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

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

**ASSOCIATION OF GOVERNMENTAL
OFFICIALS IN INDUSTRY OF THE
UNITED STATES AND CANADA**

[Formerly Association of Governmental Labor Officials]

**FIFTEENTH ANNUAL CONVENTION
NEW ORLEANS, LA., MAY 21-24**

1928



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OFFICERS, 1927-28

President.—H. M. STANLEY, Atlanta, Ga.
First vice president.—ANDREW F. MCBRIDE, M. D., Trenton, N. J.
Second vice president.—MAUD SWETT, Milwaukee, Wis.
Third vice president.—JAMES H. H. BALLANTYNE, Toronto, Ontario.
Fourth vice president.—W. A. ROOKSBERY, Little Rock, Ark.
Fifth vice president.—CHARLOTTE CARR, Harrisburg, Pa.
Secretary-treasurer.—LOUISE E. SCHUTZ, St. Paul, Minn

CONSTITUTION

Adopted at Chicago, Ill., May 20, 1924; amended August 15, 1925; June 3, 1927;
May 24, 1928

ARTICLE I

SECTION 1. *Name.*—This organization shall be known as the Association of Governmental Officials in Industry of the United States and Canada.¹

ARTICLE II

SECTION 1. *Objects.*—To act as a medium for the exchange of information for and by the members of the organization; to secure better legislation for the welfare of women and children in industry and the workers in general; to promote greater safety to life and property; to promote greater uniformity in labor-law enforcement, establishing of safety standards, compiling and disseminating labor and employment statistics; and to more closely correlate the activities of the Federal, State, and Provincial departments of labor.

ARTICLE III

SECTION 1. *Membership.*—The active membership of this association shall consist of—

(a) Members of the United States Department of Labor, United States Bureau of Mines, and the Department of Labor of the Dominion of Canada; such representatives of the bureaus or departments of the United States or Canada being restricted by law from paying dues into this association may be members with all privileges of voice and vote, but are not eligible for election to office. They may serve on committees.

(b) Members of State and Provincial departments of labor.

(c) Members of Federal, State, or Provincial employment services.

SEC. 2. *Honorary members.*—Any person who has rendered service while connected with any Federal, State, and Provincial department of labor, and the American representative of the International Labor Office, may be elected to honorary membership by a unanimous vote of the executive board.

ARTICLE IV

SECTION 1. *Officers.*—The officers of this association shall be a president, a first, second, third, fourth, and fifth vice president, and a secretary-treasurer. These officers shall constitute the executive board.

SEC. 2. *Election of officers.*—Such officers shall be elected from the members at the regular annual business meeting of the association by a majority ballot and shall hold office for one year, or until their successors are elected and qualified.

SEC. 3. The officers shall be elected from representatives of the active membership of the association, except as otherwise stated in Article III.

¹ Name changed May 24, 1928.

ARTICLE V

SECTION 1. *Duties of the officers.*—The president shall preside at all meetings of the association and the executive board, preserve order during its deliberations, appoint all committees, and sign all records, vouchers, or other documents in connection with the work of the association.

SEC. 2. The vice presidents, in order named, shall perform the duties of the president in his absence.

SEC. 3. The secretary-treasurer shall have charge of all books, papers, records, and other documents of the association; shall receive and have charge of all dues and other moneys; shall keep a full and complete record of all receipts and disbursements; shall keep the minutes of all meetings of the association and the executive board; shall conduct all correspondence pertaining to the office; shall compile statistics and other data as may be required for the use of the members of the association; and shall perform such other duties as may be directed by the convention or the executive board. The secretary-treasurer shall present a detailed written report of receipts and expenditures to the convention; shall pay out no money until a voucher has been issued and signed by the president. The secretary-treasurer shall publish the proceedings of the convention within four months after the close of the convention, the issue to consist of such numbers of copies as the executive board may direct. The secretary-treasurer shall receive such salary as the executive board may decide, but not less than \$180 per year.

SEC. 4. In the event of a vacancy in any office, the executive board may elect a successor: *Provided*, The president shall be succeeded by the ranking vice president.

SEC. 5. The business of the association between conventions shall be conducted by the executive board, and all questions coming before the board shall be decided by a majority vote, except that of the election of honorary members, which shall be by unanimous vote.

ARTICLE VI

SECTION 1. *Finances.*—The revenues of the association shall be derived from annual dues determined on the following basis: (a) Federal, State, or Provincial departments of labor, when the department staff consists of 1 to 5 persons, \$10; 6 to 25 persons, \$15; 26 to 75 persons, \$25; more than 75 persons, \$50.

The executive board may order an assessment levied upon affiliated departments not to exceed one year's dues.

ARTICLE VII

SECTION 1. *Who entitled to vote.*—All active members shall be entitled to vote on all questions coming before the meeting of the association as hereinafter provided.

SEC. 2. In electing officers of the association, State departments of labor represented by several delegates shall only be entitled to one vote. The delegates from such departments must select one person from their representatives to cast the vote of the group.

The various bureaus of the United States Department of Labor and the Department of Labor of Canada may each be entitled to one vote.

The rule for electing officers shall apply to the vote for selecting convention city.

ARTICLE VIII

SECTION 1. *Meetings.*—The association shall meet at least once annually at such time and place as the association in convention may select. The date of the annual meeting shall be decided by the executive board unless otherwise ordered by the convention.

ARTICLE IX

SECTION 1. *Program.*—The executive board shall act as committee on program and shall prepare and publish the convention programs of the association.

SEC. 2. The committee on program shall set aside at least one session of the convention as a business session, at which session the regular order of business, election of officers, and selection of convention city shall be taken up, and no other business shall be considered at that session until the "regular order" has been completed.

ARTICLE X

SECTION 1. *Rules of order.*—The deliberations of the convention shall be governed by "Cushing's Manual."

ARTICLE XI

SECTION 1. *Amendments.*—Amendments to the constitution must be filed with the secretary-treasurer in triplicate and referred to the committee on constitution and by-laws. A two-thirds vote of all delegates shall be required to adopt any amendment.

ARTICLE XII

SECTION 1. *Order of business.*—

1. Roll call of members by States and Provinces.
2. Appointment of committees.
 - (a) Committee of five on officers' reports.
 - (b) Committee of five on resolutions.
 - (c) Committee of three on constitution and by-laws.
 - (d) Special committees.
3. Reports of officers.
4. Reports of States and Provinces.
5. Reports of committees.
6. Unfinished business.
7. New business.
8. Selection of place of meeting.
9. Election of officers.
10. Adjournment.

DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY ¹

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.
10	1893.....	Albany, N. Y.....	do.....	Do.
11	May, 1894.....	Washington, D. C.....	Carroll D. Wright.....	L. G. Powers.
12	September, 1895.....	Minneapolis, Minn.....	do.....	Do.
13	June, 1896.....	Albany, N. Y.....	do.....	Samuel B. Horne.
14	May, 1897.....	Nashville, Tenn.....	do.....	Do.
15	June, 1898.....	Detroit, Mich.....	do.....	Do.
16	July, 1899.....	Augusta, Me.....	do.....	Do.
17	July, 1900.....	Milwaukee, Wis.....	do.....	James M. Clark.
18	May, 1901.....	St. Louis, Mo.....	do.....	Do.
19	April, 1902.....	New Orleans, La.....	do.....	Do.
20	April, 1903.....	Washington, D. C.....	do.....	Do.
21	July, 1904.....	Concord, N. H.....	do.....	Do.
22	September, 1905.....	San Francisco, Calif.....	do.....	W. L. A. Johnson.
23	July, 1906.....	Boston, Mass.....	Charles P. Neill.....	Do.
24	July, 1907.....	Norfolk, Va.....	do.....	Do.
25	August, 1908.....	Detroit, Mich.....	do.....	Do.
26	June, 1909.....	Rochester, N. Y.....	do.....	Do.

¹ Known as Association of Governmental Labor Officials, 1914-1927.

INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS

No.	Date	Convention held at—	President	Secretary-treasurer
1	June, 1887	Philadelphia, Pa.	Rufus R. Wade	Henry Dorn.
2	August, 1888	Boston, Mass.	do	Do.
3	August, 1889	Trenton, N. J.	do	Do.
4	August, 1890	New York, N. Y.		
5	August, 1891	Cleveland, Ohio		
6	September, 1892	Hartford, Conn.		
7	September, 1893	Chicago, Ill.	John Franey	Mary A. O'Reilly.
8	September, 1894	Philadelphia, Pa.	do	Evan H. Davis.
9	September, 1895	Providence, R. I.		
10	September, 1896	Toronto, Canada.		
11	August and September, 1897.	Detroit, Mich.	Rufus R. Wade	Alzina P. Stevens.
12	September, 1898.	Boston, Mass.	do	Joseph L. Cox.
13	August, 1899	Quebec, Canada.		
14	October, 1900.	Indianapolis, Ind.		
15	September, 1901	Niagara Falls, N. Y.		
16	December, 1902	Charleston, S. C.		
17	August, 1903	Montreal, Canada	James Mitchell	Davis F. Spees.
18	September, 1894	St. Louis, Mo.	Daniel H. McAbee	Do.
19	August, 1905	Detroit, Mich.	Edgar T. Davies	C. V. Hartsell.
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 MEETING OF THE ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR AND INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS

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

ASSOCIATION OF GOVERNMENT OFFICIALS IN INDUSTRY¹

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 E. Schutz.
11	May, 1924	Chicago, Ill.	John Hopkins Hall, jr.	Do.
12	August, 1925	Salt Lake City, Utah	George B. Arnold	Do.
13	June, 1926	Columbus, Ohio	H. R. Witter	Do.
14	May-June, 1927	Paterson, N. J.	John S. B. Davie	Do.
15	May, 1928	New Orleans, La.	Andrew F. McBride	Do.

¹ Known as Association of Governmental Labor Officials, 1914-1927.

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MARCH, 1929

PROCEEDINGS OF THE FIFTEENTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY OF THE UNITED STATES AND CANADA, NEW ORLEANS, LA., MAY 21-24, 1928

MONDAY, MAY 21—EVENING SESSION

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

The fifteenth annual convention of the Association of Governmental Officials in Industry of the United States and Canada convened the evening of May 21, 1928, at the Roosevelt Hotel, New Orleans, where an informal dinner was served the visiting delegates. After the dinner an address of welcome was delivered by a representative of the mayor of New Orleans, to which Dr. A. F. McBride, acting president of the association, responded. Papers were then read, as follows:

RELATIONSHIP THAT SHOULD EXIST BETWEEN EMPLOYER AND EMPLOYEE

BY E. A. M'GLASSON, SUPERINTENDENT COMPENSATION DEPARTMENT, UNION INDEMNITY CO., NEW ORLEANS, LA.

It is to be regretted that Mr. Arkwright, of the Georgia Power Co., could not be present to present his argument in favor of the employer. Substituting for him, I can speak not from the standpoint of an employer but from the impartial and unbiased standpoint of one who has spent several years visiting plants in the interest of compensation insurance.

On many rounds I have observed very widely different conditions in these plants, and on investigation I find these differences are due to the attitudes men assume toward one another. Possibly I do not fully appreciate the responsibility the employer assumes when he makes a contract of hire with a fellow man.

So many standards are set for workingmen and by workingmen that the employer of labor is at a loss to know what to do and when to do it. If he recognizes the union he discounts his ability to regulate his own affairs as to wages paid. If he adopts the open shop policy, he is open to criticism from many sources. But regardless of which policy he utilizes, I firmly believe the employer is respon-

sible for the general working conditions in his plant and the morale of his working force. On the other hand, he is not responsible for and should not be held responsible for all home conditions which affect more or less the ability of every worker to render a day's work for a day's pay.

But just what is the employer's responsibility to his employees? Most States have laws regulating working conditions and most employers of labor comply with these laws to the best of their ability. It is hard to think that any man would be so indifferent to the conditions of his plant as to think that those laborers are there because they must earn a living and will put up with the poorest sort of conveniences in order to stay on the job and have a full pay envelope Saturday night.

I hold that every employer is responsible for the housekeeping of his plant. If material goes through in order and the shop in general does not look as though it has been struck by a cyclone, a higher rate of production will follow and greater returns will be realized by the owner. Another thought which may be ideal if not practical, is that every employer is responsible to a certain extent for the education of his men. I do not mean education from an academic standpoint, but the worker should be encouraged to do better work every day and assume his own responsibility toward his fellow workmen. This brings up the subject of accidents as a demoralizing feature of every plant. Why do we find accident frequency high in many plants and low in others? Why are all carriers of compensation insurance devising ways and means of cutting down the loss ratios and in many cases canceling their obligations where accidents are heaviest? There is only one answer to the questions—the attitude of the employer to labor. Too many employers take the stand that accidents are bound to come regardless of what they do to prevent them, and right there is a difference of opinion. This is one form of education which the employer owes his men, and it is one that pays higher dividends than any other investment. It is useless to appeal for education to the miser and slave driver, but to every real big-hearted, red-blooded employer there is satisfaction in helping others to get a better understanding of life and to make the best of it. When this man is approached he always says, "Go ahead," and if he can do anything to help working conditions in his plant and create a better and more wholesome feeling between his men and the executives, he will gladly cooperate. Capital is in business to make an increase, and you can not deny that it is entitled to a fair return. Capital should not blame labor when prices drop and every day's work is a loss. Then is the time when men will respond if they have been properly treated. Then they can speed up production without having to overcome time lost by accidents.

If a piece of machinery is broken, every other occupation is set aside until the repair is made, for that machine is a money maker. But how about the man who is hurt? Probably an untrained man takes his place and production is slowed up. Every accident takes the time of more than the one who is injured and the employer pays the bills. He may think he is fully protected when he buys an insurance policy, but he pays just the same. I know he is imposed upon at times by unscrupulous laborers who want a little easy money,

but such cases are gradually being weeded out. But when the accident does occur, and the worker comes back Monday, he is still thinking about the time he lost last week and of the unpaid bills he must meet. Under these conditions he can't possibly produce as the satisfied man can, and while he is brooding over his misery another accident is likely to happen. Now, who is to blame for these conditions? Nobody but the employer. He has been told of the work of the safety engineers, but he says, "What's one laborer among so many unemployed? The woods are full of them." And just so long as he holds that attitude the hospitals will be full of his injured men and his insurance rate will go up; he will pay the bill in the end and blame it all on carelessness. He is right, but he is the careless one. Some one has said that 70 per cent of all accidents are due to four things—carelessness, thoughtlessness, indifference, and ignorance—all on the part of the employees. But these four causes can be greatly relieved by the cooperation of the employer with the safety worker. Comparisons are odious sometimes, but you will permit me for the purpose of bringing out our point.

