned it to the New York Child Labor Committee for its approval. The commissioner of labor then forwarded this bill to the legislature, via the New York State Commission to Examine Laws Relating to Child Welfare, and the New York Child Labor Committee immediately started work throughout the State to enlist the support of the public and the members of the legislature in behalf of the bill. The bill has passed the senate and there is every reason to believe it will pass the assembly as well. The interest of Governor Smith in protective legislation has been proven so many times before, that we can confidently count on his signing the bill if it passes the assembly.<sup>1</sup>

Throughout the early legislative campaigns we were met in Albany year by year by representatives of the merchants' and manufacturers' associations who said that if such laws were passed the bread would be taken from the mouths of widowed mothers. Although it was an easily proven fact that the widowed mother figured in a very small percentage of cases of child standard, our committee offered to meet the situation in the following way: A member of the

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<sup>1</sup> Since delivering this address, the bill was passed by the assembly, and signed by the governor May 21.

committee established a scholarship fund by which a child of working age, i. e., 14 or 15, and unable to meet the requirements of the labor law either because of mental or physical unfitness, was granted a scholarship, i. e., a weekly cash pension varying from \$2 to \$5 a week according to the need of the case, and returned to school until qualified for his employment certificate. About 1,200 of these scholarships have been granted, and the expenditures therefor have amounted to between three and four thousand dollars a year. The fact that labor inspectors who find children illegally employed know that if the case is one of real necessity a scholarship can be obtained, and that school officials are aware that the plea of the child to leave school and help support its family means that the committee will grant a scholarship to such a child if the child is of working age and the apparent need is proven to be real, means a strengthening of the hands of enforcing officials all along the line. We strongly urge that in the possible formation of a child labor committee in any of your various States a scholarship fund be made a part of the work.

These facts are stated merely to indicate how in at least one State in the Union an unofficial agency has been able to back the efforts of labor officials in securing and enforcing good laws. The Massachusetts Child Labor Committee and Pennsylvania Child Labor Committee are also strong agencies along these same lines, and I can not too strongly urge every State official here present to organize and utilize similar groups in his own community. A group of disinterested, public-spirited citizens can, as has been indicated, become a powerful agency in backing a State official whose honest endeavor to do his best in promoting and enforcing good child-labor laws is known.

May I add that this conference has been invaluable to me in its discussion of wide fields of activity for future work and its stimulating revelation of the splendid purpose and high ideals of the men to whose hands are confided the enforcement of labor laws for the protection of hundreds of thousands of working men, women, and children in this country. Their splendid struggle steadily to create higher standards against heavy odds is an inspiration to an organization whose sole reason for existence is to further such standards.

## DISCUSSION.

Mr. DAVIE. I would like to ask just one question, and I want to say to the speaker before I ask that question, on behalf of the Association of Governmental Labor Officials, that we are very glad to have you here with us.

You spoke about this child-labor scholarship. We had a bill up for dependent-mother aid, something similar to the aid you spoke of, but owing to the fact that the county officers and the city officers were suspicious of each other it was almost impossible to get it through. I would like to know how you go about rendering that aid.

Miss MINOR. We can rush it through in a few hours, if necessary, but we have in the State legislature a bill for widowed mothers' pensions; it is very limited in its scope, however, and can be given only to widowed citizens. Of course, a great many of these foreign-born people are not and in many cases never will be citizens. The fathers have died without taking out citizenship papers; the mothers

are ignorant and have never been informed of the advisability of citizenship. As a private organization the money comes from subscription. We have a scholarship committee meeting once a month. Always at that scholarship committee meeting the secretary is given power to act in any emergency case that arises. Our scholarship budget is about \$4,500 to \$5,000 a year, and we can act very quickly if necessary. We prefer to act in the regular course of the monthly meetings, and we do not take cases which are being helped by any other organization. I am proud to say we have never yet refused assistance to an applicant for scholarship where we found it to be a deserving case.

The CHAIRMAN. I understand you sometimes give relief to mothers' pension cases.

MISS MINOR. Yes, we have had to do that. The child welfare board allowance is limited by statute, and the amount which can be given the child is just sufficient to board a child in an institution. That is the maximum, and never until this year has the board had enough money to give that maximum, but you can see there might be cases where the mother has to remain at home to take care of the children, and without doing outside work or receiving outside assistance she could not make both ends meet. So we sometimes have to assist in these child welfare cases. Our funds are very fluid, very flexible. We have no hard-and-fast rules. We are not organized charity. We simply use this means to maintain our belief that the child labor law should not be broken down under any circumstances whatever, and we are ready to stand between the law and any hardship to the child. We are calling upon a group of young broad-minded employers to act as the scholarship board; these men are meeting weekly and these scholarship cases are brought before them. It is a very broad education to those men, because most of these scholarship cases are suggested by men who have worked in their own factories and mills and have not been able to put aside enough money to support their families.

The CHAIRMAN. Are there any further questions?

MR. HALL. I have no question, but state, merely as a matter of interest and information, that the Virginia child labor law has been in effect only since June, 1922. One of the provisions of that act is the 44-hour week, which I believe is the highest limit in the country. Of course we are proud of that, but the law has not been in existence long enough to make a study of it. However, there are some exceptions to the law, among them, farms, orchards, and gardens. In that connection a question was raised as to boys on milk wagons delivering milk for their fathers. I ruled that they came within the provisions of the law and did not come within the exception of farms, orchards, and gardens. Apparently the party in the case took exception to my ruling and appealed to the attorney general. To-day I received a copy of a letter dated April 30, 1923, in which the attorney general gives his opinion as follows:

Unquestionably, the delivering of milk to customers in a city is not working on farms, orchards, or in gardens within the meaning of chapter 489 of the Act of 1922, even though the owner of milk and wagon may be a farmer.

Mr. CONNALLY. I should like to ask a question which I realize is a little out of order at this time, but I do not know when I am going to bring up the subject unless I do so sometime this evening, and that is the question of children in theaters. We have had more difficulty, I think, in our State with the employment of children in theaters than in any other industry, and theater men have recently decided to make a test of the law in our State, which has never been done. I would like to know, from the delegates here, the number of States which enforce the child labor law in theaters—that is, with respect to children on the stage—and whether or not their laws apply to amateur performances. I have held that the law in our State does apply to amateur performances in theaters and that these children are not only employed but are also working within the meaning of the law, even though they are simply doing some stunt on the stage. I should like to hear that discussed thoroughly sometime this evening.

Miss MINOR. May I say what was done in Massachusetts? The theater people wanted to make a test there of the law with the view of securing an amendment or, rather, repeal of the present provision. We furnished what evidence we had. I know the National Child Labor Committee was called on for what evidence it had. The secretary of the Massachusetts Child Labor Committee went to the legislature and, with what evidence she had been able to gather, successfully opposed any amendment to their law.

In New York we have a very poor law because it has no age minimum. There is a general agreement between those who have the right to issue permits—except for singing and dancing, as we can not issue permits for that—and the various agents that no child under 7 may be used for that work. The provision with regard to singing and dancing is very strictly enforced in the city of New York and in some of the cities outside. The dangerous time is when the child goes on the vaudeville circuit, and I sincerely trust that one of the very early duties of the Federal Children's Bureau, or of the National Child Labor Committee, or both, will be a thorough investigation into the conditions of children on the stage. I have been corresponding with all enforcing agencies in the States in which there is a statute with regard to these children, and I received word from the various States that they had no difficulty in passing the law, but they never seemed to be interested in its enforcement. That was from the officials themselves.

Miss SWETT. We have a law which provides that either the industrial commission or the judges may issue permits to children engaged in theatrical performances. In case it is a child from outside the State the judge issues it, and we do not have anything to say about it. We find that true of children traveling on vaudeville circuits. A short time ago a troupe came in which had children from 3 years up performing. Our department investigated them and when they asked for a permit in Milwaukee the judge would not issue it because he had read the report. Do you mean by amateur performances what is called amateur night or home talent?

Mr. CONNALLY. Amateur night in our State is home talent.

Miss SWETT. They are called amateur nights in Milwaukee. Children from any age up are going on. They must have permits and

you will find permits being issued. So we now have a bill in the legislature to give us the power to issue those permits or to designate the persons to issue them, and then we can make regulations and can control that permit. We have wanted to make the age limit not under 14, but that I am afraid is not going to go through. The age limit will have to be lowered to 10 to get the bill through, but it would be better if we could get the issuing of it in our hand and have the age at 10.

Miss SCHUTZ. May I say that we have a theater law in Minnesota which does not permit the employment of children in theaters under the age of 10. The permit is issued by the mayor, but a copy of the permit is sent to the industrial commission. We always investigate the conditions and where we find the child's school work is neglected or its health injured we recall the permit. We have that power. It has never been tested. Of course, if it came to a test case we might have to show cause why we had recalled the permit and our action might not be sustained, but we have done that repeatedly. We have had the cooperation of the teachers, because they tell us the children who appear occasionally or frequently on these amateur programs become very stazy, and their school work is interfered with. We are too busy to do as much with it as we might.

Mr. WILSON. We enforce the law as to all children under 16 who work in or about a theater, moving-picture show, or theatrical performance in any way, but when the ladies' aid or the Y. W. C. A. gives a performance we back off. As to regular work at the theaters or appearance in performances at the theaters the law applies to all children under 16, and we enforce it and have pretty good luck in getting convictions, but we do not bother with the ladies' aid or Y. W. C. A.

Mr. HALL. I would like to read a clause from our law. Section 13 says: "No boy under 16 and no girl under 18 years of age shall be employed, permitted, or suffered to work in any retail cigar or tobacco store, or in any theater, concert hall, pool hall, bowling alley, or place of amusement, or in any hotel, restaurant, steam laundry, or in any passenger or freight elevator." A company came to Norfolk, and put up posters for girls 16 years of age. Quite a number applied but our inspector was there and informed the management that its action was illegal and made it change the advertisement to 18 years.

I happened to be in town at that time, and some ladies had complained to the juvenile and domestic relations court that there were two youngsters, twins 5 years old, giving an exhibition of prize fighting in a store window twice a day, and that they had no way of reaching them. They were very much concerned about it, and I said, "Very well; that comes under the child labor law." They said there would be another performance at 5 o'clock. So I went around. A large crowd had gathered and two little tow-headed youngsters, 5 years old, were dressed in true pugilistic style; a ring was squared off and a large audience on the outside was looking through the window. The youngsters were pummeling each other in good style and everybody was happy, and the man inside was refereeing the two and he was having a good time, laughing and smiling to the crowd outside, and they enjoyed it. The chief in-

spector and myself looked at it a minute and then walked inside. Inside everything was apparently all right until you got close to the ring. One little fellow got hurt and lay down. The manager said, "Get up there; if you don't get up I will beat you"—said it in an undertone and smiled at the same time so the audience would see the smile. That was a case of cruelty pure and simple. We stopped the performance and summoned him to court. The upshot of it was that the man was fined and the children placed in a home and taken care of. The man claimed that he did not violate the school law because the children were not old enough to go to school and as soon as they got old enough he would send them to school. He had exhibited them all over the country—in New York, in Washington, and a number of other places.

That is an illustration of the chance some people will take. Under this law we have stopped minors from acting. We have not yet had a case appealed to the Supreme Court.

**MISS MINOR.** In New York they consider that applies simply to the employment of children as ushers, and as long as they can get away with it they do.

**MR. DAVIE.** I wish to say for Brother Connally's benefit that I think New Hampshire has a pretty good system. First, take the child labor law: No boy under the age of 16 and no girl under the age of 18 can be employed at a gainful occupation after 7 o'clock in the evening. Usually, theatrical performances are carried on after that hour. The child-labor inspectors play the game from that angle, to begin with. However, we have a law on the statute books that forbids small children appearing in theatrical performances in any part of the State. The only thing that can be put on is that the use of children at performances will be permitted where there is no remuneration, where they give their work as a matter of charity. It is my opinion that in those States where the child labor law is patterned after the standard child labor law or the one from the Child Labor Committee that nearly all the States have adopted, that clause which defines the hours of labor at gainful occupations between the hours of 6 a. m. and 7 p. m. would take care of a vast majority of those cases. If your inspector is on the job and uses his head he can generally get away with it in a very satisfactory way.

**THE CHAIRMAN.** It seems to me there is one other thing we need in these laws, and that is to give more power to the State labor departments. A great many of these laws were passed a long time ago. The authority to authorize a child's appearance on the stage was given to local officials and offices, and, of course, in a State with many cities it means a considerable decentralization of responsibility. It would seem, now that factory inspection systems have been developed to such an extent, that supervision of this type of work, both the issuance of the permits and the inspection, might very well be turned over to them.

**MR. DAVIE.** They issue no permits in New Hampshire for anything; they O. K. no permits.

**THE CHAIRMAN.** You have a better law than that in some States, because you prohibit night work. In many States a permit is issued permitting the child's employment. It might seem advisable to have

a central authority responsible for that function, as in case of children working in factories and mercantile establishments.

MISS MINOR. There was only one objection that was brought up against that. I proposed that this year as a possible amendment to our law, and the objection was made by the Society for the Prevention of Cruelty to Children that to leave it in the hands of the local mayor left it in the hands of a man who could revoke the permit. The school board could not do it, the labor department could not do it, but the mayor could always revoke the permit in case the children were improperly used, and that was the quickest and most efficacious way of getting the law obeyed.

MR. CONNALLY. I should prefer leaving it to the local authorities; I doubt if it would be advisable for any State authority to have the right under the law to pass on the question whether or not these permits were desirable. Our law prohibits the employment of children in theaters under the age of 14.

THE CHAIRMAN. That is a better type of law than some of the others.

MR. CONNALLY. It also prohibits the employment of girls under 18 and boys under 16, after 6 o'clock. We can enforce that law provided we do not make any exceptions, and that is how we get pretty good results in Oklahoma. We have made it so unpleasant for the theater men that they have decided finally to make a test of it. Massachusetts, we know, has passed on the question and so has the State of Louisiana, and the higher courts of those States have sustained the lower courts and said that the children are employed even though they are working as amateurs, and that they are working within the meaning of the law. I wanted to know what the experience of some of the other States was.

THE CHAIRMAN. AS I understand, the entire responsibility of enforcement is in your hands?

MR. CONNALLY. Yes. That is the only way we are going to have anything to do with it.

MR. WILSON. I wish Miss Minor for my information—I am sure each one of the delegates would appreciate it—would give us information, in the form of a letter, as to how she recruited this child labor committee and how she keeps it working and keeps politics out of it.

MISS MINOR. I will be very glad to frame such a letter.

MR. WILSON. If you furnish that information, you will have conferred a great favor on all of us, because I do not see how it is possible; it is very apparent, however, that you have done it.

MISS MINOR. I will be very glad to do that.

#### WORK OF ADVISORY COUNCIL FORMED BY THE PENNSYLVANIA INDUSTRIAL BOARD.

BY MRS. SAMUEL SEMPLE, MEMBER PENNSYLVANIA INDUSTRIAL BOARD.

[Submitted but not read.]

In September, 1921, the woman member of the industrial board of the Pennsylvania Department of Labor and Industry suggested the advisability of forming an advisory council to work with the board's

committee on women and children. The proposal was approved, and about 50 women of standing and influence in the State were invited to give this cooperation. Those selected were representatives of organizations especially interested in the problems of women and children in industry or of organizations of strong civic emphasis. Geographically they represented the most strategic centers of the State. Since the problem of children in industry is educational rather than industrial (at any rate, in the line of its correction), the educational organization of the State was represented in the council, and, of course, the labor organizations were invited to participate.

The council group comprised two general types of women—those trained in social work and investigation and those whose public service is usually given through cooperation and the forwarding of movements for public welfare. It was thought that this would give expert service in securing information of value in matters affecting women and children in industry, and also a means of approach to a wide public opinion in all parts of the State that would be of great value to the department and the industrial board in securing understanding of its work.

In furtherance of the first section of this plan a number of committees were appointed to pursue special inquiries. One of these inquiries has been recently brought to a close and its results are being tabulated and studied. It related to personnel work in the industrial plants of Pennsylvania, the particular field of inquiry being plants that employ 100 or more workers.

A special service asked of council members was attendance upon hearings held by the industrial board on subjects before it, and also of attendance upon special cases of prosecution for violations of the labor laws. In both of these lines it was considered that council members could give and receive information that would tend to wiser administration of labor laws throughout the State.

A series of hearings on industrial home work and another on children in commercial theatrical performances elicited much interest and received earnest attention from members of the council. Rulings on motion pictures in educational and religious institutions and efforts to work out a satisfactory system of enforcement for the section of the child labor law which applies to street trades also brought cooperation from the council.

Since its formation the council has held in all five meetings, the largest being in connection with the last annual meeting of this Association of Governmental Labor Officials. At those meetings such subjects as the following have been considered: The position of women in industry; cooperation between public and private agencies in securing proper industrial conditions; vocational guidance, with its effect on industrial welfare; workers' educational movement; continuation schools; the value of the proof-of-age card; industrial conditions in Europe, with their influence on American conditions; and, of course, current legislation.

As everyone knows, Pennsylvania has entered upon a period of re-organization, which has temporarily slowed down certain phases of work. This is inevitably true of the advisory council. But the experience of something over a year has given some indication of the real value possessed by such a cooperative organization and a limit of the possibilities which it holds for the future.

WORK OF THE COUNCIL ON WOMEN AND CHILDREN IN  
INDUSTRY OF MASSACHUSETTS.BY ETHEL M. JOHNSON, ASSISTANT COMMISSIONER MASSACHUSETTS DEPARTMENT  
OF LABOR AND INDUSTRIES.

[Submitted but not read.]

*Object.*—The Council on Women and Children in Industry in Massachusetts was organized a year ago for the purpose of interesting the public in the work of the department relating to women and children. The plan for the council was announced at a preliminary meeting in the spring, after having been approved by the commissioner of labor and industries.

*Members.*—The membership of the council includes 50 women, representing a number of organizations throughout the State concerned with the problems of women and children in industry.

*Activities.*—The committee on employment of women and children, at the request of the commissioner, submitted suggestions for developing and improving the public employment service. The commissioner agreed to transmit these suggestions to the governor's committee to promote work. On the recommendation of the committee a card announcing the service of the employment offices was printed and supplied to the members of the committee for distribution.

Special subjects considered by this committee are: Employment of women in laundries; health hazards for women in paint shops and in the metal trades; industrial accidents among women; woman inspectors; industrial home work; the public employment service; the employment of children in tobacco fields and sorting shops; and children in street trades.

Later the work of the committee was defined as matters concerning the employment of women, and further consideration of the work of minors was transferred to the committee on standards for working children. The names of the two committees were changed to the committee on women in industry and the committee on the employment of children, respectively.

At a joint meeting of these committees, arrangements were made for ascertaining what organizations might be interested in introducing a measure to provide for better health certification of children entering industry. Such a measure was introduced before the legislature this year by Doctor Hamilton and members of the committees as individuals worked for it.

A preliminary survey of conditions of employment of children in tobacco fields and sorting shops was made, and members of the council conferred with the commissioner of labor and industries regarding the matter. It is possible that the department may bring in legislation dealing with the subject.

Members from all the committees have attended a number of the hearings on industrial measures, particularly those relating to minimum wage and the employment of women and children.

The committee on minimum wage and public information presented the following resolution, which was adopted by the council, and copies sent to every member of the general court:

The present method of enforcing minimum-wage findings is very unsatisfactory. Therefore, the Council on Women and Children in Industry hereby

indorses the principle of pending legislation to make the minimum wage law mandatory, and asks that a copy of this endorsement be sent to the members of the general court.

In connection with the minimum-wage work, the council committee on minimum wage cooperated with the Consumers' League and other organizations interested in work for women in industry.

The activities of these united committees assisted in securing the appointment of a woman member on the recess commission on unemployment and minimum wage.

On the recommendation of the committee on employment of children, a bulletin on health certification of working children, prepared by the secretary of the council, was published by the child labor committee and the Massachusetts Department of Public Health. The committee has assisted in developing public interest in this problem through arranging for its discussion at public meetings and health conferences. The department of public health has generously cooperated in this work.

The committee on public information has assisted in various ways in bringing the work of the department before the public.

#### RURAL CHILD LABOR AND ITS REGULATION.

BY ELLEN NATALIE MATTHEWS, DIRECTOR INDUSTRIAL DIVISION, UNITED STATES CHILDREN'S BUREAU.

During the past two years we have in the industrial division of the United States Children's Bureau been devoting the greater part of our effort to a study of the extent and conditions of rural child labor. The vast number of children engaged in agriculture, and the fact that they are employed under conditions which vary greatly in different parts of the country, make the task of obtaining the facts for an adequate picture of rural child labor in the United States an enormous one. We could not, of course, undertake to make anything like a nation-wide survey. Our attempt has been, therefore, to select for intensive study a sufficient number of typical farming areas in different sections of the country in order to give a fairly representative picture of the work of children in the principal geographic divisions in connection with the production not only of those crops, such as sugar beets and cotton, in which child labor is believed to be most generally utilized, but also of other important farm crops, such as corn and wheat and the other grains, with which we do not usually associate child-labor problems. To date we have obtained by personal interviews detailed information regarding some 10,000 rural child laborers in nine States. By the end of the coming summer, we expect to have extended our inquiry to five more States. Investigations have been completed in connection with the sugar-beet industry in Michigan and Colorado, in representative cotton-growing areas of Texas, in connection with the raising of truck crops and small fruits in southern New Jersey, Maryland, and the Norfolk district of Virginia, and in the wheat and the potato-raising and the grazing sections of North Dakota. At the present time we are studying the work of children in the raising of tobacco and have already interviewed some 800 children engaged in this work in Kentucky and South Carolina, and our agents are at this moment working in Halifax County, one of the principal tobacco-raising counties

in Virginia. We plan also to obtain similar information from one or more of the Northern States which raise tobacco. Other studies planned for this spring and summer include one to be made in the corn belt in Illinois, and a survey of the work of children on truck and fruit farms of the Pacific coast.

In trying to decide which of the many significant facts collected in our study of these 10,000 children would be of the most interest to the members of this association, I looked over the proceedings of last year's meeting to see what aspects of Mr. Lovejoy's paper on child labor in the sugar-beet fields had aroused most comment. I found this idea a productive one. In the course of the discussion following his paper Mr. Lovejoy made the statement that up to that time practically no State had passed really effective legislation for the protection of children engaged in agricultural work. The greater part of the discussion which followed was taken up with protests by the representatives of several States, who rather warmly challenged this statement, pointing out the provisions of their State compulsory school attendance laws as affording all the protection which might be necessary to children working on farms. It is true that school-attendance laws are practically the only measures now in force which offer any regulation whatever of the labor done by children on the farms of the United States, but it is equally true that these measures very generally fail to regulate this form of child labor at all; and the attitude of those delegates to last year's convention who cited the school laws as offering sufficient protection is characteristic of the almost universal lack of realization of the conditions of rural child labor as they actually exist. There has been a very general complacency, not only in regard to the lack of legal regulation of this type of child labor, but even in regard to the existence of the need for any such regulation.

Decade after decade the United States census has been calling attention to the fact that thousands of children are "gainfully employed in agricultural pursuits," but these figures have been ignored, or have been understood to mean merely that so many farm boys were engaged in chores and other light tasks on their parents' farms, thereby fitting themselves to become the farmers of the future. This is far from being the case. If we are willing to face the facts, we must recognize that many of the children, even those who actually are employed on the home farm, are very young, that they are engaged in back-breaking toil for the long hours of the adult agricultural laborer's working day, and that their parents are not always so mindful of their opportunities for schooling as we assume they are. The extent to which they are employed is indicated by the fact that in one area for which we were able to secure this information we found that practically all the children in the community who were over 10 years old, and in another approximately 90 per cent of all the children enrolled in school, were customarily engaged in farm work. Moreover, as large-scale, one-crop, industrialized types of farming have developed, child labor on the farm is no longer confined to the home farm. The children of seasonal farm laborers go out from our cities and towns to work in beet or onion fields, to pick strawberries, cherries, cranberries, and tomatoes, to harvest peas and beans and other truck crops. There is scarcely any section of the country where child workers are not employed at some season of the

year in some of these forms of industrialized agriculture, often speeded up under the eye of the "row-boss" or field overseer to get in the crop before it spoils, or before rain or frost overtakes it.

Of all the children included in the studies of agricultural workers made by the Children's Bureau up to the present time, 81 per cent were under 14 years and 35 per cent under 10 years of age, a proportion which gains added significance when it is remembered that the census, in its count of children doing agricultural work, includes none under 10 years of age. One-third of the hired laborers studied by the bureau were migratory workers. Contrary to what might have been expected, these were not, on the whole, much older than the children who worked on their parents' or neighboring farms; practically four-fifths of them were under 14 years and 25 per cent under 10 years of age.

The most obvious evil resulting from the work of farm children is the loss of schooling for the rural population. Of 4,751 children included in the bureau's study who reported reasons for absence from school, 2,060 had been absent because of work which they had done in the fields—this in spite of the fact that rural school terms are frequently shortened to accommodate farm work. In one county in a Southern State we were told that the opening of school had been postponed to November or December because of cotton picking, and in many truck-farming districts the schools regularly closed in time for strawberry picking. From 30 to 60 per cent of the farm-working children studied by the Children's Bureau had been absent from school to do farm work. Everywhere many children had lost a considerable amount of schooling on this account. One-fifth of those who had been absent for farm work had missed at least 40 days, or 8 school weeks. Largely as a result of their irregular school attendance, from 38 to 69 per cent of the white and from 71 to 84 per cent of the colored children included in the bureau's surveys were from one to six years behind the grades which at their ages they should normally have reached. In all areas in which comparative material was available, the amount of retardation was much greater among working than among nonworking children attending the same schools.

Where, you ask, are the school attendance laws? It is unnecessary to point out to this audience the futility of legislation which makes no effective provision for enforcement; but it is precisely at this point that most of our compulsory education laws fail when it comes to functioning in rural districts. Some of the State laws exempt rural districts from certain provisions of the school-attendance laws; others give local officials authority to excuse children for farm work or give authority to excuse children in such general terms, as "in case of emergency" or "for other sufficient reason," that they may easily be interpreted to cover agricultural work. In most States practically the entire responsibility for the enforcement of the law is lodged in the local school board of each district. Especially in rural districts does the small unit of administration cause trouble. Everyone is acquainted with everyone else in the community, so that school officials honestly desirous of enforcing the law to the letter find themselves in an embarrassing position when their neighbors and friends are the offenders. The members of the school board and sometimes the attendance

officers themselves are farmers, in some cases keeping their own children out of school for farm work, and it is difficult to get any action on truancy cases reported by teachers and school officials. An attendance officer in one of the districts included in one of our surveys kept in his pocket the notices which it was his duty to serve on parents, until the harvest was over, and the children were no longer needed on the farms. In another district in which parents were required by the law to return a truant child to school within five days of the officer's notice of truancy, parents would keep their children out of school and not send them back until the fifth day, then a few days later would take them out again, and would not return them to school until notice had been served again and five days had again elapsed. Thus they got their children's help through the busy season and the children lost weeks of schooling. In another district no attendance officer was appointed until after the harvest season. Many districts, moreover, have too few attendance officers to attempt to cope with the situation, however well-meaning their intentions.

It is beginning to be recognized that a larger unit of administration, in which the personal element does not play so large a part, is necessary if school attendance is to be enforced effectively in rural districts. At least 10 States now have a county-unit form of school administration, in which the county rather than the district school authorities are predominant. Even the county unit is rather small, however, especially where county superintendents are elected, not appointed. If State supervision is needed in any field of legal regulation it certainly is in the matter of school attendance, but this need has been recognized thus far in only a few States, notably Connecticut, where the law provides for State agents to assist in and supervise the local enforcement of the law.

The schooling of migratory workers offers a particularly stubborn problem, for responsibility for their school attendance is assumed neither by the community from which they come nor by that to which they go, even when their migration takes place wholly within one State. In a study of over 800 Philadelphia school children leaving the city for the strawberry farms and cranberry farms of New Jersey, it was found that 728 had left school to work on the farms, and that their average absence for farm work was between 15 and 20 per cent of the school year. Of children going out from Baltimore to near-by farms in Maryland, nine-tenths had lost at least 20 days, or an entire school month. Because of the already overcrowded conditions in most of our rural schools, some State action similar to that of California in providing special schools for the children of migratory workers may possibly be necessary to guarantee a proper amount of schooling to some of these particular groups of rural child laborers; but a strict enforcement of the State law in the localities to which they come for work would undoubtedly serve as a more effective barrier against the exploitation of these children, by preventing in many instances their importation to these districts for work.

But although school attendance in relation to farm work is the most obvious of the evils of rural child labor, is it the only evil which calls for some kind of legal regulation? Of 2,457 children under 14 years of age, included in four of our surveys and reporting

their hours of work, one-half had worked more than 8 hours a day at farm work, one-fifth had worked more than 10 hours a day, and some of them as much as 14 hours. Whatever the type of work, however short the season, however easy and pleasant the work may seem, any task prolonged for these hours is too much to exact of immature children. To guide a plow for two minutes as an experiment, it has been well said, is one thing, but to continue it for hours at a stretch is a man's job. Moreover, much of the farm work that children do is the hardest kind of drudgery, and some of it is dangerous to life and limb.

Conditions such as these parallel those in factories. The prohibition of at least certain kinds of farm work for children under a specified age and a limitation on the hours of work of older children are necessary if justice is to be done to those who are growing up in the rural sections of our country to-day.

But what is in fact the status of legal regulation of agricultural work for children? Many State laws even specifically exempt agricultural work from some, if not all, of their provisions. Only four make any specific provisions regarding agricultural work. Nebraska includes work in the beet fields under the eight-hour and nightwork provisions of its child labor laws; Massachusetts and Pennsylvania require special permits to excuse children from school attendance for farm work; but this provision, of course, applies only to school children, and even for them makes no attempt to regulate the conditions of work. Ohio is the only State which has attempted directly to regulate general agricultural employment. The 1921 law prohibits entirely the employment of children under 14 at all kinds of work, including farm work, except in "irregular service" for not more than four hours a day. While at least 20 States forbid the employment of children under 14 during school hours in "any gainful occupation" and at least 8 fix maximum hours for children in all occupations, the tendency has been to ignore the application of these laws to farm work. Admittedly, the application of such laws to children's work on farms involves many difficulties of enforcement, and experience may show that a somewhat different type of legislation will be needed to extend the protection of the State to the rural child worker.

The entire problem is one which calls for serious thought and discussion, based on an exact knowledge of actual conditions. The public is beginning to recognize the need for more effective machinery in enforcing the school attendance laws in rural districts and is attempting to meet that need, chiefly by enlarging the unit of administration and thereby minimizing the force of local pressure. The establishment in Colorado of summer schools for resident beet workers and in California of temporary schools for migratory workers are recent efforts, still in the experimental stage, to decrease the disturbing amount of nonattendance due to farm work. The question of direct regulation of rural child labor is also receiving some attention. In Kansas, Minnesota, and Wisconsin factory inspectors have made special investigations regarding children working in the beet fields. In Wisconsin this inquiry has covered a number of other types of commercialized agriculture and has resulted in the introduction of a bill in the legislature which would give the industrial commission power to regulate the work of chil-

dren in certain kinds of agricultural work. Should this Wisconsin bill become a law it will be of great interest to follow the working out of this experiment. It is especially encouraging and should be gratifying to this audience to note that the lead in this movement in a number of States has been taken by members of the State departments of labor.

#### DISCUSSION.

Mr. GRAM. In your investigation in North Dakota did you find those children working for wages or working under their parents?

The CHAIRMAN. We found very few of the children working for wages, in spite of the fact that we had been told by the State officials of North Dakota that a great many were traveling around to obtain work. I do not remember the percentage of children who did that, but it was very small. Of course, during the summer months there is more of that than during the time when our study was made.

Mr. GRAM. Would you consider passing legislation for regulating the employment of children in their homes on their own farms?

The CHAIRMAN. I should think some kind of hour regulation for the work of children on the home farm would be desirable, because, after all, they do work just as long hours many times on the home farm and under somewhat similar working conditions as they do on the farm of the other man under the direction of the overseer. However, the way in which such a law should be administered is a very difficult question.

Miss MINOR. I should like to ask the gentleman from New Hampshire whether this organization has a committee on legislation, because it would seem to me that a committee on legislation drawn from this body would be one of the most powerful agencies for advancing child-labor legislation that I can possibly think of. It would form a clearing house of valuable information concerning the best possible enforcement, and to get the indorsement of State labor officials on any phase of child-labor legislation would be of the greatest possible advantage to the individual States.

Mr. DAVIE. I wish to say for the information of the lady from New York that it has been my privilege to attend several conventions, and I have seen several committees appointed to do the very thing she has in mind. Unfortunately, as the chairman of the evening said, the fluctuation of legislation and also the fluctuation of State Governments from time to time removes sometimes very desirable men that attend this convention. There was a proposal made here yesterday to make a study of that kind, and I hope we may have some one who will be with us long enough to do it—Mr. Connally, of Oklahoma, may be that man. We appointed a committee at the last meeting at Harrisburg and there was only one man surviving, as I recall, so the committee never had a meeting. I hope we will be able to make a selection of reasonably sure men, who will be able to function. That committee will answer to this association, and I think perhaps it would be worth while for it to submit a report on matters pertaining to labor legislation that would be beneficial to all the States, because I am a very firm believer that we should standardize our labor laws so that they will work from

coast to coast, taking into consideration that there should be some provision whereby certain things could be modified to meet a particular condition in a particular State. It seems to me, we will make better forward strides when, in those States that have the same industries and use the same method of production, we have uniform laws that will reach from coast to coast, even if we have to amend the Constitution of the United States for the child labor law, for the minimum wage law, and for a 48-hour week for the women and children of the United States.