In the year 1913 a prominent steel corporation showed a record of 330 accidents among its men, who drew \$20,015 from the insurance carrier. It was alarming and some action was necessary. A safety program was adopted and carried out. The safety committees functioned as they should, and by 1918 or in five years, the number of accidents had decreased from 330 to 57 per year while the compensation payments also decreased from \$20,015 to \$4,391. What was the benefit to the steel corporation? The rate of insurance took a decided drop, better working conditions prevailed in the plant, distress and worry were driven out of the homes of the workers, and production was on the increase. The general manager said the humblest worker in his plant became a safety worker as a result of intensive work along safety lines.

Now take a look around the sausage plant not far from this hotel. At every point of operation you will find a safety sign in bold red letters, warning the men of the danger, but these signs are mute and speak but once. Accidents are occurring there at an alarming rate and the owner says safety work is a flat failure. That man is wrong. He is the flat failure in not cooperating with the safety men fully as they suggested. When he gets the inevitable notice of cancellation he will wonder what it's all about.

But safety work is not the only item for the employer to consider. A true manufacturer builds the best machine he can for the money and still tries to make a fair profit. In building he puts character into his products so that when he sends out an article it will do all it is supposed to do. He must train his men to be man builders as well as machine builders, and only by organization can this be accomplished. The first essential in the treatment of men is to remember that they are men and that the all-important thing about a man is his power to think. The welfare of any man is more important than tools or machinery. When a man is hired his power to think is hired; and when he leaves that employer, if he is not trained along these lines, or if he is crippled bodily and handicapped for life because some one else did not think, then the employer, even if he has made millions in business, has not done his whole duty.

RELATIONSHIP THAT SHOULD EXIST BETWEEN EMPLOYER AND EMPLOYEE

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

Only a few days ago our worthy secretary advised me that because of unforeseen conditions the distinguished gentleman who had been selected to present the workers' side of "The relationship that should exist between the employer and the employee" had been unavoidably detained, and commandeered me, so to speak, to discuss this very important subject from the viewpoint of the employee.

I have listened with much interest to the distinguished speaker just preceding me and am quite sure all will agree his talk was both pleasing and instructive; and without taking issue with any part of his utterances, I shall attempt to present the side of the workers in connection with this very important subject.

There are many relations that should exist between the employer and employee, and while I shall not enumerate them nor attempt to discuss each of them, there are a few outstanding features which I shall briefly discuss.

The workers agreeably admit there are two sides to every question, and during the last decade this feeling has grown so fast that at this time they are signifying a perfect willingness to give and take in the adjustment of demands and settlements of matters of general interest to all concerned and are willing to obtain amicable adjustments by conferences rather than by the former policies of "strong-arm methods" and an open breach.

The workers appreciate as never before the importance of a closer relationship between capital and labor and realize that the best and most lasting results are to be obtained through the medium of cooperation, and the rank and file stand ready to meet the employers half way for the purpose of creating that spirit of good will that should exist between employer and employee.

Speaking for the workers and more especially for organized labor, I am frank to say I honestly believe in and am a defender of collective bargaining and feel that the workers have the right, both moral and legal, to be a party to contracts or understandings regulating conditions under which they are to labor and live. I further believe they have a perfect right to organize for the purpose of protecting themselves and, with no disrespect to others taking issue on this particular point, I say without fear of truthful contradiction that where these policies prevail conditions of employment are better and the workers are better satisfied and such places usually are more prosperous. Just here I wish to make it plain that from observation and experience I know I am right when I state that a dissatisfied employee is never an asset and if the proper relationship does not exist between the employer and the employee the best results are not obtained.

The workers are human, just a little less fortunate in God's mercy than their employers, but human just the same. They expect and have the right to expect to be treated kindly and the employer who practices and preaches humane policies will soon come to know the relationship that should actually exist between himself and his workers.

As a whole, workers are fair-minded, law-abiding, loyal citizens, and nothing but everlasting words of praise can truthfully be spoken in connection with their prompt response to the Nation's call in the defense of Old Glory and the establishment of universal democracy.

But one unfortunate incident occurred immediately following the signing of the armistice and the return of these workers from overseas. At that time thousands, yes, hundreds of thousands, of men were thrown out of employment by reason of cessation of production and others returning from army duty were walking the streets looking for work, I might say actually begging for something to do; yet, notwithstanding the sacrifices made and the hardships endured to make the world safe for democracy and after having won a glorious victory for mankind, it is regretfully admitted that certain employing interests formed a mighty financial combine and sought through every method to crush and destroy organized labor and to force the unemployed into subjection. This undertaking failed. Although labor received a setback and a severe jolt, God being on their side and their demands being just, the laborers emerged from this attack bleeding, battered, but glorious victors. Yet in the face of this, the workers have forgiven, if not forgotten, this unjustified assault, and in a spirit of loyalty and good will are now appealing to the employing interests, "Come, let us reason together."

To those who are opposed to organizations, let me say that organized labor has existed in America for more than three-quarters of a century, and to contemplate crushing it out of existence is simply a dream of the fanatic. All of us will be dead and gone and the most of us forgotten, while organized labor will live and go forward not because of its protective features alone but because of the higher ideals for which it stands—loyalty to country, respect for and enforcement of law, protection and welfare of woman and child workers, and maintenance of public schools and higher educational advancements for the common masses. Any institution, any organization, or any set of men united for the perpetuation of these noble causes can never fail, but will weather the storms of assault, tyranny, and oppression, and will ever stand as a monument, firm as the rock of Gibraltar. May I not, then, as a worker, suggest that the employers—at least those who are opposing labor—forget some of their former policies and turn right about face, teach, preach, and practice the precepts of the golden rule, take their employees into their confidence, treat them as coworkers, not as hirelings, establish and maintain sanitary and safe working conditions, and pay a wage commensurate for services performed. When these things are done I feel safe in saying the proper relationship between the employer and employee will be established. Briefly summed up, the relationship that should exist can be expressed in one word, "brotherhood."

TUESDAY, MAY 22—MORNING SESSION

ANDREW F. McBRIDE, M. D., COMMISSIONER OF LABOR OF NEW JERSEY,
PRESIDING

BUSINESS SESSION

The report of the secretary-treasurer was read, as follows:

REPORT OF SECRETARY-TREASURER, MAY 21, 1928

BALANCE AND RECEIPTS

Funds on hand June 1, 1927.....	\$560. 77
Interest on savings account.....	6. 66
Receipts from dues to July 1, 1927:	
Louisiana.....	\$10. 00
Arkansas.....	10. 00
	20. 00
Receipts from dues to July 1, 1928:	
Virginia.....	15. 00
Illinois.....	15. 00
Pennsylvania.....	50. 00
Minnesota.....	25. 00
Kansas.....	15. 00
Massachusetts.....	50. 00
Ohio.....	25. 00
Utah.....	10. 00
Canada.....	25. 00
New Jersey.....	25. 00
Washington.....	25. 00
New York.....	50. 00
New Hampshire.....	10. 00
Ontario.....	10. 00
Wisconsin.....	50. 00
Connecticut.....	10. 00
Oklahoma.....	10. 00
Arkansas.....	10. 00
Georgia.....	10. 00
	440. 00
Total.....	1, 027. 43

DISBURSEMENTS

1927	
May 27. R. Carroll, stenographic service.....	22. 00
June 3. Secretary-treasurer, salary.....	180. 00
Expenses incurred for service in connection with convention (New Jersey).....	12. 00
Stenographic services in connection with duties as president. John S. B. Davie.....	25. 00
16. Stamps.....	4. 00
21. Draft on Merchants National Bank to Master Reporting Co.....	168. 13
27. Western Union.....	. 72

		DISBURSEMENTS—continued	
1927			
July	7.	T. Kelly, printing-----	\$7. 45
		R. Carroll, stenographic service-----	3. 25
	14.	Transcript, Master Reporting Co. (American National, check- ing account)-----	10. 05
	16.	Chase Printing Co-----	21. 34
	19.	Stamps, etc-----	3. 00
Aug.	3.	R. Carroll, stenographic service-----	2. 25
Oct.	6.	R. Carroll, stenographic service-----	3. 00
	14.	Stamps-----	5. 00
Nov.	2.	Stamps-----	4. 75
Dec.	1.	R. Carroll, stenographic service-----	11. 00
1928			
Jan.	3.	R. Carroll, stenographic service-----	2. 50
	17.	Barnett Mail Advertising Co-----	2. 45
	20.	Stamps-----	4. 00
Feb.	3.	R. Carroll, stenographic service-----	10. 00
	17.	Chase Printing Co-----	7. 03
Mar.	5.	R. Carroll, stenographic service-----	2. 50
		Stamping form letter-----	5. 00
	14.	Printing form letter-----	2. 45
	26.	Stamps-----	5. 00
Apr.	3.	R. Carroll, stenographic service-----	9. 00
	11.	Barnett Mail Advertising Co-----	10. 25
	26.	Stamps-----	2. 00
May	1.	R. Carroll, stenographic service-----	10. 00
	10.	Stamps-----	2. 00
	11.	Chase Printing Co-----	26. 44
Total-----			583. 56
Balance on hand (American National Bank savings account)-----			443. 87
Total-----			1, 027. 43

Respectfully submitted.

LOUISE E. SCHUTZ, *Secretary-Treasurer.*

The report was referred to the committee on officers' reports with the recommendation that the salary of the secretary-treasurer be raised to \$300.

The report of the committee on statistics was read by Charles E. Baldwin in the absence of John Hopkins Hall, chairman of the committee.

REPORT OF COMMITTEE ON STATISTICS

At the annual convention of the Association of Governmental Labor Officials of the United States and Canada, held in Columbus, Ohio, in 1926, the committee on statistics submitted a report including outlines for statistical studies by State departments of labor along four general lines—industrial accidents, wages and hours of labor, union scales of wages, and employment in industry.

The committee realized that it would not be possible for all the States to make studies of all the subjects named, but proposed that if any of the States could make any or all of those studies they should be made along the lines outlined in the report. A resolution to that effect was made and unanimously adopted by the representatives of the State bureaus present.

In order to obtain information as to what has been accomplished by the various States along any of these lines, as a basis for a report by the committee on statistics to be presented at the New Orleans convention, a questionnaire was sent to each State bureau. Replies more or less complete have been received from 32 State bureaus.

All the States having workmen's compensation laws reported that they regularly compile accident statistics. Reports were received from 27 of these States, 19 of which stated that they keep a record of all accidents and 8 States reported that they record only compensable accidents. As many of the States have a waiting period ranging from two days to two weeks, it is readily seen that the reports of those States which report only compensable accidents fall far short of a record of the total number of accidents.

Of the 27 States referred to, only 21 make a record of the cause or nature of the injury and only 15 make a separation of accidents by sex. Seventeen reported the extent of injury, but in several cases the extent of injury is interpreted to mean the length of time for which compensation was paid.

The reports relative to wages and hours of labor were not so satisfactory. Only seven reported that they compile wage data in the full detail recommended; that is, wages classified by sex, industry, occupation, rate per hour, and hours worked per day or per week. One other State collects wages periodically for a few occupations and one covers wages for farm labor only. Nine States report that they collect union scales of wages, and one other, Wisconsin, is undertaking that line of statistics this year for the first time.

Thirteen States are collecting employment data regularly, 11 of which report both the number of employees on the pay roll each month and the amount of a specific pay roll. Two reported that they record the number of employees on the pay roll only.

Seven States are now collecting employment statistics under cooperative arrangements with the Bureau of Labor Statistics, and the results are published monthly in the Monthly Labor Review.

The above is not presented as a complete statement of what all the various States are doing in the way of collecting statistical data, but to give a rough picture of what is being done along the four specified lines.

In connection with these returns, it is noted that in the compilation of wage statistics, also in the collection of employment data, only a small proportion of the States separate the data by sex. In view of the large increase in the number of female employees and the probability that there is a difference in the wages of male and of female employees in the same occupation, and also that in slack times the fluctuation in employment from month to month may be different for females than for males, it is desirable that wherever possible all statistical data relative to wages or to employment should be tabulated by sex. We recommend this for the consideration of the representatives of each of the States.

The most important duty assigned to this committee is the preparation of a report on terminology and definition of terms to be used in connection with industrial accidents and workmen's compensation, but as was stated in our report one year ago, the revision of Bulletin No. 276 of the United States Bureau of Labor Statistics, "Standardization of Industrial Accident Statistics," has been placed in the hands of the American Engineering Standards Committee. Therefore it was decided that this committee should not attempt such a report until that revision has been made. In this connection, it may be stated that a sectional committee has been formed and has had at least one meeting, so the revision is under way. Your committee recommends, therefore, that the committee on statistics of this association be continued until that revision is completed, when it can make its final report.

JOHN HOPKINS HALL, *Chairman*,
ETHELBERT STEWART.
AGNES L. PETERSON.

The report of the committee on legal-aid work was read by Ethelbert Stewart, United States Commissioner of Labor Statistics.

REPORT OF COMMITTEE ON LEGAL-AID WORK

At the Chicago convention in 1924 a representative of the National Association of Legal Aid Organizations presented a paper on the relations between the work of Governmental labor officials and the work of legal-aid organizations, in which it was pointed out that the joint field of activity is that of the collection of unpaid wage claims. A committee of the Association of Governmental Labor Officials was appointed to confer with the National Association of Legal Aid Organizations.

In 1925, at the Salt Lake City convention, your committee reported that a tentative law had been prepared for facilitating the payment of wage claims, but that it had been suggested that the proposed law be redrafted before being ratified by the association. The association donated \$50 for this purpose.

At the Paterson convention in 1927 the committee submitted a report which included a study by the United States Bureau of Labor Statistics on "The Exploitation of Labor Through Nonpayment of Wages, and Efforts of Labor Offices to Enforce Payment." The committee also included in the report a letter from Mr. Reginald Heber Smith, chairman of the committee on legal-aid work of the American Bar Association, in which it was stated that the first draft of the model statute for facilitating the enforcement of wage claims had been delivered to him by the draftsman, Prof. John M. McGuire, of the Harvard Law School, but the 1927 convention came too soon to enable him to present the model statute in final printed form. He suggested that as the draft was to be printed at the expense of the American Bar Association and presented to that association at its meeting in August, 1927, reports of the draft would be available for distribution in September. It was pointed out that with the benefits of the discussions and the exchanges of opinion after the submission of the draft to the American Bar Association, the International Association of Industrial Accident Boards and Commissions, and the National Association of Legal Aid Organizations, that the matter would be ripe for formal consideration by this association in 1928.

During the month of October, 1927, copies of the draft of the model statute were sent to members of this association by Miss Louise E. Schutz, secretary-treasurer. Suggestions and criticisms were invited. She has received several replies commending the association for its work along these channels and endorsing the draft.

The principal suggestion made was contributed by Oklahoma and Massachusetts, which was that the draft should apply to all employers regardless of the number of employees. Oklahoma is interested in a bill "which will apply to all persons, companies, corporations, or individuals, regardless of the number of employees, as we find that it is the casual worker that is hit hardest by the lack of legislation along this line." Massachusetts believes that the definition of employer, as found in the draft, "would lead to endless difficulty and should be simplified by including every concern defined in this section employing one or more persons. There should be no reference to the number employed upon a minimum of working hours per week. A model weekly payment law should not be provided with restrictions that would not protect the interests of poor people earning a small amount of money at temporary employment." Massachusetts also suggests the modification of the definition of employee and eliminating from the definition the requirement "based on the time spent in the performance of such services or in the number of operations employed."

A discussion found in the draft of the model statute under sections 1(f) and 6(b) points out the opposite methods of attacking the problem as reflected in the law and enforcement of wage payment legislation. The administrative machinery for enforcing wage payment in Massachusetts depends largely upon criminal proceedings, whereas in California the division of labor statistics and law enforcement of the department of industrial relations is active in bringing civil action to collect unpaid wages and criminal proceedings are available as a last resort.

As stated in the preliminary statement to the draft, the model statute is not proposed as a uniform law for general adoption and fixed phrasing. Omissions and additions may be freely made to fit particular needs. Particular parts, which may be objected to because of possible constitutional questions (as probably the first sentence of section 5), may be stricken out or changed to meet objections (in the example probably by placing the first sentence of section 5 in section 6(b)). As the model statute provides for both civil and criminal action, the draft could be enacted into legislation and the persons responsible for the administration of the law could favor whatever method of enforcement they decided would be most effective in their State.

The draft was presented last year and has been receiving the attention of the several associations interested in it. Most of the suggestions and criticisms made will be available through the publication of the discussions of the meetings of the several associations during the coming months. However, as the draft permits changes to be freely made to meet the particular needs of any State and as great care and study have been given to the draft of the statute, we believe the association should go on record approving the draft and recommending it to the several States as an effective aid in reducing the exploitation of labor through nonpayment of wages.

ETHELBERT STEWART, *Chairman.*

E. LEROY SWEETSER.

F. E. WOOD.

After discussion of the foregoing report the association went on record as recommending that the model law be changed to cover all the employees and that criminal action should be instituted wherever the constitution of the State permits.

REPORTS ON SAFETY CODE COMMITTEES

Cyril Ainsworth, of the Department of Labor of Pennsylvania, submitted reports on the building exits code, the construction code, the textile code, and the walk-way surface code, which were read by Eugene B. Patton, of New York:

REPORT ON CODE COMMITTEE (BY MR. AINSWORTH)

WALK-WAY SURFACE CODE

This code committee has been in existence for about four years and can report little progress, due entirely to what seemed to be obstructive tactics upon the part of a certain group. There is no such a thing as a tentative draft of this code in existence at this time. Action taken at the last meeting, held on April 27, 1928, has paved the way for some definite progress being made in the very near future. After a morning session of wrangling, the afternoon session was opened by a member of one of the warring factions by

the offering of a resolution for the appointment of a subcommittee which would be empowered to review all the material at hand and draft a code which would be presented to the sectional committee at as early a date as possible. For four years all efforts to develop a code had been defeated, but the unanimous adoption of this resolution has paved the way and we feel confident that in next year's report we can say that a code has been prepared and adopted.

This code should be of great interest to the member States of this association. We all know the large number of accidents which annually occur due to slipping, tripping, and falling. The code will enable the States to make recommendations to the industries under its jurisdiction as to the best type of floor and walk-way surface to install to prevent slipping, tripping, and falling under various conditions. The code should be a distinct contribution toward the removal of this type of hazard.

TEXTILE CODE

The textile code is of interest only to the States in which the textile industry exists. This code, too, seems to have struck a snag. Certain branches of the textile industry have been opposing the development of a code and the sectional committee has asked to be relieved of the responsibility for the development of a code covering all sections of the textile industry and confine itself to the cotton branch. This action your representative strenuously opposed on the basis that a member State of this association could not consider enforcing a set of regulations against a particular branch of an industry to the exclusion of the remainder of the industry. The safety code correlating committee finally instructed the sponsors of the textile code to proceed with the development of a safety code for textiles which should represent as wide a part of the field as it should prove feasible to cover with a real consensus. It is to be hoped that the sectional committee will find a way to overcome the obstacles which have been presented and be able to develop a complete code for the entire textile industry.

CONSTRUCTION CODE

About the time of the last meeting of this association work on the safety code for construction work was stopped at the request of the Associated General Contractors of America in order that they might carry on educational work along safety lines. At the last meeting of the contractors' association, held on January 26, 1928, they passed a resolution to the effect that they advise against the adoption and use at this time of detailed safety codes and should, in the interest of safety, oppose their promulgation.

As a result of this action no further work has been undertaken, although it seems to be realized by everyone except the contractors that there is a pressing need for such a code for the guidance of the States, the industry itself, and the insurance companies in cutting down the serious accident rate in construction work.

It is the opinion of your representative that the members of this association should make special efforts during the coming year to place before the contractor associations and individual contractors coming under their jurisdiction the accident record of this industry, and to show them that a set of regulations which will suggest safe practices to be followed in construction work will be of great benefit to them in reducing the number of accidents which are yearly occurring. The construction industry is the last great industry to fall in line

for safety, and as would seem to be indicated by the action taken at the last meeting of their national association, they have not fallen very far. Strong pressure should therefore be brought to bear from every angle, and it is recommended that every member of this association do his part during the coming year.

BUILDING-EXITS CODE

Several of the State departments that are members of this association are charged with the responsibility of seeing that certain classes of buildings are made safe from fire and panic. They will be interested to know that the work of this committee is progressing quite rapidly. A tentative draft of the sections of the code covering fire-exit drills in schools and exit facilities for places of public assembly has just been distributed for criticism and will also be referred to the annual convention of the National Fire Protection Association in Atlantic City this month. A complete building-exits code will not be developed for quite some time. The problems to be worked out are quite intricate and controversial, and the committee will develop the code one section at a time.

As this concludes the report of the sectional committees of which I am a member as your representative, it may seem to be the case from this report that the national safety code program is not getting anywhere. This, however, is far from being the case. More and more organizations are becoming interested and are taking an active part by lending the time and services of their representatives to the work of developing the national codes.

In this connection, however, permit me to point out that only a few of the member States of this association are taking advantage of the expert services and advice offered in safety code development through the national code program. Several of the members of this association are definitely committed to the national code program and are benefiting greatly by it. It has been claimed by some that to use the national codes takes away liberty of action on the part of the individual State, that the national codes will not meet local conditions, that the industries in the particular locality will resent having something forced down their throats which has been developed by outsiders and in which they have had no voice.

Nothing is further from the truth. The development of a national code does not in the least hamper the activities of any State regulatory body. To illustrate this, permit me to cite the procedure under which one State worked in its consideration of the adoption of a national code.

The code in the form developed by the national committee was distributed to everybody in the State who would in any way be affected by its provisions if adopted. Public hearings were announced and held. Considerable criticism of the code's provisions was received. Following the hearings an advisory committee was appointed. This committee represented phases of the industry that would be affected by the code. The committee reviewed the criticism received and made suggestions to the State regulatory body for modification of certain provisions of the code. These suggestions, together with the criticism received at the public hearings, were sent to the national code committee for its consideration. The national committee adopted the suggestions and amended its code.

You can see from this case that the individual State did not surrender any of its own rights in connection with the final adoption of the code. The industries of the State had a share in the development of the code, and, further, the State in question performed a service to all other States that might in the

future consider the national code in question. This is not the only case of its kind. The combining of the experience of the individual State with the broad experience of the national committee is bound to bring about the development of a code that is all-inclusive, practical, and enforceable. You are urged to inquire as to the existence of a national code on any particular subject you are interested in if you contemplate developing a set of regulations on the subject. You will not only be able to secure the expert services of the national committees, but you will be contributing to the work of reducing accidents nationally by increasing the popularity of the national-code program, which seems to be the only way of securing the cooperation of manufacturers of machines and equipment to the end that their products will be safe pieces of equipment when they are turned out of the shop. The users of such equipment will be saved thousands of dollars annually because of the lack of necessity for purchasing and erecting guards themselves.

John P. Meade, of Massachusetts, submitted a report on codes for conveyors and conveying machinery, head and eye safety, and elevators and elevator machinery, which was read by Eugene B. Patton, of New York:

REPORT ON CODE COMMITTEES (BY MR. MEADE)

CONVEYORS AND CONVEYING MACHINERY CODE

Two meetings of this committee have been held since the last convention of the Association of Governmental Labor Officials: One, June 23, 1927, and the other, December 7, 1927. Tentative provisions were determined to safeguard various types of conveying machinery and discussion regarding these occupied the time of the sessions. At a meeting held in New York, December 7, 1927, two reports were made: One on gravity rolls and the other on cable conveyors. These reports are now engaging the attention of the committee. It is apparent that this code will not be perfected for some time.

HEAD AND EYE SAFETY CODE

Early in 1921 a national safety code for the protection of the heads and eyes of industrial workers was prepared by the Bureau of Standards, Department of Commerce, Washington, D. C. This code was developed from a set of safety standards originally prepared in cooperation with the safety engineers of the War and the Navy Departments for use in Government establishments. Since then it has been revised by a sectional committee organized under the auspices, and in compliance with the rules, of the American Engineering Standards Committee. Its scope includes all industrial operations or processes which by reason of the operation or process present so serious a hazard to the head, face, neck, or eyes of the worker as to be liable to injure them. Its application requires that employers shall furnish protectors of a type suitable for the work to be performed and the employee shall use such protectors when employed on processes or operations, or those of similar hazard, as indicated in the code. Operations in which protection is necessary include processes where protection from flying objects and particles is required, processes where protection from splashing metal is necessary, and also in the handling of acids and caustics, dipping in galvanizing tanks, and in some Japanning operations. Other types of employment to which this protection is extended in the code include work at sandblasting, exposure to snow-covered

ground and reflected sunlight from roofs, oxyacetylene and oxyhydrogen welding and cutting, open hearth Bessemer crucible steel making, electric resistant welding, brazing, testing of lamps, and work involving exposure to excessive glare. Types of devices to be used are specifically defined. These include the terms "protector," "goggles," "face masks," "helmet," "hood," "shield." In this code protectors are described for chippers, riveters, and calkers, for employees who work at scaling, grinding, in exposure to dust and wind, who handle corrosive chemicals and work at dipping, brush coating, and who are exposed to the danger of radiation from the electric arc. The head and eye safety code primarily is dedicated to the task of preventing the loss of eyesight. Its purpose is to devise types of devices that will encourage their use among employees and is a constructive effort to deal with a difficult problem in accident-prevention work. In the work of industrial safety, eye injuries hold a conspicuous place. This is true of all the leading manufacturing States. Massachusetts has this record:

Year	Number of permanent partial disability injuries	Loss of one eye	Loss of both eyes
1918.....	1,772	131	0
1919.....	1,517	115	1
1920.....	1,524	88	1
1921.....	1,277	109	2
1922.....	1,195	81	0
1923.....	1,430	112	0
1924.....	1,170	103	0
1925.....	1,150	82	1
1926.....	1,125	84	0
1927.....	1,232	101	1

The first revision of the national safety code for the protection of the heads and eyes of industrial workers was made in 1922. Experience has shown that further revision is necessary, and the committee appointed for this purpose is now engaged in this task. It is proposed to include in the new revision the protection afforded by gas masks and respirators. This question is now receiving the thought and attention of the committee.

ELEVATORS AND ELEVATOR MACHINERY CODE

No meeting of the sectional committee for the elevator safety code has been held since the last convention of the Association of Governmental Labor Officials. The revision work of this code has been held up pending the completion of certain tests on buffers and safeties. No meeting of the code committee will be held until these conclusions are ready. Tentative specifications for this equipment will not be made for several months. An inspector's handbook is being prepared in this connection, and the tentative draft will be ready in a few weeks.

John Roach, of New Jersey, gave the following report on the code for gas-mask canisters, which was read by Eugene B. Patton, of New York:

REPORT ON GAS-MASK CANISTERS CODE (BY MR. ROACH)

The safety code for gas-mask canisters is nearing completion. The principal discussion that is now going on centers around the selection of a suitable color for marking canisters used to protect against acids and organic vapors. There is some question as to what should be the proper color for this kind of canister.

The code committee is not scheduled to meet in the immediate future, but it is expected that plans will be made to hold a meeting before very long. A copy of the tentative code has been very thoroughly discussed.

Eugene B. Patton, of New York, submitted a report on the safety code for cranes, derricks, and hoists, which follows:

REPORT ON CRANES, DERRICKS, AND HOISTS CODE (BY MR. PATTON)

This association is represented on the committee sponsored by the American Society of Mechanical Engineers, who prepared a safety code for cranes, derricks, and hoists. The above society organized a sectional committee on November 4, 1926. The whole project was initiated by the safety codes correlating committee, and at the request of the American Engineering Standards Committee sole sponsorship for the code was accepted by the American Society of Mechanical Engineers.

A complete report of the work of the committee up to May 14, 1928, is appended below:

Overhead and gantry cranes.—R. H. White, chairman subcommittee No. 1. This subcommittee has prepared a preliminary draft of its section of the code covering electric traveling cranes. This draft is now with the members of the subcommittee for criticism and comment prior to its submission to the entire sectional committee.

Locomotive and tractor cranes.—H. H. Vernon, chairman subcommittee No. 2. On January 9 mimeographed copies of a tentative draft of a report covering safety rules for locomotive, tractor, and motor-truck cranes was submitted to the sectional committee for criticism and comment. Further discussion of this report will take place at the proposed meeting of the sectional committee to be held during the early part of June.

Derricks and hoists.—L. W. Price, chairman subcommittee No. 3. Tentative drafts of the various sections of this subcommittee's work have been prepared and distributed to the members of the subcommittee for critical review. These reports will also come up for further discussion at a meeting of the subcommittee the early part of June.

Miscellaneous equipment for cranes and hoists.—L. W. Hopkins, chairman subcommittee No. 4. A draft of the section of the subcommittee's report covering slings and chains and hooks has been submitted to the subcommittee in blue-print form. A tentative scope of the work to be covered on sheaves and pulleys has been prepared but as yet no material on this part of the code is available.