Mr. BLANKINSHIP. I think the most effective way is a compulsory school law with central authority. The minute you tackle the proposition of regulating the work of children—I should like to see it regulated—if you try to do it by law you will have a farm bloc in every State legislature that will wipe out the labor department; it will almost wipe out the labor department and the legislation we have fought for for years. I am watching Wisconsin, but you will find that that will be the result of any effort to pass a law to prevent the farmer from working his children on the farm. I have seen the evils of it as clearly as anybody. I taught a country school for 15 years, and my experience was that the boys came to school not much over half of the school year. We had a school year of 100 days when I was teaching, and if a boy made 50 out of the 100 he did well. The result of that irregular attendance was that the boy, growing rapidly, soon found himself too big for the class he had to go in, and this fact embarrassed him. He would absolutely refuse to go to school because of the conditions under which he had to go. If some one had to haul a load of wood, why Johnny stayed away from school to do it. If some one had to take a bag of corn to the mill, Johnny stayed at home. As for tobacco, I sometimes think if we lost the seed the country would be much better off. We work 16 hours a day—I have done so many a time—13 months a year on tobacco. I am going to explain that. Before we get through with this year's crop we are preparing plant beds and preparing for next year's crop. So we overlap a month in the preparation for the crop. I have known of children being kept from school—they may come to school in the daytime, but they will stay up until 11 o'clock at night tying tobacco and preparing it to go to market. Then they are up again at 4 o'clock the next morning to milk the cow and get in enough stove wood and bring water 300 yards up the hill to run mother for the day. The remedy is education. We have to do it that way if we remedy this difficulty.

The CHAIRMAN. We have to cut short this discussion, though I would like to continue it. In Wisconsin they grow tobacco, and Miss Swett says children do not work on tobacco there.

Mr. BLANKINSHIP. Wisconsin grows a little bit of tobacco, but we grow real tobacco.

The CHAIRMAN. The next subject is one that should be interesting to all of us. I do not think Mr. Swift needs any introduction here.

From what Doctor Andrews said last night, it seems to me that the legislatures of the 41 States in session this year have very clearly disproved the contention of those people who last year said, "Let the States do it." Certainly the records this year do not show that the States will do it. In my own part of the country, New England, the

States whose laws fall below the Federal standards attempted to establish the 48-hour week. In three instances the attempt has failed. I think that the need for a constitutional amendment is even more evident to us now after this year's experience than it was last spring.

Mr. Swift is going to tell us more about that need and something about the features of the amendment which the National Child Labor Committee is indorsing.

#### NEED OF AMENDMENT TO CONSTITUTION REGULATING CHILD LABOR.

BY WILEY H. SWIFT, DIRECTOR DEPARTMENT OF ADMINISTRATION AND LEGISLATION,  
NATIONAL CHILD LABOR COMMITTEE.

It is not my intention to make at this time an extended argument for the adoption of the amendment to the Federal Constitution to authorize Congress to regulate the employment of children. If you are desirous of knowing all the facts bearing upon the case, I suggest that you read the statement made by Miss Grace Abbott, Chief of the Children's Bureau, before the Senate Judiciary Committee, when this amendment was under consideration. It was, by far, the best presentation I ever heard of any case. In the language of the law it was "clear, cogent, and convincing."

Hoping that you will read what Miss Abbott said, I direct your attention to one, two, perhaps three, matters somewhat supplementary to the main question but, in my opinion, none the less important.

1. The adoption of our amendment to the Federal Constitution to authorize Congress to regulate the employment of children, while it would grant to Congress a power that it apparently does not now have, would in fact give to Congress no more power than the people of this country have thought all along that Congress had. The adoption and ratification of this amendment would in fact be nothing more than a restatement of a principle that the majority of the people thought had been already clearly stated. The people would simply say to Congress, "We thought Congress had the right to protect the children of the Nation. We meant that it should have that right. Now that it is certain that Congress is without power to protect children from exploitation, we hasten by amendment to the Constitution to grant the power, to be exercised within the limit defined by the amendment whenever Congress finds it necessary."

Up to the time of the first Federal child labor act we were so certain that Congress had the right to protect children that we felt rather "put out" with the judge who declared that act unconstitutional. The judge was right, but we were not wrong; for the power of a Government to throw its protecting arm around its own childhood is so fundamental that we had a perfect right to presume it. That, in fact, is what any Government is established and exists for—to protect the weak and develop the young.

The speed with which the second child labor act was amended after the first was declared unconstitutional shows just how the American people thought and felt about the power of Congress to protect children and its duty to exercise that power; but we were not altogether hopeful. The decision of the Supreme Court that the second

act was not lawful did not surprise us nearly so much as the court's decision on the first. This second decision did, however, go far in convincing all of us that under the Constitution, as it now is, Congress has no power to protect American children from exploitation. No matter how hurtful the work may be, or how long the hours, if the employer is cruel enough to continue it and the State permits it, it may, for all the National Government can do, be carried on until children fall in their tracks. It is an astounding situation, but a clear one.

Perhaps, after all, it is well that the two Federal child labor acts have been declared unconstitutional. Both moved somewhat circuitously, by indirection. In a matter involving both the welfare of children and national morals, the approach should, if possible, be direct. The amendment that has been approved will, if adopted and ratified, empower Congress to deal with this matter directly and whenever it sees fit. A great gain in statecraft that.

But let us get this clear. For the people the amendment, if adopted and ratified, will be not new law, but a clear statement of the law as they have long understood it. In other words, it will be a solemn declaration by the people of what they want the fundamental law upon this question to be. We believe, we are sure, that the people are ready to vote and only await a submission of the question by Congress.

If the amendment is not submitted, or if, when submitted, it is not ratified, it will be exceedingly unfortunate that this question was ever raised. One loves to have faith in the protective power of one's Government, especially for the weak, as in one's God. We want our National Government to be able to protect our children at home as well as our citizens abroad. It ought not to be otherwise.

2. The amendment suggested will, if adopted and ratified, hold no State back from doing whatever it may see fit to do for the protection and development of its children. So far as I know, there has never been any intention in the mind of anyone to interfere with the States' rights to go as far as they please. The whole purpose has been to give protection, reasonable protection, to such children as the States by State laws do not protect. The amendment is designed just as much to leave State legislatures free as to give Congress power. So far as I have heard, no one has even suggested that any State will be held back. On the other hand, if Congress is empowered to act by this amendment and does act, many children will be given additional protection. The standards of some, of many, States are too low for good citizenship.

3. If this amendment fails of adoption or ratification, we may not only expect that there will be no material progress in child-labor legislation in some of the States, but a decline. The Chief of the Children's Bureau in her very excellent statement shows that only 13 States have legal standards for the employment of children up to the standards fixed by the two Federal acts. Seventeen States conform substantially to the Federal standards. That leaves a large number, the majority, of States below standard, and for a full appreciation of the situation as it is now we must remember that the whole field of dangerous occupations, except employment in mines and quarries, was left untouched by the Federal act. There is need, urgent need, for going forward. This is no time for giving ground.

If this amendment fails, ground will be lost and children will suffer. The years from the passage of the first Federal child-labor act to the declaration of the Supreme Court that the second was not law were fruitful years in State child-labor legislation. Respect or fear of the national act led more than one State legislature to improve the laws regulating the employment of children, and I recall distinctly that the inquiry was, whether if so and so were done, the State would be left to run its own affairs, and whether Federal agents would stay out.

Our people respect Federal agents and Federal courts as they do not respect State officers or State agents. Nothing much has been done yet because of a desire not to give any additional excuses for the amendment, but, in my opinion, once all fear of the adoption and ratification of this amendment is removed there will be a decided falling off.

Our children are first of all American children, wards of the Nation. The Nation owes it to itself as well as to the children to see well to it that every child has a fair fighting chance. Without this amendment Congress can not act to make good what ought both in law and morals to be the national guaranty to childhood.

#### DISCUSSION.

**Mr. GRAM.** Permit me to ask Doctor Swift a question. If Congress passes this constitutional amendment will it be necessary for it to be ratified by every State in the United States?

**Doctor SWIFT.** No; three-fourths. That is going to be the test. I do not think there will be any trouble in getting it passed through Congress, but getting it ratified by the States is going to be the job—well, it will not be easy.

**Mr. SHIPMAN.** I disagree with Mr. Swift in this idea that it will have the effect of antagonizing the States if this national amendment should be submitted and not ratified. I think the best thing we can do if Congress does not pass this amendment is to get behind it and put it across like we did the eighteenth and nineteenth amendments, and I know of no better service this association can render than to pass a resolution indorsing this proposition and then for us all to stand shoulder to shoulder in assisting to put it over. I remember when the child labor bill was up in North Carolina. A bill was introduced to abolish my office. The law we now have is quite an advance over anything we had prior to that time. It is a fairly good child labor law and I think it is being reasonably well enforced, but any law that permits children in industry to be worked 10 hours a day is not right, is not a good law, and is not what we want. This year a bill was introduced to reduce the hours from 60 to 55, but we did not get anywhere with that. I felt very much discouraged about it until I heard the reports yesterday morning, when I found out that North Carolina is not the only backward State in that respect. I think the labor commissioners all over the United States have a job before them if they are going to protect the children. Let us not fail to recommend stronger child labor laws the next

time the legislatures meet. If they want to abolish our offices, let them do it.

Mr. GRAM. There is a matter that has troubled me for over a year. I was at a meeting one night when the speaker, in explaining the ills of our country, made the statement that an investigation would show that the majority of the men in the penitentiaries to-day were college graduates, stating that the unfortunate part of it was that we educate our children and fail to teach them how to work. I was wondering if it would be practical for an organization like this to make a survey, extending back over 10 years, to see what the actual conditions were. Would that be worth anything?

Miss MINOR. A survey of the prisons in and about New York has been made at great expense and it was published last year. The percentage of mental defectives was a striking feature, not the percentage of college graduates. That survey may be obtained from the Prison Association or from Mr. Adolph Lewisohn of New York.

[Meeting adjourned.]

THURSDAY, MAY 3—MORNING SESSION.

ETHELBERT STEWART, UNITED STATES COMMISSIONER OF LABOR STATISTICS,  
PRESIDING.

### ACCIDENT PREVENTION.

The CHAIRMAN. A part of a former program that was passed over will be taken up this morning. The first speaker will be Mr. W. Graham Cole, of Washington. Mr. Cole has organized the Washington Safety Council, of which he will tell you. Mr. Cole's connection with the Bethlehem Steel Co. and afterwards with the Southern Pine Association gives him an industrial background that enables him to see our side of safety work and accident prevention. He is now engaged, as he will tell you, in organizing community safety work. In that connection I will only mention that Mr. Cole's organization asked for a branch to be composed of Government departments and bureaus in Washington. Such a branch was organized. I was appointed to represent the Department of Labor, and at the second meeting we were told by the United States Employees' Compensation Commission that 22 people were injured last year by falls on freshly washed floors. The practice in office buildings in Washington, as in most places, is to have somebody always mopping the floors, and the floors are wet, not only with water, but with the slipperiest soap you ever saw. Some of you older men remember, perhaps, the days when we used to debate in country schools as to which was the slipperiest, soap or grease. I think that the soapists generally won the debates, especially with judges who had had any experience along that line. Well, the statement that in one year 22 people fell on wet floors and hurt themselves worked wonders. In the Department of Labor we had been kicking about wet floors for 30 years. The Post Office people had been doing the same thing. I wrote to the Secretary of Labor the next day, quoting the statement made at this meeting, and in three hours after my letter went upstairs there came through an order to stop washing the floors during office hours. The Post Office authorities issued a similar order.

I just mention this to show what quick action this safety council organization is getting. I present Mr. Cole, of Washington.

### SAFETY SERVICE.

BY W. GRAHAM COLE, SECRETARY WASHINGTON SAFETY COUNCIL.

The State inspection department is the largest potential agency in any Commonwealth for the promulgation of industrial safety and should assume the leadership in accident prevention activities. The employees of this department are public servants engaged, not simply to enforce existing laws to the letter, but to reduce actually the

possibility of accidents, with their resulting deaths, suffering, and loss of valuable working hours.

This emphasizes the importance of the question which your secretary suggested, namely, "How can a State department best accomplish its object of cooperation with the industries of the State in securing maximum results in accident prevention?" In answering this question, it will be necessary to repeat certain facts and information familiar to many of you, but which are of sufficient importance to bear repetition.

Let us first consider what has already been accomplished in certain lines of industrial work by industrial executives themselves to stem the tide of accidents in their plants. In 1907 the Duquesne plant of the United States Steel Corporation spent \$80,000 in compensation or liability claims; in 1922, with 5,000 employees, this plant spent only \$4,100; or in other words, less than \$1 per man was paid out during the entire year as the result of accidents. This showed a reduction of approximately 95 per cent in 15 years.

In 1914 there were 648 lost-time accidents in the Edgar Thomson plant of the Carnegie Steel Co.; in this same plant in 1922, eight years later, there were only 35 lost-time accidents, another 95 per cent reduction.

The United States Steel Corporation, after 16 years of safety work, has estimated that during this period it has saved the lives of 35,313 employees, as compared with the average annual accident death rate previous to the introduction of safety. This figure impresses itself when we consider that it is equivalent to saying that the head of every family in a city of 150,000 population—about the size of New Haven, Conn.—has been saved from premature death due to accident. During this same period this one corporation reports a saving of \$16,000,000, or an average of \$1,000,000 a year in the cost of accidents.

The figures just given are the result of direct safety work conducted by an individual organization among its own employees. During the past few years it has been proved that safety work conducted in a continuous manner in a community directly effects the accident rate of the industrial plants in the locality. In St. Louis, for instance, community safety activities have been carried on for about five years. During 1917, 110 persons met their deaths by industrial accidents in that city; during 1922 only 15 persons were thus killed.

Similar figures prove beyond doubt: First, that a very large percentage of industrial accidents can be prevented; second, that industrial safety activities pay large financial dividends; and third, that it is possible to interest industrial executives in this activity, even to the point where they will initiate it in their own operations and give it a place ahead of production.

We are all more or less familiar with the development of safety, since it was first definitely undertaken in 1907, and with the accepted methods which are now used in the larger industrial plants. In the first place, wherever safety has succeeded and a permanent reduction of accidents has been effected, the work has been conducted with the unqualified approval, and the sincere belief in the movement, on the part of the highest executive officer of the company. It is difficult to believe that the splendid records obtained by the United States Steel

Corporation and the Bethlehem Steel Co. could have been secured if Judge Gary, Mr. Schwab, and their associates had not been early converts to, and constant advocates of, the safety movement. Accident prevention activities must start at the top of an organization; they will not succeed if started at the bottom or in the middle.

In the early days of safety work the guarding of machines and removal of hazards were considered of first importance. Accident figures compiled for a few years, however, proved that only a small proportion, varying from 10 to 25 per cent of all accidents, could be prevented by safeguarding alone. It was found, therefore, that to effect a large permanent reduction of fatalities and injuries in any plant, the employees must be informed of the hazards of their occupation, taught methods of doing their daily work in a safe manner, trained into habits of personal safety, and encouraged to cooperate in every way possible with their employers in producing a safer plant and a more careful type of workmen. This has led to the organization of safety committees among the employees, to the starting of schools for foremen, to the teaching of first aid, and to other methods, such as safety meetings, bulletins, pay-envelope messages, and safety contests, all designed to impress the workmen with the value of safety. These activities should never be undertaken instead of, but always in addition to, efficient guarding. Employees can not be expected to do their part in helping to reduce accidents if their employer expects them to work under dangerous conditions which could be improved.

I have reviewed in a brief manner the methods which have been used in many industrial plants in their accident prevention activities, in order to assist in answering our question: How can a State department most effectively secure the cooperation of industries in an effort to reduce accidents; or in other words, how can the department render a real service to all employers that will assist them to accomplish the same results which some of the larger organizations have already accomplished for themselves?

In the first place, the inspection law, the State safeguarding code, or the special regulations interpreting the law must be so prepared as to win the confidence of employers and manufacturers. The guarding standards followed by the State inspectors must be in line with the best practice of companies engaged in effective safety work, whose methods and standards have produced efficient results. These rules should be codified and printed, in order that every employer in the State may obtain the information and ascertain how to comply with the law in his own organization. As experience shows the necessity of altering the original standards, employers should be kept advised of all changes. This may be done by letter or, as is done in such States as California and Wisconsin, by a series of bulletins.

A year or so ago I had occasion, on behalf of an insurance company, to make a safety inspection of a large industrial plant in a State which had a State inspection law but no code or set of standards by which to measure the hazards of a plant when enforcing the law. Fines and even jail sentences were provided for noncompliance with the law, which simply stated that all factories and places of employment should be maintained in a safe condition. The interpretation of the law as to what constituted an unsafe condition

was left to the personal discretion of the individual inspector who inspected the plant. The employer did not have, in advance of an inspection, any information of just what constituted compliance with the law, and even found that succeeding inspectors differed in their views of just what was correct.

Naturally the employers in this State were out of sympathy with the inspection service, paid little attention to the recommendations of inspectors, unless forced to, and did not generally cooperate with the State inspection department. This may be an exaggerated case, but, unfortunately, similar conditions do exist in more than the one State mentioned. The example illustrates the necessity for definite standards to be used in State safety inspections.

In order that the State safety standards shall win the confidence of manufacturers, they should not be left to inexperienced lawyers and political officeholders for preparation, but should be adopted only after conferences of experts called to consider each type of standards. These conferences should include representatives of the federation of labor, and representatives of the employers interested in the standards under consideration. If this plan is followed, as it has been in several States, a set of safeguarding rules will be developed, which in the first place, will be practical and therefore possible of fairly strict enforcement, and in the second place, will receive little if any opposition from the employers, who will realize that the rules prepared by their representatives are really their own rules. No one can doubt the value of such a plan, if the State is sincere in its desire to follow standards which will receive the ready approval and cooperation of the majority of industrial owners and managers.

Regardless of the care used in the preparation of standards, there are certain existing conditions in some plants which will make strict adherence to the letter of the law very expensive, whereas the spirit of the law, that is the prevention of accidents, can be very effectively carried out without unduly burdening the manufacturer. Power should be delegated, therefore, to some one in authority in the State inspection department to authorize exceptions when conditions make such changes desirable. This is highly essential, and if provision is made to prevent the misuse of such power, the law can be enforced in such a way that manufacturers will consider it a very practical law. It must always be remembered that no set of standards, no matter how efficient they may be, will absolutely suit every condition which may arise.

Of next importance to the securing of proper standards is the selection of the proper type of inspector. The men selected as State inspectors must be broad-minded enough to realize that the mere enumeration of defects in a plant is only a small proportion of their actual duties, and that, on the other hand, they are engaged to prevent accidents in the industrial plants which they visit. The inspector must have salesmanship qualities and be able to convince the employer that the recommendations he offers are practicable and will actually assist to make the manufacturing process safer. When calling at an industrial plant, the inspector should always have a personal interview with the chief executive of the organization. He should explain to him that he is not there to force any hardships on the management, but to cooperate with it and assist it to reduce

accidents among its employees to the minimum. In the first interview, the inspector should, if possible, and it is usually possible, secure the cooperation of the executive. If this is done, and the employer is encouraged to remedy only a few unsafe conditions, but to do this willingly, the inspector has carried out his duty much more efficiently than if he had made a complete detailed inspection and furnished a long list of defects, without having attempted to interest the management in their correction.

While living in Louisiana, the general manager of one of the large sawmills operating in the State invited me to visit his plant and discuss safety with him. When I called at his office, he explained that he had carried his compensation insurance with a certain very reliable company for a number of years. He was satisfied with the adjustment service which he had received, but was distinctly dissatisfied with the inspection service. He explained this attitude by saying that, several weeks previous, an inspector had called at the plant and, without making himself known, had spent a day listing all possible defects. In due time this list had been received by the general manager, without any suggestions as to how the defects could be properly remedied. He accordingly wrote to the company, requesting that the inspector be sent back to discuss the matter with the master mechanic of the mill in order to show him just what should be done and how to do it. The inspector returned, but instead of giving the information desired, made another quiet inspection and sent in a list of 25 additional defects. It was quite natural that the general manager did not wish to cooperate with an inspection service of that sort and accordingly canceled his policy. Unfortunately this is the reason why many inspectors, both insurance and State inspectors, fail in the real object of their work.

I can not emphasize this point too strongly. The gruff, self-important inspector working behind the mask of State authority can do more in opposition to safety and to discourage cooperation in one visit than a corps of efficient inspectors can overcome in many visits. We all know that some inspectors make it a habit to go around a plant without telling who they are, and when questioned state that they are simply looking around. They seem to think that they must keep their mission a secret, not realizing that their real mission is that of gaining cooperation and reducing accidents. A salesman for a new type of machine which is claimed to do more efficient work than the machines installed in a given plant does not usually slip around quietly and, after leaving the plant, write the general manager condemning his operations. On the other hand, a good salesman would at once go to the general manager, interest him in the product, and then take him into the plant and prove to him that his new device will do what he has claimed for it. Safety must be initiated in an organization in identically the same way.

An efficient inspector must, furthermore, be a practical man and have correct and ready information in order that he may make practical suggestions, and be able to assist the superintendent or master mechanic to carry out his suggestions. If this is not the case, he will soon find that the employers whom he visits will not willingly cooperate with him, but will only do what they are compelled to do. In general, an inspector must realize that practical safety, with its resultant record of reduction of accidents, is of far

more importance than the strict adherence to the letter of the existing law.

As mentioned in the first part of this paper, the experience of industrial plants which have made credible records in reducing accidents has proved that safeguarding must be followed by educational work, and the employees encouraged at all times to cooperate with their employers in safety activities. Regardless, therefore, of the actual wording of the State law, it is absolutely essential that the inspector present this phase of the question to the employer and assist him in every way possible to conduct safety educational work. He should be willing to assist in the organization of safety committees, to lay out plans for first-aid instruction, to recommend bulletin board service, and to speak before meetings of foremen and employees. He should also make it his duty, with the consent of the manager, personally to talk with the superintendent, foremen, and workmen, and convince them of the value of safety, not only from a humane standpoint, but also from his standpoint of efficient operation.

These duties of the inspector are of much greater importance in obtaining the desired results and in securing the cooperation of industry than is the mere counting of unguarded set screws and the listing of improperly guarded belts. In general, the inspector should be not simply a machine, but an active organizer, able in time to change the attitude of the entire personnel of every organization he visits. He must be made to realize that to the industrial manager he represents the State inspection department; whatever he does will be construed to reflect the attitude of the department.

The third point which I would emphasize in answering our original question is, that prosecution under the law should be resorted to only in extreme cases when absolutely necessary. The necessity of a prosecution should be considered by the State department as an admission on their part of failure to convince manufacturers of the value of using reasonable precaution to prevent unnecessary loss of life and efficiency. I am told that in the State of Wisconsin not a single prosecution was made during the first four and a half years of the operation of the State inspection department, but that during this time industrial deaths in the State were reduced 61 per cent, or from 274 to 133 per year. Safety is not an activity to be forced upon the people, and will succeed only in so far as people are educated, believe in it, and cooperate with the laws or regulations enacted for their benefit.

The purpose of the State inspection department should not be to hunt down the violators of the law and prosecute them to the extreme, but such a department should act as a clearing house for accident prevention information. It should be constantly studying the work which has been conducted in large industrial plants in other States, select the best of these activities, and by means of courteous inspectors pass this information on to its clientele, which consists of the industrial operators of its State. The State department can obtain this type of material through its central office much more efficiently than can each individual manufacturer.

The State inspection department may accomplish much general good by issuing a series of safety bulletins and by holding conferences for employers and employees in various parts of the State. The

commissioner and his inspectors should be ready and willing at all times to appear before audiences of business men and meetings of employees to explain the policy of the department in carrying out the provisions of the inspection law and to keep the public informed as to changes which are initiated from time to time.

In conclusion may I ask, why should not manufacturers cooperate, if, first, they are convinced that the law is practicable and the best that can be provided in their State; second, if they have confidence in the type of men sent to inspect their plants; third, if the inspector has personally convinced them that safety is not only a moral obligation but a business proposition which pays large dividends, and has actively assisted to interest their men and organize them in accident prevention work; and fourth, if they are kept informed of the provisions of the law and all changes which are made?

### DISCUSSION.

The CHAIRMAN. It may be that we can carry too far this idea of finding out from the manufacturers what they want us to do in the matter of factory inspection. I am perfectly willing to admit that the idea has borne some very good results, and I am fairly well pleased with the enthusiasm exhibited by the manufacturers when they became inspectors of their own factories, but I am not sure but that there is a limit to that method. I think it is rather a confession of helplessness when we ask the people to stop eating sugar because the profiteers are putting up the price. Now the people could stop eating sugar without any Department of Justice, without any Government at all. If that is the only way to handle it, why we can handle it ourselves. I believe that is all I want to say about the so-called Wisconsin idea. I am perfectly willing to see it carried out so long as it carries, but I do not believe that we are ready yet to write the teeth out of the law.

I am going to throw the meeting open for a few minutes and ask Mr. Cole some questions. To begin with, I am going to ask a question myself. He has told us how to make our factory inspection. Now will he tell us just how the Washington Council of Safety is organized, what the machinery is, how we should go to work in a new town to organize such a safety council as that in Washington, how to finance it, and what the methods of approach are in organizing a new council. I did not get quite that out of the paper and I would like to know.

Mr. COLE. In a great many cities the safety councils have been organized around the chamber of commerce or board of trade as a nucleus. That gives them prestige. Sometimes the chamber of commerce finances the safety councils. In Washington we have a chamber of commerce, board of trade, and the merchants and manufacturers' associations. So it was thought wise to start the Washington Safety Council as a separate organization, cooperating with all three instead of being directly connected with them. The funds are provided by public subscription. We do not feel, in asking for the subscriptions, that we are asking for charity. We feel that our records show accidents can be reduced and therefore it is a business proposition. If we can have fewer accidents on the streets of Wash-

ington in a given year insurance liability rates will go down, which will save the citizens of Washington more money in a year than has been paid out in 10 years.

As to the matter of organization, in order to educate public safety opinion we feel we must reach every man, woman, and child in Washington, as in industrial safety we had to reach every employee. We must multiply our hands to do this. How can we reach out? You can not just set up an organization and expect it to work itself. I understand Richmond is preparing to start a similar campaign here very soon. You must use the existing agencies. For instance, we reached out and used the schools. There is no better way in which safety can be taught in the homes and in which to reach a large percentage of the people than through the school children. The first avenue, or the most effective avenue, is through teaching safety in the schools. A great many of us know Doctor Paine's idea of teaching safety in the schools, which has been demonstrated will work and work effectively. It does not mean the adding of a new course to an overcrowded curriculum, but simply the introduction of safety steps. In mathematics we can teach safety statistics. We can use safety subjects for reading lessons. Colleges for 15 minutes on Friday afternoons teach it to the students and put it in their work so that it gets into their lives, not as a sermon, but as material they get as they go along. Some schools have safety patrols on the streets, some of the boys acting as traffic policemen to help the little children across. It puts a feeling of responsibility in the boys and also teaches the whole school the value of safety. Safety committees have been organized in classrooms, where the youngsters get the idea of carrying on a meeting by themselves and at the same time get ideas of safety. We have been able to publish a number of copies of Doctor Paine's book and have put one in the hands of every school teacher.

Visualizing safety has been one of my jobs in the Washington work. We have throughout the Government buildings and grounds a series of poster boards carrying a slogan, posters on automobiles, on taxicabs, on street cars, visualizing at every turn some idea of safety, and these are changed every month. For instance, the first one was "The reckless driver is a criminal." That was pretty harsh on him, but the comments we got were very good, and the results, I think, were beyond question. In the second month we accused the jay walker of taking a short cut to the hospital. A great many of our jay walkers protested in the papers, but the posters stayed up and accidents went down. This month it is "Better be careful than crippled." We feel that plan is effective—keeping the subject constantly before the public. Then we reach out through women's clubs and other organizations in the city, meeting with them and having a speaker before them, and getting them organized to cooperate with us in their community. That includes women's clubs, parents' and teachers' associations, citizens' associations, in that way reaching directly into each activity now going on in the city.

Our chauffeurs' school is one of the most conspicuous things and it is getting good results. We had 175 white men and 380 colored men attending a course of 12 consecutive lessons on efficiency and safe driving taught by experts, automobile mechanics, and men well

versed in safety ideas. We find those courses have been conspicuous in their success, not only giving the men better ideas about operating their machines, but changing their attitude toward law enforcement, and that is one of the big things we have to do in this country. We have men coming out of those courses feeling that the policeman is not on the street corner to haul him into jail and put a fine on him, but is there to help him, when he crosses that intersection, to do it in a safe manner. We believe in having the police represented on our program. During the course of 12 lessons we had the inspector of the traffic bureau, we had the chief of police, we had a captain, we had a traffic judge, to let the boys see who were behind this program.

Those are what I might call the most important activities; and the work of the Government in assisting us throughout our campaign has been most wonderful. The Government can reach over one-half of the citizens of Washington directly through the Government departments. In our chauffeurs' school 33 per cent of the drivers were employees of the United States Government, and I am told by Colonel Sherrill, who represents the Government on the Government Safety Council, that not one order or command was issued to get those boys to the school. I know some of the industrial boys came because they were offered bonuses. The United States was not in a position to offer a bonus, nor could it issue a command, yet 33 per cent of the pupils were employees of the United States Government. We have had the cooperation of the United States Government, directly, backed by the opinion of President Harding, who appointed Colonel Sherrill to undertake this work.

The conference which Commissioner Stewart spoke of developed some very interesting facts. He has mentioned the fact of the wet floors and how quickly that condition was overcome. I was astonished at some of the figures brought out and it simply shows one thing that we have found in the States. I can enumerate several States where this same condition exists. We have a compensation department in the United States Government to pay compensation to its employees and yet there is no provision made for any safety propaganda, money, or methods to prevent the payment of that compensation. We have a fund set apart to pay United States employees when they are injured, but no fund to prevent them from getting injured—I mean a general fund that could be used by the workmen's compensation department of the United States Government. I called up one of the compensation commissioners of the Government not long ago and asked if it would be possible for him to get out at his expense a bulletin to prevent accidents and he said it could not be done under existing rules. We have been all through that in the States, but that is the condition that exists. That, with a great many more interesting facts, was brought out at this Government safety council, and I feel that up to the present time there has been nothing done in the Government that will produce greater results than the getting together of the department heads from time to time and discussing public movements. Colonel Sherrill intends now to make a personal report to the President of the United States, and ask that a department or bureau be set aside to consider means to prevent accidents among Government employees.

**Mr. GRAM.** In view of the question that the chairman asked Mr. Cole, it might be interesting to know how it works in our State. We also have a council, which is a branch of the National Safety Council, with headquarters in Chicago. The membership of the council is composed of individual manufacturers, who pay dues. The minimum dues are \$10 a year—5 cents per employee per month, but the minimum is \$10 a year. One branch handles safety in industrial plants. It has a secretary, who is in charge, and a safety engineer who visits the plants. The other branch handles public safety. Into that branch the public-service corporations pay their dues and the balance needed is taken out of the community chest which is raised every year.

**Mr. HOOKSTADT.** Has the Washington Safety Council made a statistical analysis of the accidents in the District from the standpoint of cause?

**Mr. COLE.** We are engaged in that at the present time. We found the material collected by the police department had not been analyzed and was in such a condition that it was a little difficult to analyze it, so we have gotten up a new form for that purpose, which the police are going to use in the future, possibly by the 1st of July, for gathering information which can be analyzed, so as to get the direct cause. We are, however, making up an analysis of what information we have.

**Mr. HOOKSTADT.** I have seen those posters you mention. The reckless driver may be a criminal, but that is beside the point. Are the accidents due to the reckless driver? The jay walker may be seeking a short cut to the hospital, but are accidents caused by jay walkers crossing the street except at street intersections? I have heard the argument about reckless driving so often, but I am not convinced that accidents are actually due to reckless driving; that is, reckless driving if interpreted as taking chances. Probably no driver takes more chances than the taxicab chauffeur, and yet I read of very few accidents in which taxicab chauffeurs are concerned. It is not so much carelessness as ignorance. That is why I asked whether an analysis had been made.

**Mr. COLE.** We are making that now, and we have found a great many of the accidents are due to ignorance, as you say; but the fellow who does not care about the other fellow, who takes chances at the corner, he is reckless and a criminal, especially when he tries to mix gasoline and liquor. The fellow who does not obey the right of way, the fellow who does not obey the safety rules, the fellow who does not care about the man getting on the street car—all produce a large number of accidents in the city of Washington.

**Mr. CONNALLY.** Are there any States where compulsory education carries with it the question of safety education and accident prevention? I understand that a number of the States have introduced and passed laws which require such a course, making it compulsory to teach it.

**Mr. COLE.** I am afraid I am not competent to answer that.

**Mr. SWEETSER.** I enjoyed Mr. Cole's interesting paper very much. We have practically carried out that idea in Massachusetts, with one addition that we find very important, and that is the proper tabulation

and classification of accidents. We classify them in two or three different ways, so that we can locate them. We have no difficulty in getting cooperation from the manufacturer when we show him that he is having too many accidents according to the percentage of his employees in that industry. If you go to him first he says, "No, we do not have many accidents," but show him his percentage and he takes an interest right away. At the end of each year we classify the industries in that way, and then we concentrate our energies on those that have the greatest number of accidents. It is surprising how the number goes down the next year. The number of accidents has been decreased year by year in Massachusetts by the kind of work explained by Mr. Cole, and also by the proper classification of information as to how and where accidents occur and the circulation of that information through the industrial papers, and by calling together the leaders of the different industries and consulting with them.

In answer to the last speaker, we have no law in Massachusetts that compels us to teach safety in the school, but we do teach it. We have safety committees in Massachusetts and through the help of the school superintendents they have put a safety course in the schools. Then we have continuation schools, which are composed of those children in industry who have to go to school a number of hours each week, and we have provided a course in safety for those children. We keep the course up to date by adding to it the accidents that occur from time to time, explaining the reasons and causes therefor. Last year, for the first time, we found the accidents in the textile industry fewer. That industry had been way down, fourth or fifth, but a campaign in the industries ahead of it brought their accidents down, and this year the textile industry is taking a personal interest in reducing its accidents.

It seems to me that the key to the situation which gives us control is the proper tabulation and classification of accidents so that we may know what causes them and where they happen.

The CHAIRMAN. I might say in answer to the gentleman that I do not think there has been any experience with a compulsory educational law to cover certain subjects. The International Association of Industrial Accident Boards and Commissions is considering a scheme which, as far as I know, originated here in Virginia. Mr. Kizer, of the industrial commission here, secured some cooperation through the superintendent of schools and put compensation work in all the schools. The International Association of Industrial Accident Boards and Commissions appointed a committee last year to consider that Virginia system. I do not know how much real work it has done along that line.

We will now pass on to the regular program. The next item is an address by Mr. Hookstadt. Mr. Hookstadt, connected with the Bureau of Labor Statistics, has made three separate country-wide investigations of compensation boards and commissions. He has been the expert of the bureau on compensation work for a long time and is now taking up the work of accident reporting and accident prevention. We are going to see if it is possible to get a fairly complete record of accidents in the United States, and Mr. Hookstadt will tell you what we are trying to do along that line.

**RELATIONSHIP OF ACCIDENT STATISTICS TO ACCIDENT PREVENTION.**

BY CARL HOOKSTADT, UNITED STATES BUREAU OF LABOR STATISTICS.

Most of the members of the Association of Governmental Labor Officials are not directly concerned with the administration of workmen's compensation laws, this function having been delegated by law to other departments of government. Only in a minority of the States do the compensation commissions also enforce the safety provisions. The subject assigned to me, "Promptness and continuity in payment of compensation," is an important one in compensation administration. Investigations made by the United States Bureau of Labor Statistics and by several State commissions show that injured workmen on the average must wait from three weeks to three months before they receive the first compensation payment.

The question of promptness and continuity of compensation payments, however, is an administrative matter for compensation commissions to handle and is of little interest to members of this association except to those who also administer the compensation act. Moreover, this subject has been discussed before the International Association of Industrial Accident Boards and Commissions on several occasions. In his letter of invitation to me, Mr. Wilcox stated that I had his consent to talk on any compensation subject I chose. With your permission, therefore, I shall discuss the question of accident statistics and their relation to accident prevention. Practically all the members of this association are concerned with accident prevention work. It is a truism to state that the prevention of an accident is more important than the compensation of one after it has occurred. In spite of the importance of accident prevention work, I note that this subject has been given a subsidiary place upon the program of your association during the last four years. The International Association of Industrial Accident Boards and Commissions always provides a safety section on its program as a matter of duty, but most of the members treat the subject as a stepchild. The late Doctor Downey frequently expressed the view that the most effective method for preventing accidents was to charge each employer \$25,000 for every industrial death. As long as it was cheaper for the employer to pay compensation than to install adequate safety methods industrial casualties would continue.

It is difficult to understand at this late date why it is necessary to prove to safety men the value of accident statistics in accident prevention work. The functions of accident statistics are two: (1) To find the causes of accidents, and (2) to check up the results of accident prevention work. At the present time few, if any, of the factory inspection departments know whether their work is resulting in the actual reduction of accidents. If they were challenged to prove that their work had been effective they would not be able to do so. The fact that a large amount of inspection and accident prevention work is being done is no more conclusive as to the reduction of accidents than the fact that a large volume of business by a mercantile or a manufacturing establishment is indicative of large profits. The modern business organization to-day with no bookkeeping and cost-keeping department is unthinkable. Yet the average factory inspection department is just such an establishment. A manu-

facturer not only must know what commodities are demanded by the public, but also must keep statistics showing production cost, by means of which he learns on what commodities he makes a profit and the amount of profit. Similarly, the factory inspector must not only know the relative hazard and danger points in industry, but also whether his work is effective and bringing results, and this can be determined only by an accurate analysis of accident statistics.

A few examples of the value of accident statistics to accident prevention work may be of interest. The enactment of compensation legislation 8 to 10 years ago gave a great impetus to accident prevention work and resulted in the organization of the safety-first movement. Many of the industrial establishments introduced safety organizations and safety committees within their plants. As a result of these safety organizations accidents were reported to have decreased all the way from 25 to 75 per cent. However, a careful analysis of the accident statistics showed that such reductions were more apparent than real. It was discovered that this great reduction, due principally to safety organization, was in minor accidents and that the serious and fatal accidents were practically untouched by safety organization work. It was pointed out by Doctor Chaney, of the United States Bureau of Labor Statistics, in his accident study of the iron and steel industry that there was a definite line of demarcation between serious and minor accidents from the standpoint of cause, and that serious accidents were caused by defective engineering or lack of safeguards, while the minor accidents were caused by the ignorance or carelessness of the worker. This discovery was of tremendous significance to the safety engineers, because it showed that for the prevention of serious and fatal accidents attention should be centered upon engineering revision and mechanical safeguarding, while education and organization should be relied upon for the elimination of minor accidents.

A recent study of haulage accidents in coal mines made by the engineering experiment station of the University of Illinois showed that coal-mine-haulage fatalities in the United States and in Illinois during the past 10 years have been second in importance only to those from falls. These two classes, which make up from 60 to 70 per cent of the number of deaths underground, occurred for the most part singly or in small groups and hence did not attract public attention to the same extent as did explosions, which are third in importance. Coal-mining explosions have received a great deal more attention than accidents from haulage, and it required a statistical analysis of accident causes to show that the latter was more hazardous than the former.

Some years ago the New York Department of Labor made a special study of accident statistics in manufacturing and building construction. This study showed that the fatal accident rate in building work was far higher than that in manufacturing. This was in marked contrast to the fact that while State safety regulations for factories have been a matter of study and development for many years, but little regulation of that kind for building work had been undertaken. As a direct result of the facts so brought out, the department undertook the formulation of a code of safety rules for building work.

A study of industrial eye injuries recently made by our bureau showed that 70 per cent of the total eye injuries and 50 per cent of the total compensation cost was due to flying particles and flying objects. Of these, abrasive wheels caused 30 per cent of the total injuries, but only 9 per cent of the total cost; objects flying from tools handled by the workers accounted for 9 per cent of the accidents, which represented 15 per cent of the cost; and flying particles, not otherwise classified, accounted for 30 per cent of the accidents and 24 per cent of the cost. From the foregoing it will be seen how important a factor goggles and other eye protection devices are in reducing the hazards resulting in eye injuries.

At the 1917 annual meeting of the International Association of Industrial Accident Boards and Commissions, Mr. Dean, statistician of the Ontario Workmen's Compensation Board, pointed out that for the first time in the history of Great Britain the Scottish soldiers during the Great War had discarded the traditional kilts and fought in khaki. An analysis of the war casualties brought out the fact that cases of arthritis of the knee were most prevalent among the Scottish soldiers and this led to an investigation. It was found that the slapping of the mud-caked kilts on the knees set up a condition of the joints that necessitated sometimes the discharge of the Highland soldier from the service.

Numerous other instances might be cited showing the value of accident statistics in discovering causes and pointing the way to remedies. There is now being formulated under the supervision of the American Engineering Standards Committee a large variety of safety codes. The makers of these codes would be greatly aided by accurate accident statistics showing the accident causes in the various industries and industrial processes.

Inspection work has been going on for many years, but very little attention has been paid to checking up the results of the inspection work to see whether or not accidents have been actually reduced, and, if so, to what extent. For example, just how hazardous are protruding set screws, and just what effect has the elimination of such set screws had in reducing accidents? Similarly, just how hazardous are metal belt hooks and what has been the effect of substituting laces for metal hooks, etc?

The question of how to obtain the necessary statistics remains. Some States publish very good accident statistics, notably Wisconsin, California, Massachusetts, Oregon, Washington, Virginia, and several other States. Unfortunately Ohio and New York, two of the largest industrial States, have published no accident statistics for five or six years. The accident statistics published by New Jersey, Connecticut, Indiana, and many other States are practically useless from the standpoint of accident prevention work.

At the last meeting of your association you adopted the following resolution:

*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.

It is the aim of the Bureau of Labor Statistics to publish analytical studies of industrial accident statistics. In other words, to

do for industry in general what the Bureau of Mines has been doing for the mining industry and the Interstate Commerce Commission has been doing for interstate railroad accidents. To accomplish this we need the cooperation and help of each state. I am sure that Commissioner Stewart stands ready, to the extent of the bureau's resources, to assist every State factory inspection department and industrial commission in compiling accurate and comparable accident statistics.

Most of you undoubtedly know that the committee on statistics of the International Association of Industrial Accident Boards and Commissions has formulated standard industry and cause classifications and worked out standard tables. These standards have already been adopted by a large number of States, industrial establishments, and insurance carriers in the United States, and have been recommended for adoption in Great Britain by the British Safety First Association. Most of the State labor departments or commissions are sincerely desirous of publishing worthwhile accident statistics, but are handicapped by lack of knowledge of the proper methods. The Bureau of Labor Statistics will be only too glad to assist any State in introducing and establishing sound statistical methods.

The CHAIRMAN. I believe that concludes the program for this morning. I want to say, in connection with the work Mr. Hookstadt mentioned, that several years ago each fellow was doing things in his own way and no fellow knew what the other fellow was doing. The International Association of Industrial Accident Boards and Commissions adopted some such resolution as that spoken of here, and the Bureau of Labor Statistics undertook to canvass and find out what the methods of administration of the compensation laws were. We brought that information together, and out of that came several very good schemes for unifying our statistics, for unifying our methods of making reports, and for getting a uniform compensation schedule for permanent disabilities. I was wondering if we might not also secure some unification of our methods of reporting accidents. The Bureau of Labor Statistics is very anxious to take this work up, as far as it can, to the end that we may know the number and kind and the causes and severity of accidents in the various industries in the United States, so that we may have some real accident statistics for the United States as a whole.

[The following committee was appointed by the vice president:]

*Committee to study uniform safety administrative methods and to make plans therefor.*—Claude E. Connally, of Oklahoma; E. Leroy Sweetser, of Massachusetts; Ethelbert Stewart, United States Commissioner of Labor Statistics; H. G. Fester, of Ontario; A. H. R. Atwood, of Illinois; and M. L. Shipman, of North Carolina.

[Meeting adjourned.]

61212°—23—10

**THURSDAY, MAY 3—AFTERNOON SESSION.**

**JOSEPH SPITZ, DEPUTY COMMISSIONER NEW JERSEY REHABILITATION COMMISSION, PRESIDING.**

## **INDUSTRIAL REHABILITATION.**

Mr. DAVIE. It is a great pleasure and privilege to introduce to you Mr. Joseph Spitz, deputy commissioner of rehabilitation of the State of New Jersey.

The CHAIRMAN. The subject for consideration this afternoon is industrial rehabilitation. Mr. Percy Angove, State supervisor of vocational rehabilitation, department of public instruction, Michigan, found it impossible to be here, as a legislative session made his presence in Michigan necessary. He sent a paper, however, and Miss Bresette will present the paper to this conference.

### **TREATMENT OF HANDICAPPED IN MICHIGAN.**

**BY PERCY ANGOVE, STATE SUPERVISOR OF VOCATIONAL REHABILITATION, MICHIGAN DEPARTMENT OF PUBLIC INSTRUCTION.**

[Read by Linna E. Bresette.]

It would be natural to assume, from the topic assigned, that the contents of this paper would be confined to a discussion of the plans, policies, and practices in connection with rehabilitation in Michigan. In addition to this, however, I am taking the liberty of discussing a few matters of importance which will apply to rehabilitation work in general. Nothing would please me better than to give you my idea of rehabilitation, touching on every phase of the work, stressing the social and economic problems involved as well as the human side; but in order that my remarks may be appropriate to the occasion I shall lay more stress on the industrial accident cases and how rehabilitation affects them.

The majority present are representatives of labor departments and are naturally interested in the matter of cooperation between the departments which you represent and the rehabilitation divisions of your respective States. At least you are interested in just how each might affect the other to advantage. I say "to advantage" because when close cooperation exists each department is greatly benefited thereby.

It is indeed encouraging to know that a portion of this conference is given over to the discussion of ways and means whereby closer relationships may be maintained. This alone is evidence of the fact that vocational rehabilitation is recognized by labor officials as a sound and necessary step in advance and an outgrowth of our compensation laws, thus completing the cycle, namely, safety appliances and practices, financial assistance through compensation awards

for partial and total disabilities, self-supporting lives, and independent citizenship through rehabilitation services.

In the first place, it must be remembered that the industrial-accident cases are far in the minority. Those which offer our most serious problems are public accident, disease, and congenital cases, many of whom have never worked in an industrial plant and many have never worked for a remunerative wage at all. In fact, practically the entire group of disease and congenital cripples in need of rehabilitation services are in the nonworking class. Another phase which makes the problem of the nonindustrial case more difficult is that he is usually without a good foundation upon which to build a vocation. Consequently vocational training is necessary, followed by satisfactory employment. Even before the program can be established physical restoration must be provided for a great number of cases, to say nothing of the change which must be brought about in the peculiar mental attitude of cripples of long standing. The problems centering around the industrial accident cases, though complex, are not nearly so serious, for the following reasons: Many of the injuries are minor injuries, so that it is quite possible for the injured person to go back on the same job; for many of the more seriously injured training is not feasible and satisfactory employment is often the solution of the problem. I do not wish to infer that the matter of finding employment is easy, because so much centers around this very important phase of rehabilitation. Labor laws must be considered. Compensation awards enter in, as insurance companies are reluctant to carry risks for a handicapped person. Employers must be convinced that the man can produce, that he is an asset and not a liability. Another important and very convenient help to the industrially handicapped person and to his rehabilitation is the matter of compensation awards, since it is the object of industrial commissions to make a satisfactory adjustment and to restore the injured person to as near physical perfection as possible.

Rehabilitation on behalf of industrial-accident cases can only function effectively when a close relationship exists between the labor departments and rehabilitation divisions of the respective States. Because they have so much in common, definite standards should be maintained, though these may vary in some small degree in the various States. The matter of coordinating the work with that of any department is one which I shall not discuss. There are decided opinions on the question. Suffice it to say that this can be carried out satisfactorily only when the work is under a separate and qualified staff of rehabilitation workers. This is necessary for various reasons. Rehabilitation touches every angle and phase of life. It is a community problem. The nonindustrial group, offering the most serious problem, necessitates, in addition to what can ordinarily be provided by the rehabilitation division, maintenance, hospitalization, family care, transportation, and numerous other phases of special service, which is none other than constructive social service work. Such organizations as churches, women's clubs, Kiwanis clubs, Rotary clubs, lodges, county officers, welfare departments, public schools, or any other educational institutions must be appealed to in order that efficient follow-up work, which is an important factor to consider, may be possible.

A considerable portion of the work involves training under peculiar conditions. It is an educational proposition, because that which truly prepares a person to become self-supporting and turns him from a liability into an asset is education, and a type of which we have just cause to feel proud, especially when it provides for that type of individual who must be helped before he can help himself.

In Michigan the work is similar to that carried on in other States. Of course, allowance must be made for conditions which may necessitate, perhaps, a somewhat different organization. Each State has the same objective, however, and must necessarily work along similar lines, even though the methods may vary. It is assumed that the handicapped person is not seeking charity, and, this being the case, he must be able to produce in order to receive an adequate remuneration. The logical place for an injured worker is back in the same plant, occupying a position adapted to his needs and physical condition, perhaps working at his former occupation or the kind of work most nearly like it. If this is at all possible, training is not feasible, and the person is reinstated on a basis at least as permanent, even more so sometimes, than that previous to the injury. Caution is used in this connection for the simple reason that the handicapped person must be so rehabilitated that he will be placed in the line of advancement along with his fellow men, since in spite of his handicap he must always compete with physically normal individuals. He has more to overcome, for the reason that the least little discrepancy is laid to the fact that he is handicapped.

It is the duty and privilege of rehabilitation workers to guide and counsel the injured workmen vocationally. Handicapped people naturally look to us for assistance and such advice as would sometimes appear to be out of our jurisdiction, but we feel that it is our privilege and consider anything which tends to make it easier for the handicapped person as part of our service. In order that we may give intelligent advice it is often necessary to solicit the aid of individuals or agencies who are well versed on specific questions, and in this connection the industrial accident commission and labor officials are always ready to render any assistance making for a more complete rehabilitation. In Michigan we are fortunate in having a high-class personnel in the department of labor and industry. Our plan of cooperation is unique. The offices of the department are conveniently located. In the office of the chairman of the State industrial accident commission we have a full-time clerk whose salary is paid partly by the division of rehabilitation and partly by the industrial accident commission. The files of the entire department are at her disposal, and it is often necessary to discuss individual cases with the chairman and other labor officials. A complete report of new cases is turned over to the division of rehabilitation each week by the rehabilitation clerk, and a discussion of individual cases entered into when necessary. After the reports are received, a letter explaining in brief the benefits of the law and an application blank are mailed to each individual. When the application blank is returned, the case is registered and the person is surveyed by a rehabilitation officer in person, unless, of course, the injury is such a minor one that it does not justify further service. It is when surveying the cases that many problems arise which at times seem almost insurmountable. These problems usually center around employment

and compensation insurance laws. We are free to discuss any of these matters with the officials of the department of labor and industry, and such assistance as is necessary is generously given, provided, of course, it comes legitimately within the purview of the act under which it is operating. Service consists of the following—readjustment of compensation awards, making provision for artificial appliances, safeguarding the handicapped person from unfair treatment at the hands of unscrupulous agencies, child labor laws, etc., bringing about safe and satisfactory working conditions.

At the time of injury the attitude of employee and employer toward each other is not always of a desirable nature, and this naturally hinders the progress of rehabilitation. It is the duty and privilege of rehabilitation workers to bring about a satisfactory understanding. Oftentimes the injured person is lulled to a sense of security by immediate financial assistance through a compensation award. He does not see the need of immediate action in restoring his lost function to useful purpose, either through training or direct placement. Because of his handicapped condition, or rather the thoughts of the same, a process of degeneration is begun. For these reasons it is necessary that the rehabilitation officer get on the case as soon as possible following the accident. He must not forget the humanitarian side of life and the personal element which enters quite naturally into the work. His advice and counsel at this psychological moment is in most cases the means of saving the morale of the individual, because he is made to realize that he has a chance to come back.

Another important phase to consider is the attitude of the employer regarding employment for the handicapped person. Employers must realize their responsibility, and this can only be brought about by means of education, convincing the employer that when a handicapped man is satisfactorily employed he becomes an asset to the concern, not on the basis of charity, but rather on the basis of service rendered. Some employers claim that if they employ handicapped people it affects the morale of the plant. In this connection I raise the question: Is it for better or worse? Their argument is that, seeing results of accidents, other employees are reluctant to run the same or similar machines or to perform the same process which caused the injury. On the other hand, would it not create a better feeling among employees to have concrete evidence that their employers are willing to consider their injured employees and give them a chance to come back? Then, too, seeing the results of an injury in their midst, would it not make other employees doubly cautious when performing similar machine operations?

In Michigan we are fortunate that under our compensation laws no discrimination is made between handicapped and physically normal workers, since the only time a handicapped person places the employer under greater liability is when the concern does not elect to operate under compensation laws, and consequently the injured man sues for damages. All persons in Michigan injured in the employ of concerns which insure their employees under workmen's compensation insurance receive full compensation, which is 60 per cent of their wage at the time the injury was received, regardless of whether or not they were previously handicapped or had re-

ceived compensation for a previous injury. The company is not required to pay any higher rate of insurance for a man minus a limb than for a physically normal individual. In case of a second injury, the first is not taken into consideration. The case is treated without discrimination. Yet, with all these seemingly humanitarian considerations, the employer of labor is reluctant to give a handicapped man a chance even though he would be an asset. Right here, I might add, is where the department of labor and industry can assist materially by calling the employers' attention to these facts, showing their relation to rehabilitation. Of course, every employer should be acquainted with the laws of his State, but it is appalling to note the lack of information regarding compensation laws even among employers. That is why a personal letter or an announcement of some kind from officials of departments of labor and industry to employers would help materially in securing better cooperation on behalf of the handicapped people. Of course, rehabilitation divisions have endeavored to make this contact, but industrial accident commissions are recognized by employers as their nearest cooperating agency. It would at least show industrial managements that rehabilitation is indorsed by and has the backing of labor officials.

In Michigan both State and Federal funds can be expended only for the following: Necessary administrative expenses, traveling expenses, medical examination, tuition and supplies necessary to a complete rehabilitation program, and artificial appliances. We can not provide for medical treatment, as is possible in some States, because no provision is made therefor in our laws. Personally, I feel that this is a necessary and added step in rehabilitation, especially for the nonindustrial cases. The necessary medical attention is usually provided for industrial accident cases. Some of the large insurance companies operate their own hospitals and clinics. Large industrial concerns either have their own clinics or provide for same. In Michigan we do not have a maintenance fund—that is, a fund to provide for board and room or any other necessary living expenses during the period of retraining. We are not as yet sold on that proposition. Personally, I question the advisability of having a maintenance fund. It is a fund exceedingly difficult to administer. Furthermore, I have every reason to believe that it is not absolutely necessary. It is not a difficult matter to obtain money for this purpose by appealing to some local interested source, making arrangements whereby the money may be handled directly and not by the rehabilitation division. We have had very few cases where the matter of maintenance has offered serious problems and these have been solved. However, I do think that an emergency fund, separate and distinct from all other funds, should be available for border-line cases, such as for providing special equipment and appliances.

I know that I am expressing the opinion of the Federal board when I state that Federal rehabilitation funds should not be used to purchase artificial appliances for compensable cases. Furthermore, I have decided that State rehabilitation funds should not be used for this purpose. This is one service which should be provided through the compensation award. Since insurance is to compensate the indi-

vidual as near as possible for the loss of a limb, it is but natural to assume that the lost limb should be replaced by the best artificial limb possible to procure, especially since this is often all that is necessary to get the person back on the job. I believe that in case of a limb amputation enough money should be advanced by the industrial accident commission to purchase an appliance as soon as possible after the remaining portion of the limb is ready to receive it. The rehabilitation officers are in a position to render valuable assistance in this connection, having made a personal study of various limbs and the guaranty, service, and repair in connection with each. Great caution must be exercised because of the numerous makes, quality of product for specific uses, and service rendered.

The matter of furnishing artificial appliances requires considerable thought. Naturally each company's salesman will proclaim his product as being the best, and he has a perfect right to do so. In fact, he should not be selling a product in which he does not have faith. Every limb manufactured is similar, yet, as a selling point, is different in some one or many respects, either in the material, shape, finish, or mechanism. In order that we might be able intelligently to discuss artificial limbs, to know a good limb for certain types of amputation and the right type for certain kinds of work, an investigation was made. In fact, we had several makes in our office, had the qualities of each one explained by the company's representative, and also discussed the merits of the limb with those who had worn limbs of that make. We believe that we are now in a position to advise intelligently our handicapped people on the type and kind of limb they should wear.

In our estimation the matter of fitting a limb, so as to provide future service, on the stump is the most important feature to consider. A handicapped person might be measured for and supplied with a very excellent limb, as mechanically perfect and as durable as possible, but unless the fit is perfect the limb is useless, and it is surprising to note that this most important part is very often neglected. Experience has demonstrated to us that the limb must be made as near a perfect fit as possible when delivered and fitted the first time, notwithstanding the fact that shrinkage in the stump must be allowed for. It is my opinion that when a limb is giving trouble and is being added to because of shrinkage or some portion is being taken away to relieve irritation caused by rubbing, the limb in most cases never will be satisfactory unless it is built over again.

There is excellent opportunity for exploitation of cases by artificial limb concerns. Companies are anxious to submit names of people suffering from amputations. Our forms governing the purchase of artificial appliances are such that both the division of rehabilitation and the handicapped person are assured the best kind of fit and service. When a limb is necessary, all things considered, and it is decided to furnish one, a form is sent to the handicapped person upon which he expresses his desire for a particular make of limb. If we know the limb desired is a good one and the firm is reliable, a form is sent asking for a quotation on the particular limb for a certain amputation. If the price is reasonable, another form is sent to the concern authorizing it to build and fit the limb, stating on our regular form and not on a form or letter furnished

by the concern exactly how much the division is to pay, and that the limb will not be paid for until pronounced satisfactory in every respect by the handicapped person. The form is sent to the individual as soon as the statement for check is received. This indicates that the limb is delivered. When the limb is pronounced satisfactory by the wearer the bill is paid. This procedure safeguards the division and assures a perfect fit even if it is necessary to build another limb.

We have held statements for artificial limbs as long as five months and would do so for an indefinite period or until the limb is made right and pronounced satisfactory. While it is absolutely necessary to purchase a limb from outside of the State for some individual cases, most of our limbs are purchased from local manufacturers because we do not believe in long-distance fitting. We prefer sending the person to the factory for fittings. Then, too, local concerns are in a position to render better future service. In fact, the wearers are privileged to go to these local factories once a month for inspection and readjustment if necessary. I have gone into the matter of prosthetic appliances rather at length, feeling that it is one of the biggest things to consider in connection with industrial accident cases, and because the providing of an artificial appliance is oftentimes all that is necessary, in the way of expense, to rehabilitate a person.

There are numerous other phases which might be discussed but I must refrain from doing so. I have endeavored to treat the topic assigned rather generally, and from these remarks you will have an insight into the treatment of the industrially handicapped in Michigan. To be very frank, my plea is for closer relationship between agencies which are naturally allied, which are fighting on the same battlefield, bringing handicapped people into their rightful heritage, namely a self-supporting life and desirable citizenship.

I have nothing but words of praise for those labor officials with whom I have come into contact, especially those in our own State. I believe that labor officials in general have a broad comprehensive view of rehabilitation, and because of this the work must progress. Rehabilitation in the United States is manned by a body of workers naturally adapted to the work and who think of remuneration in terms of service rather than of material things. Those of us engaged in this great humanitarian cause feel highly favored because we are afforded the privilege of being a part of it. Col. Lewis T. Bryant, of New Jersey, in a recent address said, "The opportunity is given to few people in this world to obtain a livelihood from a work which is so pregnant with possibilities of service to humanity." I believe the way for future development has been paved. It remains for us to carry on, to justify the work of the past, to see that the work goes forward in natural progressive sequence. We must pool our efforts and indulge in cooperation, since cooperation is the keynote of success. The methods used by modern business enterprises must be applied. Corporations are supplanting individuals. Unity represents strength, where combined efforts and abilities assure the desired results. We must feel that we are only a part of a great machine built to accomplish a very important task, and that it will work satisfactorily only when every part is functioning effectively.

The CHAIRMAN. There are a number of problems presented in Mr. Angove's paper that merit discussion on the part of the representatives here assembled. I would suggest that the discussion be left until after the other speakers have been heard, so that reply can also be made to the problems that will be presented for consideration.

It has been my pleasure to travel through some sections of this country and also abroad in the interests of rehabilitation and I know of nowhere, either in this country or in Europe, that I found greater enthusiasm or more ability than in the State of Pennsylvania. It is a privilege for this conference to have the opportunity to hear from one who has been a pioneer and leader in the important problems involved in the rehabilitation of injured persons, and it gives me great pleasure to introduce Mr. S. S. Riddle, of Pennsylvania.

### PENNSYLVANIA'S EXPERIENCE IN INDUSTRIAL REHABILITATION.

BY S. S. RIDDLE, CHIEF BUREAU OF REHABILITATION, PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY.

Rehabilitation for disabled civilians is, from a governmental standpoint, in its formative, almost experimental, stage. However, the experience of the Pennsylvania Bureau of Rehabilitation, with approximately 3,000 cases of disabled individuals scattered throughout the 45,000 square miles of area of the Commonwealth in every one of its 67 counties, indicates that the scheme is not merely plausible but is workable, and in future years will have an increasingly vital effect upon social as well as industrial conditions within the United States and will be an important factor in the conservation of our human national resources.

A bureau of rehabilitation, for the rendering of disabled civilians fit to engage in remunerative occupations, was established in the Pennsylvania Department of Labor and Industry by act of assembly of July 18, 1919.

The State appropriation to finance the work of the bureau of rehabilitation has been at the rate of \$50,000 a year. The first biennial appropriation, to cover the period from June 1, 1919, to May 31, 1921, was \$100,000 and the appropriation was in like amount for the biennial period from June 1, 1921, to May 31, 1923.

The \$50,000 annually appropriated by the State for rehabilitation purposes may legally be expended for:

(a) Administrative costs of the bureau, including salaries and traveling expenses of all employees.

(b) Training costs for disabled registrants in courses to fit them for suitable and remunerative employment; such costs include tuition, reasonable training equipment and supplies, transportation to and from places of training, and living maintenance in some cases when absolutely necessary.

(c) Artificial appliances necessary to return disabled persons to suitable and remunerative employment—as artificial arms, hands, legs, feet, body braces—when it be shown that the disabled persons are unable to pay for such appliances.

Funds from the rehabilitation appropriation may not be expended, under the Pennsylvania law, for any medical or surgical services for disabled persons, nor for charitable relief purposes. The bureau of rehabilitation may function only for those disabled persons who can reasonably be expected to be rendered fit to engage in suitable occupations. Charitable relief is obtained, where necessary, from

public or private relief agencies, and when medical or surgical services cannot be obtained as part of the workmen's compensation award, such services are obtainable in State-controlled or State-aided hospitals. Duplication of State service or expenditure is avoided.

#### PROCEDURE AND RECORDS OF BUREAU.

The bureau of rehabilitation has established, in addition to its central office in Harrisburg, branch offices at six centers of high industrial accident hazard, and where facilities for transportation and service in the surrounding communities are greatest.

Economy of administration has been emphasized, and, wherever possible, forms have been perfected for accuracy in administrative detail, for the elimination of dictation, stenography, and transcribing; mail communication has been substituted as far as possible and when consistent with good practice, for travel expense.

A statistical system has been established to give a constantly analyzed cumulative record of the bureau's work, which makes possible the rendering of a complete report at any time. Such statistical report, covering the activities and records of the bureau from January 1, 1920, when field work was instituted, to the first of May, 1923, is presented at the end of this paper. That analytical record of statistics, which is of great value in presenting the activities of the bureau, also makes possible a study of the problem of rehabilitation in Pennsylvania by determining the numbers of disabled persons registering with the bureau, classified by age groups, degree of education, types of injuries, nativity, and other general information. Such record is definite, while general accident statistics give only a trend toward rehabilitation and do not accurately indicate the numbers and types of persons who will need and accept the services of a bureau of rehabilitation.

When a disabled person is reported to the bureau of rehabilitation from the bureau of workmen's compensation, or other source, a questionnaire is sent to such disabled person by mail. Up to May 1, 1923, there have been questionnaires, or registration forms, sent by mail to 3,373 persons reported as disabled. Of that number, 2,543 registration forms have been returned to the central office of the bureau of rehabilitation at Harrisburg and referred to the field workers in the districts where such registered disabled persons reside. The field workers visit each such disabled registrant at his or her home and endeavor to effect rehabilitation. Among the 2,543 disabled persons registered are 506 who cannot read or write the English language and 101 totally blind, which effectively answers the objection that illiterate disabled persons or blinded persons will not return a questionnaire sent them by mail.

The 2,543 registrants include 2,485 men and 58 women. Eighty-six of the registrants are negroes.

Classification of the registrants into age groups is interesting, indicating that the majority of industrial accident victims registered with the bureau of rehabilitation are over 31 years of age. Three hundred and ten of the registrants are under 21 years of age; 693 are between 21 and 30; 600 between 31 and 40; 481 between 41 and 50; and 459 are over 50 years of age.

The majority of the registrants are native Pennsylvanians. Of the 2,543 disabled persons registered with the bureau, 1,413 were born in Pennsylvania, 233 were born in the United States outside of Pennsylvania, and 897 were born in foreign countries.

Of the disabled registrants 1,118 have been returned to suitable occupational tasks, many of whom received periods of school training as well as training on the job.

The bureau, by direct payments from its appropriation, has aided in the purchase of 278 artificial appliances such as arms, legs, hands, feet, and body braces, to enable disabled registrants to return to suitable occupational tasks and become self-supporting. The useful and oftentimes essential artificial arm, leg, hand, or foot is not provided as a part of the workmen's compensation award in Pennsylvania, although many industrial corporations, as well as individual employers, are, as a definite policy or at the solicitation of the bureau of rehabilitation, providing such necessary artificial appliances for workers dismembered in employment accidents in their plants.