Jacks.—E. W. Carruthers, chairman subcommittee No. 5. This subcommittee has not as yet any material in form for distribution, but it has been at work collecting data and information on which to base its report.

It is expected that a meeting of the sectional committee will be held early in June, 1928. At that meeting the various sections of the code which have been prepared will be considered and discussed.

Dr. C. M. Salls, of New York, submitted a report on dust-explosion codes, which was read by Eugene B. Patton, of New York.

REPORT ON DUST-EXPLOSION CODES (BY DOCTOR SALLS)

As a representative of the Association of Governmental Labor Officials I attended a meeting of the dust explosion hazards committee, held in Chicago on January 30, 1928.

This committee has already prepared measures for dust explosion control and prevention in the following industries: (1) Flour and feed mills, (2) sugar and cocoa pulverizing systems, (3) terminal grain elevators, (4) pulverized fuel systems, and (5) starch factories. These regulations have been approved by the National Fire Protection Association and have been adopted by the National Board of Fire Underwriters. They have also been approved as "American standards" by the American Engineering Standards Committee. The committee is endeavoring to prepare similar regulations for dust-explosion prevention in other industries where loss of life and property has been extensive.

At the Chicago meeting detailed consideration was given to proposed rules for electrical equipment for locations subject to combustible dusts.

The following report of the American Engineering Standards Committee on progress made in drawing up codes for the prevention of dust explosions should be interesting to the members of the association.

Codes for the prevention of dust explosions in terminal grain elevators and flour and feed mills have just been adopted as American standards by the American Engineering Standards Committee. The preparation of the codes was sponsored by the United States Department of Agriculture and the National Fire Protection Association, which worked with a sectional committee of the American Engineering Standards Committee.

Standards were recently adopted also for pulverized-fuel systems, starch factories, and pulverizing systems for sugar and cocoa; others are being studied at the present time for sulphur crushing and pulverizing, spice grinding and pulverizing, hard rubber grinding, woodworking, and the pulverization and atomization of metals.

A recent census of manufacturers showed that 28,000 plants in the United States, employing over 1,300,000 persons, and with an annual production of \$10,000,000,000, are subject to the hazard of dust explosions. Extensive research into the causes of dust explosions by the Bureau of Chemistry of the Department of Agriculture led to a study of the problem by the National Fire Protection Association, and later to the preparation of safety codes by the American Engineering Standards Committee.

The code for terminal grain elevators provides, in part, for buildings constructed of fire-resistive materials with a large percentage of window space, and with smooth interior walls free, as far as possible, from pockets or ledges which can accumulate dust; roofs and side walls of belt conveyor galleries and side walls of cupolas above bins of light construction offering minimum resistance to explosive energy; separation of buildings by as great a distance as is practicable; dust-proof units, complete system of cyclone dust collectors; and equipment for removal of static dust.

The code for flour and feed mills provides in part for construction of fire resistive material with large window area and smooth interior walls; separation of cleaning department from other departments by fire walls; roofs and side walls of belt-conveyor galleries and side walls of cupolas above bins constructed to offer minimum resistance to explosive energy; dust-proof equipment; cyclone dust collectors; and permanent ground wires to remove static electricity.

The sectional committee which prepared the codes under the chairmanship of Mr. D. J. Price of the United States Bureau of Chemistry is made up of representatives of the following groups: Association of Governmental Labor Officials of the United States and Canada, International Association of Industrial Accident Boards and Commissions, dust-collection equipment manufacturing groups, grain elevator construction groups, American Spice Trade Association, Associated Corn Products Manufacturers, National Electric Light Associa-

tion, Railway Fire Protection Association, Terminal Grain Elevator Merchants' Association, United States Department of Labor, sugar industry, Underwriters' Laboratories, United States Department of Agriculture, Associated Factory Mutual Fire Insurance Companies, Mutual Fire Prevention Bureau, National Board of Fire Underwriters, National Board of Casualty and Surety Underwriters, and Underwriters' Grain Association.

The foregoing reports of the various code committees were adopted. On motion, Ethelbert Stewart was empowered to represent the association on the American Engineering Standards Committee, with full power to speak for the association.

E. N. Matthews, of the United States Children's Bureau, submitted a report of the committee on home work, which was read by Miss Swett, of Wisconsin.

REPORT OF COMMITTEE ON HOME WORK (BY E. N. MATTHEWS)

Since the work for which our committee was appointed was completed last year, we have no further report to make, except to repeat our recommendations approved by the convention at its last meeting that at some future meeting of the association, if practicable at the next meeting, a session be devoted entirely to the subject of industrial home work, at which the speakers would be persons who have had actual experience in the enforcement of home-work legislation in their States.

It was not found practical for the program committee to arrange for such a session at this convention because of the fact that too small a number of delegates who had had experience in the enforcement of home-work legislation were able to be present this year to make such a program possible. The session was, therefore, postponed till another year.

The report of the committee on home work was accepted and placed on file.

DISCUSSION

Mr. Patton, of New York, reported that sweatshop conditions are now existing in homes. Mr. Wood, of Louisiana, reported that baby-wear manufacturers, for instance, have 15 people on their pay rolls but probably 300 working away from the factories. This system should be eliminated entirely, as much of the work is undoubtedly done in homes where people are ill. Diseases are often contracted from clothes purchased at stores. It was suggested that the committee on resolutions be instructed to draft a resolution to the effect that the association get in touch with health departments and that they be urged to get after factories manufacturing food products and garments.

In Wisconsin a permit is required for home work done in the homes. The permit requires that the child labor law and the minimum wage law be lived up to, and no permit is given to a child under 17 to work on home work. Supervisors of home work should be furnished by the factories wherever violations of the law have been found, and this plan has been followed in Wisconsin.

General Sweetser, of Massachusetts, suggested that each State must pass laws to cover the home-work situation. License is required in Massachusetts. Lists of the places to be sent home work

must be furnished to the department and approved by the commissioner. We should have cooperation of health departments in all States. It was suggested that the president of the association be sent to help any person who is trying to get such legislation. Massachusetts, for instance, would be willing to help to put laws on books in other States.

Miss JOHNSON. Very few States are making the attempt that Wisconsin is making. Massachusetts does not apply the wage law in connection with home work. The home work law applies only to garment trades, which is the only work that requires investigation. In some instances no home work is reported by the inspectors, yet subsequent investigation showed there was home work. Systematic inspection is the only way of finding out its extent. We should have a model home work law.

Mr. BALLANTYNE. Like Wisconsin, Ontario has a home work law, but the employer must prove that an exigency has arisen that requires sending out of home work. A person may do some particular kind of home work and then an investigation is made to see that wages are O. K., etc. This practice is followed only in isolated cases. The pernicious effects of home work should be brought together and presented to the legislature.

Dr. McBRIDE. In general, the home-work situation in New Jersey remains practically unchanged and we do not believe there will be any decided change or improvement until such time as we secure a law providing for a more efficient system of licensing and control and containing a workable penalty for violation.

We, however, believe that we have absolute control over the home-work situation in New Jersey, with the possible exception of the clothing industry among the foreign elements in the larger cities of our State.

The men's clothing industry, as you know, is a very troublesome proposition, as it is seasonal work, and very often a home is found doing work for several contractors. The people doing this type of work do not generally speak English, and it is very hard to make them understand, and it is therefore very difficult in many instances to keep track of the home workers doing this work. We, however, feel confident that the State of New Jersey has eliminated the most serious result of home work, which is known as the sweatshop.

We feel positive that sweatshops do not prevail in our State and very little child labor is used in the general home work that is being carried on. A careful watch is being kept by the inspectors of the department of labor and the health inspectors over conditions existing in homes where home work is being carried on.

The number of home-work licenses issued by the Department of Labor of New Jersey for the present fiscal year will show an increase over the previous fiscal year, but both years fall short of the total for 1925-26, when 3,699 licenses were issued. During the fiscal year July 1, 1926, to June 30, 1927, 2,686 home-work licenses were issued and 11 applications rejected. For the present year, for the 10 months beginning July 1, 1927, 2,621 home-work licenses have been issued and 5 applications rejected. Of the number issued, 724 licenses were

renewals. Three of the rejections were in the city of Newark, one in Orange, and one in Pompton Lakes. One was rejected because the applicant was under observation for suspected communicable disease; the other four wished to work on dolls' and children's clothing in tenements, which is prohibited by our laws.

Our records show that home-work licenses were distributed as follows:

Bloomfield -----	55	Trenton -----	250
Jersey City -----	619	Union City -----	213
Long Branch -----	25	West New York -----	21
Newark -----	198	Miscellaneous -----	1, 124
North Bergen -----	56		
Paterson -----	31	Total -----	2, 621
Red Bank -----	29		

Our records indicate that while the home work given out in Newark and Bloomfield is diversified and covers a number of different occupations, there is a decrease in the number of licenses issued for carding safety pins and similar work. We understand that machines have been installed in the factories which do this work much more rapidly than it can be done by hand operation. The bulk of the work in Jersey City appears to be on embroidery, over 500 out of the 619 home-work licenses issued in that city being for this class of work.

In Trenton the main and practically the only home-work occupation is work on tags. In Union City the main home-work occupations would appear to be embroidery, silk picking, and work on artificial flowers and leaves.

We have not received any complaints regarding home-work violations for the past year, which appears to be very encouraging, as we previously received complaints from welfare organizations and other societies which had come across violators of the home-work law. We think our efforts to control the home-work situation have produced excellent results and have impressed upon the people of New Jersey that we will not tolerate, under any circumstances, child labor being considered in connection with this line of work. With the exception of out-of-State manufacturers bringing home work into our State, principally on clothing, we have the situation well in hand.

COMMITTEES APPOINTED

Committees were appointed by Acting President McBride, as follows:

Committee on Resolutions.—John S. B. Davie, of New Hampshire, chairman; Ethelbert Stewart, of Washington, D. C.; Miss Maude Swett, of Wisconsin; James H. H. Ballantyne, of Toronto, Canada; Henry McColl, of Minnesota.

Committee on Officers' Reports.—E. Leroy Sweetser, of Massachusetts, chairman; Frank E. Wood, of Louisiana; Taylor Frye, of Wisconsin; Charles E. Baldwin, of Washington, D. C.; Voyta Wrabetz, of Wisconsin.

Committee on Constitution.—W. A. Rooksbery, of Arkansas, chairman; Miss Ethel Johnson, of Massachusetts; E. I. McKinley, of Arkansas.

NEW LABOR LEGISLATION

REPORT OF NEW JERSEY

Child labor: Chapter 276 increases from five to six yearly grades or the equivalent, after September 1, 1929, as the period for which "age and schooling certificate" may be issued.

Wages: New provisions have been incorporated into the cash payment of wages act (P. L. 1899, ch. 38) by the enactment of chapter 150. Wages must still be paid in cash at least every two weeks. Under the law previous to this amendment violation of the act was made a misdemeanor, which, of course, necessitated an indictment by a grand jury. This method of enforcing the act had been found inefficacious. Nearly all the legislative acts carrying penalties are enforced by ordinary actions of debt or by summary proceedings before a magistrate. In the present instance it has been deemed wise to enforce the provisions of the act by ordinary summary proceedings in the district court or before a justice of the peace or a police magistrate, making the offender liable to a penalty of \$50 for the first offense and \$100 for the second and each subsequent offense. The department of labor is authorized and directed to enforce the provisions of this act, and for that purpose the commissioner of labor shall designate such of his employees or assistants as may be necessary.

The time limit for prosecution has been removed, and the general effect of these provisions should be a speedier and more effective application in the case of fly-by-night employers, and to some degree, at least, a stronger enforcement as regards bona fide wage claims than heretofore possible.

The provisions of the act do not apply to employees engaged in agricultural work or as watermen nor to any person, firm, partnership, association, or corporation in this State that can reasonably satisfy the commissioner of labor that he, they, or it have a paid-up cash capital of not less than \$200,000.

Workmen's compensation: Chapter 135 increases the maximum weekly rate of compensation from \$17 to \$20 and the minimum rate from \$3 to \$10; also the number of weeks for which compensation shall be paid—for the loss of the thumb, from 60 to 65 weeks; for the loss of the first finger, from 35 to 40 weeks; for the loss of a hand, from 150 to 175 weeks; and for the loss of an arm, from 200 to 230 weeks.

Chapter 136 authorizes and empowers the commissioner of labor to appoint a representative with power to act for a person who may be entitled to compensation, legally receiving and disbursing said compensation under the direction of the commissioner of labor or any deputy commissioner of compensation, when it shall appear that such person is mentally, legally, or physically unable properly to receive or disburse said compensation, or when said person, after due diligence, can not be located.

Chapter 149 amends paragraph 14 of the workmen's compensation act, containing the provisions regarding medical and hospital service, to provide that "when an injured employee may be partially or wholly relieved of the effects of a permanent injury by use of an artificial limb or other appliance, which phrase shall also include artificial teeth or glass eye, the workmen's compensation bureau, acting under competent medical advice, is empowered to determine the character and nature of such limb or appliance and to require the employer or his insurance carrier to furnish same."

Chapter 163 authorizes municipalities and fire districts to provide workmen's compensation insurance for volunteer firemen.

Chapter 224 amends paragraph 17 of the workmen's compensation act to permit the official conducting a hearing to allow a reasonable attorney fee, but restricts the fee to not more than \$50 when the excess compensation awarded is less than \$200. Before being amended the statute prohibited the awarding of a counsel fee in excess of 20 per cent of the difference between the amount an employer or insurance carrier was willing to pay and the amount which the compensation bureau awarded the injured employee.

Chapter 225 amends a supplement to the compensation act which provided for the approving by the court of common pleas of all compromise agreements for compensation made by guardians in behalf of infant beneficiaries by bringing that statute into harmony with the provisions of chapter 149 of the Laws of 1918, which places original jurisdiction of all compensation matters with the workmen's compensation bureau.

Rehabilitation of physically handicapped persons: Chapter 54 provides that whenever a home teacher for physically handicapped pupils is furnished as provided by law, the county superintendent of schools shall apportion in the same manner for such teacher an amount to be approved by the State commissioner of education and that the school district shall be entitled to reimbursement for one-half of the excess cost of educating such physically handicapped pupils out of any State moneys appropriated for such purpose to the commissioner of education or the rehabilitation commission.

Chapter 55 amends the title and body of an act entitled "An act to enable counties which have no county home and hospital for the care, treatment, and cure of crippled children to assist in maintaining homes and hospitals for that purpose, located in such counties" (P. L. 1922, ch. 159), so as to enlarge the powers of the county board of freeholders to defray the expense of diagnosis, treatment, care, and maintenance of crippled children in homes and hospitals for that purpose located in any county of the State.