It is admittedly a duty, under the law, for the bureau of rehabilitation to expend from its State appropriation for the purchase of necessary artificial appliances when the disabled persons can be shown to be unable to pay for such appliances. But the rehabilitation bureau receives \$50,000 a year State appropriation, and during the single year 1921, when 375 amputations were sustained in general industries, there were 175 additional amputations sustained in mines, making a total of 550 amputations sustained in Pennsylvania during that one year. If the bureau of rehabilitation should attempt to purchase 500 of those 550 appliances, at a cost of only \$100 for each appliance, the total drain on the finances of the bureau for one year's amputations in industry would be exactly \$50,000, or every cent of the annual rate of appropriation made to the bureau of rehabilitation by the State, without allowing for any administrative costs through which the essential personal service in the field is rendered, or for training costs of many younger disabled persons for whom training is vital.

It must also be realized that conservation of rehabilitation funds is necessary in financing training for disabled persons eligible for training. The bureau of rehabilitation arranges a training program, leading toward definite employment, and provides from its funds only the amount each week by which all expenses incident to such training program for a disabled individual exceed the weekly income of such individual. There is no arbitrary or uniform amount fixed for all cases. The Pennsylvania rehabilitation act provides \$15 per week as the maximum which may be paid to provide training to fit a disabled person to engage in a remunerative occupation. If, for example, 100 disabled persons were constantly in training throughout Pennsylvania, each receiving, on an average, \$10 per week from the rehabilitation fund, the total outlay for such cases would be \$52,000 per year, or more than the annual rate of State appropriation for all rehabilitation purposes during such period.

An analysis of the records of school attendance of the 2,543 persons registered with the bureau up to May 1, 1923, indicates that 233, or almost 10 per cent, had never attended school. Not one of those 233 was under 21 years of age, and the greatest number in

any single age group was 83, between the ages of 41 and 50. One hundred and ninety-seven of those 233 who had never attended school were foreigners and only 36 were Americans. Seventy-three had attained employment in which some degree of skill was necessary and 160, or approximately two-thirds, were common laborers.

Fifty-seven had attended school one year, the greater number of whom were over 41 years of age; 98 had attended school two years; 153, three years; 163, four years; 236, five years; 301, six years; 323, seven years; 428, eight years; 181, nine years; 186, ten years; and 184, more than ten years.

It is interesting to observe the trend of the statistics—indicating that principally those in the lower age groups have attended school six years and over. It is also interesting to observe from the statistics how the numbers of persons in skilled employment increase as the number of years in school increase for such workers.

However, of the 2,543 disabled persons registered with the bureau of rehabilitation up to May 1, 1923, 997 were common laborers and 1,546 had attained employment in which some degree of skill was necessary.

Among the definite tasks for which disabled persons are at present being trained, have been trained, or at which disabled persons have been placed by the bureau of rehabilitation in Pennsylvania, are the following:

Accountant.	Collector.	Hotel keeper.
Acetylene welder.	Compressor operator.	Huckster.
Advertising worker.	Concrete mixer.	Ice-cream vender.
Agent.	Conductor, street-car.	Illustrator.
Aisleman, department store.	Coremaker, apprentice.	Inspector.
Architect.	Crane operator.	Insurance agent.
Auditor.	Dentist, mechanical.	Interpreter.
Auto-body builder.	Dispatcher.	Janitor.
Automobile mechanic.	Dough mixer.	Jewelry maker.
Baker.	Doorkeeper, mine.	Knitter.
Barber.	Draftsman.	Laborer.
Bellboy.	Dressmaker.	Lampman, mine.
Blacksmith.	Driller.	Linotype operator.
Bookkeeper.	Drill-press operator.	Loader, mine.
Bootblack.	Dye stamper.	Machinist.
Brakeman.	Electrician.	Machinist's helper.
Bricklayer, apprentice.	Electric-hoist operator.	Mailboy.
Building contractor.	Electric welder.	Mechanical engineer.
Business college instructor.	Elevator operator.	Messenger.
Bussboy.	Embalmer and funeral director.	Metal worker.
Butcher.	Engineer, stationary.	Meter reader.
Button maker.	Engraver.	Millwright.
Canvasser.	Farmer.	Mine foreman.
Car cleaner.	Fire boss, mine.	Miner.
Car oiler.	Fireman, boiler.	Mining engineer.
Carpet weaver.	Foreman.	Minister.
Carpenter.	Foundry superintendent.	Motion-picture machine operator.
Cashier.	Gardener.	Motorman, mine.
Car repairman.	Gateman.	Nipper, mine.
Chauffeur.	Gig operator.	Oiler.
Check weighman.	Glass blower.	Painter.
Chute tender.	Glassworker.	Paper hanger.
Civil engineer.	Gluer.	Pattern maker, apprentice.
Clerk.	Grocer.	Piano tuner.
Clock repairer.	Guard.	Pipe fitter.

Porter.	Sign painter.	Telegraph operator.
Postal clerk.	Slate picker.	Telephone operator.
Poultry man.	Solicitor.	Ticket seller.
Presser.	Spoolboy.	Timberman.
Pressman.	Spragger, mine.	Timekeeper.
Pressroom man.	Stable boss.	Tireman.
Printer.	Steam-shovel operator.	Tool checker.
Propman, mine.	Stenographer.	Transit man.
Pump repairman.	Stocking borderer.	Trapper, mine.
Road supervisor.	Stock salesman.	Truck driver.
Roll turner.	Stone setter.	Trucker.
Safety inspector.	Storekeeper.	Typewriter repairman.
Salesman.	Substation superintendent, electrical.	Undertaker.
Sand-burner.	Sweeper.	Watchman, crossing.
Saw grinder.	Switch tender.	Watchman, night.
School teacher.	Switchboard attendant.	Watch repairman.
Secretary.	Tanner.	Water carrier.
Sharpener, tool.	Talking-machine repairman.	Weaver.
Shipping clerk.	Taxi driver.	Wireless operator.
Shoe repairman.	Teamster.	Woodworker.
Show-card writer.		Yard clerk, railroad.
Signalman.		Yardmaster, railroad.

#### ACCEPTANCE OF FEDERAL REHABILITATION FUNDS.

The Federal Government, by act of Congress approved June 2, 1920, or almost one year after Pennsylvania passed its rehabilitation act, granted Federal financial aid for civilian rehabilitation work in the several States, to stimulate interest in rehabilitation. Pennsylvania was, at that time, actively engaged in rehabilitation work and the record of its experience in the field and in administrative organization and procedure was made available to the Federal Board for Vocational Education (the national agency supervising distribution of national funds for industrial rehabilitation) and, at the request of officials of that board, Pennsylvania's experience record was likewise made available directly to 34 other States.

The Federal rehabilitation act made Federal funds available by matching, dollar for dollar, State expenditures made in accordance with the terms of the Federal act. The benefits and provisions of the Federal rehabilitation act were definitely accepted by Pennsylvania by act of assembly approved March 2, 1921.

The Federal vocational rehabilitation act places the jurisdiction and supervision of the expenditure of Federal funds for vocational rehabilitation in the State boards of education.

Due to the fact that Pennsylvania had been engaged in rehabilitation work prior to the passage of the Federal rehabilitation act, and that such work had been conducted through a bureau of rehabilitation in the department of labor and industry, the Pennsylvania rehabilitation acceptance act of March 2, 1921, continued the rehabilitation work in the bureau of rehabilitation of the department of labor and industry, with the provision that the State board of education, custodian of Federal funds, should reimburse the bureau of rehabilitation of the department of labor and industry for rehabilitation expenditures made in accordance with the terms of the Federal act and, consequently, eligible for matching from Federal funds. Such procedure is in accord with the Federal act and the policy of the Federal Board for Vocational Education, as most recently set forth in Bulletin No. 80, Vocational Series No. 7, issued by the

Federal Board for Vocational Education on the subject of "Vocational rehabilitation," and which, in paragraph 7 on page 28, states:

The Federal act provides that the administration of the rehabilitation service within a State shall be under its State board for vocational education. This board can not relinquish its responsibility for the work to any other agency. It may, however, subject to approval by the Federal board and, of course, with proper State authority as may be required, delegate the duties of direction, administration, and supervision to another responsible State board or agency.

At the present time approximately \$35,000 of the \$50,000 expended annually from State appropriation for rehabilitation in Pennsylvania can be matched from Federal funds, making a total annual rehabilitation expenditure in Pennsylvania, from State and Federal funds, of approximately \$85,000. The Federal funds may not match funds expended for living maintenance of industrial accident victims, when necessary during training, permissible under the Pennsylvania rehabilitation act of July 18, 1919, and that expenditure, exclusively from State funds, with a number of others, less in amount, accounts for the approximately \$10,000 to \$15,000 expended from the Pennsylvania rehabilitation funds and not matched from Federal funds.

#### REHABILITATION IS INDIVIDUAL CASE WORK.

Suitable and remunerative employment is the definite objective of rehabilitation, and must always be attained in an individual rehabilitation case or the rehabilitation of such disabled individual has not been accomplished. A rehabilitation agency must be concerned with each disabled person separately and with every intimate personal relationship surrounding such individual interfering in any way with the fitness of the disabled person to enter a remunerative occupation. Effective rehabilitation is, therefore, always and essentially individual case work, accomplished usually in the home and home community of the disabled person to be rendered fit to engage in a remunerative occupation. The most definite cases for rehabilitation are those disabled persons who can be trained for or guided into suitable employment, usually in their home communities, but who have been unsuccessful in obtaining employment by making application in the usual way.

Rehabilitation should always traverse the shortest line between complete convalescence of a disabled person and suitable remunerative employment, with every incentive given toward stimulating such disabled person to work for advancement within such employment. Training, where possible, should be in existing institutions, short and intensive, or provided in conjunction with definite employment in which advancement is possible.

The rehabilitation of any disabled individual is only as successful as such disabled individual, within his physical, educational, and intelligence limits, desires such rehabilitation to be successful and cooperates to that end.

#### FIVE PHASES OF REHABILITATION.

The rehabilitation of a disabled person includes five general phases, each distinct but closely related to the others, and each of which must be considered by rehabilitation field workers in their efforts to restore a disabled person as a useful and productive unit

of society. Those phases are: (1) Physical—condition and capability of disabled person; (2) Mental—attitude, development, and capacity of disabled person; (3) Economic—status and responsibilities of disabled person; (4) Training—possibilities leading to most suitable employment for disabled person; (5) Employment—possibilities available and most suitable for disabled person.

Those five phases, affecting rehabilitation, must all be thoroughly explored in each individual case by the rehabilitation field workers if the disabled person is to be rendered genuinely "fit" to engage in a remunerative occupation. A worker who has been seriously injured and permanently disabled by accident has usually more than the mere physical disability to worry about. Therefore, to render a physically handicapped person "fit" to engage in a remunerative occupation, the efforts of a rehabilitation agency must be applied in a universal, helpful way, not only from a purely vocational training or artificial appliance furnishing standpoint, but through every activity that will relieve such disabled person as far as possible from worry caused by financial stress, physical suffering, or other burdens.

#### OPERATING AS SALES ORGANIZATION.

The rehabilitation bureau in Pennsylvania has been operated, as far as it is possible, as a productive sales organization—selling the basic principles of rehabilitation to employee and employer alike, and showing economic results for the money expended.

If, for example, it be assumed that in a year 400 disabled persons returned to suitable remunerative employment who would not otherwise have returned to employment, a measure of the productive usefulness of the bureau of rehabilitation in straight financial terms may be gauged. If on an average, each of those 400 persons earns in wages \$1,000 a year, the industrial production represented by an annual pay roll of \$400,000 is created. But even if that \$400,000 be cut in half to provide for varying contingencies, the annual production return to the State still may be considered as that represented by a \$200,000 pay roll.

Further, it must be considered that the bureau's work is cumulative. The work done in one year carries through succeeding years, with the creation of wealth in mathematical progression.

If the \$200,000 in wages earned annually by disabled workers returned to employment by the bureau of rehabilitation in one year continues over a period of only 10 succeeding years, the total future potential wealth created is that represented by a \$2,000,000 pay roll, on an annual investment by the State, at present, of approximately \$50,000, with Federal funds matching, in less total amount, a portion of the State's appropriation.

Even further, it will be realized that the above figures merely consider the possible future industrial production of handicapped workers returned to suitable employment. The figures do not consider the coincident elimination of the economic drain upon relatives or charities if such disabled persons were not returned to employment, but should remain nonproducing consumers.

The preceding paragraphs present only mass statistics. The individual application of rehabilitation varies among the mass of disabled workers as individual characteristics in any mass vary.

Disabled workers registered with the bureau of rehabilitation represent a cross section of human nature.

Persons disabled in industrial pursuits and who must be guided into suitable tasks best fitted for them fall into two distinct groups: (1) Those disabled persons whose mental capabilities, basic education, initiative, energy, and freedom from economic pressure make possible training for employment in other industrial tasks or lines of work than that in which they were engaged when injured; (2) those disabled persons surrounded by conditions which preclude the possibility of their being trained and fitted for any task other than a suitable placement in the industry or establishment in which they were injured.

With the first classification, or those disabled persons, usually of the younger age groups, who have had the advantage of a basic elementary education and can be trained for other employment than that in which they were injured, the technique of a rehabilitation program is more intensively developed.

#### EMPLOYMENT.

Suitable and remunerative employment is the objective of all rehabilitation procedure. In some cases immediate placement in the most suitable employment available is necessary and an ambitious program of training is not practicable.

Training is always the means to an end, and that end is suitable and remunerative employment and should be attained at as early a time as is possible.

Placement of a disabled person in employment depends, first, on the employment possibilities available and most suitable for the disabled person in the community in which such disabled person resides, as it is only in unusual cases that a disabled person may be transported to a new field of activity.

#### REHABILITATION IN COAL MINING.

The concentration of anthracite and bituminous coal mining in Pennsylvania, with its rugged types of employees and high industrial accident toll, presents a rehabilitation problem in that State which for magnitude is not encountered in any other State. Of the 3,373 persons reported as disabled to the bureau of rehabilitation up to May 1, 1923, 1,888 were injured in manufacturing plants and similar general industry; 958, or more than one-half of the leading classification, were injured in and about mines; 279 were injured in steam and electric railway operation; 143 were disabled by public nonemployment accidents; 70 were handicapped by disease or congenital defects; and 35 were injured in agricultural accidents.

From the physical standpoint may be considered the types of injuries that are received in an average year by employees of the coal mines in Pennsylvania and who may be benefited by rehabilitation. During the year 1921 industrial-accident reports to the Pennsylvania Department of Labor and Industry indicated that in and about the coal mines in the State 14 employees were totally blinded; 19 other employees sustained injuries which rated them as totally and permanently disabled in the workmen's compensation records; 194 arms, legs, feet, and hands were lost, of which number 175 were amputa-

tions, which in most cases required, for the return of the disabled person to suitable and remunerative employment, an artificial appliance. In addition there were many disabling accidents not coming under the classifications named but in which the victim would be benefited by rehabilitation services.

Economic responsibilities are usually heavy on persons disabled in mines. The records of the Pennsylvania Workmen's Compensation Board for the year 1921 indicated that among 50,756 mine employees reported as disabled, 30,923 were married, with a negligible number widowed, and, in addition to dependent wives, had 33,248 children under 16 years of age dependent upon them for support.

The isolation of many mining operations in Pennsylvania from the larger centers of general industrial activity precludes the possibility of shifting disabled workers, definitely established by family and social ties within such mining communities, to other localities for tasks that they might be able to perform satisfactorily in other general industry. The solution usually is to find a suitable task in or about the mines for such physically handicapped person. Statistics indicate the average age of a worker disabled in the coal mines of Pennsylvania to be 37 years.

The skill which a disabled person has developed in employment prior to being injured is, wherever possible, capitalized in providing other employment for such disabled person. The skill that may be developed by a miner in his work cannot be used as the basis for training in any other vocation outside the mines after that miner has been so disabled that he cannot return to his former task.

Accident statistics of the Pennsylvania Department of Labor and Industry for the year 1921 indicate that of 50,756 workers injured in and about the mines, 24,066—including 4,638 negroes—or less than half, were American born, while 25,993, or more than 50 per cent, were born in foreign countries. The nationalities of 697 injured workers are not stipulated. Of those 25,993 injured foreign workers, 7,603 were Poles; 5,784 were Italians; 4,408 were Slavs; 4,019 were Austro-Hungarians; 2,089 were Russians—a total of 23,903 in a group generally recognized as typical foreign born. The remainder includes 1,149 natives of England, Scotland, and Wales; 400 Irish; 395 Germans; and 146 Scandinavians.

Statistics dealing with employees injured in and about the mines of Pennsylvania seem to indicate that a majority of disabled mine employees can not successfully be removed from the mining industry and rehabilitated or trained for suitable remunerative occupation in other general industrial and commercial pursuits.

#### PROBLEM IN HUMAN ENGINEERING.

The development of by-products in all industries has been of tremendous scope. Research agencies have constantly directed their energies toward enlarging that scope for even further development and utilization of industry's by-products. But what of the human by-products? Will a new science known as human engineering be developed in which trained minds will, through research and planning, exercise the same degree of thought and energy in adapting broken workers, the human by-products, to useful service in the

production scheme? Eliminating sentiment or humanitarian impulses, is not the one proposition as sound economically as the other?

Analyses of the tasks in all industries should as far as possible be made to render available to disabled employees all jobs that can satisfactorily be performed by disabled employees residing in the community adjacent to such industrial establishments. All tasks that can be performed by available disabled persons should be set apart for such disabled persons exclusively. It is conceded that personal selection even among the disabled group will be necessary to get the best qualified and most reliable disabled employees into such tasks, but all tasks should be classified on a definite engineering basis and able-bodied men put at able-bodied tasks, with disabled men put at all tasks suitable for disabled workers, on the same principle that would prevent a good mechanic from using a 3 inch shaft to do the work that could be performed by a 1 inch shaft.

The personnel of a rehabilitation agency can not include specialists and experts in all types of industries nor in the work of vocational training leading toward the various industrial and commercial tasks. The rehabilitation workers must possess considerable initiative, resourcefulness, and intelligence, be thoroughly acquainted with training and employment conditions in the communities in which they work. The rehabilitation worker in the field usually determines upon a task to be performed by a disabled person, makes that task available for such disabled person, if at all possible, and interposes a training program when necessary.

A statistical analysis of the records of the bureau of rehabilitation from January 1, 1920, when field work was started, to the first of the present month, May, 1923, is as follows:

NUMBER OF CONTACT, REGISTERED, AND CLOSED CASES, PENNSYLVANIA BUREAU OF REHABILITATION, JANUARY 1, 1920, TO MAY 1, 1923, AND ANALYSIS THEREOF.

Item.	Number.	Item.	Number.
<i>Contact cases (persons offered services of bureau).</i>		<i>Registered cases (persons registered with bureau).</i>	
Persons who registered .....	2,543	Sex:	
Persons not needing services <sup>1</sup> .....	733	Males .....	2,485
Cases open .....	97	Females .....	53
<b>Total .....</b>	<b>3,373</b>	<b>Total .....</b>	<b>2,543</b>
<b>Persons disabled by—</b>		Negroes .....	86
Public accidents .....	143	Illiterates in English .....	506
Disease or congenital defect .....	70	Age:	
Accidents occurring in—		Under 21 years .....	310
Agriculture .....	35	21 to 30 years .....	693
Steam and electric railroad operation .....	279	31 to 40 years .....	600
Mines .....	958	41 to 50 years .....	481
Other industries .....	1,888	51 years and over .....	459
<b>Total .....</b>	<b>3,373</b>	<b>Total .....</b>	<b>2,543</b>
<b>Cases referred to bureau by—</b>		Nativity:	
Applicants' letters .....	218	Pennsylvania .....	1,413
Workmen's compensation bureau .....	1,855	United States (outside Pennsylvania) .....	233
Employers .....	26	Foreign .....	897
Adjusters of bureau .....	756	<b>Total .....</b>	<b>2,543</b>
Insurance carriers .....	31	Origin of disability:	
Department employees .....	89	Employment accident .....	2,309
Other sources .....	398	Public accident .....	119
<b>Total .....</b>	<b>3,373</b>		

<sup>1</sup>Including those who could not be located.

NUMBER OF CONTACT, REGISTERED, AND CLOSED CASES, PENNSYLVANIA BUREAU OF REHABILITATION, JANUARY 1, 1920, TO MAY 1, 1923, AND ANALYSIS THEREOF--  
Concluded.

Item.	Number.	Item.	Number.
<i>Registered cases—Concluded.</i>		<i>Closed cases—Concluded.</i>	
Origin of disability—Concluded.		Social condition:	
Disease.....	74	Single.....	651
Congenital.....	41	Married.....	965
Total.....	2,543	Dependents.....	3,008
Extent of disability:		Rehabilitation—	
Loss of one hand.....	763	By placement.....	942
Loss of both hands.....	23	After-school training.....	120
Loss of one arm.....	340	After-employment training.....	56
Loss of both arms.....	9	Other closures:	
Loss of one leg.....	749	Not eligible.....	50
Loss of both legs.....	84	Not susceptible.....	103
Loss of one hand and one arm.....	4	Service rejected.....	178
Loss of one hand and one leg.....	4	Died.....	25
Loss of one arm and one leg.....	5	Miscellaneous.....	142
Multiple injuries.....	53	Total.....	1,616
Loss of vision of one eye.....	50	Special services:	
Loss of vision of both eyes.....	101	Financial aid procured.....	60
Loss of hearing.....	6	Medical or surgical aid procured.....	16
General debility.....	61	Artificial appliances procured.....	278
Miscellaneous.....	291	Training without payments from bureau—	
Total.....	2,543	Begun.....	63
<i>Closed cases (persons given definite assistance by bureau).</i>		Ended.....	37
Sex:		Training with payments from bureau—	
Males.....	1,579	Begun.....	180
Females.....	37	Ended.....	131
Total.....	1,616		

SCHOOL AND OCCUPATIONAL HISTORY OF PERSONS REGISTERED WITH PENNSYLVANIA BUREAU OF REHABILITATION, JANUARY 1, 1920, TO MAY 1, 1923.

Length of school attendance.	Total number of persons.	Number of persons in specified age group.					Number of persons who attended school in—		Number of persons whose occupation was—	
		Under 21 years.	21 to 30 years.	31 to 40 years.	41 to 50 years.	Over 50 years.	United States.	Foreign countries.	Laborer.	Skilled or semi-skilled.
Never attended school.....	233		26	65	83	59	36	197	160	73
1 year.....	57	1	11	15	12	18	17	40	45	12
2 years.....	98	2	15	29	26	26	48	50	56	42
3 years.....	153	9	39	43	26	36	77	76	83	70
4 years.....	163	4	44	45	42	28	91	72	71	92
5 years.....	236	22	53	60	49	52	155	81	101	135
6 years.....	301	35	63	80	63	60	204	97	124	177
7 years.....	323	53	112	73	43	42	262	61	111	212
8 years.....	428	84	158	77	49	60	365	63	126	302
9 years.....	181	46	57	34	20	24	155	26	56	125
10 years.....	186	33	47	44	36	26	168	18	35	151
Over 10 years.....	184	21	68	35	32	28	166	18	29	155
Total.....	2,543	310	693	600	481	459	1,744	799	997	1,546

The CHAIRMAN. We will now hear Mr. John A. Kratz, who will outline to you some of the outstanding developments in the rehabilitation of the disabled.

**SOME OUTSTANDING DEVELOPMENTS IN THE REHABILITATION OF THE DISABLED.**

BY JOHN A. KRATZ, CHIEF DIVISION OF REHABILITATION, FEDERAL BOARD FOR VOCATIONAL EDUCATION.

In the late spring of 1920 the Congress of the United States passed an act to provide for the promotion of the vocational rehabilitation of persons disabled in industry or otherwise. Prior to the passage of this legislation six States—Massachusetts, New Jersey, Minnesota, California, Pennsylvania, and Oregon—had established a vocational rehabilitation service. In one of them the administration of the work was placed in the department of education, in two of them in the department of labor, and in the others in the workmen's compensation commission.

Much discussion has been had as to the factors which were most potent in influencing Congress to enact legislation for the promotion of a national program of vocational rehabilitation. The problem of the rehabilitation of our war disabled had brought to the attention of the Nation the equally imperative need for a similar service for those who are injured in industry. On the other hand, those who had been administering our compensation laws had begun to realize the incompleteness or inadequacy of the compensation program, for several of the States had supplemented their compensation legislation with provisions for rehabilitation. Again, employment agencies, public and private, had perceived the need of a special service for the physically handicapped, while social agencies were realizing that with the disabled they had a special problem. But it is not my purpose this afternoon to analyze the causes which led to the passage of Federal rehabilitation legislation. I desire rather to outline some of the outstanding developments in the rehabilitation program which have come largely as a result of promotion by the National Government.

The 36 States which have accepted the Federal act constitute 75 per cent of the Nation, but, what is more important, they embrace 84 per cent of its population. Not all of these States have been engaged in rehabilitation work for the three years the Federal act has been in operation. On the other hand, a number of them have not developed their administrative organization to the point of ability to use their entire allotments of Federal and State money. Consequently the statements which I am about to make would be much more favorable to the rehabilitation program generally if they were based on the development of State services, which is bound to take place in the next two or three years.

In the fiscal year ending June 30, 1921, 460 disabled persons were rehabilitated, and at the close of the year over 4,600 persons were receiving some form of rehabilitation service. During the fiscal year 1922, 1,890 were rehabilitated, and at the end of the year 8,200 were in process of rehabilitation.

Reports for the present fiscal year are not available, but I am in a position to predict that by its close 5,000 disabled persons will have been rehabilitated and 15,000 will be receiving some form of rehabilitation service. These figures are significant. They represent splendid achievements. I can not attempt to go into the reasons

why accomplishments have not been greater, but it would be impressive to compare them with the problem which confronts the States. Accident statistics show that each year at least 180,000 persons suffer permanent physical disability from public or industrial accident. Of course, not all of the 180,000 become vocationally handicapped, and we are not in a position to determine just what portion of them are in need of rehabilitation. It can safely be said, however, in consideration of the rehabilitation figures quoted, that a splendid beginning has been made in the ultimate solution of the national problem of the rehabilitation of the disabled.

The Federal act expires by limitation June 30, 1924, but there is a nation-wide sentiment for its continuation, based not merely upon sentiment for the disabled, but, rather upon the economic and social accomplishments of the rehabilitation program. I have been informed that at the next session of Congress a number of agencies will urge that the Federal legislation be continued. On the basis of actual accomplishments in the States, it will not be difficult for the friends of vocational rehabilitation to "make out a case" for the continuation of Federal participation.

Surely you will be interested in the costs of rehabilitation. In the first year of the work costs per case were naturally high. This was due to several causes. It took considerable time to get the rehabilitation machinery going, necessitating organization of administration as well as that of case procedure. Establishing cooperative contacts took a considerably longer time, as did the perfection of the technique of rehabilitation. There was no body of trained rehabilitation workers from which to draw. Workers had to be trained. All of these factors tended to put the "cost per rehabilitation" at a rate which could hardly be justified, at least before a State legislature bent on keeping the costs of government within the limits of satisfaction of a tax-paying public. However, in the short space of less than three years, and in some cases in less than two years, rehabilitation costs have been surprisingly reduced. To-day under efficient management the per case cost does not exceed \$200. It is even less in some States. On the basis of returns on the investment, a cost of less than \$200 per rehabilitation is significant.

A number of State officials have attempted to estimate the money value of rehabilitation accomplishments. Some of them have calculated the value in terms of average wage of persons rehabilitated. Others have tried to estimate the value of the material wealth likely to be produced by those rehabilitated during a specified period, throughout the remainder of their productive lives, as against what they might have produced had they not been aided by the rehabilitation department. I do not believe that a way will ever be found for measuring adequately the economic returns from investments by the States in their rehabilitation programs. Not all of the results can be tabulated. There is no column in statistical tables for registering contentment and service; human lives can not be measured by dollars and cents. Whether or not vocational rehabilitation pays, I shall leave you to judge from the account of a case which recently came to my attention. This case is by no means of an unusual type. The cost of rehabilitation was comparatively high but the returns were high.

A young man 30 years of age was sent to a county poor farm due to his inability to earn a living because of severe physical disability resulting from an attack of rheumatism. It was costing the State between \$5 and \$6 a week for his support. An arrangement was made with the county by the State rehabilitation department to support the man while he was being trained for watch repairing. The training cost the rehabilitation service about \$150. His maintenance during the training cost the county about \$500. The man has been placed as a watch repairman, is making good, and has been promised a wage of \$30 per week in the near future. At a cost of \$650 to the State this man has been rehabilitated. How much would he have cost the State had the poor farm continued to support him at the rate of \$5 per week, for whatever period of years he would likely have lived—say 20 or 30?

The Federal rehabilitation act provides, as one of the conditions under which a State will receive allotments of Federal money, that cooperative relations be set up between the State board for vocational education (which administers the rehabilitation work) and the State agency which administers the workmen's compensation law. This is a wise provision, and was no doubt suggested to those who wrote the act by the realization that the compensation laws as they were functioning did not provide an adequate program as far as reestablishment of the disabled worker in remunerative employment was concerned. In a number of the States cooperative relationship between these two agencies means considerably more than the reporting of potential cases to the rehabilitation service. We find them working hand in hand to the common end of restoring as completely as possible the disabled worker to a position of self-support. Various adjustments in compensation payments can be determined best in consideration of a rehabilitation program, and it is within the power of the compensation agency to facilitate the program of rehabilitation in a number of ways. Effects of this cooperation have already begun to appear in the form of legislation providing for maintenance through additional compensation for the disabled person who engages in some plan of reeducation.

The time will come when compensation legislation will be influenced to a great degree by possibilities of rehabilitation. There recently came to my attention an experiment which was attempted by a private rehabilitation agency through the suggestion of one of the insurance companies. A disabled man was receiving compensation on the basis of temporary total disability. The company was facing a long period of payments for total disability, because there seemed no possibility of a return of any portion of the man's former earning capacity. The insurance company decided to invest several hundreds of dollars in a plan to restore the man to a working basis. He was sent to an institute where he could observe the training of a number of disabled persons. In a short while his interest was aroused in motion-picture projection. In the course of a few months, as a result of training, he was enabled to secure an operator's license. He was employed at the standard wage, and compensation was discontinued because his earning capacity had been restored. In such cases the cost of compensation is going to be materially reduced, and this will tend to reduce compensation costs in the aggregate.

The interdependencies and interrelationships of the programs of compensation and rehabilitation are becoming more and more definitely established.

Another of the outstanding developments of the national rehabilitation program is a constantly increasing interest by various agencies. The surgical fraternity all over the country is awakening to a need of improved methods of surgery for the purpose of physical restoration of the disabled. Within the last two weeks I have been in conference with two of the leading orthopedic surgeons of the country, who are interested, not only in their specialty, but also in the whole program of physical and vocational rehabilitation. Dr. Harry A. Mock, of Chicago, has been making a lecture tour of certain portions of the country under the auspices of the American College of Surgeons, and he has been devoting considerable attention to the promotion of rehabilitation. He reports an awakening interest and desire to cooperate on the part of the medical fraternity. Probably some of you have heard recently that in the State of New York there has been organized a committee known as the American Rehabilitation Committee, which is planning the organization of the American College of Rehabilitation. This organization will have a hospital for physical reconstruction, provision for occupational therapy and bedside occupations, workshops, a bureau of placement, a department of instruction for training persons in all phases of rehabilitation work, and a research department. This organization will be partially self-supporting and is being backed by a number of persons of influence who are interested in rehabilitation. It will be headed by Col. Fred H. Albee, who is now chairman of the Rehabilitation Commission of New Jersey, professor and director of orthopedic surgery in the New York Post Graduate Medical School, and who during the Great War was a member of the Advisory Orthopedic Council to the Surgeon General. I cite this as an indication of the attitude toward rehabilitation of some of the leading medical and surgical men of the country. You are probably aware that in the States of Oregon and New Jersey there have been organized well-equipped clinics for providing physical rehabilitation for disabled workers entitled to the benefits of compensation. I have been informed that this year New Jersey will rehabilitate 3,500 persons through its clinics. In several other States legislation is being urged to provide for this branch of the work. Of course, in many of them, under the auspices of the rehabilitation department, physical restoration is being provided through cooperation with State-aided hospitals, the medical profession, and numerous other agencies which are in a position to assist. There are indications that eventually physical rehabilitation will become an integral part of the State vocational rehabilitation service.

I hasten to bring to your attention what I consider one of the most outstanding developments of our work. You can readily understand why disabled persons can not be rehabilitated in groups. They must be treated individually. Because of variations in age, education, occupational experience, disability, ambition, capacity, and economic status, each case presents its specific problems. The final solution of the problem for any individual often involves a number of services. Obviously, it would be poor business for the

rehabilitation department to attempt to duplicate the activities of both public and private agencies which are organized to render services of a special type needed in rehabilitation. Consequently, cooperation is had with any agency that is in a position to assist in the rehabilitation of an individual. This is one of the first principles of effective rehabilitation.

To seek the cooperation of another agency only when it is needed in a specific case is not, however, the most efficient means of using cooperation. Due largely to an experiment which was begun in the State of Ohio nearly two years ago, a number of States have caught the vision of the possibilities of what has been designated as "organized cooperation." Organized cooperation is a plan of securing in each community, city, and county some clearing agency which will take over the responsibility of locating, reporting, and investigating cases, and which will cooperate with the State department in carrying out the complete plan of rehabilitation. In the larger communities the clearing agency works under the direction of a council, or, as it is sometimes called, a rehabilitation committee composed of prominent persons representing definite fields of business and other activities, persons who feel a responsibility for the handicapped and who very often are interested in all phases of social work and contribute money for it. These committees or councils have periodic meetings, at which methods and policies, as well as details of cases are discussed. Many placements are made simply through the influence or connections of people on these committees.

The work of the committee is, of course, reviewed by agents of the State rehabilitation department, and wherever expenditure of State and Federal funds is involved it must be approved by the State rehabilitation department.

You can readily realize the advantages of this plan. By the use of already existing and financed agencies; money otherwise spent on supervision and other overhead expenses can be used for the more direct purposes of rehabilitation. A very important factor is that this plan places the responsibility for the rehabilitation work upon the local community. This is where the responsibility must ultimately be placed. Rehabilitation is a community problem and we have found that communities take a pride in assuming their responsibility and in giving their assistance.

Rehabilitation, like education, is surely a community responsibility. If the rehabilitation service is to be continued, and I am confident that it will be, the various State communities must assume their responsibility in the program. Unless community facilities for physical reconstruction, social service, training, and placement are made available to those who operate the State departments, only a limited amount of service can be given. The financial burden upon any State for the rehabilitation of all eligible disabled persons in all communities would be so great that the legislatures would not appropriate funds necessary to carry on the work. We must depend upon the community and we must get the community to assume its responsibility.

## DISCUSSION.

The CHAIRMAN. I will ask you to bear with me five minutes while I tell you of the program that prevails in the State of New Jersey, after which we will have the pleasure of seeing pictures of the progress being made in the State of Oregon. I know you will be vitally interested in the pictures to be shown because Oregon, like New Jersey, has made splendid progress in the work of physical rehabilitation.

The New Jersey Department of Labor is a coordinate, harmonious, interlocking directorate. We have approximately 150 men and women, all under civil service, in our department, of whom approximately 20 or 25 are full-time employees in the rehabilitation division. Each one of the 150 that are under civil service can be called upon to do rehabilitation work if we find it essential for the advancement of such work. We have approximately 50 of the ablest orthopedic physicians in the State, most of whom have volunteered for part-time service. In our State we feel that civilization's debt to the service man is civilian rehabilitation, because what we are doing we learned from the trials and tribulations of the man who served in the late war. As a result of the publicity which we have given the work of rehabilitation, the legions and fraternal organizations in our State, comprising 40,000 active members, have enlisted to provide ways and means to assist between 10,000 and 15,000 infantile paralysis cases, cripples who, if their condition is not ameliorated before they are 16 years of age, will become a charge on the rehabilitation commission. At their tender age, some being 2, 5, 6, 8, 10, or 12 years of age, their bones and the marrow in the bones are of such a nature that if the right orthopedic surgeons are employed good work can be accomplished that can not be done in after years. That is one of the offshoots of civilian rehabilitation in our State. These agencies, in conjunction with the doctors connected with our rehabilitation division, have undertaken to rehabilitate 10,000 to 15,000 children who are suffering as a result of the lack of proper medical and physical treatment and orthopedic devices.

The question came up in discussion this morning as to whether or not a conference should be called on employment work as related to departments of labor. I want to say that in our State I do not know what the rehabilitation division would do if we did not have a well-equipped and organized employment service. I want to take this occasion for the State of New Jersey to pay a tribute to the Director General of the Federal Employment Service, Mr. Jones, for giving us the assistance and cooperation that makes it possible for New Jersey to continue that service, a service that some of our legislators in Washington and in some of the States will tell you is not needed because there is no unemployment at the present time. Employment problems are always with us. In our Newark, N. J., office there is not a day passes that approximately 500 people do not apply for work, and the same condition exists in Jersey City and some of the other offices. I hope this conference will give consideration to this question in the session to-morrow, especially as we have the director general here, who is anxious to maintain his service for the benefit of the States and the Nation.

Do not let us feel that because we have an era of prosperity we can let the work drop.

In that connection I wish to say we do considerable work in New Jersey in the way of placement and placement training through the employment service of which Mr. Jones is the director general. At the same time we are very short on statistics. Our friend Mr. Hookstadt can confirm that. We are very short on figures and probably a little long on performance. We think that in this fiscal year we will have given in our rehabilitation clinics 120,000 treatments, and that instead of having rehabilitated 3,500, as Mr. Kratz stated, we will have rehabilitated 5,000 crippled individuals, possibly not all totally, but at least in part.

With regard to Mr. Cole's statement as to how inspectors direct the manufacturers to comply with a State regulation, there is not a factory inspector in the State of New Jersey who, when he tells a manufacturer to do something, can not present plans and specifications showing that manufacturer how that work can be properly and correctly consummated, and if there is a lingering doubt in the mind of that manufacturer as to how the work can best be done we invite him to the museum in Jersey City, which shows complete exhibits and all the up-to-date devices for safeguarding machinery. In fact, we have established units throughout the State, in five of our principal cities, in which are housed the safety museum, the employment service, rehabilitation clinics, and the compensation bureaus, and these, as I said before, are like the interlocking directorate of a corporation, all working hand in hand and as a unit. It is only by those methods, we feel, that labor departments can become successful.

We will be very glad to have Mr. Gram, of Oregon, now show pictures of the rehabilitation work in Oregon.

### **THE HANDICAPPED IN OREGON.**

BY C. H. GRAM, COMMISSIONER OREGON BUREAU OF LABOR.

With the thought that one of the important benefits to be secured from a conference of this kind is the exchange of information, I have arranged to present a number of slides and some material used in the State of Oregon by the State industrial accident commission in informing our citizens just what is being done with respect to industrial accidents.

The material has been used at public gatherings and in schools, and last fall was utilized in presenting the subject before public-school teachers in the institutes held in the various counties of the State. I make this explanation particularly so that you will understand why some of the slides and a part of the text are presented to you.

### **REHABILITATION IN THE STATE OF OREGON.**

In attempting to explain the work of the State industrial accident commission in the State of Oregon it is necessary to go back somewhat into the history of legislation making possible the work now being done. Vocational rehabilitation was made possible by an act of a special session of the legislature in 1920, whereby from the workmen's compensation funds there was originally set aside \$100,-

000 for the purpose of vocationally rehabilitating and returning to industry workmen suffering serious permanent disabilities. This special fund is maintained by transferring to it  $2\frac{1}{2}$  per cent of the receipts of the State accident fund whenever the rehabilitation fund is less than \$75,000. At that time we had as a guide the things that were being done in the United States and by other nations in the way of vocational rehabilitation for men who had been injured in the World War.

You must understand that the fund in the State of Oregon for workmen's compensation and for all of this work as administered by the State industrial accident commission is derived from payments made by employers and employees. As an illustration, in the hazardous occupations, such as building construction, the employer pays into the State accident fund, monthly, an amount equal to  $3\frac{1}{4}$  per cent of his pay roll. These rates vary, ranging from one-tenth of 1 per cent for clerical office employees to 8 per cent for structural-steel erection. Employees in all occupations pay 1 cent for each work day, and the employer is also responsible for this payment to the fund.

There are three distinct branches in this work. The first necessarily deals with accident prevention. Modern conditions make it necessary that our first great problem is to reduce the number of accidents. The factors in our State are:

1. The experience rating provisions in the compensation act by which the accident experience of the individual employer is within certain limits reflected in his insurance rate, the range being from a maximum reduction of 30 per cent from base rate to an increase of 15 per cent.

2. An additional or independent reduction in rate of 5 per cent for compliance by the employer with the provisions which our State has set up for safety organization and educational work in accident prevention among employees.

3. The most favorable attitude of employers toward accident prevention, as indicated by their organization of a State branch of the National Safety Council, and

4. The organization of safety committees in our larger industrial operations and the carrying on of educational work.

5. The cooperation between the State bureau of labor, the industrial accident commission, and the Oregon branch of the safety council.

The next big feature of this work is physiotherapy or corrective treatment. Admitting that accidents will happen, the next problem is that of restoring the victim of that accident to a physical condition where he may return to his former employment, if possible. The accident commission, realizing that this is and has ever been one of the great social and economic problems, early began the work of physiotherapy. We have two departments in this line of work, one at Salem and one in the city of Portland. The one in Portland, because Portland is the greatest industrial center of the State, has approximately an average of 48 cases every day receiving physiotherapy or corrective treatment to restore the victims of accidents to health. This work is carried on under the supervision of Dr. Richard B. Dillehunt, dean of our State medical school and one of the foremost men in his profession in the State, who prescribes the treatment

in each individual case. He is assisted by aids having experience in war work and otherwise prior to employment in this department.

The next problem is vocational rehabilitation. A man is injured, and after hospitalization, if it is impossible for him again to enter the industry in which he was formerly employed and possibly trained from boyhood, the vocational rehabilitation act, which was passed by a special session of the legislature in 1920, makes it possible for us to take this man or woman into a school or shop, or give him a tutor, or train him in any way considered practicable by the State industrial accident commission, and finally to rehabilitate this individual. The law making this possible is very brief. There is no red tape attached, and it has been the aim of the commissioners at all times to eliminate red tape, to get the job done, to put the man back in industry, and to make him feel that he is at least a cog in our great social and economic machine.

These three phases of work I am going to illustrate with some actual pictures made in Oregon.

*Slide No. 1.*—For the purpose of showing the safety devices and the simplicity of some of the things making accidents less common I am showing here the little fellow who has been the cause of so many accidents—the set screw on the revolving shaft. Many machines with which you are familiar still have this form. I do not mean to say that by removing this menace all accidents from revolving shafts may be eliminated, because we know that even perfectly smooth shafts frequently cause accidents and deaths, but—

*Slide No. 2* shows how easy it is to eliminate the set screw. Here the set screw is placed inside a collar, where it in a manner eliminates the dangers arising from the set screw.

*Slide No. 3* illustrates the gear of an ordinary lathe found in all machine shops. You can see that these cog wheels are ravenous fellows. Possibly you know very well from your own experience how they grind off fingers if they come in contact with them, or if not you know of cases in your own neighborhood.

Now *Slide No. 4* shows how easily this same machine may have this gear protected, and, following the law of the State, such machines are so protected in Oregon.

*Slide No. 5.*—You all know this machine. You know that the individual there pouring oil into the cup stands on the head of the anchor bolt, a very precarious foothold. Should anything happen he necessarily throws out his right foot (as standing in this particular picture), is caught in that swiftly revolving machinery, and the results can well be guessed.

*Slide No. 6.*—Here is a guard for the same machine, and it needs no wise man to say that the danger from this particular accident is practically eliminated.

*Slide No. 7.*—With our great forests on the Pacific slope, in the State of Washington and particularly in Oregon, where mills are constructed having a capacity of hundreds of thousands of feet daily, where the lumber industry is, if not the greatest, possibly the second greatest in the State, it follows that we have immense saws, gang saws, cut-off saws, all known saws used for preparing lumber for use. This illustrates one of the safety devices for the protection of the workmen engaged in this particular mill.

The second feature of the work which I mentioned is that of physiotherapy or corrective treatment for the purpose of restoring the victim of an accident to normal, if possible. As I told you, this is conducted in the two cities, Salem and Portland. We have about 60 or 70 patients each day in the two departments, the greater number, of course, being in Portland. After the physiotherapy departments were installed, it was found desirable to secure some one skilled in the making of casts, jackets, braces, etc., so as to best meet the need for these appliances for physical restoration in individual cases, and the gentleman who is in charge of this work was Doctor Dillehunt's assistant during his service in the World War.

*Slide No. 8.*—In addition to preparing an appliance for the man seated in the chair, Mr. Thomas is shown holding a body cast prepared for another workman.

*Slide No. 9.*—The individual shown here is an excellent example of a return to the industry by means of corrective treatment. This man was injured in a gasoline explosion out in the woods. He was severely burned about the body, under the chin, throat, chest, and for a time his life was despaired of. After he was somewhat recovered, in fact before he became ambulatory and was discharged from the hospital, it was found that the scar tissue had so drawn him forward that his chin was practically resting on his breast. It was impossible for the man to see a sign or any visible object on a level with his eyes, and, of course, impossible for him to do manual labor in this condition. He was taken into the physiotherapy department, and by following the directions of the surgeon he is now practically restored. He can now easily read the firm name on a sign on an adjoining building five stories high. At the present time this man is out working in the logging woods, engaged in practically the same occupation he was on the day he was injured.

*Slide No. 10.*—This young man was injured in a sawmill in Oregon, and his back broken. He is still paralyzed from the lumbar regions down. His life was despaired of, and for a time the attending or emergency physician said he would die and that there was no use of bothering with him. His advice was to let him die in peace. The young man did not die. He was taken to Portland and operated on by Doctor Dillehunt, and after some months he was to a great extent restored to a life of happiness. On the 4th day of September, 1922, this young man left the hospital in Portland, went on the train to Baker, Oreg., where he is now living with his brother and sister-in-law. Before he left the hospital Doctor Dillehunt had a motion picture made of him walking. This is a still of that picture. The picture has been shown in a number of places in this country, and I believe also in France. While the young man was in the hospital we gave him some training in basketry, bead work, and what is commonly called industrial arts work. This was not with the idea that he would take up this work as a vocation, but more to give him something to do so as to occupy his time and keep his mind from his physical condition. The young man still does the work for pleasure and also for profit.

*Slide No. 11.*—In the preceding picture I spoke of basketry, industrial arts, etc. Some time ago the commissioners decided that an advisable thing to do was to put some work in the department, not

as a vocational feature, but as a corrective treatment and a help to restore the function of the injured members. We found that men brought from all over the State into the Portland and Salem departments were lonesome, in many cases married men having left their families at the camp where they were employed, or single men having no friends, relatives, or acquaintances in these cities, and nowhere to go except to the department for treatment two or three hours a day, and the results were not the best for the men. They needed something with which to occupy their time and their minds. For this reason, and not with the vocational idea, this work was introduced. It did develop in some cases into vocational work. We now have a number of persons in the different parts of the State adding to their incomes by making baskets and such reed and willow articles as are in demand, and selling them to the neighbors and to the trade.

*Slide No. 12.*—This particular case was a young man who had served in the war and was discharged as able-bodied, but when he went to work in the logging woods he suffered a compound fracture of the leg, a very persistent fracture. For a long time the physicians could get no union of the joint. After something like a year and a half he was discharged from the hospital, but was unable to engage in his former occupation. Then came the vocational rehabilitation of the man. He had had some experience on a farm. He had married, and his wife was a farm woman. He went to the Oregon Agricultural College, took a course in poultry husbandry and small fruit raising, and is now on a place at Powers, Oreg., with a modern poultry plant, has quite a good orchard on the place, and is getting along very nicely. This was made possible by a combination of physiotherapy and vocational rehabilitation.

It may be of interest to give the details of this case, so as to explain the correlation of these various activities. This young man was injured April 2, 1920, sustaining compound fracture of both bones of the lower left leg, followed by infection. He had an open operation December 8, 1920, for removal of dead bone. He was at the Portland physiotherapy department from September 14, 1920, for a period of 12 months, with the result of considerable ankylosis and about one-half inch shortening of the leg, disabling him for heavy manual labor and sufficient to cause a permanent partial disability award of 34 monthly payments of \$25 each, in addition to temporary total disability for 24 months previously paid. May 1, 1922, he began a course at the Oregon Agricultural College in poultry husbandry and beekeeping. He drew compensation for permanent partial disability of \$25 per month and was allowed in connection with rehabilitation an extra payment of \$37.50 per month for account of self, and an additional \$30 per month for account of wife and child, thus making the total payments per month \$92.50. He continued at school until February 15, 1923, when he started actual operations on his little farm near Powers, Oreg., with 300 baby chicks, and was allowed a lump-sum payment of 50 per cent of the remaining award in his case as of February 15, 1923, amounting to \$283.25, for the purpose of fixing up hen houses, brooder houses, purchase of feed, etc. Most recent reports received from him are indicative of success. The rehabilitation allowance was to be con-

tinued for several months after his going on the farm, as placement training, after which time it is expected he will be able to be independent.

*Slide No. 13* is simply to show some of the equipment used in the physiotherapy departments. Under the prescription of the doctor, these men are using these machines for the purpose of restoring function. The arm of the man on the left is held in a fixed position, the fingers inserted into leather pockets, and he is attempting to restore the function of flexing his fingers by closing the fingers and thus pulling up the attached weights. The second man also has his arm in a fixed position and is turning the wheel to improve function of the wrist. The others are using various devices to restore function of hand or arm, while on the extreme right is seen a man whose foot is strapped in a machine which has for its purpose the restoring of function in the ankle.

*Slide No. 14.*—On the left is an electric baking machine for the application of dry heat, while on the right is seen a workman who had a fractured leg, but who remains incapacitated because of a persistent small opening in the wound which is slow to heal. Treatment is being given by means of an Alpine lamp, which has been found to be efficient in many of these cases.

*Slide No. 15.*—Another picture simply to show the equipment with which our department is supplied. You are all familiar with the physical exercise that may be obtained by the use of this lifting machine, and understand its applications in restoring the function of the arms and shoulders, as in the case of the workman using it. On the right is seen a man receiving treatment for disability to the back and knee.

*Slide No. 16.*—The man at the machine happens to be the same man shown in the preceding picture. In this picture, however, we see him seated before an electrical machine which is used for testing injuries to nerves.

The third step that I mentioned is vocational rehabilitation. This work is carried on by sending questionnaires to workmen under the compensation act having serious permanent disabilities. They are then asked to come to Salem or Portland, the commission paying their traveling expenses, and after conference with the director of vocational rehabilitation some determination is made as to vocational rehabilitation. The workman has received compensation during the period of healing and has been awarded, in addition, compensation for permanent partial disability, this being in monthly payments of \$25 each and extending for periods corresponding to the degree of permanent disability, the maximum period being 8 years, or 96 months.

If an institutional course is decided upon, transportation to the institution, tuition, supplies, and living expenses are provided. In the case of a single man \$37.50 per month is added to the \$25 paid as compensation, making a total of \$62.50 per month for living expenses. If he is married, \$62.50 is added, making a total of \$87.50. Added compensation is provided for each child, and where the wife and children find it impossible to live at the place of training the compensation is further increased.

*Slide No. 17.*—This picture is of a young man who worked in the shipyards. He fell from a scaffold and his back was broken. For 14 months he lay in the hospital in Portland, Oreg., and when we began the work of vocational rehabilitation one of the first cases was the man whose picture you see. Doctor Dillehunt operated on him, the operation involving the release of some muscles so as to secure a better balance between two sets of muscles. The surgeon who first treated him asserted that the injured man would never walk a step. However, this young man now lives in a family hotel, his room being on the second floor, and he walks up to his room and down to his meals, and frequently goes out on to the street without his wheel chair, simply with his crutches. While the physiotherapy work or corrective treatment and the various operations were going on, we started the work that seemed to be most suitable for him, that of mechanical and architectural drawing. The director of vocational rehabilitation built a table, shown in the picture, and for a time carried on his instruction in the hospital. Later a tutor was employed. He is not able to go into the big offices or workshops of the architects on account of his physical handicap, but he does work in his room, getting in touch with people who want plans for houses, and with carpenters, builders, and others who feel that they can not afford to go to an architect. He also has considerable work making plans, drawings, etc., for the Patent Office, for persons who make applications for patents. We are still working on this case, and hope within the next few months to make it possible for this young man to go into a regular drafting room.

*Slide No. 18.*—We also have young ladies who are vocationally rehabilitated. This young lady lost her hand in feeding a job press. After some time we decided that with an artificial hand, which is furnished by the State industrial accident commission, she could get along very well as a bookkeeper. She took a course in commerce and banking with the leading business college in Portland and was becoming a very efficient bookkeeper. Just about that time she married, and is now keeping house for her husband, so our plan to return her to a selected industry possibly failed.

*Slide No. 19.*—In the vocational rehabilitation work we make use of all existing educational institutions in the State. We train men on the job as apprentices or in other businesses. This picture shows you a group of individuals who were at the Oregon Agricultural College at one time. This number, of course, changes with each term or semester. These men were there taking vocational courses. With one exception they were being trained in vocational courses, and that one is now completing a course in civil engineering. His injury was caused by a timber falling on his head and making him deaf. The others are taking various vocational courses, such as dairy husbandry, farm mechanics, beekeeping, poultry husbandry, gas and farm engines, and commercial work or bookkeeping.

*Slide No. 20.*—This picture illustrates one of the men who completed the poultry course in the Oregon Agricultural College and who, with a lump sum granted him by the State industrial accident commission, purchased a small farm of 5 acres near Brownsville, Oreg. Here you see him with his first flock of chickens on his home farm. He is still doing well in the poultry business and this is his second year. The lump sum, I might say, is allowed by law at the

discretion of the members of the State industrial accident commission. The effect of the allowance of a lump sum is to reduce the monthly payment from \$25 to \$12.50 per month, the payments, however, continuing for the same period of time.

*Slide No. 21.*—This picture also represents a poultry project, but one carried on in a different way. The individual shown in the picture was injured—a broken leg, injured back, and head injured. The doctors thought that there was possibly an injury to the brain, and that the man could not carry on any work that would require consecutive thought and reasoning. To experiment along this line the director of vocational rehabilitation started him in on a poultry project at his home. He kept this up for six months in the nature of an experiment, and then gave the man a correspondence course in poultry husbandry. It has now been about one year since that time and the man has a fine flock of chickens, having about 300 laying hens and about 900 baby chicks to start his flock next year.

*Slide No. 22.*—We find that men with back and leg injuries can easily adapt themselves to the trade of shoe repairing. The railroad man shown in this picture has both a back and a leg injury. We placed him in a shoe repair shop in Salem as an apprentice. After about eight months' work there the man came to the conclusion that he was ready for a business for himself. He bought a small shop in the State of Washington, moved there, and is doing well, supporting his wife and children, and, of course, being a good citizen in his small town.

*Slide No. 23.*—In conclusion I wish to say that this work does not end with the individual himself. The purpose of this work is to restore the individual to the industry, but it goes farther than that. It reaches out into the home. It takes care of the wife and children, and in many cases the mother of the individual. It makes it possible for a family of this kind to feel that they are not depending, possibly, upon the labor of the wife, or upon public charity.

[Meeting adjourned.]

**FRIDAY, MAY 4—MORNING SESSION.**

**BUSINESS SESSION.**

**JOHN S. B. DAVIE, FIRST VICE PRESIDENT, PRESIDING.**

The **CHAIRMAN**. We will open the final business session with such measures as will promote the interest of the association. As to the appointment of special committees, it seems to me that should devolve upon the new president, as he will have to work with those committees.

**REPORT OF COMMITTEE ON PRESIDENT'S ADDRESS.**

After a careful consideration of the report, particularly with reference to the president's suggestion that this body get in closer touch with organizations doing kindred work, and perhaps to consolidate with the International Association of Industrial Accident Boards and Commissions, the committee begs leave to report:

We do not believe that the convention has sufficient information at hand intelligently to determine whether this would be the wisest course to pursue; but we wish to recommend that a committee be appointed by the incoming president whose duty it shall be to make a thorough investigation of the matter, with a view to determine:

(1) Whether it is advisable for this organization to consolidate with kindred organizations mentioned in the president's report.

(2) If the proposed committee determines that it would be advisable to consolidate with other organizations to present the matter to them for consideration at their next annual meeting.

(3) If said committee finds that it is not advisable to consolidate with other organizations of similar import, that it consider the further advisability of this organization meeting at the same time and place as the International Association of Industrial Accident Boards and Commissions.

(4) That the committee shall file a written report and recommendations with the president of this organization at least sixty days before the next annual meeting.

[The report of the committee was accepted.]

**REPORT OF COMMITTEE ON RESOLUTIONS.**

1. *Resolved*, That the tenth annual convention of the Association of Governmental Labor Officials of the United States and Canada extend to his excellency, the governor, Hon. E. Lee Trinkle; the Hon. George A. Ainslie, mayor of Richmond; the Hon. I. J. Marcuse, president Richmond Chamber of Commerce; the Department of Labor of Virginia; the management of the Jefferson Hotel; the management of the three factories inspected by the delegates, its appreciation and sincere thanks for the courteous treatment accorded us during our sojourn in the city of Richmond. [Adopted.]

2. Whereas different methods are used in collecting statistical data by the different State labor departments, and in many instances the terms used do not mean the same thing; classifications, whether of industries, wages, accidents, or employment, vary; the period covered by the reports and the period for which the data are given varies or is not stated; headings for tables are inadequate; some not even giving the dates; frequently the tables within a report do not agree among themselves; in some reports the material is presented in a haphazard manner, no regard being had for a logical arrangement; many reports do not even have a table of contents by which the reader may know what the report contains and where it may be found.

In view of the above, it seems desirable for the association to appoint a committee to study the various methods of collecting, compiling, and presenting

statistical data by the State labor offices and to work out standard methods: Therefore be it

*Resolved*, That the Association of Governmental Labor Officials of the United States and Canada appoint a committee to recommend standard methods of collecting, compiling, and presenting statistical data by State labor offices with the view of increasing the value of their reports. [Adopted.]

3. Whereas there is a growing sentiment for a 48-hour work week in the industrial centers of the country, for women employed in manufacturing establishments, and

Whereas the enactment of a Federal 48-hour law for women employed in manufacturing establishments would standardize the hours of labor for this class of employees: Therefore be it

*Resolved*, That this association favors the adoption of a constitutional amendment that will make this legislation possible. [Adopted.]

4. Whereas recent decisions of the Supreme Court in child labor and minimum wage laws for women seem to justify the opinion that constitutional amendments are necessary to make such laws constitutional: Therefore be it

*Resolved*, That this association favors and urges the incoming Congress of the United States to submit constitutional amendments upon these subjects. [Adopted.]

5. Whereas there are at present two international organizations engaged in closely allied activities, viz, the Association of Governmental Labor Officials and the Association of Public Employment Services; and

Whereas the membership of the said associations is to a large extent drawn from the same State, Provincial, and Federal bureaus and departments; and

Whereas both organizations hold annual conventions in various sections of the United States and Canada, with consequent duplication of traveling and other convention expenses; and

Whereas it is believed that a single organization could more effectively accomplish the present aims and objectives of both: Therefore be it

*Resolved*, That this convention appoint a representative committee of at least five members and the president to examine into the feasibility of amalgamating the two said associations, with power to approach the Association of Public Employment Services at their convention in Toronto next September and to make a report to the executive committee of the Association of Governmental Labor Officials. [Adopted.]

6. Whereas unfortunate physical conditions arose preventing Dr. Clifford B. Connelley, the president of the Association of Government Labor Officials of the United States and Canada, from presiding at the session held in this city: Be it

*Resolved*, That the secretary of this association be and is hereby instructed to write Doctor Connelley a letter extending the sympathy and best wishes of this organization: Be it

*Further resolved*, That the name of Dr. Clifford B. Connelley be placed on the lifetime roster of honorary membership of this association. [Adopted.]

7. Whereas the Government is curtailing expenses in every department; and Whereas the proceedings of this convention have heretofore been published by the United States Department of Labor; and

Whereas the question of this work being done in the future without solicitation on the part of this association may not be permitted: Be it

*Resolved*, That this association, through its secretary, make an appeal to the United States Department of Labor, through Hon. Ethelbert Stewart, to have the proceedings of this convention published and distributed as heretofore, at such time as may be acceptable to all concerned. [Adopted.]

8. Whereas climatic conditions enter largely into the most acceptable time for the holding of the sessions of this convention, this depending largely upon the place of meeting; and

Whereas the expense of traveling is an item that enters largely into the representation attending these meetings: Be it

*Resolved*, The executive committee be and is hereby requested to give these matters careful consideration, remembering that all trunk lines and systems of railways offer special rates throughout the United States and Canada effective on or about May 15 of each year. [Adopted.]

9. Whereas, unfortunate physical conditions arose preventing Col. Lewis T. Bryant, Commissioner of Labor of New Jersey, from being present at the session held in this city: Be it

*Resolved*, That the secretary of this association be and is hereby instructed to write Colonel Bryant a letter extending the sympathy and best wishes of this organization. [Adopted.]

10. *Resolved*, That the Association of Governmental Labor Officials extends its thanks to the press of Richmond for its accurate and full account of the proceedings. [Adopted.]

[The following committees were appointed in accordance with resolutions 2 and 5:]

*Committee to recommend standard methods of collecting, compiling, and presenting statistical data by State labor offices.*—H. R. Witter, of Ohio, chairman; Carl Hookstadt, of United States Bureau of Labor Statistics; T. A. Wilson, of Arkansas; Louise Schutz, of Minnesota; and Fred Wilcox, of Wisconsin.

*Committee on feasibility of amalgamation of the Association of Governmental Labor Officials and the Association of Public Employment Services.*—H. C. Hudson, of Ontario, chairman; Royal Meeker, of Pennsylvania; C. H. Gram, of Oregon; C. J. Boyd, of Illinois; and Louise E. Schutz, of Minnesota.

[The following discussion was had on resolution 3:]

Mr. STEWART. If I am not very much mistaken, the decision of the United States Supreme Court in the Oregon case, making the eight-hour day for women constitutional, admitted the constitutionality of that law. I do not understand that the present resolution brings up the question of the Oregon eight-hour law, which I think went to the Supreme Court.

Mr. WILSON. Speaking for the committee, I will say we discussed that feature of the resolution and the possibilities of it, but you can never tell what courts may do. We feel that they always do what they think is right. The resolution is meant merely to indicate the sentiment of the convention in reference to the eight-hour law for women and also to put in motion or approve any action which may be taken seeking to remove any possible doubt of the eight-hour law.

Mr. BLANKINSHIP. The idea of this resolution is to standardize the practice in each State, so that when you try to pass an eight-hour law in one State the manufacturers will not threaten to move to another State.

The CHAIRMAN. The brother has stated exactly what the committee had in mind, to standardize the law from coast to coast.

[The following discussion was had on resolution 5:]

Mr. SHIPMAN. That resolution is covered in the report of the committee on the president's address, just read, specifying that this committee should confer with kindred organizations.

The CHAIRMAN. This relates specifically to the employment organizations and the committee was unanimous in its adoption.

Mr. WOOD. In adopting that resolution I wish to call attention to one thing. I am not opposing the adoption of the resolution, but would like to ask what the members of that association have to do with the enforcement of labor legislation. I ask that question because the constitution of this association specifically states that its members must have something to do with the enforcement of labor laws. It will be necessary to make a change in the constitution before we can affiliate with the other body.

Mr. HUDSON. As sponsor for this resolution I wish to make a few remarks without in any way becoming involved in a controversy. As far as the objection just raised is concerned, the constitution may

be amended by a stroke of the pen. We employment people have no place in this association if that particular clause in the constitution is adhered to strictly. We have nothing to do with the enforcement of labor legislation. My idea in making this suggestion was that when the convention was held the meetings would be held in sections; an employment section and the safety section would be held in adjoining rooms and the same amount of business would actually be attended to by this association as at present. The plan works with associations having memberships running into hundreds, such as medical associations with their individual sections.

The CHAIRMAN. As I interpret the constitution in a little different light from Brother Wood, it appears to me that the resolution is entirely germane to this meeting. It simply provides for the appointment of a committee to report back, and I think we ought to be big enough to investigate these associations and find out whether or not they are interested. "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." I have always looked upon the laws relating to employment as among the finest labor laws we have in the country, and they are always administered by the labor department.

Mr. CONNALLY. One suggestion occurs to me. The question of holding a joint conference between the two organizations is unfortunate. If you divide the time between this association and the employment service, I do not know what the result may be. The membership of this organization is restricted; it is very small. If you have an employment section meeting separate from this organization it will naturally detract from the work of this association, because there might be at the same time a conference of employment officials and a session of the governmental labor officials, both of which I might want to attend, but I could not be at both places at once. You could not have sessions of importance to both organizations at the same time and get any results.

Mr. STEWART. It seems to me much of this discussion assumes too much. This is simply a resolution of this association to ask the other association if it will marry us. Now, suppose it says no. What is the use in discussing the arrangement of the furniture after the wedding until we are married?

Mr. WILSON. I want to say to Brother Connally and Brother Wood that I have attended two meetings of the employment association. Outside of a few ladies and one or two men who are present at this meeting, you can not tell the difference between this meeting and a meeting of the employment association from the people who were there. We only wish to save them from making two trips. The same people go to both meetings, unnecessarily doubling the work.

Mr. SWEETSER. All of this discussion is a matter for the committee to go into.

The report of the auditing committee was read and accepted.  
Chicago was selected as the place of the next annual convention.

## ELECTION OF OFFICERS.

The following officers were elected:

*President.*—John Hopkins Hall, jr., commissioner bureau of labor, Richmond, Va.

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

*Second vice president.*—T. A. Wilson, commissioner bureau of labor and statistics, Little Rock, Ark.

*Third vice president.*—H. C. Hudson, general superintendent Ontario employment offices, Toronto, Canada.

*Fourth vice president.*—C. H. Gram, commissioner bureau of labor, Salem, Oreg.

*Fifth vice president.*—Miss Maud Swett, director women's department, industrial commission, Milwaukee, Wis.

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

A motion was passed that the incoming executive board be instructed to redraft the constitution and by-laws, especially upon the point of representation and voting, and report at the next convention.

[Business meeting adjourned.]

## EMPLOYMENT.

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

Mr. DAVIE. I take great pleasure in introducing to you a man well qualified to handle the next section of the meeting, H. C. Hudson, general superintendent Ontario Offices, Employment Service of Canada.

The CHAIRMAN. There are two or three remarks I would like to make. One is with regard to the history of Virginia. I was interested in a quotation which William Fitzhugh, of Bedford, wrote Captain Partis: "I would have you bring me a good housewife." That indicates the employment problem was acute even then.