Chapter 56 extends to 1929 time of investigation by commission on crippled children.

Chapter 126 supplements the act concerning vital statistics by adding visible defects or deformities to the information to be contained in birth certificates.

REPORT OF NEW YORK

Appropriations for workmen's compensation

Chapters 75 and 520 appropriate \$2,952,224.42 to the department of labor. Of this amount \$42,259.85 is for liabilities incurred before June 30, 1928, \$23,315.19 being State compensation insurance. The appropriation for the year ending June 30, 1929, is therefore \$2,886,649.38, which includes \$275,000 for State compensation insurance. The corresponding amount for the year ending June 30, 1928, was \$2,757,520. Assuming that but one-tenth of the \$275,000 represents premium upon employees of the department of labor, the true appropriation to the department for the year ending June 30, 1929, is about \$2,639,000. The department is paying back considerably over \$1,000,000 to the State treasurer each year, all but an insignificant part of which represents reimbursement of expenses incurred in compensation administration for the State by insurance carriers. The amount thus assessed upon carriers for the year ending June 30, 1927, was \$1,131,319.52.

Woman labor

Chapter 567, amending section 181 of the labor law, exempts duly licensed female pharmacists over 16 years of age from its hour regulations.

Child labor

Chapter 646, amending the education law, chapter 697, amending the penal law, and chapter 725, amending the labor law, make important changes relative to labor by children.

School attendance: The minimum age of compulsory school attendance is fixed uniformly at 7 years. Hitherto it has been 7 years in cities and school districts of 4,500 population and over employing school superintendents and 8 years elsewhere. The maximum age continues to be 16, but city boards of education may make it 17. Ten days added to the school year lengthen it to 190 days. All unemployed children between 7 and 16 years of age must attend full time, if physically and mentally fit, and in cities whose boards of education so require all unemployed children between 16 and 17. Section 621 of chapter 646 defines "employed children." Excepting high-school graduates, employed children must attend part-time day instruction from 4 to 8 hours a week in cities of 20,000 population or over and in school districts having 200 or more of them. Elsewhere boards of education may require such attendance. As an alternative, school authorities may adopt the Antioch College half-time plan. Youths of 17 to 21 unacquainted with the English language must attend night schools.

Children under 14, employment: Chapter 727 conforms the labor law more nearly to the education law by making its prohibition against labor by children under 14 years of age more nearly State-wide as to territory and universal as to occupations. This it effects by amending section 130 of the labor law so as to forbid employment of such children in any "trade, business, or occupation carried on for pecuniary gain," besides the occupations, factory, mercantile, etc., hitherto enumerated in such section. The provision of section 391, subdivision 3, of the labor law, limiting the law's application as to these enumerated occupations other than factory work to villages of 3,000 or more, still stands in the statute. Without using the words "pecuniary gain," chapter 646 continues the education law's prohibition against labor by children under 14 "in any business or service" (sec. 629) and excepts therefrom outdoor work for parents when school is not in session by children from 12 to 14 years of age. The limitation to work for parents is new. Subdivision 2 of section 131 of the labor law, as added by chapter 725, also excepts church, school, musical, theatrical, and motion-picture performances by children of any age in accordance with section 485 (subdivision 5) of the penal law, as amended by chapter 697. Subdivision B of section 629 of the education law, in chapter 646, has a corresponding provision relative to the penal law, possibly of the same intent, but obscure. Section 638 of chapter 646 appears to except also sale of newspapers or periodicals and bootblacking in cities of 20,000 population or over by boys of 12 to 14 outside school hours and hours between 7 p. m. and 6 a. m.; 8 p. m. has been the latest hour heretofore.

Children over 14, employment: Children between 14 and 17 years of age may not work without employment certificate, vacation permit, or street-trades badge, except children over 16 on farms. Hitherto this limitation has applied to children between 16 and 17 only in cities of 5,000 population or over and only during school hours. The above outdoor and theatrical exceptions relative to children under 14 apply also to children over 14. Girls under 18 years of age may not sell or deliver newspapers or periodicals or work as bootblacks, a prohibition hitherto applied to girls under 16. School authorities of cities of 20,000 population or over may supplement the law relative to street-trade employment of male minors, including those under 18, but may not change

the age minimum or lengthen the hours. An employer may protect himself against falsity of a minor's claim to be 17 by requiring such minor to procure a certificate of age from a school certifying officer.

Working papers: An employment certificate is limited to a particular employer. Acceptance of it by any other employer is a penal offense. The school certifying officer must see that the employer's pledge of employment conforms to the labor law's hour and occupation limitations. He must require the child to sign the certificate. The employer must require the child to sign a second time. An affidavit is no longer proof of age. Issuance of a newsboy's or bootblack's badge is conditional upon evidence of age and physical fitness. Vacation permits expire when the schools open in September. School authorities may limit them to Saturdays and to summer vacations. Upon termination of a child's employment, the employer must at once mail the employment certificate or vacation permit and the record of physical examination to the school certifying officer, instead of returning the employment certificate to the child as hitherto.

Physical fitness: Except in New York City, Buffalo, and Rochester, physical examinations of children are to be made by school medical inspectors instead of health officers. The school certifying officer must send the employer a copy of the physical examination findings. A certificate of fitness is not good for reemployment if a year old. The physical examination must precede issuance of the school record. Parents must put their children into proper physical condition when reasonably possible. Certificates of limited physical fitness may be issued to physically unsound minors 16 to 18 years of age as a basis for employment in certain occupations.

Enforcement: Penalties for parental delinquency are more severe. Private, parochial, and business schools must report transfer or discharge of their pupils to public-school superintendents. An employer must discharge an employed child reported for delinquent attendance upon part-time instruction. Town-board appointments of attendance officers are subjected to approval by school superintendents and are due to be made on or before the 1st of August. If a town board does not act, the school superintendent must appoint. Attendance officers may enter public places, as well as places of employment, in discharge of their duties. If school authorities so request, the police of a city of 200,000 population or less must enforce the law as to newsboys and bootblacks.

Physically handicapped minors

Chapter 835 regulates children's court orders for treatment and care of handicapped children. Chapter 812 enlarges the jurisdiction of the county court of Chautauqua County for such purpose.

Convict labor

Chapter 805, adding a new article to the general business law, requires and regulates the branding, labeling, or marking of goods made by convicts in penitentiaries or prisons outside New York and the registration of all vendors of such goods made in New York. A former article of the labor law requiring and regulating such branding, labeling, and marking of convict-made goods and providing for license of vendors was eliminated by the revisers of 1921 because the courts had held it unconstitutional. A resolution petitioning Congress for relief legislation relative to prison products was adopted. Chapters

146 and 167 correct the penal law and the highway law by substituting the words "commissioner of correction" for the words "superintendent of State prisons" relative to labor of convicts.

Workmen's compensation

Chapters 584, 749, 750, 752 to 755, seven in all, amend the workmen's compensation law. Other acts directly or indirectly affecting compensation are chapter 481, amending the prison law, chapter 571, amending the mental-hygiene law, and chapter 75, the general appropriation law.

Pecuniary gain not a condition of coverage: Chapter 755 extends the compulsory coverage of the workmen's compensation law to any church, charitable organization, hospital, fair association, fraternal society, or similar employer engaging or employing four or more workmen or operatives regularly even though it is not carried on for pecuniary gain. Effective October 1, 1928.

Occupational diseases: Chapter 754, effective July 1, 1928, makes occupational disease compensable when due to "direct contact with" the several poisonous substances enumerated in subdivision 2 of section 3 of the compensation law. The amended phraseology reads "use of or direct contact with," the words "or direct contact with" being added. Experience has revealed cases of occupational disease not caused by the "use of" the poisons; for example, Sokol v. Stein Fur Dyeing Co., 216 App. Div. 573, 149 S. B. 70, in which an employee contracted aniline poisoning from handling and brushing dried furs. By amendment of sections 40 and 45 of the law, chapter 754 also extends the contracting of disease to continuous employments similar to the one in which the employee incurs disablement and makes notice requirements the same as those of section 18, except that 90 days is the limit instead of 30.

Department physicians not to treat claimants nor refer them to particular physicians, hospitals, etc.: Chapter 752, adding section 19-b to the compensation law, makes it a misdemeanor for any physician or surgeon in the employ of the department of labor to treat a compensation claimant, directly or indirectly, or to refer such a claimant to a particular physician, hospital, clinic, etc. This restriction is to be taken together with section 19-a, added a year previously, which makes it a misdemeanor for a department medical examiner to accept a fee from an insurance carrier. The department has 28 medical examiners for the year beginning July 1, 1928, at a uniform salary of \$5,000 except the chief examiner, whose salary is \$10,000.

Referees to direct treatment but not to designate physicians, hospitals, etc.: Under chapter 752 a referee must direct an employer or carrier to provide treatment recommended by a physician or surgeon of the department of labor but may not designate the physician, hospital, etc., that is to give the treatment.

Employer or carrier to provide prescribed treatment within five days: Chapter 752 gives an employer or carrier five days in which to comply with the recommendation of a physician of the department of labor relative to treatment of an injured employee. After that time, the employee may secure such treatment at the employer's or carrier's expense.

Amputated limbs; proportionate loss: Chapter 754, effective July 1, 1928, requires proportionate loss award for amputation of arm or leg above wrist or ankle; that is, award may be for any number of weeks up to 312 in the case of an arm and 288 in the case of a leg. Heretofore amputation anywhere below the elbow or knee has entitled injured employees to fixed amounts of 244 and 205 weeks, respectively, while amputation above has entitled them to fixed awards of 312 and 288 weeks. The amendment conforms paragraphs "o" and

"s" of subdivision 3 of section 15 of the law to each other, except that amputation at wrist or ankle calls for fixed awards of 244 and 205 weeks. The number of traumatic limb amputations for the entire State was 61 in the year ending July 1, 1926, and 41 in the following year. Of these 102 cases, 37 were above and 65 below elbow or knee. More than one-half were for the hand.

Double compensation; illegally employed minors: Chapter 725, amending sections 130 and 131 of the labor law as of March 29, 1928, greatly enlarges the possibilities of violation of section 14-a of the workmen's compensation law by bringing any "trade, business, or occupation carried on for pecuniary gain," besides the occupations, factory, mercantile and other, hitherto enumerated in section 130, within the labor law's prohibition of employment of children under 14 years and requirement of working papers for employment of children between 14 and 17 years of age. Such possibilities are also enhanced by the stiffening of the working paper requirements effected by chapter 646, as outlined under "child labor" above.

Foreign claimants, payment: On June 3, 1920, the department of labor awarded death benefits to the widow and children of an employee named Kaminski. They were nonresident aliens and it commuted the award to \$2,241.38. Assuming that they were residents of Austria, it purchased a draft for 887,675.20 Kronen and forwarded the draft to the Department of State at Washington for transmission to them. They were not located for almost three years and then were found to be subjects of Poland. Meanwhile the draft had depreciated to a total value of \$12 or \$13. The claimants returned it with demand for payment in American currency. Upon recommendation of the industrial commissioner, the legislature included an appropriation of \$2,241.38 for them in chapter 520 of the Laws of 1928.

Annual average earnings, seasonal employees: Chapter 754 makes any employment covered by the workmen's compensation law a basis for determining an injured employee's annual earning capacity under subdivision 3 of section 14 of the workmen's compensation law. This would seem to offer a new rule for awards in seasonal occupations. Effective July 1, 1928.

Retroactive changes in award rates: Chapter 754, effective July 1, 1928, gives the department of labor full power, after an award has been paid, to increase or decrease the rate from the date of the injury, the excess in case of decrease to be deducted from future compensation payments, if any. This offsets the court decision in *Solotar v. Neuglass & Co.*, 228 N. Y. Rep. 508; 98 S. B. 100.

Accident reports: Chapter 754 modifies section 110 as to reporting of accidents so that after July 1, 1928, only those accidents must be reported which cause loss of time on other than the day or shift of occurrence, or which require treatment beyond ordinary first aid, except that "an employee shall furnish a report of any other accident resulting in an injury"—"or an occupational disease"—"whenever directed by the commissioner."

Representation at compensation hearings: Chapters 584 and 749, effective May 1, 1928, restrict and regulate the appearance of representatives before the State industrial board and its referees. Chapter 584 relates to representatives of self-insurers; chapter 749, to representatives of claimants or other beneficiaries.

Representation is limited to (a) regular employees of insurance carriers, (b) attorneys or counsellors at law, and (c) citizens of the United States or corporations of New York licensed by the industrial commissioner upon nomination of the State industrial board and in accordance with rules of the board.

The board's rules may prescribe tests of character and fitness and may impose a license fee not exceeding \$100; but no fee may be exacted from representatives

of charitable and welfare organizations or of associations caring for the interests of their own members. A fidelity bond may be imposed upon representatives of self-insurers. The board may not make a bill for services a lien upon compensation if the representative presenting it has not paid a license fee. A license will run for not to exceed a year. The commissioner may revoke it for cause and must revoke it if the board so recommends after hearing the licensee.

Hearings; changes of referees: Chapter 754 forbids changes of referee in the successive hearings upon a claim except for good cause, in which case the industrial board may substitute another referee. Effective July 1, 1928.

State fund may write insurance under Federal acts: Chapter 750 empowers the New York State Insurance Fund to insure employers under the Federal longshoremen's and harbor workers' compensation act of March 4, 1927, and other like Federal laws. The fund has been writing such insurance upon authority of an opinion of the attorney general dated June 23, 1927.

Insurance policy coverage: Chapter 754 permits the express exclusion of part of an employer's employees from the coverage of an insurance policy. In the absence of such express exclusion, all of the employees are to be deemed covered by the policy.

Inspection of administrative expenses by carriers: Chapter 753 requires the industrial commissioner to exhibit in his office to all insurance carriers for 30 days an itemized statement of the expenses of administering the compensation law, following notice to all of them and before assessment of the expenses upon them.

Filing of claims; time extension: Section 28 of the workmen's compensation law limits the right to file a claim for compensation to one year after the accident or, if death results, to one year after the death. Chapter 754 empowers the industrial board to extend this period by unanimous vote to not to exceed two years after the accident. Effective July 1, 1928.