Richard Lee at the same time wrote his brother William in London for a shipbuilder: "You can not imagine how much I am hurt for want of a good ship joiner business—I therefore entreat that you will not cease trying until you furnish me with such a person." At another time he wrote: "Pray do not forget my gardener."

When Washington first set up at Mount Vernon as a married man, for the longest continuous period his public life permitted him to stay there, he wrote a friend in Philadelphia to procure him, if any ship with servants should be in port, a joiner, a bricklayer, and a gardener. After his return from the Revolutionary campaigns he bought off the brig *Anna*, from Ireland, a shoemaker Thomas Ryan, and a tailor, Cavan Bowen, "redemptioners for three years, service by indenture."

That is yesterday. The present situation in Canada is not entirely different from that described in these extracts. Our mechanics are coming to the United States, attracted by the favorable conditions here, and serious attention is given to the problem of replacing workers, possibly by the development of apprentices in Canada and to a certain extent by the bringing of people, as they did so long ago, from the old country.

We are operating an employment service that works, an employment service with a clearance system that enables us to bring men from coast to coast, and one in which, as the years and months roll on, we are at all times coordinating our efforts and improving the clearance machinery.

Mr. George Roberts, vice-president of the National City Bank, in a recent speech emphasized the essential unity of modern society. He described society as a machine with interdependent parts. It is not necessary to go into the details of his argument, except to say that he proved conclusively that the various units in society are absolutely interdependent and the success of society depends upon the way in which these various units function together.

I may be too optimistic, may be putting it too strongly, but I believe there is no single factor that will do more to coordinate the different units in our society than efficient employment service. By that I mean that if employers can be confident that there is an unbiased service at their disposal for securing for them the very best help and that it has the means of securing that help beyond the borders of the town or city involved; if the workers can have confidence that there is an employment service where they will be told exactly what the conditions are in various lines of employment, when there are industrial disputes in progress, and where they can obtain accurate information about employment opportunities—then you will have an organization which is going to facilitate greatly the functioning of the various units of the social economic machine.

Doctor Meeker referred briefly to the unemployment situation in Great Britain, and said that Great Britain, of all the countries of Europe had weathered the storm the best. He did not say, though he might have, that the part that the national system of employment exchanges has played is a most important one. Of course we in America realize that it has bad points and good points. It was inevitable that an employment exchange should be used as a means of meeting the situation, but from what I have heard from people who have been on the ground I feel that the situation in Great Britain would have been much more serious had not the employment exchange been in existence and functioning, reducing to the lowest possible degree the stress, etc., due to unemployment.

That indicates that an employment service can be of great assistance in a time of unemployment by putting people into such jobs as there are with a minimum of delay, and by advising persons of employment at a distance and enabling them to get to that point through a reduced transportation rate, as we do. By these means the evil results of unemployment are materially reduced.

### REHABILITATION PLACEMENTS IN ILLINOIS.

BY GEORGE B. ARNOLD, DIRECTOR ILLINOIS DEPARTMENT OF LABOR.

[Submitted but not read.]

It is difficult to realize that if every firm were to employ one or two handicapped people the problem of caring for our handicapped would then be practically solved. Those who do not come in contact with the problem of the handicapped have considerable difficulty in realizing also the immense waste that is taking place in

permitting handicapped persons either to continue in idleness or, as is the condition in so many cases, to become actually dependent upon the State for support.

Illinois has made a start in placing workers who are handicapped by their physical limitations. The success which has come about from a small start is, it is believed, of interest enough to warrant a concise statement being placed before this convention.

About two years ago it was noticed that there was no routine method provided for in the administration of the various free employment offices of the State which would surely and economically care for handicapped workers. Many of the workers applying seemed competent to do grades of work for which there were considerable calls. Employers, as a general thing, were lukewarm about employing any worker handicapped by physical infirmities, preferring to "take the best of the lot." Competition, in other words, began at the source of the labor supply—at the free employment office. Then, too, with the employment office, looking after the interest of the employer equally with that of the employee and depending to a considerable extent upon the good will of the employer to secure future cooperation, rather feared to send the handicapped person in response to a call for competent and presumably able-bodied help.

At first the simplest and easiest method was used to find out if placements of handicapped persons might be made. A telephone canvass was made of many of the leading employers who had been and still were most friendly to the free employment office. In most cases it was necessary to deal directly with the foreman hiring the help or with the employment manager, rather than with the general manager or owner of the business. As a general thing, it was found that foremen and employment managers were not particularly taken with the idea either of hiring handicapped persons as additions to their force or of replacing incompetent workers, who were discharged or who left the firm's employ, with workers who were not physically up to grade. In fact, many of the answers over the telephone bordered on impatience that the subject had been mentioned. The attitude seemed to be that it was the business of the State to supply competent help, and that handicapped workers were not "competent help."

Despite the attitude shown it was possible to place a small number of handicapped persons through the medium of telephone calls. The waste of time and energy required showed that other methods were necessary, and a canvass was made of a number of firms, selected with care, to find out exactly what conditions obtained in the factories, workshops, and manufacturing plants. Again it was found that the foreman or employment manager, as a general thing, did not care to take the risk of employing handicapped persons. The reason, of course, was the lack of initiative which is found in every line of business, as people invariably hate to step aside from their regular run of thought and habit. In one instance which may be cited, and which may be considered typical of a number of cases, the investigator "went over the foreman's head" and placed the matter of rehabilitation employment squarely up to the general manager or owner of the business. This was very distasteful to the foreman, when the order was received to try out the new plan, and

was set down by the investigator as something to be avoided wherever possible. In future cases, the head of the business was first seen and converted to the idea of employing handicapped workers, and with the conversion made at the fountain head no difficulty was afterwards experienced through jealousy of foremen or supervisors.

A list of manufacturing plants which would employ handicapped workers was begun and has been gradually added to until now it is known what firms can be depended upon to make placements of the handicapped. Our list, in part, reads as follows:

Four packing houses will, in the summer months, employ handicapped men having one arm, as doormen.

An electrical company will employ workers having defective lower limbs, such employment being available in clerical and typists' positions.

A prominent manufacturing company will employ handicapped men regardless of any handicaps so long as they have two good hands and can do work in assembling departments.

An addressing company will employ handicapped workers addressing and folding circulars.

A number of firms will employ handicapped men who have lost an arm or a leg, as watchmen.

An electrical firm will employ men partially paralyzed, or having only one leg, as solderers in its wire-frame department or weavers in their reed department.

A machine company will employ deaf mutes in its tool and die department.

This list might be extended indefinitely, but it will serve to give an idea of the kind of work available for handicapped persons.

It will be noted that the calls for workers are usually for some specific purpose, and in many cases for those who are either able with their hands or who can be trusted to perform some simple work which a child might do, but which requires the sense of responsibility which is to be found only in a grown person.

The first class of workers referred to above—those to do some specific work—is mostly made up of hand workers. There are many lines of manufacture in which good eyesight, supplemented by manual dexterity, is ample. In fact, one of the most telling arguments in favor of the employment of, say, a man who has lost a limb, in inspection or assembling work is found in the fact that the person so handicapped "sticks closer to his work," as one employer put it, than the man who is free to move about at will whenever he thinks he will not be penalized for it.

The second class of workers—those who are required to perform simple tasks and yet who must surely perform them—is a large one, which furnishes a considerable quota of employment for the handicapped. For instance, a call lately came in for a man to sit as a night clerk in a small hotel. His duties were to care for the few guests who came and went at late hours of night and to answer an occasional telephone call. This work could have been performed easily by a boy of 10 or 12 years, yet it was necessary to have a man with a sense of responsibility on the job. This is a typical instance of a large group of workers where there is comparatively little to do but where this little must be surely, carefully, and efficiently done.

The obstacles in the way of getting satisfactory placements for handicapped workers are considerable in number and call for a great deal of patience and knowledge of human nature in overcoming them. Perhaps the greatest obstacle is often found in the

mental attitude of the handicapped worker himself. In many cases a physical handicap reacts strongly upon the mentality of the individual. A handicapped body too often means a handicapped brain. As a result, neither the employer nor the one making the placement can expect quite normal results from both body and brain of the handicapped person. In many cases where the physical handicap is such that the worker is able to do even more than the normal worker because of greater facility of hand or the tenacity with which he sticks close to his job, there may be a mental handicap so great as to cause trouble. An instance of this kind may be quoted.

A worker was placed in a position of fair grade, he being paid the standard wage for such work. He was reported as employed, and no more was heard from him for a few days, when he turned up at the employment office and stated that he was dissatisfied with his present work. Close questioning developed the fact that the worker fancied that he was disliked—not an unusual mental condition even in those who are not handicapped. When the employer was questioned it was found that the work of the new man was perfectly satisfactory and that he was being in no way discriminated against. Such being the case, it was a simple matter to have a heart-to-heart talk with the worker and point out to him some of the benefits he was obtaining by being employed at a regular wage continuously as long as he cared to stay. When last heard from, this worker was still employed and had come around to the mental attitude that he was pretty lucky in having satisfactory employment.

The charity angle is one that often clashes with proper rehabilitation placements. A position was secured by the employment offices for a young man partly crippled in his lower limbs. This position paid \$18 a week to start with, with the prospect of learning the trade and securing permanent work at it. When advised of the vacancy the young man scornfully exclaimed: "Why! I can make that in an hour or so a day begging at the Clark Street bridge." The manner in which this was said indicated that the one offered a job was strongly of the opinion that anyone would be foolish to work when as much or more money could be easily secured by begging.

Not all will be so frank in stating such an opinion as this young man. In many cases handicapped persons have been sent to work and later have returned with the statement that they were not hired. The employer's notice returned to the office, however, indicated that the applicant had never shown up. Further investigation almost invariably would reveal the fact that if the applicant went to work he would forfeit some charity funds then available to him from some organization source. This dole of money obtained from charity invariably was much smaller than the sum he could earn, yet there was the mental attitude of the individual standing in the way of self-support.

To-day is the day of organization. No less an organizer than Henry Ford has stated that the industrial organizations of to-day are small beside those which will be seen in the next decade. Mr. Ford predicts that organizations 100 times the size of our largest businesses to-day will be seen in the future. This being the case, it behooves the worker past middle age or who is handicapped in any

way to attach himself to a going organization and move upward as the organization enlarges. This is not only for the sake of advancement but because of the need of proper environment on the part of those who are deficient either physically or mentally. We have just spoken of the deficient sense of responsibility which the physically handicapped worker may have. For his best interests he must not be permitted to do "home work." He must be gotten out of the environment of what is probably an unsuccessful home and into the environment of a successful business. Not only does the successful organization help the worker to success by lifting him up—or by helping him to lift himself up—but the very fact that the business is a success helps to correct wrong mental thoughts and habits, giving each day practical lessons in success and self-development.

Considerable work has been done by the Chicago free employment offices in directing the handicapped worker who will benefit by training to the proper source for such training under the vocational rehabilitation act as it is enforced in the State. In many cases a few months, or even weeks, of attendance at a first-class school or training association will serve to make a handicapped person a competent worker in a fairly paying field.

To summarize: The great need is for wide distribution of handicapped workers in all industries where they will be absorbed easily and economically. The employer is the first man to see in order that he may be converted to the idea of the employment of handicapped workmen. Considerable work must be done with the handicapped worker in order that he may have the right mental attitude toward employment. Handicapped workers must be directed to proper training when this is possible.

The CHAIRMAN. In Illinois they have had for some years an advisory council. Doctor Atwood is present and I am going to call on him to give a brief résumé of the work done by the general advisory board of the Illinois Free Employment Offices. In Canada, at least, we believe that the bulletin of employment conditions published by this general advisory board is the best of its kind published in the United States or Canada, and that as a business forecaster it is in the same class as some of the best commercial surveys. It is a pleasure to have the secretary of the general advisory board, who is also connected with the Federal Employment Service, speak this morning.

#### **RÉSUMÉ OF WORK OF GENERAL ADVISORY BOARD OF THE ILLINOIS FREE EMPLOYMENT OFFICES.**

BY A. H. B. ATWOOD, SECRETARY GENERAL ADVISORY BOARD, FREE EMPLOYMENT  
OFFICES, ILLINOIS DEPARTMENT OF LABOR.

The work of our general advisory board during the past eight years can be defined as first, our efforts to secure efficiency in the service, and, second, our efforts to secure the confidence of the public.

Government control or ownership of business is not popular nor, in those few cases where it does control, is there the highest degree of efficiency. The railroads throughout continental Europe, under governmental ownership do not compare in comfort or service with the railroads in America. The lack of confidence in governmental control is to a very large extent responsible for the fact that attempts to establish an employment service in America have not

reached the volume nor secured the support that it was hoped they would secure. When we compare the employment service in our commonwealth with the employment service of eight or nine years ago the comparison is so favorable that it gives every one encouragement to push on in the work and secure for it greater fields and greater confidence from the business public. But when we compare what we are doing with what is being done in employment work as a private business, we feel that we are confronted with a still greater task.

The first great task that confronted our board after its initial organization was to increase the efficiency of the various offices established in the State and to secure the confidence of the public. Business looked upon efforts by the State as efforts that would encourage organized labor. Labor looked upon the offices created by the State as public agencies to recruit labor to break strikes. I believe to-day the feeling management and workers had toward offices of the State has been changed, and that there is now confidence on both sides as to the impartiality of the employees who administer the work and that only plain, uncolored, and impartial statements of fact are given out to applicants for employment or to employers seeking workers.

In our endeavor to secure the confidence of the public in the work of the State we found that few knew that there was such an agency or that it was in a position to render service. Our board has for some time been impressed with the need of a medium whereby information could be given to the public, that is, to employers and employees, as to the work of the department and the general business conditions of the State.

Under the present State administration it has been possible for us to present to the public our employment bulletin. In this bulletin we give statistics as to the number of applicants and number of placements at various employment offices throughout Illinois and draw conclusions from such figures.

A little over three years ago the world began to pass through a period of economic readjustment the like of which can hardly be found elsewhere in history. In our own country we passed suddenly from a period of the most intense industrial activity, with wages, prices, and output high and mounting higher, into a period when production stopped, wages were cut, and prices fell from what might be called a period of universal extravagance into one of misery. Regarding merely the employment or labor phases of it, the passage was from a time of labor shortage to one of enormous unemployment. One official agency estimated that at the crest of the unemployment wave there were 5,000,000 people in our country out of work.

I am indebted to Mr. R. D. Cahn, chief statistician of our department, for the facts and figures relative to our publication known as the Illinois Employment Bulletin. We are publishing monthly in Illinois a bulletin giving an industrial review of the business conditions in the State, interpreting in such review, and in suitable tables, the labor situation of the various districts of the State. We have been doing this since some time in 1921. It has been very pleasantly received by the business interests of the State and has been particularly helpful during the period of business depression that we have recently passed through. At that time in our own State there was a

sudden transition from a labor shortage, when only 73 persons were registered at the employment offices of the State for each 100 that were wanted by employers, to a time when opportunities for work were scarce and for each 100 chances to work there were 275 people seeking them.

This altered and changed condition that we were confronted with in Illinois was also true in other localities, and each country took such steps as were possible to alleviate the suffering which involuntary idleness brings and to reduce unemployment.

The methods used in the various countries I have neither the time nor the inclination here to consider. However, in all the European countries it is clear that one of the things that was realized was the necessity for adequate facts which would keep Governments advised of the industrial situation and give warning of the coming of another period of unemployment. We now have employment statistics, meager as they may be in many cases, developed throughout European countries, the details of which were so interestingly presented to this convention by the commissioner from Pennsylvania, Doctor Meeker.

In our own country the centralized efforts for dealing with our unemployment problem was the President's conference on unemployment. Faced with the misery throughout the country the conference proposed numerous temporary relief measures, but confessed its inability to deal adequately with the unemployment question because of lack of sufficient information. Mr. Hoover, secretary of the conference, declared that the Department of Commerce expected to begin scientific investigation of the problems of unemployment. The unemployment conference declared that in order to do anything to prevent unemployment in the future that it was necessary that current information of the number of persons employed in industry be gathered. States were urged to follow the example of New York in securing at monthly intervals from employers reports of the number of persons at work. Current facts are thus seen to be necessary in coping with the difficulties of unemployment problems. The need of this character of information was realized in Illinois long before the President's conference was called. For a number of years our board has been attempting to start the collection of employment facts. In August, 1921, the board began to collect from employers reports on the number of persons at work and to publish them in a bulletin known as the Illinois Employment Bulletin.

The question may well be asked why employers are willing to give us these reports. In the first place our board has been successful in creating in the minds of the employers a sense of confidence that we will keep our promise to keep secret the information sent to us. In the second place employers realize how important the employment and unemployment figures are to them. Among business men the elements of cost involved in labor turnover, so generally ignored a few years ago, have now become so widely recognized as to set a premium on the stabilization of employment. Leaders in industry now see ways in which the employment cycle affects cost of maintenance of business. In a business depression underemployment of labor brings with it underemployment of factory space, machinery, railroad cars, and many other forms of invested capital.

Another cause for interest in employment by business men lies in the profound influence of employment on the buying power of the public. It can not be denied that any shrinkage in employment tends to curtail the demand of the working group involved. This curtailment in demand may lead to further shrinkage of employment in other lines, then to further curtailment of demand, and so on. It is our conclusion that the business men of our State are willing to give us these intimate facts of their business because they receive in return from us an analysis of the situation that can be secured in no other way.

In addition to the tables of figures in which are set forth the information received from the employers of the State, we also give statistics on the operation of the free employment offices of the State analyzed on the basis of the number of persons seeking each 100 jobs open. Our board was the first agency in the country to make an analysis of figures of this sort. It is a pleasure to note that the Census Bureau has adopted essentially this plan.

Another subject that we cover in our bulletin is building and contracting as revealed in building permits. Our reports, collected from the building commissioners' offices in 12 of the principal cities each month, has kept the public advised of the tremendous building that has been going on in Illinois during the last two years.

We also furnish figures on the cost of living. The three agencies engaged in compiling and publishing cost-of-living figures are the United States Bureau of Labor Statistics, the National Industrial Conference Board, and the Massachusetts Commission on the Necessaries of Life. We summarize and compare the figures of these agencies on what might be called a common base and I believe we are the only agency in the country that is doing this.

Our board, while made up of those who represent the two classes in industry, employees and management, has given to those questions which have caused such great differences of opinion, such as the open or closed shop, no thought or time, but has devoted its energies to such problems of the employment service as unemployment, security against unemployment, and methods of providing security. We have, during the past two years, given no small degree of thought to the need of publicity, so that the entire state might know something of the service as well as some of its problems. I have already directed your attention to our work along this line, our employment bulletin.

During the past two years we have given, as intimated, no small degree of time and study to the question of unemployment, which is with us from time to time. Unemployment is the dark shadow over the lives of workers. It is a source of fear, inhibiting cooperation and retarding progress. To remove that fear is to alter to a great degree the attitude of the workers. Further, unemployment is a terrible and demoralizing burden. It means physical hunger and insufficiency, coupled with moral deterioration. Men who have suffered since childhood from cycles of malnutrition can not have the physical and nervous stamina that should be their birthright, and can not, after each spell of unemployment, be as fit physically as before. They will also deteriorate morally. They will have less interest in work, less regard for the economic system that forces unemployment upon them, and less strength of character.

Unemployment, its causes and possible cures, is one of the many subjects we have, from time to time, discussed and are still making studies of that we may find some plan that will not only be relief therefor, but, may more justly place the burden of unemployment where it belongs. I cannot pass on without saying just a word or two on what might be called security against unemployment. In addition to a just and sufficient wage, industry owes its workers security. For this an economic as well as a human argument can be offered. Industry requires a reserve of labor. It should be able to call upon a body of men and women to meet its needs in periodic cycles of good trade. In this, it is like a baseball or football team, which is required to carry substitutes or reserves. Such a team seldom makes any significant difference in remuneration between those who do most of the work and those who are at hand ready to fill up any gap that may arise. So industry should make no difference between those who in bad times must stand aside as a reserve and those who are engaged the whole time. It must give both the sheep and the goats an equal guaranty of security. For another reason, the capitalistic system is called upon to do justice through some guaranty to the workers. The chief economic argument for this system is that it undertakes both the profits and the risks of production. It bears losses in return for the right to take surplus profits. The workers have abrogated their rights to profits by accepting a wage contract which is alleged to absolve them from the risks of industry. But no impartial economic thinker will maintain that the employer bears all the risks of industry or that the workers are absolved from the risks. Only by guaranteeing some degree of maintenance of employment can the capitalist undertake fully the risks of industry and thus overthrow one of the most powerful arguments against continuance of the present industrial system.

I have taken a rather broad manner to lay before our friends a résumé of the work of our board, but I have attempted to lay a foundation, as it were, of the scope of our studies and the burdens placed upon us by the statutes of our State. Our employment service is claiming the attention of many throughout the State. It is rendering a real service. Would you not so consider it when it has placed for the year ending with September of last year 136,327 persons in useful employment? And this work was accomplished by 15 offices in 13 cities. I cannot tell you how many private offices there are in this State but they number a great many, especially in Chicago. I do not at this time possess the figures of the placements made by the private or fee agencies, but for the years 1917 and 1918 it was reported that there were placed 593,482 persons. A little time spent in the analysis of these figures would result in a revelation to the business interests of the country. Under the law of our State private agencies may charge as a registration fee not more than \$2. Then, for the period mentioned (one year), the sum of \$1,186,964 was paid by the people of this State to secure employment. Does anyone believe that that is all it has cost? Do not for one moment delude yourself into any such belief. I am touching one of the so-called "best-paying businesses" in our State. There is not one of the private agencies that operates in our State and attempts to place people in the better positions—other than at common labor—but that charges a commission for this service. Is there anyone here who has any idea

of what is collected by way of commissions for such service? Let us analyze these figures for a few moments and then make some comparisons. As I have said, these agencies operate on what is known as a commission basis of 60 per cent of the first month's salary or 5 per cent of the yearly earnings. What does this amount to? Let us see. We find that in the period above mentioned there was placed by the following classes of agencies something like the following:

	Placements.	Estimated commission.
Automobile agencies, at \$80 per month-----	4,966	\$237,768
Clerical agencies, at \$100 per month-----	34,043	2,042,580
Teachers' agencies, at \$80 per month-----	3,964	190,272
Engineering agencies, at \$90 per month-----	1,376	74,304
Nurses' agencies, at \$60 per month-----	7,977	287,172
Total-----	52,326	2,832,096

Separating the placements in these five lines of business where it is morally certain that a commission charge was made, we find that these 52,326 persons would have paid \$2,832,096 in commissions in addition to the registration fee above mentioned and which we estimate at \$104,652.

Have I said enough to arouse you? Let us continue our study a little further, and see if we can add anything to that which has already been said. In the other lines where it is not possible to separate those who have paid a commission from those who have not, there remain 541,156 placements reported for the year. In many cases a commission would be charged, so that it would be extremely conservative to estimate the total payments to private agencies in commissions at \$3,250,000 and in registration fees at \$1,186,000, bringing the total to \$4,436,000. Between four and five millions of dollars paid to private agencies in fees and commissions therefore represents what the employees and employers have paid for this means of finding jobs or securing employees. Did I say employers? Yes; for in no small number of cases have the employers paid the commission in order to secure the right men and women, and in some cases firms have paid an annual fee to agencies for securing for them the right kind of men, this being paid in addition to the fee charged and commission collected.

There is another medium for finding jobs, and that is the newspapers. We have measured the space in three of the Chicago dailies for one week in October and one in April in 1922, the average of the two being considered as fairly representative, and these figures were taken as the basis for establishing the yearly amounts paid to these three papers in want ads. Calculated in this way, the workmen of Chicago have paid \$160,000 in "Situation wanted ads," while the employers have paid \$1,195,000 in "Help wanted ads," in one year. In other words, three daily papers received \$1,355,000 through their want ad columns for finding jobs.

In contrast to these two methods stands the Federal-State employment service. As stated before, and it will bear repeating, for the year ending with September 30 the Employment Service of Illinois placed 136,327 persons in useful employment at the annual cost, including the advisory board, of \$204,455. Bear with me just a little further. If the persons who registered in the employment

offices of Illinois, numbering 265,899, had registered with private agencies they would have paid out in fees, at \$2 a registration, \$538,798, or more than twice the amount it costs to operate all the offices in Illinois. If the persons who received jobs through the service of the State had registered with private agencies they would have paid to such agencies \$272,654, or one-third more than the cost of operating the service in Illinois.

Summarizing the above figures we may say that the employment service in Illinois is costing \$204,000 annually. Those served by it are saving in fees and commissions at least \$1,000,000. Besides, labor and management are paying in fees and commissions between four and five millions of dollars per year. Employers and employees are paying Chicago papers \$1,350,000 in want ads. This sum would certainly be increased to \$2,000,000 for all the papers of the State. It would appear that between six and seven million dollars is spent annually in finding jobs in Illinois. This work could be much more effective and cheaper if done through a centralized system of Federal-State agencies. The object of the department of labor and the general advisory board is to make their service so effective and essential as to absorb a large part of the waste now present in placing workers. This can be done just as fast as the service establishes itself in the confidence of the public to such an extent that adequate facilities will be provided for performing the work. As to the future, our ambition is to have the service of the State so effective that at the offices now established, and to be established from time to time, any employer may know from month to month just who are available, with full information as to qualifications, and everyone seeking employment may know what positions are open.

The CHAIRMAN. In Ontario we placed 118,000 people last year, our total population being two million and a half. Doctor Atwood's figures for number of placements were, I think, considerably higher, but the population of Chicago alone is 3,000,000. So we have reason to be pleased with the high percentage of our population who use the employment service. If there is any better test of its efficiency than that I do not know what it is. Those 118,000 people were placed at a total cost of \$159,000, or an actual cost of \$1.10 a placement. When we opened our office six or seven years ago, we felt that if we kept under the \$2 mark we could justify the expenditure. To be able to carry through the year 1922 with a cost of \$1.10 is a matter of satisfaction.

We will now hear from Mr. Francis I. Jones.

#### ADDRESS.

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

The United States Employment Service, through its regular monthly collection of information concerning the industrial situation of the United States, is in close touch with the industries of the Nation. We feel that the employment service has made progress during the past year, but regret that our appropriation is inadequate to do the work we would like to do. I regard the work of the Federal

Employment Service as the greatest function the Government can perform for the general welfare of the people. Is there any other function of the Government that promotes the general welfare as does a public employment service, a service that provides for the common defense, for defense of the home, for defense against hunger and against poverty? The public employment service can not make the job, but it can find out where the job exists. It is now the function of the Government to provide machinery so that men and women who are looking for employment can find such existing jobs.

Experience has proven that it is necessary, under the present economic conditions of the country, to have a public employment service, and it is an economic loss and waste for any city of 25,000 to be without a public employment service. Some call it a "free" employment service. I am not in sympathy with the word "free." Men and women are not looking for anything free. It is a service that belongs to the people by right, even as do the public schools.

Perhaps some of you may not know the different functions performed by the Federal Employment Service. We have what is known as the junior service, which deals with the boys and girls who leave school to go into business. It is a Federal service for their guidance and directs them to jobs suited to their qualifications. We have some 20 such services throughout the United States, and we hope we will have more money to extend that service.

One of the big services of the United States Employment Service is its farm labor bureau. A short time ago we got a letter from one of the Southern States, saying: "The service you gave us last year meant a saving of over a million dollars to us. Cotton ripened three weeks earlier and we were not prepared to bring in the labor." Eighteen hundred cotton growers had wired us asking for assistance, and after consulting Mr. Henning we went to their assistance and their cotton was harvested.

The farm labor bureau is a Federal service in toto. It is the only service that we have that is strictly a United States employment service, but the States assist us in that work and the Department of Agriculture gives us great assistance. Last year we recruited 106,000 men and distributed them to harvest the wheat crop of the country. We also went into Texas and assisted in harvesting its cotton crop and into the potato district of North Dakota—the growers there are sorry we helped them because the potatoes did not pay them for digging, but we got them the men. We are committed to develop and extend the farm labor bureau of the United States Employment Service.

I was pleased to hear Doctor Atwood speak of the bulletin published by the Illinois Department of Labor. The industrial bulletin that we have established covers the entire field of the United States.

The CHAIRMAN. I feel that we should not close this part of the session without hearing from the Hon. E. J. Henning, Assistant Secretary of Labor, of Washington, D. C. Mr. Henning is known to us in Canada on account of his work in Washington, and also on account of the fact that he has been recently elected president of the International Association of Public Employment Services.

## ADDRESS.

BY E. J. HENNING, UNITED STATES ASSISTANT SECRETARY OF LABOR.

The public employment service is one of the most important functions of a nation. The individual without a job is the last one in the world who can pay a fee or give up a portion of the first month's pay in order to obtain employment. A century ago the public schools were looked upon as a form of charity, but by virtue of the high type of service rendered by the schools and the confidence inspired thereby, there is no one in America to-day prouder than the father who says, "My boy is a graduate of the public schools of America."

Just that same type of service is necessary in the employment service, and I am glad to say it is being furnished, this giving of confidence to the employee and the employer, the man who looks for the job and the man who looks for the man. When confidence is established and the function of the employment service thoroughly understood, the first-class mechanic will no longer regard it as a reflection upon his standing to go to the Government office and ask where the best opportunities for employment are at that particular time for the man who has the experience he has in his particular line.

The United States Department of Labor is trying to furnish this bird's-eye view, this unity of service. To my mind that is the great function of the employment service of the Department of Labor, to help those of you in the States and, if you please, on the North American continent, to get a bird's-eye view of the employment and unemployment situation.

Industry shifts very rapidly. I was shocked last year when, in my own State of California, I went into the Bakersfield oil district where the derricks over the oil wells stand so thick and spread over so much territory that it reminds you of a forest, to find everything quiet—nothing working. I said to my companions, "What struck here?" and they told me that the oil fields near Long Beach, Calif., all on tidewater, developed in the last six months, had actually put this field out of business and the wage earner in this field was really up against it. The development of the industry in the tidewater district, with a larger flow of oil, had shifted the oil industry in California in 90 days, so that this field, the greatest property in the world in its day, was a dead field, and labor had to shift or to find some other sort of occupation than work in the oil fields. We in Washington are there to furnish that national contact, and to make it possible for you in the different States to know what is going on in the rest of the world.

The Department of Labor is of great advantage in the service of labor and functions through many bureaus, all of which touch upon the same general subject. Of the 10 executive departments of the United States, the Department of Labor is the latest one created, being about 10 years old. The act creating it was signed by President William Howard Taft on March 4, 1913, as his last official act. It functions through 8 or 10 bureaus. The scope of the department is very broad. There are at least 25,000,000 men, women, and children in the United States—nearly 25 per cent of our whole population—classified as wage earners. There are 40,000,000 people classified as engaged in gainful occupations.

The Department of Labor is therefore one of the most important departments, and in my judgment the most important to the economic life of the Nation. We deal entirely in human beings. We have no business bureau at all, unless the Bureau of Labor Statistics might be so considered. Yet while we have no business bureau in the Department of Labor we are in closer touch with more lines of labor than any other department of the Government.

Business can have no other purpose, industry can have no other purpose, civilization can have no other purpose than to serve men, women, and children. We have among the bureaus the Bureau of Immigration, where we "check in" the peoples of the world as they come here. That is a very extensive service, meaning a great deal to the economic life of the Nation. Prior to 1820 we paid no attention as to who came in. This country was the haven for everybody. Those who sought a life of contentment, well-being, and freedom of action, including often those who ought to be confined in jail, and all who found it inconvenient to stay at home, came to the United States of America. In 1820 we enacted a law to count them and for years that is all we did, count them as they came in—everybody welcome. During the years since 1820 we have checked in something over 35,000,000 aliens. About 1885 we began to restrict immigration—originally only the orientals, but gradually all classes of Europeans. Two years ago we departed entirely from the policy of the past, and instead of saying, "This is a haven for everybody, particularly the Europeans," we said, "We will take only so many—3 per cent." Not more than 3 per cent, according to the census of 1910, of any nationality, which is determined by place of birth, may come. If there were 100,000 people of Italian birth at the time of the census of 1910, 3,000 of Italian birth may come in in any one year, and only 20 per cent of them in any one month. The quotas of some countries are very small.

We had a very amusing situation at one time when a high potentate of one of the South African countries arrived. We held him up because the month's quota of that nation was one-half and so we could not let him into this country. Finally we found he was coming to visit his half-brother, and so we let him in as half a man because he was coming to complete that unit. A lot of difficulty is created by that arbitrary method of allowing so many and no more.

We hear much complaint now of a shortage of labor. Instead of five or six million people walking the streets, we find the employers of labor now complaining that the bars are too high and that they can not get the common labor they need. Personally, I think these employers do not know. There is no real shortage of labor.

One of the officials of a European country has proposed to us that we make a deal by which they will raise our common labor for us, send it to us at the age of 18, and take it back home when we are through with it. If they will raise them and bury them, economically that is a good proposition, but I say it is a shocking proposition from the standpoint of American citizenship. If you are looking for cheaper labor go the whole distance and gather in the oriental coolie who has been so aptly described as the human tractor. He thrives on work. Eighteen hours is the minimum he will consider; he will go on strike if you cut him below 18 hours. He lives only by toil and labor.

During the first fiscal year under the quota law, 365,000 people could come from Europe. We received 310,000; at the same time over 200,000 aliens left here to go to the countries from which they came. Of the surplus of 110,000 there were about 6,000 men, and they were all over 50, coming to live with children here. As a matter of fact, the man power did not gain one single ounce during the fiscal year of 1921-22. The present fiscal year tells quite a different story. The economic situation here is better. Workmen are coming as immigrants and are not leaving the United States.

The cry of cheap labor is a snare and a delusion. The most expensive labor in the world is slave labor. No nation has prospered under it. The old South never fully realized that until the last few years. While low wages were paid in the old South, New England paid the highest wages in the world at that time. What was the result? New England became an industrial leader in the world, while the old South remained a farming section. The cheapest labor in America is the American-born labor, American-reared labor, labor which has learned to understand the institutions which means so much to us, which understands and knows what free government means, which is a part of the Government, which has been educated at least as far as the eighth grade in the public school, which marries and tries to own a home, which has learned a trade—that is the labor, and not the cheap imported labor, that is making the America of great industrial power and richer opportunities. The overhead of supervision, of ruined or destroyed product, of maintaining the dependents of the so-called cheap labor more than balances the difference in the wage per day.

During the war one of our regiments or units was made up almost entirely from the building trades of Chicago, and when they got "over there" they were set to work doing the things in which they were expert. A bunch of Chicago bricklayers were laying brick alongside French bricklayers, working as fast as they reasonably could, and working the same number of hours a day, and it was found that the Chicago bricklayer laid 1,350 brick while the Frenchman laid 350. Now if the American wage earner got twice as much an hour, it still costs half as much for him to lay a brick as it costs for the Frenchman. That is the test.

There is no wage earner in the world to be compared with the American wage earner. Why worry about foreign markets? In our palmiest days our exports have not exceeded 7 per cent of our total trade. The most important thing for us to do is to preserve our markets against the foreigner, rather than to seek a market among a land of paupers. American markets, with the American wage earner with a high wage scale—finding a market at home instead of in Europe—that is the ideal situation for America.

We have the Bureau of Naturalization in the Department of Labor. I am shocked at the figures presented by it. Fifteen million people in America are foreign born, and only half of them are American citizens. There are 7,000,000 people in America of foreign birth who are still aliens and over 6,000,000 of them have lived here over five years. I am not in favor of making a man a citizen until he is an American at heart. The great trouble is we have not Americanized the aliens and have not given enough time and attention to them.

I want to call your attention to the program of the Secretary of Labor in that regard. We stand for a bill in Congress (we want your help and if you will, we want you to get in touch with the Congressman from your district and get him to help it along) requiring every alien in our Nation to register, presenting himself every year. The prime reason is to put him in touch with the Americanization forces, to get him away from the congested district in the big city where he lives with others of his race, to help him to become an American just as soon as he possibly can, and then to naturalize him. Another reason is that we may know who is who. There are in our country to-day, I am told by those who ought to know, at least 50,000 aliens who are here, not to share with us the burden and obligations of citizenship, to enjoy with us the glories of this Nation, but to plot and scheme in order to organize for the destruction of government. They hate all government, they hate God and man, and all forms of civilization. They are here to carry on their nefarious work, and I say that whenever an alien of that type is here and we can locate him, the quicker we kick him out the better for us and the better for the world. We ought to know who is who within our gates.

Of course, we have the employment service, headed by Brother Jones. It is one of the most important things that we have.

The Bureau of Labor Statistics is a most important bureau. It is a bureau of information that every man, woman, and child in the United States needs and should make use of. People spend weeks and months trying to ascertain facts, when if they would drop a note to Brother Ethelbert Stewart or to me they would get the information almost immediately. A friend wanted me to go in with him and buy a 40-acre tract and put up some houses. I said I thought the place was overbuilt. I asked Ethelbert Stewart about it, and he gave me astonishing figures. All you need to do is to ask and the Bureau of Labor Statistics will furnish the data. When I once called his attention to the fact that some other statisticians did not agree with him as to certain figures, Ethelbert Stewart said, "Well, they call themselves statisticians, but they are fortune tellers; we are statisticians here." That is one of those Stewartisms which tells a whole story in one sentence.

We have our Conciliation Division, a service where we seek to avoid industrial disputes and also to settle disputes after they start, one of the most important services we can render industry. We have no power to take a disputant by the nape of the neck and settle his dispute. Our service is purely voluntary, and it takes a lot of diplomacy. Hugh Kerwin will tell you about that service later.

We have the Women's Bureau and the Children's Bureau. I wish I might tell you about them, but I have not the time. I merely want to give expression to my feeling on the subject of women and children in industry. Children doing manual work and women in industry must be protected in their health and in their morals. No nation ever was or will be stronger than its womanhood and its childhood, and the nation that exploits its women and children in industry to their physical and moral detriment, has just about as much sense as the Indian tribe which consumed all the seed corn in the fall festival.

There is the Housing Corporation, which was a war measure. The war has been over a long time, and we are trying to wind up the

work. The Housing Corporation operates the famous Plaza Hotel in Washington. It has over 1,800 guests, single women who work for the Government. We are a big family there.

The Department of Labor of the United States is for service—to serve in every one of its bureaus and functions. We insist on cooperation in our own domain and it is always willingly given. Each bureau chief is ready to stand behind the other eight or nine and to help them. In the Department of Labor we take pride in teamwork. We want the whole department devoted to the welfare of the wage earners of America, to move forward, onward, and upward, and to be of service. That is the one word—service. We insist on it. We hope we are delivering it.

[Meeting adjourned.]

**FRIDAY, MAY 4—AFTERNOON SESSION.**

**HERMAN R. WITTER, DIRECTOR OHIO DEPARTMENT OF INDUSTRIAL RELATIONS,  
PRESIDING.**

### **MEDIATION AND ARBITRATION.**

Mr. DAVIE. To my mind there has been no program offered here any more important than the one we are about to discuss, and we are very fortunate indeed in having with us this afternoon a presiding officer who knows a great deal about this particular phase of the program. It is a great pleasure to me to introduce to you Mr. Herman R. Witter, director of the Ohio Department of Industrial Relations.

The CHAIRMAN. I now introduce to you Mr. Giddens, secretary of the Federal Department of Labor, Dominion of Canada. His topic for the afternoon will be "The industrial disputes investigation act."

#### **THE INDUSTRIAL DISPUTES INVESTIGATION ACT.**

**BY F. W. GIDDENS, SECRETARY DEPARTMENT OF LABOR OF CANADA.**

It was in 1907 that "An act to aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities" was passed by the Parliament of Canada, having been introduced by the Hon. Rodolphe Lemieux, at that time Minister of Labor as well as Postmaster General. The real author of the measure, however, is the present Prime Minister of Canada, the Right Hon. Mackenzie King, who at the time the act was drafted was Deputy Minister of Labor, and who later as Minister of Labor had also to do with its administration. It was the result of long experience in conciliation and mediation work and particularly his experience in dealing with and settling a serious strike in the coal mines of Alberta in the early winter of 1906, that led Mr. King to bring to the attention of the Government the necessity of legislation which might give effective aid in disputes in industries of immediate public interest. The enactment of the industrial disputes investigation act constituted the first limitation by the Canadian Parliament of the right to strike or lockout, the restriction being confined to specified industries and only pending investigation.

Briefly, the provisions of the act are as follows: An employer contravening the act is liable to a fine of from \$500 to \$1,000 for each day or part of a day that a lockout exists, and an employee on strike contrary to the act is liable to a fine of from \$10 to \$50 for each

day or part of a day he is on strike. A penalty is provided also for anyone who incites or aids any employer or employee to declare a lockout or to go on strike contrary to the act. The industries covered by the act are those employing 10 or more persons engaged in mining, transportation, or communication, including steam, electric, or other railways, steamships, telegraph and telephone operation, or in gas, electric light, water and power works. It is made illegal for any employer in these industries to declare a lockout or for any employee to go on strike prior to or during a reference of the dispute to a board of conciliation and investigation, the establishment of which is provided for on the application of either party to the dispute or, by an amendment of 1918, on the application of any municipality interested or on the motion of the Minister of Labor. An amendment of 1920 authorizes the Minister of Labor to take similar action in case a strike or lockout seems to him to be imminent.

A board of conciliation and investigation is appointed by the Minister of Labor, the three members of which are nominated, one each by the two parties to the dispute and the third, the chairman, by agreement between the other two. In the case of failure of one of the parties to make a recommendation, or in the event of the failure of the two parties to agree on a chairman, the minister may make the appointment without further delay. The board is given the requisite powers for taking evidence, etc., and provision is made for the payment of fees and traveling expenses of witnesses and for the necessary clerical work. If the parties do not come to an agreement, the board is required to make findings and recommendations looking to a settlement and the majority and minority reports are made public, it being one of the principles underlying the act that the weight of public opinion is an important factor in the settlement of labor disputes in connection with public utilities. Not until the report of the board has been delivered to both the parties affected are they free to alter the conditions of employment with respect to wages or hours regarding which there was a dispute and 30 days' notice of which had to be given by the party desiring the change.

The act provides for a registrar of board of conciliation and investigation, and from the date of its enactment the Deputy Minister of Labor has filled this office.

An important provision is that which permits either of the parties to a dispute in industries otherwise beyond the scope of the act to submit such dispute to a board constituted under the act.

Certain amendments were introduced this session by the Hon. Mr. Murdock and passed by the House of Commons and no doubt have by this time gone through the Senate. These amendments, however, introduce no new features in the legislation, but simply make clearer certain procedure.

It might be mentioned here that the industrial disputes investigation act does not replace the conciliation and labor act which I mentioned the other day as the measure under which the Department of Labor collects and publishes labor information, but the conciliation work done under that act has been largely by officers of the department.

The annual reports of the Deputy Minister of Labor show a long list of disputes in which the good offices of the department were extended to the disputants under the authority of the conciliation and labor act and were helpful in reaching an agreement. There are many cases where peculiar difficulties develop in the making of a working agreement or appear during the life of an agreement or where unforeseen or unusual industrial situations are brought about, making for friction and leading to disputes if not properly dealt with. The Department of Labor is frequently asked, either by employers or workmen, to intervene in such cases, and the department is usually able, by correspondence or by personal intervention through an officer, to heal the threatened breach and prevent an interruption of work.

An important feature in connection with the operation of the industrial disputes investigation act is the increasing number of applications for boards of conciliation and investigation to adjust disputes in industries other than public utilities. In the latter case, a board can under the law be established only with the consent of both employers and workmen, and a similar practice has been followed in connection with disputes between municipal corporations, or bodies controlled by a provincial government, and their employees, even when the employees concerned are engaged in public utility work.

From the date of the enactment of the industrial disputes investigation act, March 22, 1907, to the end of March 31, 1923, there were 597 disputes dealt with under this statute, in 561 of which cases the threatened strike was averted or ended, a board having been in a few cases established after a strike had been declared. In 36, or about 6 per cent of the cases, the threatened strike occurred despite the efforts of the Department of Labor to avert by means of conciliation boards or other methods.

The industries chiefly affected by the application of the industrial disputes investigation act have been coal and metal mines and steam and electric railways.

The industrial disputes investigation act has been the subject of study in many parts of the world, and the Department of Labor receives numerous requests for information regarding it. It is credited with having inspired the Transvaal act of 1909, the Queensland law of 1912, the New Zealand enactment of 1912, and the Colorado law of 1915. It has been in recent years under consideration by the Governments of Mexico and Chile, and its principles and machinery were embodied in a bill introduced in the South Australian Legislature in 1920 but later withdrawn. In Chile, the President introduced a draft labor and social welfare code which contains similar provisions to the Canadian act for dealing with strikes and lockouts by means of conciliation and arbitration. The South Australian prime minister, in submitting his bill to the legislature, stated that "no industrial legislation in any other part of the world has stood so long or proved so successful in operation as the Canadian industrial disputes investigation act of 1907."

NUMBER OF DISPUTES REFERRED FOR ADJUSTMENT UNDER CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT AND NUMBER NOT AVERTED NOR ENDED MARCH 22, 1907, TO MARCH 31, 1923, BY INDUSTRY AFFECTED.

Industry affected.	Number of applications for boards received.	Number of strikes not averted nor ended.
Disputes affecting mines, transportation and communication, other public utilities and war work:		
Mines—		
Coal.....	68	8
Metal.....	19	5
Asbestos.....	1	.....
Transportation and communication—		
Railways.....	179	7
Street railways.....	98	7
Express.....	11	1
Shipping.....	27	.....
Telegraphs.....	16	1
Telephones.....	7	.....
Miscellaneous—		
Light and Power.....	20	3
Elevators.....	1	.....
War work.....	30	1
Disputes not falling clearly within the direct scope of the act:		
Public utilities under provincial or municipal control.....	55	1
Miscellaneous.....	65	2
<b>Total.....</b>	<b>597</b>	<b>36</b>

It should be added that while the above figures are approximately correct, they are subject to a very slight modification. The total number of disputes is correct, but the classification is subject to re-arrangement in the case of disputes during 1922-23.

DISCUSSION.

Mr. DAVIE. As I understand, your act applies only to public utilities?

Mr. GIDDENS. No, sir; it can, with the consent of the parties, be applied to any industry.

Mr. DAVIE. But in the other cases it is compulsory and penalties are provided?

Mr. GIDDENS. Yes, sir. In the industry to which the law relates, penalties are provided in the case of not making the application.

Mr. DAVIE. In other words, in the industry to which it applies it is practically compulsory arbitration.

Mr. GIDDENS. Yes, sir.

Mr. CONNALLY. Have you any opposition from employers or employees, any decided opposition to the operation of the law?

Mr. GIDDENS. Well, in some cases, by the Trades and Labor Congress of Canada, which represents a large body of organized labor. In the earlier years of the act the congress was in favor of the law and wished it to be extended to other industries. Then for a number of years opposition developed, owing to the handling of some particular cases, and at some of its sessions it passed resolutions not altogether in favor of the act, but in recent years the belief seems to be that the act, possibly with some changes, is a good thing. The employers, on the whole, I think, have not raised any objection.

Mr. DAVIE. How does organized labor meet that law?

Mr. GIDDENS. As I have just mentioned, organized labor, represented by the Trades and Labor Congress of Canada, was at first quite strongly in favor of the law and asked its extension to other industries, then for a time opposition developed, but in the last year or so the congress has turned again to its original opinion.

Mr. CONNALLY. Has there been any occasion for the board to sit?

Mr. GIDDENS. We are always having boards. I think at the time I left half a dozen boards were sitting.

Mr. STEWART. I would like to ask the gentleman from Canada a question. It seemed to us for a few years at least, that the law was more or less a dead letter, that there was very little activity under the investigation act. Recently you are doing more. Did you get an amendment wiping out some of the bad features, and does that account for the renewed activity under that law in the last two or three years?

Mr. GIDDENS. Well, I do not know that I can say there has been renewed activity. There was, as you state, during the earlier years of the act a period, before it was thoroughly understood, when it was not, perhaps, administered to the extent it might have been. There have been no material amendments in principle; there may have been some amendments in the matter of procedure.

Mr. CONNALLY. What would you say was the percentage of awards of the boards that have been accepted on both sides?

Mr. GIDDENS. Well, a great number of cases. I do not know that I can give the correct percentage offhand, but I will say in a sufficient number of cases—sufficient to prove the efficacy of the act—the awards have been accepted, and in many cases the board has reached a satisfactory decision without actually sitting. The boards try to make their proceedings as informal as possible, and the chairmen who have handled a great number of cases lay great stress on the informality of the proceedings. No doubt it has been apparent to gentlemen like yourselves, who handled this sort of thing, that informal proceedings usually give better results than formal proceedings. That has been my experience. Before the act was passed I used to be secretary to the Hon. Mackenzie King and was with him on many of the cases he settled. My observation has been that the more informed the proceedings the more effective the results.

Mr. STEWART. At first you had a different board practically for each strike or threatened strike. Then you had the same board for a lot of different troubles, and that seems to be working out better. Since you have revived or, we will say, enlarged under your act, are you appointing a separate board—different men—for each investigation, or continuing the same boards?

Mr. GIDDENS. No; there is a separate board for each separate dispute. We have nothing in the way of a permanent board, but we have had the same chairman. I know of one case, that of Professor Short, professor of economics in one of the universities, whose services proved very successful as chairman of the board, and having noticed that, we would, if it were possible, appoint him as chairman on another board. There have been very few cases where the entire board on one dispute has sat on another, but the chairman may serve quite extensively. The experience of the boards in handling cases

has without doubt been very beneficial in the settlement of other cases.

Mr. CONNALLY. I should like to ask again, have you any machinery for settling disputes without the formality of calling the board or using the board?

Mr. GIDDENS. Yes; we have. The original act under which the department was established in 1900, the conciliation act, which is similar to the act in England, provided simply that the department might establish boards of conciliation or intervene in a conciliatory way in disputes through the officers of the department, and Mr. King, who was Deputy Minister of Labor when it was established and until he left to run for Parliament, has a very long list of settlements to his credit. In those years he settled very many coal strikes as a single conciliator, just going to the parties and offering his friendly offices and bringing them together in round-table conferences.

Mr. STEWART. What is the difference between this act and the Kansas court act?

Mr. GIDDENS. From what little I know of the Kansas court act, I would say that that legislation would be distinctly more compulsory.

Mr. STEWART. They claim not.

Mr. GIDDENS. I glanced over it hurriedly. Perhaps it is a more formal matter. It looks almost like a court of law. The law provides for three judges, I think, to take part in the court. I do not know that I am in a position to discuss it.

Mr. GRAM. Do I understand that in case of dispute the board can act at the request of either side to the dispute or on its own motion?

Mr. GIDDENS. No; the board is not established. In the industry to which the act relates the proceeding would be that when a company or employer intends to reduce wages it must within 30 days apply to the commissioner, whereupon the employees are notified, and, if a satisfactory solution is not reached, then a board is appointed.

Mr. GRAM. What is the result if it refuses to notify the commissioners?

Mr. GIDDENS. Well, that, of course, in an industry to which the act relates, would be a violation of the law.

Mr. GRAM. After the investigators report their findings, what happens then?

Mr. GIDDENS. Then, if it is not satisfactory to the men, they strike. The idea is to prevent any hurried action.

The CHAIRMAN. We have realized in the years gone by that tact is the one prevailing feature in arbitration and that there are never two conditions that are identical, so that you can not apply the same procedure in all cases. Tact is the one thing that the individual whose mission it is to act as mediator must have; it is the one thing that must ever be held in mind. Tact applies all through any arbitration. Sometimes we succeed with it and sometimes we fail. At times I feel as though I were inclined to compulsory arbitration, and then again, when I see how conditions are abused, I am inclined to change my mind. I am still open to argument on the question of procedure. Some time ago we had a case of street railway employees who were in controversy as to their daily wage, a

15 per cent reduction having been proposed. The employees, however, insisted upon an increase, and the matter went to arbitration. Before the arbitration board met the employees decided that if they could bring about better working conditions they would be willing to accept the 15 per cent reduction. It went to arbitration, however, as the employer could not see it in that light, even though it had been satisfied and willing to make the adjustment originally at its own figures. The case went to arbitration, and the men received a 17 per cent reduction instead of the 15 per cent which the company was willing to grant before the matter went to arbitration.

Such conditions at times make us feel that arbitration, while an essential feature, does not always perform the functions we believe it should, but I believe I express the sentiment of the delegates present when I say that we appreciate the talk of Mr. Giddens and the argument brought about.

We have with us this afternoon the Director of the Division of Conciliation of the United States Department of Labor, Mr. Hugh L. Kerwin, whose topic will be "State cooperation with the Federal Division of Conciliation."

#### STATE COOPERATION WITH THE FEDERAL DIVISION OF CONCILIATION.

BY HUGH L. KERWIN, DIRECTOR DIVISION OF CONCILIATION, UNITED STATES DEPARTMENT OF LABOR.

Before proceeding to a discussion of the subject assigned me, "State cooperation with the Federal Division of Conciliation," I believe I should make a brief statement of the activities of the Federal Conciliation Service; its organization, authority under which it functions, method of procedure in handling industrial disputes, and, in connection therewith, a retrospect covering 10 years of Federal service in conciliation work.

In 1913 for the first time in our history as a Nation there was created by Congress an agency devoted solely to the work of aiding in the promotion of peace in industry.

The Division of Conciliation was built up under authority of the organic act creating the Department of Labor which provides that "The Secretary of Labor is authorized to act as a mediator or to appoint commissioners of conciliation in industrial disputes whenever in his judgment the interests of industrial peace require it to be done."

Under the authority specified, Congress has annually granted appropriations for the carrying on of this mediatorial function of the Government. The number of commissioners of conciliation kept busy in conciliation work varies in accordance with the calls for their good offices. During the period of the war 50 were kept busy. At present Secretary Davis is handling the industrial disputes submitted for mediation with a corps of 28 commissioners. These officials are directly associated with the Secretary's Office.

It has been the general practice of the Secretary of Labor to select as commissioners men who are specially fitted by experience, ability, tact, and temperament to form the regular staff. In addition it often becomes necessary to make temporary appointments of men who are in a position to give of their time and effort and who are peculiarly fitted to handle a particular situation.

The staff of the conciliation service is drawn from the professional, commercial, governmental, and industrial ranks.

The force has included men taken from varied occupations and professions, including manufacturers, mine managers, lawyers, editors, former State and district officials of labor organizations, and former State and Federal labor commissioners.

With the bulk of our adult population engaged in gainful occupations in mill, mine, factory, mercantile, and agricultural pursuits, it naturally follows that the problem of industrial relationship, particularly as it affects wages and conditions of employment, is bound to result in honest differences of opinion. These in turn often result in strikes and lockouts or in threatened strikes.

Industry in America bears a close relationship to every individual in the country. It is so closely woven into the fabric of our everyday life that anything that interferes with the normal course seriously interferes with the welfare of all of our people. The public in every instance is more or less a party in interest to every industrial dispute.

The threefold purpose of the Department of Labor is, through its industrial peacemakers in the conciliation service, to encourage a full measure of production, preserve the welfare of the wage earner, and treat the employer fairly.

Contented and satisfied workers mean efficiency in industry and insure better returns to both capital and labor. Capital is entitled to a just return on its investment, and labor is entitled to a just return for its work. Both, if they secure these returns, go hand in hand to increase the wealth of the world by production and to insure greater comfort to the whole people.

Recognizing these basic and fundamental standards, the Federal representatives seek to bring man and manager into closer relationship.

The Department of Labor was created to foster, promote, and develop the welfare of the great army of wage earners of the United States, and to advance their opportunities for profitable employment. In its charge Congress fixed the high aims which govern the activities of the branch of the Federal Government devoted to the service of the working folk of the Nation. For, after all, no country can be any greater or grander than its citizenship; and when the bulk of the population of the United States is gainfully employed it must follow that the welfare and progress of this multitude is the most important contribution to the upbuilding and advancement of our social and industrial life.

In the welfare of the wage earner lies the future of the Republic; but in protecting and advancing the interests of the workers it must be clear that you must also safeguard and advance the interests of the employers of the Nation.

No one familiar with industrial relations expects to see the day when absolute peace in industry will obtain, so long as man is actuated by the wholesome desire for gain.

But you can not solve the problem of an industrial dispute without considering, in addition to the worker and the employer, the public. The first two are directly concerned, and the last is indirectly though vitally affected. It seems as though our lawmakers had in mind these very ideas when they placed in the hands of the Secretary

of Labor the duty of acting as mediator or of appointing commissioners of conciliation in industrial disputes whenever he believed it important and wise to do so.

We find scattered throughout the country thousands upon thousands of employers, employing scores of thousands of workers, whose industrial relationship is based upon the principle of mutuality of interest, and in whose establishments all matters of a disturbing character arising between the management and the workers are thrashed out around a council table without publicity and to the ultimate satisfaction of all concerned.

But unhappily all industrial establishments are not enjoying these blessings, and in fact a majority of our business enterprises are from time to time confronted with differences of opinion which often terminate in strikes or lockouts. To prevent if possible these eventualities, and, failing in this laudable effort, to aid in securing a prompt and satisfactory settlement is the moving spirit behind the efforts of the Federal Conciliation Service and its representatives in the field.

In organizing the staff, as previously stated, the Secretary of Labor endeavored to select as his representatives only persons especially qualified by previous practical experience along economic lines; in a word, officials who can carefully and clearly separate the essentials from the nonessentials in a trade dispute, so that they may confine their immediate efforts, when assigned to a controversy, to the outstanding barrier separating the disputes.

When a commissioner can bring the contending parties into joint conference, where he can by advice and suggestion lead the conferees into an open discussion of the involved issues, it is our experience that a spirit of good will and cooperation is soon manifest, and joint consideration generally bears fruit in a satisfactory resumption of operations.

It has been our thought that the guiding theory of conciliation is that the best practicable settlement of an industrial dispute, no matter what the issues are, is that which is reached between the employer and his employees at the council table without the participation of any local, State, or Government representative.

But this is frequently impossible when conflicting issues and previous efforts at joint adjustment have produced a situation wherein further meetings under similar auspices would only prolong the controversy. Then it is up to the commissioner of conciliation to exercise his good offices in any helpful manner he deems best suited to the situation confronting him.

Many disputes are very bitterly contested, but even in these it has been found that the intervention of a third party in the person of a commissioner of conciliation gives to employer and employee a new opportunity to resume negotiations of the involved issues, and a diplomatic representative, by advice, suggestion, or as a go-between, generally can tactfully avoid the introduction of extraneous issues that often precipitate a break in negotiations and create unnecessary friction and bitterness.

It is often the case that employers refuse to deal with committees of their own employees; but even in these instances they never refuse to meet and discuss the merits of a trade dispute with the conciliator of the department.

It is our desire to impress both manager and workers that Congress has given no arbitrary power to either the Secretary of Labor or his representatives. The function of the Department of Labor officials in any dispute is purely that of peacemaker. The department has no authority to make awards or hand down decisions and then demand that the parties to the controversy abide by its determination.

Conciliators are industrial peacemakers, endeavoring to get the contending parties together in order that, if possible, the interests affected may themselves solve their own problems in their own way. Drawing on their fund of wide experience, these commissioners suggest methods and alternatives which have proved successful in other instances and which will tend to bring about a renewed peaceful relationship between the conflicting sides to a dispute. The department does not endeavor to impose any of its ideas upon employer or worker, but seeks to find a common meeting ground that will provide a basis of just settlement acceptable to both sides, even though in a majority of instances the settlement may not be entirely satisfactory to either.

It has been found that this policy, faithfully pursued, results in a better understanding when a controversy is terminated. Through its operation barriers that keep employers and employees apart have been removed and the way cleared for better relations and a clearer understanding of the respective rights and obligations of the parties involved.

It has been the policy of the Labor Department not to intervene in labor disputes so long as the employers and employees are making progress toward reaching an agreement, unless requested to do so by one of the parties to the dispute, or by the public directly affected. The department has taken the position that the best settlement of any industrial controversy is that reached by the parties themselves, without outside interference. Next in order of preference comes the settlement by mediation or conciliation, and finally the settlement by voluntary arbitration, if both sides can agree to leave the decision in the hands of a third party.

Conciliation work has gradually become more and more a recognized factor in America's industrial life, as experience has demonstrated its effectiveness in avoiding strikes or in bringing a quick settlement of disputes where work has already been suspended.

Labor has discovered that it has a standing recognized by the Government whenever its demands are based on industrial and constitutional rights. Employers, on the other hand, have found that the department will protect them from unjust and unreasonable exactions. In almost all the cases where the conciliation service has acted there has been found a fine spirit of cooperation on the part of both workers and employers.

Federal conciliators have in the past 10 years officiated in 5,900 specific cases, involving in excess of 9,000,000 workers, and some of those listed in our records as one case involved as many as from 50 to 1,200 separate and distinct plants affected in a locality.

Many of these cases of strikes, threatened strikes, or lockouts affected the workers in a specific industry and were nation-wide in

scope. Therefore the plants affected were not recorded in any of these cases unless divergent interests were involved which made necessary separate consideration. What I mean by that may be explained by the marine strike situation, where scores of shipping concerns along our coast from New York to California were affected, tying up scores of vessels. However, we linked all under one head, as one case, "The marine strike." If we listed each and every shop, plant, or company affected by the disputes handled it would increase our list of cases beyond all reason.

These disputes occurred in every State and Territorial possession with the exception of the Philippine Islands, and the experience gained in the handling of them proves to our satisfaction that no hard-and-fast rules or set policy can be pursued by any conciliator in any specific case.

While conciliation is not always effective, we believe it is the best method so far devised. During the past two years of readjustment in industry 1,129 strikes or threatened strikes, involving approximately 2,196,525 workers were handled; agreements or settlements were secured in 87 per cent of the cases presented, and even in the cases in which we were unsuccessful many adjustments were afterwards made along the lines suggested by Federal representatives.

#### STATE AND FEDERAL COOPERATION.

It has been our policy from the beginning, and it is still our desire, to cooperate heartily with State mediatorial boards or commissions; with State agencies, citizens' committees, or any machinery found trying to adjust a trade dispute; and in our records of adjustments there are hundreds of cases in which due mention is made of the fact that settlement was secured in cooperation with State mediators. In one year some 300 cases were reported by our commissioners in which joint action by State and Federal agents resulted successfully.

Secretary of Labor Davis is very anxious and willing to have the fullest cooperation between our service and its commissioners and the State industrial mediators and their representatives in the State mediation and conciliation service. There are many reasons that make cooperation desirable. The State mediator engaged in the handling of a dispute is often more conversant with the local features, while the Federal conciliator in cooperating with him might be more effective because of his lack of knowledge of local situations. Again, practically all cases presented are more or less of an interstate character. For example, the strike in the garment industry in New York City a year ago brought requests for assistance from three or four States supplying raw material to the employers in the industry on strike. They appealed because of loss of markets for woolen and cotton goods, braids, linings, buttons, etc., manufactured in their States, which caused them really to come within the class of those directly affected.

In the past, in several States in which mediatorial agencies existed, a fine spirit of cooperation has prevailed and in some States it still exists. The reason that it does not exist in any particular State is not due to the fact that the Federal service is not disposed to cooperate or coordinate its activities along mediatorial lines; and I am directed to bring to you from James J. Davis, the Secretary

of Labor, a message to the effect that the Federal Department of Labor, anxious to secure speedy and satisfactory results in the handling of industrial disputes, is willing and even anxious to enter into agreement with the industrial department of any Commonwealth by which we will agree to notify representatives of the State of every case within their boundaries in which we are requested to mediate. In return we would request from State mediatorial agencies the same consideration. This will result in genuine co-operation in the handling of the disputes submitted for conciliation.

While the authority given the Secretary of Labor by law directs him to take cognizance of all cases presented for consideration, and authorizes him to assume jurisdiction in any cases in which in his judgment he deems it necessary so to do, we have no desire to do other than be helpful by aiding or assisting any State or local agency engaged in the same line of endeavor.

The Federal conciliation service has no panacea for the establishment of peace in industry. It has no formula to present to bring about a millennium among the employers and employees. We have set up machinery when requested to do so that has kept peace in the copper industry of the Western States. Other machinery for four years during its lifetime prevented even a single strike in the oil industry of California; and still another arbitration agency with final judgment in all matters presented during its existence of several years made for continuous peace in the great packing-house industry.

Our firm conviction, based upon what has gone before, is that the intelligent and proper extension of the principle of conciliation and mediation as practiced by the various States and the Federal department will tend to reduce to a minimum disastrous interruptions in industry which bring misery to the public generally.

It is our judgment, after 10 years of experience in Federal conciliation work, that the mediatory efforts of the Department of Labor, and of the various State and local governments are bearing permanent fruit in the direction of better conditions generally throughout American industry. Every trade dispute which is adjusted without recourse to the strike weapon is another demonstration of the futility of force in industrial controversies. We live in a wonderful age. We are just beginning to appreciate the full value of organization and cooperation. The day of master and man in American industry is gone forever. With the passing of that period I am hopeful that we are about to enter upon the era of intelligent cooperation between employer and worker, based on mutual interests, mutual good will, and mutual understanding. We are gradually learning that industry is a single structure and that a house divided against itself will not stand.

Everywhere employers and workers are coming to know that they are coworkers, partners, whose joint and mutual interests march side by side. They are coming to understand that the prosperity of industry, of employer and employee alike, depends upon production, and that industrial warfare is the greatest enemy of production. To end this strife in industry we need cooperation, understanding, and good will between the men who manage industry and the men whose labor is the very basis for all industry. Employer and employed will find their greatest prosperity, their greatest progress, in

that industry where the employer knows intimately the problems and needs and aspirations of the workers, and where the workers have a sympathetic understanding of the difficulties and discouragements and purposes of the employer. Many of our industrial difficulties of to-day were unknown in the days when closer personal relations were possible between employer and workers, before our industries were organized on a colossal corporation scale. It is my hope that through intelligent conciliatory work we may do something toward restoring that close personal relation, or toward substituting something for it.

The people of the United States have never, through Congress, endorsed the principle of compulsory arbitration in labor disputes. There is a general reluctance among our people to setting up any machinery which would have arbitrary power to prescribe an iron-clad basis for the settlement of any differences between employers and workers. Both workingmen and employers are in most cases opposed to surrendering their rights and authority to a third party in matters which should be a matter of arrangement between themselves. We have just about established that you can not force industrial peace by legal enactment. Experience has demonstrated, wherever compulsory arbitration has been tried, that it will not work. The remedy lies not in governmental nor other interference between employer and employee, but in direct negotiation and mutual understanding.

We are generally learning that the employer and employee must stand or fall together, that one can not long prosper at the expense of the other. If one gains both must gain; if one loses both must lose. The industry where both worker and employer appreciate this vital joint interest is the industry which is bound toward industrial peace. In the development of this principle of mutual interest, mutual aim, and mutual responsibility, I can vision an America which will find permanent industrial peace.