Appeals from awards or decisions: Under section 19 of the labor law decisions of referees are decisions of the industrial board if the board does not modify or rescind them. Chapter 754 amends section 23 of the workmen's compensation law to give to any party applying to the board for modification or rescindment of a referee's award or decision within 20 days after the referee makes it, an extension of appeal time beyond the 30 days' limit otherwise applicable. It allows 20 days for appeal from the board's action upon the application. The appeal time may thus stretch out to 40 days or more. To check employers and carriers from applying for modification or rescindment or taking appeal merely to delay payment, the board may levy not to exceed \$25 additional compensation upon them. Appeal may be taken from part of an award, in which case the part not appealed from may be paid without prejudicing rights as to the appealed part.

State employees: Chapter 481, adding new section 412 to the prison law, and chapter 571, amending section 174 of the mental hygiene law, provide pensions on account of accidental injuries. Chapter 481 grants one-half salary benefits in cases of death from injury or actual disability of State prison or reformatory employees and employees in the former prison department or the present department of correction who are not members of the State employees' retirement system. At this time it affects 600 or 700 employees. Chapter 571 amends the State hospital employees' retirement system generally, including a provision (sec. 174) for retirement on account of total disability due to injury by patients. This provision has been a feature of the system since its creation in 1912. At this time it affects possibly two or three thousand employees. Question is of the relation of these accident provisions of the prison law and the

mental hygiene law to the provisions of the workmen's compensation law which covers all State employees (sec. 3, subdivision 1, group 16). Section 30 of the workmen's compensation law declares that a death benefit payable in the case of a State employee under a pension system not sustained in whole or in part by contributions of the employee may be applied toward payment of the workmen's compensation law's death benefit. This apparently applies to the department of correction's employees as concerns the benefit of chapter 481, since they do not contribute, but does not apply to the department of mental hygiene's employees as concerns the pension of chapter 571, since they do contribute and their benefit is a disability not a death benefit. It would seem that under section 30 of the workmen's compensation law a State hospital employee totally disabled by attack of a patient may have both the pension provided by section 174 of the mental hygiene law and the compensation provided by subdivision 1 of section 15 of the workmen's compensation law; that is, as much as one-half of his salary plus \$16.66 per week if his salary equals or exceeds \$25 a week. If, for example, his salary is \$2,500 a year, he may receive \$1,250 a year under the mental hygiene law and \$867 under the workmen's compensation law, a total of \$2,117; this may be compared with the accident benefit of section 65 of the civil service law, as limited by section 67 of said law, under which if he were a member of the State employee's retirement system, his pension would be three-fourths of his salary plus an annuity actuarially equivalent to his contributions, benefits under the workmen's compensation law being excluded by section 67.

Amusement-place employees—Bribery

Chapter 600 prohibits payment of commissions, gratuities, or bonuses to officers or employees of theaters and other amusement places by licensed resellers of admission tickets.

Loans on wages

Chapter 365 restricts to 6 per cent per annum the profit on \$300 or less in money, credit, goods, or things in action advanced in consideration for assignment of wages or other compensation.

Public employees—Pensions and annuities

The expansion of nine chapters of the laws of 1928 amends the general public employees' retirement system. Chapter 301 lengthens till January 1, 1929, the period allowed to State and municipal employees for joining, including State hospital and State prison employees. Chapters 222, 556, and 713 bring employees of the Port of New York Authority, the State police, and New York members of congress into the system. Chapter 294 redefines "prior service" and "total service" to include World War service by residents of New York. Chapter 557 allows employees entering or reentering the department of correction, the department of mental hygiene, and the institutions that report to the executive department six months in which to become members of the system (this on account of turnover), requires that a discontinuance of service must last at least 15 days before payment of accumulated contributions, and allows a member with less than three years of allowable service choice between withdrawing his contributions and taking retirement allowances. Chapter 336 exempts members of the State industrial board from compulsory retirement because of age. Chapter 555 puts at least \$100,000 into the comptroller's immediate possession for payment of pensions, annuities, and other benefits and requires

county and other municipal treasurers to pay their charges to the comptroller instead of the department of taxation and finance. Chapter 534 permits members of three years' standing who are under 60 years of age to borrow not to exceed one-half of their accumulated contributions.

REPORT OF ONTARIO

An act respecting the training of apprentices

This act provides for the appointment by the lieutenant governor in council of a provincial apprenticeship committee composed of an equal number of employers and of employees and of a chairman to advise the Minister of Labor, who is given control of apprenticeship training, on all matters connected with conditions governing apprenticeship and for the appointment of an inspector of apprenticeship, who shall keep a register of all contracts, supervise the carrying out of the provisions of the act by both the employer and the apprentice, promote interest in the adoption of apprenticeship in industries, provide such information as may be required by apprenticeship committees, assist in establishing a permanent system of training of apprentices in any industry, and collaborate with educational authorities in the training of apprentices.

The act is to apply to the "designated trades," the five trades named being bricklaying, masonry, carpentry, painting and decorating, and plastering, and such other trades as may be deemed expedient may be added to this list by the lieutenant governor in council. Any trade in any industry may also be added upon petition signed by at least 25 employers in that trade if the petition has been approved by the lieutenant governor in council after an inquiry into the matter made by the inspector.

Employment of a minor is prohibited for a longer period than three months in a designated trade except under a contract of apprenticeship. Indentured apprentices in any designated trade must be registered within three months after this act becomes effective, and other learners employed in any designated trade without contract must sign a contract for the balance of the training period. No contract shall be for a period of less than two years, nor shall it be of any force until approved by the apprenticeship committee and indorsed and registered by the inspector. All contracts are to be signed by the apprentice, by his father or guardian, and by the employer. Provision is made for the termination or cancellation of contracts by the inspector upon the mutual agreement of all parties or for good and sufficient reason and for the transfer of an apprentice to another employer.

The lieutenant governor in council may make regulations governing the formation of apprenticeship committees in defined areas, the functions of these committees, the length of periods of apprenticeship, the qualifications for entry, the courses of training, the nature and number of classes to be attended, the number of apprentices in each designated trade, the wages and hours of labor of apprentices, the assessment of employers, and the records to be kept.

The members of the apprenticeship committees are to receive no salaries, but are to be reimbursed for traveling and living expenses while attending meetings, and the cost of operating the committees will be borne by the Government. A penalty of from \$10 to \$100 is provided for violation of the provisions of this act.

An act to amend the mothers' allowances act

By this act the following changes are made in the residence qualifications necessary before the payment of allowances: A monthly allowance may be paid

toward the support of the dependent children of a mother who (b) was resident in Ontario (instead of Canada) at the time of the death or total disability of the father of the children on whose behalf the allowance is to be made, and for a period of two (instead of three) years immediately prior to the application for an allowance; (c) is resident in Ontario at the time of the application for an allowance ("and for a period of two years immediately prior thereto" is omitted).

An act to amend the workmen's compensation act

In connection with the authority of the workmen's compensation board to divert compensation in certain cases a section is added by this amending act giving the board authority to divert compensation in whole or in part from the workman for the benefit of his dependents in the following instances:

(a) If the workman is no longer residing in Ontario but his dependents are and are without adequate means of support so that they are or may become a charge upon the municipality or private charity;

(b) If the workman still residing in Ontario is not supporting his dependents and a court order has been made out against him for the support of such dependents.

The section of the act stating the salaries of the chairman, vice chairman, and commissioner to be paid out of the consolidated revenue fund is repealed and instead "the salaries of the commissioners shall be fixed by the lieutenant governor in council and shall be payable out of the accident fund as part of the administration expenses of the board," and provision for this is made under the definition of "accident fund."

The portion of the act dealing with industrial diseases is enlarged by the following additions:

9a. For the purposes of this act tuberculosis shall mean tuberculosis of the respiratory organs when on examination of any person it is found that (a) such person expectorates the tubercle bacillus; (b) such person has closed tuberculosis to such a degree as to impair seriously his working capacity and to render prohibition of his working underground advisable in the interests of his health.

9b. The board is authorized to appoint such medical officers as may be required to carry out the provisions of the mining act and amendments thereto with regard to the examination of employees or applicants for employment and the remuneration and expenses of such officers shall be paid out of the rates imposed for payment of silicosis claims.

An act to amend the mining act

One section of this amending act requires the annual medical examination of every underground worker by a medical officer appointed under the provisions of the workmen's compensation act and restricts the employment underground to those holding medical certificates stating that they are free from tuberculosis of the respiratory organs. A similar certificate is required of workmen engaged in any ore or rock crushing operation which is carried out when the material is not kept constantly in a moist or wet condition. The chief inspector of mines may exempt from the provisions of this clause mines not containing sufficient silica to be likely to produce silicosis and such other mines as he deems should be exempt. These provisions do not apply to workmen employed underground for less than 50 hours in any one calendar month. The lieutenant

governor in council may make regulations concerning the medical examination, the certificate, and for the better carrying out of the requirements of this section.

An act to amend the landlord and tenant act

Section 31 of the landlord and tenant act, which deals with the protection of goods of boarders and lodgers from distress, is amended by extending this protection to undertenants, the term being defined as "a tenant to whom the premises or some part of the premises in respect of which rent is distrained for shall have been sublet with the consent of the superior landlord or in default of such consent under the order of the judge of the county or district court."

TUESDAY, MAY 22—AFTERNOON SESSION

MAUD SWETT, FIELD DIRECTOR WOMAN AND CHILD LABOR, INDUSTRIAL
COMMISSION OF WISCONSIN, PRESIDING

EMPLOYMENT

THE CONTRIBUTORY WORKMEN'S COMPENSATION PLAN

BY WALTER LINN, SECRETARY PENNSYLVANIA SELF-INSURERS' ASSOCIATION

It has seemed to us particularly appropriate that at the outset of the investigation we have inaugurated we should submit our program and our purposes to the inspection of an association comprising National and State governmental officials who preside over the destinies of labor throughout the United States and Canada. No other organization can be more closely in touch or more thoroughly in harmony with the principle and practice of workmen's compensation insurance than your association is; and it is doubtful if any other could get the same broad view of the question from all angles. You are, in a sense, the judges, whereas other organizations dealing with the subject are in the position of attorneys for one side or another practicing in your court.

We esteem it an honor to be permitted to state our case to you, believing that if what we have to propose is good it will gain tremendous impetus through your knowledge of it, and that if it is faulty you will help to check us up.

It is not our policy to try to force through here or there a definite bill, but rather to promote the investigation of a general plan, and to consult with everybody who is interested in it with a view to bringing to bear upon it the widest range of opinion as to its merits and its demerits.

At the last annual meeting of our association, held in Philadelphia, April 20, this resolution was adopted for the guidance of the newly elected officers and board of managers:

Whereas it is understood that the Pennsylvania Self-Insurers' Association in annual meeting assembled takes no definite position at this time on the question as to whether or not the contributory plan of workmen's compensation is one which should be enacted into law in this State: Be it

Resolved, That the association instruct its officers and board of managers to proceed with the investigation of the plan; to explain it and consult concerning it with other organizations; to promote discussion of it; to conduct such work and incur such expenditures in connection with it as they may deem proper, and to make due report thereof.

Thus, you see, we have not even taken the position that the contributory plan ought to be adopted. We merely say that we want to know whether it should be adopted, and that we propose to find out. Please remember this if I should appear to you in the light of an advocate: It is impossible to study a proposition without first stating

it, and I can assure you that I will lend as ready an ear to adverse criticism as to favorable comment.

The idea of collecting a part of the cost of compensation directly from the employee, who is the beneficiary, is not a new one. Indeed, it is as old as compensation itself, having been the basic principle of the first act ever passed—that of Germany. It is recognized to a certain extent in the compensation law of Oregon, and, I believe, is applied to medical costs in the Washington law. West Virginia had it and then abandoned it. My own State, Pennsylvania, provided for it in the constitutional amendment of 1913, paving the way for our present act, but did not use it.

But, generally speaking, the American laws are copied from the English act, in which employee contribution to premium has no part.

The newness of this particular plan we are studying lies in the method by which an old idea is applied. It would make the employee a one-third partner with the employer in financing compensation costs. If benefits went up, the employee as well as the employer would have to pay more for them. If experience improved under well-directed safety work to such an extent as to warrant lower premiums, the employee as well as the employer would pay less.

The whole scheme is summed up in a 19-line amendment offered by our association in the 1927 Pennsylvania Legislature as senate bill No. 568. It is applicable to any elective act.

Every employer who has accepted the provisions of Article III of this act is hereby authorized and required during each calendar year following the year 1927 to deduct and retain from the wages earned by each of his employees who is entitled to receive compensation under this act, who has accepted the provisions of Article III of this act, and whose employment during such year is in whole or in part within the State of Pennsylvania, equal monthly, semi-monthly, weekly, or daily installments sufficient to equal pro rata one-third of the premium authorized by the manual rate applicable to the governing classification of the industry as approved by the Pennsylvania State Insurance Department in accordance with the provisions of section 654 of Article VI of the act approved the 17th day of May, 1921. (Pamphlet law 682.) The annual earnings of employees, upon which the manual premium rates are based, shall be the average annual wage in the industry as determined by the Department of Labor and Industry of the State of Pennsylvania. Any employer whose workmen's compensation insurance is carried in the State fund, in any mutual or participating insurance company, or who is exempt from insuring under the provisions of this section, shall deduct 25 per cent from the manual premium applying to the industry and the employee's contribution shall be one-third of the manual premium after such deduction.

To clarify this rather technical verbiage, let me give an illustration as to the working of the plan:

The Pennsylvania manual rate for railroads at the time senate bill No. 568 was introduced was \$1.50 per \$100 of annual pay roll. The average pay in that industry is \$1,700 a year. The employee would therefore have paid one-third of \$1.50 on \$1,700 of annual pay-roll, which would have made \$8.50 a year or 71 cents a month. But virtually the whole railroad industry is under self-insurance, so the employer would have had to deduct 25 per cent from the manual rate before making the division, bringing the employee's monthly contribution down to 53 cents per \$100 of pay roll, or about 12 cents a week, and for this trifling contribution the workman would have received much more liberal benefits under our bill, since it would

have increased the Pennsylvania maximum from \$12 a week to \$18 a week, whereas the bill that was passed by the legislature fixed the maximum at \$15. The employer, however, would have paid out of his own pocket, or out of the cost load levied direct upon his product, approximately what he paid under the old \$12 maximum.

Even in the highest rated industry the wage earner's contribution would probably not have exceeded 25 cents a week, and in some of the lower rated trades it would have amounted to only 10 or 15 cents a month. Yet the aggregate of these trivial contributions would have been somewhere in the neighborhood of \$6,000,000 a year, which now the employer, if he is fortunate, is passing on as an indirect tax to the consumer.