## DISCUSSION.

MR. HALL. Is it not a fact, Mr. Kerwin, that a large factor in preventing mediation between employee and employer is very often something entirely foreign to the original cause of the dispute?

MR. KERWIN. Yes, that is our experience.

MR. HALL. A large part of your work is to remove that misunderstanding so that the original cause of complaint can be considered?

MR. KERWIN. Yes.

MR. STEWART. Hugh Kerwin has talked a lot about conciliation and cooperation here, but I want to tell you what he did to me once. I had finished my day's work and gone home and gone to bed. I had been in bed about 20 minutes when there was the darnedest racket you ever heard out in the street. A fellow in an automobile was yelling, "Stewart! Stewart!" I finally let him come into the house. He said, "Get your clothes on; the Secretary and Hugh Kerwin want you right away." I dressed and went to the office. Kerwin said, "They are going to call that strike to-morrow at midnight. They are going to have a meeting at 8 o'clock and the thing can not be settled with the local representatives; the gen-

eral manager of the plant will not settle it." He was vice president of the entire organization and treasurer of the organization. "You will have to go to New York to-night and get hold of the head of the concern." I went to New York, but the head of the concern was not there but in Philadelphia. I went to Philadelphia and was told, "Well, he is sick in bed." I said, "I will have to talk with him over the phone." I got their house phone, and when his wife answered the phone, I told her that I had to see that man and see him darned quick. She said she would ask the doctor. I held the phone, and when she came back she said, "The doctor says you can not see him." I said, "You get another doctor and get him quick." She had a very intelligent voice, a rather striking voice. She said, "Can you tell me what you want to say to him?" I said, "Yes," and I told her. She said, "Hold the phone." She came back and said, "He says he does not want to interfere with the management of the plant. His orders at the plant are so and so." I said, "That is what I supposed they were. I want to arouse in his mind a reasonable doubt as to whether or not those orders are being executed, whether the thing is being done in accordance with his orders." She said, "I will tell him." That woman went from the phone to the bedside I suppose half a dozen times, and then she said, "He says that if you will say that you have in your pocket evidence that will raise a reasonable doubt as to whether or not his orders are being carried out in the plant he will issue the order you are asking for," which was simply that discharges should stop at that plant until the president of the company could find out whether his orders were being carried out. I said, "Yes, I will say that and swear to it." She came back to the phone in two minutes and said, "He says that he will telegraph orders that there be no more discharges until he can investigate." We wired to stop the strike being called at that meeting. The strike, if called, would have affected the entire industry, 160,000 men. I did not get any sleep for about 64 hours. And Hugh Kerwin has been trying to tell you how smoothly it all works.

**THE CHAIRMAN.** I can readily realize that mediators do not always rest on a bed of roses. Mr. Davie has been delegated to open any discussion that may be desired on these topics.

**MR. DAVIE.** New Hampshire has had some experience in conciliation and arbitration under the present commissioner, and I am going to take just a few exceptions to what Brother Kerwin said about the fine spirit of cooperative effort that is offered by the department that he has the honor to represent. Perhaps I can explain that better by telling of the way they have cooperated in New Hampshire, and in talking with representatives of other States I find that the same spirit of cooperation has existed up to a certain time.

I can remember that when the law was placed on the statute book providing for mediation and conciliation between employer and employee we went along and played a lone hand. We did have the privilege of having in our midst from time to time Federal conciliators, but up to 1920 I can truthfully say that only one of those conciliators ever visited the office for any information as to any dispute they were trying to settle. During the time of the great textile strike, which continued for 29 weeks, never once was the office of the bureau of

labor consulted on that big problem. I wish to assure the Division of Conciliation in Washington that the head of the division and any of his subordinates have free access to all the books and records in the bureau of labor, but it is hoped that in conciliating any future labor disputes in New Hampshire it will avail itself of the good offices of the bureau of labor.

I would impress upon the minds of the delegates, from my experience with the Federal Division of Conciliation that we should, as public officials, cooperate and do everything we possibly can to eliminate as far as possible the strike and lockout from our industrial life. I feel proud of the record that has been made by the bureau of labor in adjusting disputes.

Prior to 1911 there was nothing on the statute books that provided for taking care of a strike or lockout. That session of the legislature wrote into the law sections which I consider second to none in any State of the United States for the purpose of handling labor controversies. I am an old trade-union war horse and I do not believe in arbitration until I am licked, and you will find that men, whether they be employers of labor or laborers, if they tell you the honest and unvarnished truth, arbitrate only when they are licked. There is a distinct difference between conciliation and arbitration. Conciliation means to conciliate the differences between the parties and bring about a solution of their differences. Arbitration means a decision by a board that shall be final and binding on both parties. I find that the average man will take a decision from an outside board only when he knows he hasn't got a leg to stand on.

So that is the reason why we, as public officials, should do all we possibly can to iron out the differences of opinion, but we should do it before the parties get into a deadlock.

This statute to which I refer, reads that when any controversy arises in an establishment in certain industries, whether individual or corporation, resident or nonresident, doing business in the State of New Hampshire involving the interest of not less than 10 people, the labor commissioner shall proceed to the place of dispute, hear the parties interested, who shall come before him, advise as to what shall be conceded by both, and, if possible, adjust the differences.

That law is based upon application, to be made by the employer or by his employees or by their duly authorized agent, and to contain a statement of the alleged grievances. The commissioner, before proceeding, must satisfy himself that such information is correct and that the agent is a duly authorized agent, but the names of the people giving that information are to be kept secret by the commissioner of labor. That is another point I have always stood for. A good many employers have tried to find out our source of information, but I can truthfully say I have never divulged the name of anyone sending in such a statement.

Then, as the legislature realized that perhaps there would be some controversies that could not be settled by the labor commissioner, it wrote into the law the provision that in case the employer and employee should fail to agree to the settlement suggested by the commissioner of labor, they should submit their differences to the State board of arbitration.

The law went a little further than that. We all know that in the final analysis the great pressure of public opinion is the factor that

brings the disgruntled employee and obstinate employer to their senses, and it was written in the law that in case the commissioner of labor should fail to secure the consent of the parties to go before the State board of arbitration, it should be his duty to procure a sworn statement from both parties setting forth their reasons for not agreeing, and publicity should be given to it.

To get the application in, the legislature wrote into that law that should a threatened dispute be brought to the notice of the commissioner through the mayor of a city or county commissioners or president of a chamber of commerce, etc., the commissioner after satisfying himself that such information was correct should proceed as in section 4, which I explained to you a little earlier in my talk.

Now, then, let us see how the law has worked since 1911. The records of my office show the commissioner has been applied to under the law in 103 cases. Eleven of those cases we were fortunate enough to get into before the strike or lockout took place. In every instance we brought about an adjustment of the differences between the employee and the employer. In 92 cases resulting in strike 42 settlements were reached by the commissioner himself; 8 were turned over to the State board of arbitration; 15 were lost by the operators; 7 were adjusted by the parties themselves. In 19 cases our recommendations were adopted in a great measure. One case was still pending when I left for this convention.

After that experience I have seen something of human nature, and I am forever preaching this principle: Not to use the golden rule of some, as you find it in David Harum, "Do others as they do you and do it first," but in our conciliation work to work together in the spirit of the golden rule and do to others as we would be done by. I believe it would be worth while for this association to instruct those engaged in conciliation work to preach that sermon all along the line, pointing out to the employer and the employee that their interests are identical and that what affects the interest of one is bound to affect the interest of the other. So I say let us preach this sermon of the golden rule. Let us work it out in our everyday association with men; let us impress it upon the minds of our employees and employers, and after a while, although we may not bring about a millenium on earth, we may get a closer spirit of brotherhood in our everyday associations and eliminate from our industrial life in a large measure the strike and the lockout.

Mr. HALL. I want to say that my experience with the Division of Conciliation of the United States Department of Labor has been very different from that of the gentleman from New Hampshire. It has been most pleasing to us to be associated with those gentlemen. They have offered their services on many occasions and we have always worked in cooperation very effectively.

I want to say I agree with the deduction by Mr. Kerwin that the two parties to the dispute are the proper ones to settle the matter, and that brings me to the attitude that Virginia took during the railroad shop strike. The railroad shopmen's strike was a national affair; consequently it could not be settled within the border of any particular State. It was essentially a dispute which must be settled by some central power, such as the United States Division of Conciliation. However, there were certain phases in that dispute which

it was necessary to take up through the State departments. I do not know if it would come under the head of arbitration or mediation or conciliation; probably conciliation would be nearer the truth of the matter. It was necessary, in order to keep the issues from becoming beclouded and to prevent disorder, that the dispute in question be kept in statu quo, that the original point at issue be not confused by outside matters, such as local disturbances or disorders.

Just after the strike was called the commissioner of labor of the State and the adjutant general waited on the governor. We informed the governor that naturally in a dispute of this kind, with eight trunk lines running through the State, there would be some disorder and consequently some call for troops throughout the State. Very frequently those disturbances were minor affairs which had been magnified and consequently there was no real necessity for calling for troops. That would interject something foreign into the dispute, and consequently would magnify the situation. It would cost the State a lot of money, somebody would get hurt, and innocent people would be made to suffer and pay for the same.

Having that thought in mind we suggested to the governor that prior to calling out troops because of any alleged disorder or on any call for the same, a member of the staff of the adjutant general and a member of the staff of the commissioner of labor should go to the point of alleged disorder and get the true facts from both sides of the controversy, the representative of the adjutant general to wait on the police authorities and the employers and get their side of the story, and the representative of the bureau of labor to wait on the employees and get their side, and then those two people should come back and make a joint report to the governor and to their respective heads.

The next day the governor had to leave town and the adjutant general was out of town, when a call came to send troops to Crewe, Va.—a man had been shot. The assistant to the adjutant general was in the governor's office arguing with the secretary that it was necessary to send troops to that place at once—a man had been shot. They called me up and I told them of the understanding with the governor, with which the secretary was familiar, that prior to sending out any troops an investigator from each department should go and find out about the trouble from both sides and report to the governor. So that policy was pursued, and it developed that it was a fake condition of the railroad caused by one of its guards shooting two people at the station. There was no disturbance after the shooting. The men simply demanded that the police authorities go into the yards and arrest the man who had done the shooting, which was done. There had been no disorder at all. Consequently, there were no troops sent and there was no subsequent disorder there.

That policy was followed throughout the strike. When you prevent extraneous matter from getting into a dispute, then you prevent trouble. The consequence was we did not call out a single troop in the State of Virginia, although we had many railroad shopmen on strike. We saved the State approximately \$20,000 a day in troops alone, to say nothing of the saving of loss of property and the people that might have been injured and the bitterness engendered. After the strike was settled, the men went back to work with the railroads

without the bitterness there would have been had troops been called out, and the State was saved hundreds of thousands of dollars.

We call that the Virginia plan. We have no statutory law regarding arbitration, conciliation, or mediation, but under the broad powers given to the commissioner of labor we construe it to be his duty to investigate these matters, to try to keep peace and preserve law and order, and to prevent these disputes so that they can be settled in an amicable way without interjecting something into the dispute that does not really belong there.

That was the way we handled this particular case, but we have received the best cooperation from the United States Division of Conciliation on several matters.

Mr. GIDDENS. I agree with Mr. Kerwin and Mr. Davie in regard to conciliation and as to trying in every case to have the parties effect a settlement themselves, but I would like to point out that the Canadian industrial disputes investigation act is really not a compulsory arbitration measure in the way that Mr. Davie understands it—that the award is binding upon the parties. It is simply a compulsory investigation, with a penalty if the parties do not submit to the investigation.

Mr. CONNALLY. I want to make a brief comment on the State board of arbitration and conciliation in Oklahoma. I expect one of the unfortunate experiences of the United States Division of Conciliation is that oftentimes its conciliators go into States and find these boards newly organized, with people who have not had any previous experience in that line of work. I want to admit frankly that it has not been very long since I myself had no practical experience in matters of this kind, and we were more or less groping in the dark in so far as our work in mediation and arbitration was concerned. I want to agree with the statement of Mr. Davie as to there not having been a member of the Federal Division of Conciliation in his office. I do not believe—

Mr. DAVIE. Up to 1920.

Mr. CONNALLY. I do not believe that since I have been commissioner in Oklahoma there has been a representative from the United States Department of Labor in my office, although I have met its conciliators in a number of cities in the State. I am not saying that disparagingly, however, because there have been situations where probably it was all right to operate in that way.

I want to take this opportunity to tender to Mr. Kerwin and his department our cooperation, and to assure him that if a situation should come up in Oklahoma which we do not know about, we will appreciate cooperation from his department, and in turn will be glad to work with him and to do everything we can.

Mr. KERWIN. We will be glad to do so.

The CHAIRMAN. In the State of Ohio we have been extremely fortunate in the last few years; we have adjusted our disputes in a very nice manner, and while we have not been making much noise, I think the State of Ohio is making rapid strides toward successful mediation and arbitration.

Mr. CONNALLY. During our safety discussion I asked a question as to how many of the States had legislation requiring compulsory courses in safety education in schools, and before any of the States

had a chance to answer, the matter was passed over. When I asked the question I was sure that some of the States had such legislation. Since then I have been told by two delegates that their States have legislation of that nature, and I should like to hear a brief statement from Pennsylvania and Wisconsin in that regard if it meets with the approval of the chairman and the convention at this time.

Mr. DAVIE. It meets with the approval of the chairman if the speakers will be very brief in answering the question.

Mr. CONNALLY. The reason I make the request is this: We have heard a good deal about safety inspection and compensation laws and administration, but have not given enough attention—I think Doctor Meeker pointed it out—to the question of preventing accidents. The program of education in accident prevention is to my mind the most important phase of accident prevention, and unless it is made compulsory in the schools it is not going to be a uniform thing. It is like sweeping the ocean back with a broom if you do not make it compulsory. It is with the idea of forwarding compulsory legislation as to safety education in the schools that I should like to hear from those States.

Miss SWETT. We have a law that requires that safety shall be taught in the schools and that the book be provided through the superintendent's office. There have been some changes, in that we help in the preparation of that book and the safety program. I will be glad to send you a full statement of that when I get back.

Mr. RIDDLE. There is an act in Pennsylvania requiring the teaching of safety in the public schools. A. L. Garver, former member of the Industrial Board of Pennsylvania, who died several years ago, was very much impressed with the necessity of teaching safety through the public school and through his efforts a law was passed covering it, but the difficulty seems to be to secure the proper text book or to devise the proper uniform methods for all grades and all schools.

Mr. DAVIE. I know we want to hear from the new president. It is a great pleasure to me to introduce the incoming president, and we will have a brief address from him and then adjourn sine die to meet in Chicago on the date to be set by the executive board.

Mr. HALL. I know you are wearied with the hard and arduous labors you have been through, and I think enough has been said in the way of talk. I hope we will all go back home imbued with the idea of doing something and of making the convention next year more successful than it has been this year. Let us take home with us the knowledge and experience that we have gained here and put it into practical application. I like theory all right, but I like practice better. During the past year the officials have worked very faithfully and have practically pulled the association out of bankruptcy. You can not run any establishment without money; you can not run any organization without money. We ought all to bear this in mind, and when we get our bills for dues pay them up promptly. Then we will have the oil to run the machinery.

I want to thank you for the honor accorded me in electing me president, although I feel it is a compliment to Virginia rather than to the individual.

[The convention adjourned to meet in Chicago in 1924.]

## APPENDIX.

### LIST OF PERSONS WHO ATTENDED THE TENTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS.

#### UNITED STATES.

##### *Arkansas.*

- \*T. A. Wilson, commissioner bureau of labor and statistics, Little Rock.

##### *Connecticut.*

- \*William Ainley, factory inspector, Hartford.
- \*P. H. Connolley, deputy factory inspector, Danbury.
- \*George F. Costello, deputy factory inspector, Mystic.
- \*F. Louis Hall, deputy factory inspector, Williamantic.
- \*William S. Hyde, commissioner department of labor and factory inspection, Hartford.
- \*James P. Keena, deputy factory inspector, Hartford.
- \*M. J. Kelley, factory inspector, Norwich.
- \*John H. Quinlan, deputy factory inspector, Menden.

##### *District of Columbia.*

- \*Elizabeth Brandeis, secretary minimum wage board, Washington, D. C.
- W. Graham Cole, secretary Washington Safety Council, Washington, D. C.
- Mrs. W. Graham Cole, Washington, D. C.

##### *Delaware.*

- \*Charles A. Hagner, chief child-labor division, labor commission, Wilmington.
- \*Elizabeth D. Hanson, assistant women's labor division, Wilmington.

##### *Georgia.*

- \*S. J. Slate, commissioner industrial commission, Atlanta.
- \*H. M. Stanley, commissioner department of commerce and labor, Atlanta.

##### *Illinois.*

- \*A. H. R. Atwood, secretary general advisory board, division of free employment offices, Chicago.
- \*Linna E. Bresette, field secretary social action department, National Catholic Welfare Council, Chicago.
- \*Richard L. Dye, chief factory inspector, department of labor, Jacksonville.
- Carl L. Smith, field representative, National Safety Council, Chicago.

##### *Louisiana.*

- \*Frank E. Wood, commissioner bureau of labor and industrial statistics, New Orleans.

##### *Maryland.*

- \*A. E. Brown, secretary State industrial commission, Baltimore.
- J. H. Lohrfrink, sales agent, General Electric Co., Baltimore.
- E. F. Mead, switch engineer, Westinghouse Electric Manufacturing Co., Baltimore.
- W. G. Stichberry, illuminating engineer, Edison Lamp Works, Baltimore.

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\*Official delegate.

*Massachusetts.*

\*E. Leroy Sweetser, commissioner department of labor and industries, Boston.

*Minnesota.*

\*Henry McColl, commissioner State industrial commission, St. Paul.

\*Louise Schutz, superintendent division of women and children, State industrial commission, St. Paul.

*New Hampshire.*

\*John S. B. Davie, commissioner bureau of labor, Concord.

*New Jersey.*

\*Joseph Spitz, deputy commissioner rehabilitation commission, Newark.

*New York.*

John B. Andrews, secretary American Association for Labor Legislation, New York City.

Mary W. Dewson, research secretary National Consumers' League, New York City.

William H. McNutt, McNutt-Cann Co., New York City.

\*Sarah McPike, secretary department of labor, New York City.

Jeanie V. Minor, secretary New York Child Labor Committee, New York City.

H. W. Mowery, American Society of Safety Engineers, New York City.

Louis L. Park, superintendent of welfare, American Locomotive Co., Schenectady.

Ila H. Sample, General Welfare Interests, New York City.

\*Nelle Swartz, chief bureau of women in industry, department of labor, New York City.

Wiley Swift, New York City.

*North Carolina.*

\*M. L. Shipman, commissioner department of labor and printing, Raleigh.

*North Dakota.*

\*Dorothy Blanding, secretary minimum wage commission, Bismarck.

*Ohio.*

\*H. R. Witter, director department of industrial relations, Columbus.

*Oklahoma.*

\*Claude E. Connally, commissioner department of labor, Oklahoma City.

*Oregon.*

\*C. H. Gram, commissioner bureau of labor, Salem.

*Pennsylvania.*

J. R. Abell, Safety First Supply Co., Pittsburgh.

\*Clifford B. Connelley, director of industrial relations, Carnegie Institute of Technology, Pittsburgh.

S. B. Gilpin, publicity specialist, General Electric Co., Philadelphia.

\*Royal Meeker, secretary department of labor and industry, Harrisburg.

\*S. S. Riddle, chief bureau of rehabilitation, department of labor and industry, Harrisburg.

F. M. Rockwell, Wilson Goggles (Inc.), Reading.

\*John S. Spicer, chemical engineer, department of labor and industry, Harrisburg.

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\*Official delegate.

*Virginia.*

- \*W. Evans Akers, factory inspector, Roanoke.
- Lillian M. Becker, Duplex Envelope Co., Richmond.
- \*D. M. Blankinship, supervisor industrial rehabilitation, Richmond.
- \*William Boncer, mine inspector, Portsmouth.
- Mrs. William Boncer, Portsmouth.
- Adele Clark, Virginia League of Women Voters, Richmond.
- \*E. J. Conway, employment manager, United States Employment Service.
- A. F. Crowell, jr., Mathewson Alkali Co., Saltville.
- Parke P. Deans, secretary to governor, Richmond.
- W. E. Doherty, Regal-Doherty Printing Corporation, Norfolk.
- \*Luther R. Fair, assistant commissioner bureau of labor and industrial statistics, Danville.
- Charles N. Feidelson, professor of journalism, William and Mary College, Williamsburg.
- Mrs. Edna P. Fox, educational director bureau of social hygiene, State board of health, Richmond.
- J. A. Gawthrop, secretary Richmond Chamber of Commerce.
- \*John Gribben, chief factory inspector, Newport News.
- \*John Hopkins Hall, jr., commissioner bureau of labor and industrial statistics, Richmond.
- Mrs. John Hopkins Hall, jr., Richmond.
- P. L. Hawes, superintendent of maintenance Glamorgan Pipe and Foundry Co., Lynchburg.
- Nora Huston, legislative chairman, Virginia League of Women Voters, Richmond.
- \*Frank Kruck, factory inspector, Richmond.
- Walter E. Littlewood, safety inspector, Virginia Iron, Coal, & Coke Co., Toms Creek.
- \*A. G. Lucas, mine inspector, Richmond.
- \*M. J. Lyons, assistant supervisor industrial rehabilitation, Norfolk.
- Violet E. McDougal, executive secretary, governor's office, Richmond.
- Lucy R. Mason, chairman committee on women in industry, Virginia League of Women Voters, Richmond.
- Marion E. Meade, Virginia League of Women Voters, Richmond.
- Nettie M. Moses, clerk bureau of labor, Richmond.
- Elizabeth Myers, chief clerk and statistician, bureau of labor, Richmond.
- \*H. M. Nelde, factory inspector, Norfolk.
- J. Page Ramos, safety department American Locomotive Co., Richmond.
- \*Emma F. Ward, director division of women and children, bureau of labor and industrial statistics, Richmond.
- Mrs. E. L. Scott, secretary to attorney general, Richmond.
- E. Lee Trinkle, Governor of Virginia, Richmond.
- Mrs. M. L. West, women's division, city employment bureau, Richmond.

*West Virginia.*

- \*Jack Smith, State factory inspector, Huntington.

*Wisconsin.*

- \*Maud Swett, director women's department, industrial commission, Milwaukee.

*Federal Government.*

- \*Mary Anderson, director United States Women's Bureau.
- \*Fay L. Bentley, special agent, United States Children's Bureau.
- Tracy Copp, Federal Board for Vocational Education.
- Homer Cote, United States Bureau of Mines, Pittsburgh, Pa.
- John A. Dickinson, mechanical engineer, United States Bureau of Standards.
- \*Edward J. Henning, United States Assistant Secretary of Labor.
- \*Carl Hookstadt, United States Bureau of Labor Statistics.
- \*Francis I. Jones, Director General United States Employment Service.
- \*Hugh L. Kerwin, Director United States Division of Conciliation.

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\*Official delegate.

- John A. Kratz, chief Federal Board for Vocational Education.  
\*William C. Liller, commissioner, United States Division of Conciliation.  
Morton G. Lloyd, chief safety section, United States Bureau of Standards.  
\*Ellen N. Matthews, industrial division, United States Children's Bureau.  
Albert A. Munsch, United States Bureau of Mines, Pittsburg, Pa.  
\*Florence P. Smith, research assistant, United States Women's Bureau.  
\*Ethelbert Stewart, United States Commissioner of Labor Statistics.  
Margaret W. Stewart, State law research, Library of Congress.  
Thomas H. Quigley, Federal Board for Vocational Education.

**CANADA.**

*Ontario.*

- \*H. C. Hudson, superintendent Ontario Employment Offices, Toronto.  
\*Henry G. Fester, commissioner minimum wage board, Toronto.

*Federal Government.*

- \*F. W. Giddens, secretary Department of Labor, Ottawa.

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\*Official delegate.

## 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.
- Bul. 335. Wholesale prices, 1890 to 1922.

### 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.
- Bul. 334. Retail prices, 1913 to 1922.

### 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.

**Wages and Hours of Labor—Continued.**

- \*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.
- \*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.
- Bul. 178. Wages and hours of labor in the boot and shoe industry, 1907 to 1914.
- Bul. 187. Wages and hours of labor in the men's clothing industry, 1911 to 1914.
- \*Bul. 190. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1914.
- \*Bul. 194. Union scale of wages and hours of labor, May 1, 1915.
- Bul. 204. Street railway employment in the United States.
- Bul. 214. Union scale of wages and hours of labor, May 15, 1916.
- Bul. 218. Wages and hours of labor in the iron and steel industry, 1907 to 1915.
- Bul. 221. Hours, fatigue, and health in British munitions 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.
- Bul. 262. Wages and hours of labor in cotton goods manufacturing and finishing, 1918.
- Bul. 265. Industrial survey in selected industries in the United States, 1919. Preliminary report.
- Bul. 274. Union scale of wages and hours of labor, May 15, 1919.
- Bul. 278. Wages and hours of labor in the boot and shoe industry, 1907-1920.
- Bul. 279. Hours and earnings in anthracite and bituminous coal mining.
- Bul. 286. Union scale of wages and hours of labor, May 15, 1920.
- Bul. 288. Wages and hours of labor in cotton goods manufacturing, 1920.
- Bul. 289. Wages and hours of labor in woolen and worsted goods manufacturing, 1920.
- Bul. 294. Wages and hours of labor in the slaughtering and meat-packing industry in 1921.
- Bul. 297. Wages and hours of labor in the petroleum industry.
- Bul. 302. Union scale of wages and hours of labor, May 15, 1921.
- Bul. 305. Wages and hours of labor in the iron and steel industry, 1907 to 1920.
- Bul. 316. Hours and earnings in anthracite and bituminous coal mining.
- Bul. 317. Wages and hours of labor in lumber manufacturing, 1921.

### **Wages and Hours of Labor—Concluded.**

- Bul. 324. Wages and hours of labor in the boot and shoe industry, 1907 to 1922.
- Bul. 325. Union scale of wages and hours of labor, May 15, 1922.
- Bul. 327. Wages and hours of labor in woolen and worsted goods manufacturing, 1922.
- Bul. 328. Wages and hours of labor in hosiery and underwear industry, 1922.
- Bul. 329. Wages and hours of labor in the men's clothing industry, 1922.
- Bul. 345. Wages and hours of labor in cotton goods manufacturing, 1922.
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### **Employment and Unemployment.**

- \*Bul. 109. Statistics of unemployment and the work of employment offices.
- Bul. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia.
- Bul. 172. Unemployment in New York City, N. Y.
- \*Bul. 182. Unemployment among women in department and other retail stores of Boston, Mass.
- \*Bul. 183. Regularity of employment in the women's ready-to-wear garment industries.
- Bul. 192. Proceedings of the American Association of Public Employment Offices.
- \*Bul. 195. Unemployment in the United States.
- Bul. 196. Proceedings of the Employment Managers' Conference held at Minneapolis, Minn., January, 1916.
- Bul. 202. Proceedings of the conference of the Employment Managers' Association of Boston, Mass., held May 10, 1916.
- Bul. 206. The British system of labor exchanges.
- Bul. 220. Proceedings of the Fourth Annual Meeting of the American Association of Public Employment Offices, Buffalo, N. Y., July 20 and 21, 1916.
- Bul. 223. Employment of women and juveniles in Great Britain during the war.
- \*Bul. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
- Bul. 235. Employment system of the Lake Carriers' Association.
- Bul. 241. Public employment offices in the United States.
- Bul. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9-11, 1918.
- Bul. 310. Industrial unemployment: A statistical study of its extent and causes.
- Bul. 311. Proceedings of the Ninth Annual Meeting of the International Association of Public Employment Services, Buffalo, N. Y., September 7-9, 1921.
- Bul. 337. Proceedings of the Tenth Annual Meeting of the International Association of Public Employment Services, Washington, September 11-13, 1922.

### **Women in Industry.**

- Bul. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia.
- \*Bul. 117. Prohibition of night work of young persons.
- \*Bul. 118. Ten-hour maximum working-day for women and young persons.
- Bul. 119. Working hours of women in the pea canneries of Wisconsin.
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- Bul. 160. Hours, earnings, and conditions of labor of women in Indiana mercantile establishments and garment factories.
- \*Bul. 167. Minimum-wage legislation in the United States and foreign countries.
- \*Bul. 175. Summary of the report on condition of woman and child wage earners in the United States.
- \*Bul. 176. Effect of minimum-wage determinations in Oregon.
- \*Bul. 180. The boot and shoe industry in Massachusetts as a vocation for women.
- Bul. 182. Unemployment among women in department and other retail stores of Boston, Mass.
- Bul. 193. Dressmaking as a trade for women in Massachusetts.
- Bul. 215. Industrial experience of trade-school girls in Massachusetts.
- Bul. 217. Effect of workmen's compensation laws in diminishing the necessity of industrial employment of women and children.
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- Bul. 101. Care of tuberculous wage earners in Germany.
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- \*Bul. 126. Workmen's compensation laws of the United States and foreign countries.

**Workmen's Insurance and Compensation (including laws relating thereto)—Concluded.**

- \*Bul. 155. Compensation for accidents to employees of the United States.
- \*Bul. 185. Compensation legislation of 1914 and 1915.
- Bul. 203. Workmen's compensation laws of the United States and foreign countries.
- Bul. 210. Proceedings of the Third Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
- Bul. 212. Proceedings of the conference on social insurance called by the International Association of Industrial Accident Boards and Commissions.
- Bul. 217. Effect of workmen's compensation laws in diminishing the necessity of industrial employment of women and children.
- Bul. 240. Comparison of workmen's compensation laws of the United States.
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- Bul. 248. Proceedings of the Fourth Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
- Bul. 264. Proceedings of the Fifth Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
- Bul. 272. Workmen's compensation legislation of the United States and Canada, 1919.
- \*Bul. 273. Proceedings of the Sixth Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
- Bul. 275. Comparison of workmen's compensation laws of the United States and Canada.
- Bul. 281. Proceedings of the Seventh Annual Meeting of the International Association of Industrial Accident Boards and Commissions.
- Bul. 301. Comparison of workmen's compensation insurance and administration.
- Bul. 312. National Health Insurance in Great Britain, 1911 to 1920.
- Bul. 332. Workmen's compensation legislation of the United States and Canada, 1920 to 1922.
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**Industrial Accidents and Hygiene.**

- Bul. 104. Lead poisoning in potteries, tile works, and porcelain enameled sanitary ware factories.
- Bul. 120. Hygiene of the painters' trade.
- \*Bul. 127. Dangers to workers from dust and fumes, and methods of protection.
- Bul. 141. Lead poisoning in the smelting and refining of lead.
- \*Bul. 157. Industrial accident statistics.
- Bul. 165. Lead poisoning in the manufacture of storage batteries.
- \*Bul. 179. Industrial poisons used in the rubber industry.
- Bul. 188. Report of British departmental committee on the danger in the use of lead in the painting of buildings.
- \*Bul. 201. Report of committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. [Limited edition.]
- Bul. 205. Anthrax as an occupational disease.
- Bul. 207. Causes of death by occupation.
- Bul. 209. Hygiene of the printing trades.
- \*Bul. 216. Accidents and accident prevention in machine building.
- Bul. 219. Industrial poisons used or produced in the manufacture of explosives.
- Bul. 221. Hours, fatigue, and health in British munition factories.
- Bul. 230. Industrial efficiency and fatigue in British munition factories.
- Bul. 231. Mortality from respiratory diseases in dusty trades.
- \*Bul. 234. Safety movement in the iron and steel industry, 1907 to 1917.
- Bul. 236. Effect of the air hammer on the hands of stonemasons.
- Bul. 251. Preventable death in the cotton manufacturing industry.
- Bul. 253. Women in the lead industries.
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- Bul. 276. Standardization of industrial accident statistics.
- Bul. 280. Industrial poisoning in making coal-tar dyes and dye intermediates.
- Bul. 291. Carbon monoxide poisoning.
- Bul. 293. The problem of dust phthisis in the granite stone industry.
- Bul. 298. Causes and prevention of accidents in the iron and steel industry, 1910 to 1919.
- Bul. 306. Occupation hazards and diagnostic signs a guide to impairments to be looked for in hazardous occupations.
- Bul. 339. Statistics of industrial accidents in the United States.

#### **Conciliation and Arbitration (including strikes and lockouts).**

- \*Bul. 124. Conciliation and arbitration in the building trades of Greater New York.
- \*Bul. 133. Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements.
  - Bul. 139. Michigan copper district strike.
  - Bul. 144. Industrial court of the cloak, suit, and skirt industry of New York City.
  - Bul. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City.
- Bul. 191. Collective bargaining in the anthracite industry.
- \*Bul. 198. Collective agreements in the men's clothing industry.
- Bul. 233. Operation of the Industrial Disputes Investigation Act of Canada.
- Bul. 303. Use of Federal power in settlement of railway labor disputes.
- Bul. 341. Trade agreement in the silk-ribbon industry of New York City.

#### **Labor Laws of the United States (including decisions of courts relating to labor).**

- \*Bul. 111. Labor legislation of 1912.
- \*Bul. 112. Decisions of courts and opinions affecting labor, 1912.
- \*Bul. 148. Labor laws of the United States, with decisions of courts relating thereto.
- \*Bul. 152. Decisions of courts and opinions affecting labor, 1913.
- \*Bul. 166. Labor legislation of 1914.
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