This means, of course, that the employee is already helping to pay compensation costs (and here again is evidence that we are introducing no new proposition), but the trouble is that under the English system of compensation payment it is impossible to make him realize it. He persists in thinking that the money for increased benefits is picked right out of the air by some sort of legislative magic. Some of his leaders argue, too, that under the higher cost of production plan a large portion of the public which does not enjoy compensation benefits helps to pay compensation bills; but over against this argument is set the reminder that the original excuse for compensation was that industrial accidents were not a proper charge against the State (or public at large), but should be assessed upon the specific industries inflicting them. Therefore, it would seem that compensation theorists always intended compensation costs in any given industry to be shared by the employers and the employees in that industry.

Also, it is contended that some or many of the industries are approaching the point where production costs have stagnated their markets. The bituminous-coal mines of Pennsylvania may be cited as showing the effect of high costs on a competitive product. Our anthracite industry, which is peculiarly noncompetitive and has always been regarded as a law unto itself, is another striking illustration of what may happen from an overload on production costs. The anthracite field of Pennsylvania comprises virtually all the hard coal in the world—a superior fuel which people would have to continue to buy at any price—so we thought.

Thirteen years ago I laid in my winter's supply of anthracite in Philadelphia for \$7.50 a ton. Last winter anthracite retailed through the same dealer at \$16.75 a ton, and I began to figure that I had reached my limit on the price of coal. I instituted a search for substitutes, and I was only one of an army doing the same thing.

What is the result? Our proud anthracite industry is seriously worried to-day. Scores of huge consumers in Philadelphia, like the City Hall, the Widener Building, and the West End Trust Building, and thousands of smaller consumers, have ceased to buy anthracite. One operator told me that whereas he used to ship 800,000 tons of anthracite to Chicago every year, he has not shipped a pound in the last two years. The New England market, once such a profitable outlet for anthracite, has almost disappeared.

Without question there is a point beyond which even the least competitive of industries can not go in absorbing additional costs of

production and survive. The time comes when you and I, the public, who in the end pay all these charges, rebel. The market fails and the producer goes to the wall.

One of the questions most frequently asked by persons to whom the contributory plan is suggested the first time is: "If contribution to premiums by the employee is desirable, why was it not adopted originally, and why has it even been done away with, as in the case of West Virginia?"

Frankly, I do not know. Perhaps you can help me to find out. While I have made no personal study of the West Virginia situation, all the information I have received fails to show that the contributory idea was eliminated in the revised law because of any general dissatisfaction with it. It would seem rather that the idea in the revision was to adhere more closely to the pattern prevalent in the United States, which is the English pattern.

Having been connected with the Pennsylvania Manufacturers' Association in 1914, or at about the time the commission was appointed for the purpose of drafting a compensation bill, I did have some opportunity to follow the hearings and observe the public psychology which induced us to accept the English plan in preference to the German plan. I well recall the discussion among employers throughout the State as to which of the two plans ought to be adopted, whether the employer should pay the whole bill, or whether he should collect part of it from the employee. Miles Dawson, I think, vigorously urged the German contributory plan, and even so far back as 1913 this compensation scheme was acknowledged to have many points of excellence.

Doubtless the reasons for our electing to follow the English model were cogent ones at the time. It may be that even then we were beginning to acquire a national prejudice against things German. Moreover, the beneficial organizations within the industries, upon which the German law was built, were not nearly so well established and so thoroughly understood in this country as they are to-day, and the employer argued that it would cost him more to collect a fraction of the premium from the wage earner than it would to pay the entire amount himself. I remember hearing some very remarkable arguments along that line which would sound rather ludicrous in these days of deductions for beneficial associations, group life insurance, and what not.

Again, we had no rate manual with its concise classifications of all branches of industry, and its specifications of cost based upon years of experience. The whole proposition was a step in the dark, and the employer seemed to feel that if he had to walk the plank blindfolded, he would rather do it alone than tied to some one else who might impede his efforts to swim after he hit the water. It is also quite possible that he felt his chances of defeating the legislation with a plan that looked to him then almost like confiscation of property were much better than with one having an appearance of mutual benefit. I do know that many of the men who were instrumental in ruling out the German plan in Pennsylvania were strongly opposed to the passage of a workmen's compensation law in any form, but whatever the motivating influence, nearly all of the States adopted

a noncontributory plan, and proceeded to forget that they had ever discussed or heard of such a thing as a contributory plan. Oregon's compensation is of such relatively small importance, and her system of employee contribution is of such a fixed nature, that her contributory law has not made much impression on American compensation legislation. It embraces three parties, employer, employee, and State, covers only certain hazardous employments, and the employee contributes a flat rate regardless of the premium rate that may be assessed for his occupation. Hence, his contribution becomes so perfunctory and meaningless that the salutary effects of it are lost. I may say that the participation of the State would not appeal to employers as a class. If they felt that a contributory workmen's compensation act would be a step toward monopolistic State insurance, I feel sure that they would oppose it vigorously.

To be effective a contributory law such as was outlined in our senate bill No. 568, while its average assessments against the employee would probably be little if any larger than the Oregon rates, would have to be graded in accordance with the manual rates, fluctuating up or down as the costs of compensation increased or decreased. A coal miner would pay more than a textile worker and both would pay more for a \$20 maximum than they would pay for a \$10 maximum. Thus, every wage earner would be impressed with the fact every time he drew his wages that compensation is not a gift from the gods that falls like manna, but that it is a commodity which has to be paid for and one for which he must help to pay. This is the gist of the whole scheme in the opinion of its proponents. It takes the worker out of the "gimme" class and puts him into an insurance partnership with his employer. If he gets more, he has to pay more. There is nothing like a personal responsibility of that sort to rationalize men's demands.

One of the attractive arguments for the plan is that it would give the employee a financial interest in reducing accidents and preventing malingering. We all know that the mighty progress of safety work in the last few years can not be attributed to humane interest alone, predominant though that may have been. The millions of dollars invested in safety appliances and in alterations or installation of more expensive equipment to reduce the hazards of employment were justified to many a corporation by the dollars-and-cents savings to be effected through expenditures for greater safety. There would appear to be grounds for the assertion that if the workman were given the same financial interest in seeing to it that fellow workmen observed safety regulations, the psychological influence would immediately reflect itself in further and marked reductions in accident severity and frequency.

Some of the larger corporations which maintain beneficial associations for the employees tell me that there is much less malingering and much less tendency on the part of the workmen innocently or otherwise to aid a fellow workman in establishing a false claim under the employee benefit system than under compensation. They seem to realize that a deliberate malingerer or a fraudulent claimant is a direct responsibility to them in their mutual fund, whereas anything they may do to the company under workmen's compensation is "no

skin off their noses" so to speak. If all payments for fraudulent claims could be eliminated, the true cost of compensation would unquestionably be lowered materially.

Inversely, there would be less tendency on the part of employers to take advantage of technicalities in the act to defeat just claims, if they knew that the costs were being shared by the employees. Every workman would become a vigilance committee for the honest administration of the act and the employer, once assured of this fact, would have an entirely different attitude toward it. If we could only soften the growing hostility between the man who pays the bills and the man who receives the benefits by giving them a common viewpoint, we would have accomplished wonders. Under the present scheme, which has made compensation legislation our favorite political football, these differences of opinion are daily becoming more acrimonious. All over the country you will hear labor leaders complaining about the illiberality of laws in the various States and employers suggesting needed alterations for their protection in such features as hernia, horse play, aggravation of disease, etc., which have been forced upon their attention because of the widening chasm between the viewpoint of the employer and the viewpoint of the employee. These minor differences should in a large measure correct themselves if the chasm could be closed again and the employer and the employee be set down upon common ground as men who foot the bills.

One of the ten reasons advanced in support of senate bill No. 568 puts it this way:

Such a law would be a step forward in the modern idea which is meeting with universal favor, of closer relationship of employer and employee and sharing of each other's burdens so as to create, as it were, a partnership of interest rather than two distinct elements disassociated and unconcerned with each other. At each legislature in the past the employers and employees have been forced to adopt antagonistic attitudes by reason of the compensation bills introduced, which tends to create false estimates of each other's intentions and motives. The mutual element in senate bill No. 568 would relieve this situation and eliminate that fighting spirit which is absolutely unnecessary between two parties working for a common cause.

Reasons Nos. 8 and 10 are also worth quoting:

Reason No. 8: Revolutionary as it would be in the character of results obtained, senate bill No. 568 would not interfere in any manner, way, shape, or form with compensation procedure or practice. Insurance carriers, referees, compensation board and bureau, courts, or insurance department could not tell from their own records that the change had taken place. The only parties concerned in the readjustment are the employers and the employees.

Reason No. 10: The theoretical ultimate goal of proponents of increases in schedules of all workmen's compensation legislation is two-thirds of the average wage in all the industries of the State covered by the act. This average wage in Pennsylvania for the year 1925 was \$24.57 a week. The \$18 maximum offered in senate bill No. 568 is more than two-thirds of that amount and ample to care for temporary fluctuations of wages upward. Thus, instead of temporizing with the situation, as would be the case if the Sardoni-Huber bill were passed, Pennsylvania, under the contributory clause bill, would at once become as liberal as any State has a right to be, and the question would be permanently settled, with no harm done to anyone.

As labor officials you would, of course, be chiefly interested in knowing what labor leaders think of the plan. Few, if any, of those to whom I have talked have been vehemently opposed to it. Some

have said that it should be investigated, and one or two in Pennsylvania were actively working for it while senate bill No. 568 was before the legislature. Roger Dever, Thomas Keenedy, and several other leaders of the United Mine Workers of Pennsylvania told me that they thought the bill had much to commend it and that it was in line with labor's new slogan—"Stand on your own feet." Mr. Dever remarked that the union had opposed a group life policy taken out by one of the large coal companies because it was not contributory as to premium payments.

"But," he added, "the proposal to make us direct contributors to compensation is too new and startling to approve on the spur of the moment. Such a proposition should be thrashed out in time of peace, and we would be glad to confer with you about it after the legislature has adjourned."

I should say that the attitude on both sides of the pay window is approximately the same—namely, that the doctrine enunciated in Pennsylvania Senate bill No. 568 is a constructive proposition meriting further study and analysis.

Of course, the Pennsylvania Self-Insurers' Association realized that senate bill No. 568 had no chance of passage in 1927, but it at least started something which is likely to attract more attention in the next few years than any other workmen's compensation proposal since the introduction of compensation legislation in this country.

We would welcome your assistance in the investigation of every phase of the contributory proposal, and we would impress upon you again the fact that it is not senate bill No. 568 nor any other bill which we are promoting at this time, but the serious study of a system which offers some prospect of stabilization of compensation laws and of mutual contentment under compensation.

DISCUSSION

Mr. DAVIE. I listened with a great deal of interest to the paper by Mr. Linn. There is one question that I would like to take up, because he dwelt on it at some length. It has been my experience in workmen's compensation that a man, especially if he has a wife and several children, will not be satisfied to accept compensation of probably \$15 a week after having been accustomed to being paid from \$25 to \$40 a week, and I have had a great deal of trouble with insurance companies about that. You seem to lay particular stress on that, but I take this stand: I think it is hardly fair, and I have the moral courage to say so.

Mr. LINN. I am very glad that you do so, because I did not intend to convey the impression that the most money paid out was for malingering, but in a system running into multiford millions of dollars that compensation has amounted to in recent years a very small percentage of malingering may become a serious matter. We published recently a bulletin by doctors, hospital authorities, and labor officials showing that the extent of malingering in this country and abroad has become a serious problem in workmen's compensation. It would seem that a man would not lay off on a compensation of \$15 when he has been in the habit of making \$20 or \$30 a week working. Take the Industrial Steel Corporation of Pennsylvania;

they have in their organization a number of private beneficial associations. They say that virtually all of their men belong to one or more of these lodges, and to the best of their information a large percentage of their men make more when disabled than they make in the number of days they put in when working. What I meant to imply in this paper was that any system which would tend to make the workmen, as well as the employer, get rid of that thing is a problem. I did not mean that compensation was paid generally to malingerers.

Mr. DAVIE. Most compensation laws provide that workmen must submit themselves from time to time for inspection, and they also have a method of adjusting compensation. I think most of us business people lay too much stress on the malingering problem; I don't think it is as bad as you people seem to think. I think insurance men, as a whole, feel too keenly on that subject. Take the man with a wife and family. Doctors and surgeons will tell you they have a hard time keeping men from going to work before they are physically fit. Here is another question in this plan of cooperative effort—fixing up the average wage. I assume, of course, if a man had been employed for a short period he would be paid so much per day. Suppose he quits three weeks later?

Mr. LINN. Would he pay for three weeks' insurance?

Mr. DAVIE. A man employed in the plant for five years, never having met with an industrial accident, where does he get off if canned?

Mr. LINN. Just as he does now.

Mr. DAVIE. Does he get reimbursed in money?

Mr. LINN. No, sir.

Mr. DAVIE. When you come down to brass tacks, who puts the most into this thing, the employer, the workman, or the insurance company?

Mr. LINN. The insurance company puts nothing in whatever.

Mr. STEWART. I think it is a question of policy for the convention to decide. Mr. Linn came to me several months ago. I would like to answer some things he has said, if this is the time to do it. I am wondering if you want to go ahead with your program or give time to this proposal.

Mr. LINN. I might suggest that several members said they would like to have copies of this plan, and if the secretary will be good enough to furnish me the names of the delegates, or heads of departments, who would like to get this paper I will be glad to send them copies and more than happy to have their comments when they have studied it. We want the widest possible range of public opinion.

The CHAIRMAN. What do you wish to do? Mr. Linn will send copies to you, or do you wish to take the time now to listen to a discussion?

Mr. DAVIE. I move we devote 15 minutes to this problem.

[The motion was seconded and carried.]

Mr. STEWART. Some time ago Mr. Linn came to me with the proposition that the Bureau of Labor Statistics cooperate with the Self-

Insurers' Association of Pennsylvania in an investigation of the German system of paying compensation. He was of the opinion that the German workmen paid a very considerable percentage of the premium. I took the matter up first with Doctor Kuczynski, who, you all know, is one of the most thorough, able, and square statisticians in Europe; and I found a very complicated system. They have a social insurance system in Germany which covers a very broad field, and very many branches of the field are written into the general law in such a way as to make it difficult to secure clear-cut comparisons. As a matter of fact the workmen's accident compensation law of Germany was passed one year later than the sickness insurance law. This sickness insurance law provided for sick benefit funds into which the workman paid $66\frac{2}{3}$ per cent and the employer $33\frac{1}{3}$ per cent. When the accident prevention bill came up—which corresponds to our workmen's compensation law—there was no attempt to make the workmen pay any part of the accident cost. But, a 13-weeks waiting period was included, during which time the workman had to be paid from the sickness insurance fund, to which he contributed $66\frac{2}{3}$ per cent. Now you know what that means. Only three-tenths of 1 per cent of the temporary total accidents last more than 13 weeks. Of the permanent partial accidents only 2.4 per cent last more than 13 weeks. A waiting period of 13 weeks will eliminate about 97 per cent of all accidents other than fatal and permanent total. In other words, 90 per cent of the injuries were not covered by the accident law at all, but were thrown on to the sickness fund, to which, as I said, the workman contributes twice as much as the employer.

In view of this situation I think the less the Self-Insurers' Association of Pennsylvania has to say about the German system the better it will be for them. The German system has been changed recently. I had Miss Mollie Ray Carroll, of Johns Hopkins University, who was making some studies in Germany, go over the whole subject this year. The fact of the business is that the accident compensation law of Germany does not provide for the workman paying anything into the accident fund as such, and recent legislation has made it possible for the sickness insurance fund to charge up to and to collect from the accident fund the hospital costs and expenses in accident cases when the directors of the sickness-insurance fund consider it proper and just.

The next illustrative case is the State of Oregon. Oregon had a commission investigating the whole subject of compensation for quite a period of time. When this commission came to the subject of contributions the labor representation on the commission, which was 3 to 10, asked that the workman be allowed to contribute to the compensation fund. Their argument was that it would have less the appearance of charity if the workman was allowed to take part by making some contribution to the fund, and that the worker would feel he was entitled to compensation by law. It was therefore agreed that each worker should pay 1 cent a day. You understand that Oregon has a compulsory State insurance fund. One of the Oregon commissioners wrote me as follows: "In the 11 years of my experience

it would be hard to say that it has done any of the things that we hoped for." At the time the workmen's compensation act became a law in Oregon there was a large proportion of workers hostile to it on general principles. This opposition of the workers has gradually faded away until very few of them can be found who are opposed to workmen's compensation on principle. If there has been any particular benefit to the workman derived from his payment of 1 cent a day, it arises from the fact that on pay day he is reminded that there is a compensation law in his State which protects him in case of accident. No matter how much we deny it on the floors of conventions, I know and you know, and there is not a compensation commissioner in the United States nor a State labor official in the United States who does not know, that there is a very small proportion of the workmen in the United States who know one single thing about workmen's compensation law, or even that such a law exists. Now, if you can make sure that the workers know about workmen's compensation by making each one pay a cent a day, it may be cheap at that even though we do not like the principle of the thing.

In the fiscal year ending June 30, 1927, the premium received from Oregon employers by the State fund was \$2,269,886.01, and from the workmen, on the basis of each worker paying 1 cent a day, there was received \$252,040.50. That is on the basis of 1 to 9, which means that the workmen pay practically 10 per cent of the amount paid into the State fund. It is only fair to say that Oregon reports that there has been no complaint from the workmen, that it seems to be entirely acceptable, and that there is no inclination or movement to change it.

Before closing I want to make this comment—the State of Oregon has no waiting period whatever. The State of Pennsylvania has a 7-day waiting period. In other words, a man must have lost seven days as the result of his injury before he is entitled to any compensation whatsoever, and it seems to me that it is monumental gall for anyone from the State of Pennsylvania, with a 7-day waiting period, to make the statement that the workman does not contribute anything to the compensation fund. Granted that he does not pay any money into it, let's see what happens. When you cut off 7 days you cut out 47.1 per cent of all temporary total accidents and you cut out practically 6 per cent of all permanent partial disabilities; that is to say, these accidents are not paid for at all; the entire loss is borne by the workman.

Now, another thing—Mr. Linn states that anthracite coal which formerly cost him \$7.50 a ton now costs him \$16.75. Does he mean—does he expect us to believe—that the difference of \$9 a ton is due to the workman's compensation law of Pennsylvania? I do not know how much the compensation law of Pennsylvania costs per ton of coal, but I do know it is not \$9. The workmen's compensation premium is applied to the unit of production, and it is my judgment that you could not run a decimal figure out far enough to express the cost of compensation premiums per ton of coal in Pennsylvania. It is proposed in Pennsylvania that the workmen pay 25 per cent of the premium. In Oregon they each pay 1 cent a day, and that amounts to about 10 per cent. Suppose in Pennsylvania they did pay 25 per cent, that would mean about 2½ cents per day per man. What

strikes me about this whole matter is that the self-insurers of Pennsylvania might well look around for bigger game to shoot at. I do not know what the attitude of the workmen of Pennsylvania would be. It seems that in Oregon it was their own proposition and that they do not care anything about it. If we could have some assurance that this 2½ cents a day paid by the workmen of Pennsylvania toward insurance premium costs would be used to improve the accident situation in Pennsylvania it might well be a move in the right direction. It might also be worth 2½ cents a day to let every workingman and working woman in Pennsylvania know that there is a compensation law in that State.

Mr. LINN. Mr. Stewart seems to feel that I attributed the entire increase in the cost of anthracite since the passage of the Pennsylvania workmen's compensation act to compensation itself. This I certainly did not intend to do, nor do I think that the manuscript will convict me of it. I was merely endeavoring to show that a steady and endless increase in the cost of any product, from whatever cause or causes, will ultimately put that product off the market.

Mr. Stewart also said (I am quoting from recollection only): "I doubt if there are decimal figures small enough to write the cost of compensation per ton of coal. A cent or two, perhaps, at the outside. When it is considered that the coal miners of Pennsylvania are already giving to the compensation act a 7-day waiting period, it would seem as though the Pennsylvania Self-Insurers' Association has a colossal gall to suggest a further contribution. It ought to look for bigger game."

Just what the per-ton cost of compensation on anthracite may be I do not know, and I doubt very much whether it can be estimated with any degree of accuracy. The operators can tell, of course, how much they pay in compensation to their own employees; but how can they tell how much they pay to other industries through the medium of high wages made necessary by the higher prices of all commodities? Then, too, there is a substantial compensation cost in the greatly increased freight rates upon a ton of coal shipped from Scranton or Wilkes-Barre to Philadelphia or New York. The dealer who handles and delivers the coal must take cognizance of compensation charges. No one can say just how much compensation has been slipped into a ton of coal before it is dumped into my bin or yours.

This I do know, however, the Anthracite Mine Operators' Association of Pennsylvania has determined after investigation that compensation is costing them ten times what they paid out before the passage of the compensation act in employers' liability, and I submit that a 1,000 per cent increase in any cost item is a "stop, look, and listen" signal to any manager or board of directors.

It is rather difficult to say exactly what compensation costs in the United States last year amounted to because of the varying methods of assembling statistics and the lack of statistics in many cases. Bests' report gives the total compensation and medical losses of all stock and mutual companies doing business in the United States last year as slightly under \$150,000,000. These, of course, are the losses paid out by the companies; not the premiums paid by the employers, which would be substantially larger. The figures

do not include State funds or self-insurers, and since self-insurers in all the larger industrial States pay out as much in compensation as all the insurance companies put together, it would seem safe to assume that total compensation costs for 1927 were well over \$300,000,000; and it will not be long, at the present rate of increase in benefits all over the country, until we see them crossing the half-billion-a-year mark.

But even \$300,000,000 a year, it seems to me, is a sum of money worthy of serious and polite attention. Within the memory of living men one-twelfth of that amount paid all the running expenses of the United States Government.

But important as it is, it is of small moment in comparison with the demoralizing effects of continuous compensation agitation upon the industrial morale. No other single thing so immediately, so widely, and so constantly affects these relations. A wage dispute may occur once in a year or two years. When it is settled it is forgotten; but the conflict of opinion between the men who are trying to take something away from somebody else (or think they are) and the men who are trying to hold on to what they have is a daily thing, and politicians who are in search of an issue are utilizing it for their own selfish purposes from Maine to California and from Canada to the Gulf.

As for the waiting period, it seems to me rather unfair to refer to this as a gift from the employee toward compensation costs, since it was never his to give. He certainly did not receive remuneration for trifling accidents under employers' liability. The waiting period was inserted in compensation acts not as a concession from employees but as a safeguard insisted upon by the proponents of the acts in order to prevent them from breaking down altogether.

Also I wish to reiterate what I think I stated fairly well in my paper, that the contributory plan does not contemplate imposing any new burden upon the wage earner or taking anything away from him. It is merely a suggestion that he pay out of one pocket that which he knows about and can keep track of instead of losing through a hole in another pocket that which he doesn't know about and can't keep track of.

The CHAIRMAN. We will now hear Mr. Stewart, who is to deliver a paper on the subject "Industrialization of the feeble-minded."

INDUSTRIALIZATION OF THE FEEBLE-MINDED

BY ETHELBERG STEWART, UNITED STATES COMMISSIONER OF LABOR STATISTICS

Some years ago in a conversation with Capt. Boyd Fisher he remarked that he feared the industrial battle line would be entirely changed within a comparatively few years and that I might live to be Commissioner of Labor Statistics long enough to find the old line of problems entirely supplanted by a new set of problems infinitely more difficult to cope with, the breastworks thrown up along lines so intermingled with human sympathy that it would be impossible to distinguish between a Sunday school and an executive committee meeting of open shoppers. He intimated that the most reactionary elements had begun to learn the value of sob stuff and were already beginning to capitalize it.

The first definite intimation of such a change came to me several years ago, when a company organized to manufacture buttons issued a plea to a certain city requesting that they be given a tract of land which should be tax free, as I remember it, for 50 years, upon which to erect a plant. The document contained a statement that they had perfected a machine for making buttons which was so absolutely automatic in its operation that it required no intelligence whatsoever to operate, and that the plant would employ all of the mentally deficient and feeble-minded of both sexes and all ages in the city, thus putting on a self-supporting basis that element in the population which had theretofore been subjects of public charity. The company promised practically to depopulate the institutions of all inmates, regardless of age or mental condition, who had any work possibilities left in them. It would thus return to the taxpayers much more than what the ordinary value of and taxes on its property would be.

As a social appeal it impressed me as a high-grade production and one that would get everybody—the welfare worker, the sob sister, the taxpayer, and a certain type of manufacturer who might be interested to know what sort of a wage level could be set and socially approved of if the conditions were exactly right. The war came on and my attention was entirely diverted from this subject for a number of years.

Recently, however, a few events have occurred and a number of opinions have been expressed that made me feel that perhaps in this paper there might well be, as in so many other documents of the present time, an attempt at a forecast. It is my first adventure in the fortune-telling business.

It may be said that the beginning of the present situation grew out of the experience with backward children in the public schools. The attempt to experiment industrially with the feeble-minded who were so pronounced as to become inmates of public institutions antedates this somewhat, however. The incorporation of the Vineland Training School for Feeble-Minded Girls and Boys as far back as 1903 had made that school an industrial institution. In 1904 Alfred Binet, one of the French commission charged with the study of measures to be taken showing the benefits of instruction for defective children, devised a system of intelligence measurement which, however defective it may be in detail, does in a broad, general way provide a measuring scale for intelligence. Out of the Binet system has developed a method of grading the mental possibilities very early in the life of a child. To this has been added a great deal of perfectly good work in our institutions for the feeble-minded such as the Vineland Laboratory for Psychological Study of the Feeble-Minded, organized in 1906.

This work as carried on in institutions has gone along innocently enough, and probably would have been harmless enough, even in the long run, had it not been for the intelligence tests instituted by the War Department during the late war. The real industrial significance of these studies and experiments might never have been discovered, but the Army examined 1,700,000 men. This group, drawn as it was from all parts of the country and practically all walks and avenues of life and held within an age grouping which would indicate that they were at their best when the examination took place,

made it perfectly apparent that the human race is divided into mental levels and that these levels are broadly distinguishable. Admitting everything that can be said against the accuracy of the Army test, when you get right down to individual details it must be admitted that for purposes of broad generalization it was substantially accurate.

Now what did it do? It established seven mental levels in our population. These have been listed as A, B, C+, C, C-, D, D-, and E. Grade A consists of those of very superior intelligence, and if we assume that the proportion throughout the entire population is the same as in the 1,700,000 people examined Grade A constitutes 4½ per cent of the population. Grade A, as I said, is composed of men of marked intellectuality.

B are men who are intellectually superior but do not rank up with A. These comprise 9 per cent of the population.

C+ may be classified as men of high average intelligence, and comprise 16½ per cent of the population.

C are men of average intelligence, and include 25 per cent of the population.

C- are men of a low average intelligence, and comprise 20 per cent of the population.

D are men of inferior intelligence, the type of man that has no initiative and in his work requires more than the usual amount of supervision. They constitute 15 per cent of the population.

D- and E combined are persons of very inferior intelligence. The D- men are considered fit for regular service, while the E men are those whose mental inferiority justified the Army officials in recommending their rejection or discharge. These together constitute 10 per cent of the population.

It must be remembered, however, that there is a very considerable percentage of the population who are so low in intelligence that they would never have been included at all. While the D- and E class contained quite a number of people who would ordinarily be classed as morons, it did not contain any of the definitely and obviously feeble-minded.

If this examination had included an equally large sample of a cross section of the whole population, male and female, including feeble-minded and idiots, our percentage in the lower grades would be considerably higher. Nobody, I think, will be brave enough to undertake to say just how much higher.

Of course, these Army figures do not include any of those who are in institutions for the feeble-minded, nor as I indicated above, a very large number of persons between the grade of feeble-minded who get into institutions and the middle-grade moron who would not have been registered by the recruiting officer.

However, accepting them as they stand and applying them to the latest census estimate as to the population of the country as a whole, let us see what these percentages would give us.

The A group, constituting 4½ per cent, would include 5,400,585 persons.

The B group, comprising 9 per cent, would include 10,801,170 persons.

The C+ group, comprising 16½ per cent, would include 19,802,145 persons.

The C group, constituting 25 per cent, would include 30,003,250 persons.

The C- group, comprising 20 per cent, would include 24,002,600 persons.

The D group, constituting 15 per cent, would include 18,001,950 persons.

The D- and E group, constituting 10 per cent, would include 12,001,300 persons.

Before we go into the industrial side of this let us see what the various subnormal groups represent in mental age. Remember that these are all adult males reasonably developed physically or they would never have been registered for the draft. The D- group represents a mental age of 10 years or less. The D group would be made up of some 10-year and some 11-year mentality. The C- group includes the rest of the 11-year and all of the 12-year mentality. The C group, which we must blush to say is the average, is composed of men of 13 and 14 year minds.

Now pause just a moment to consider the preliminary work which had been done, to prepare the field for what I am to say later. Welfare organizations, societies for the placement of the physically and mentally handicapped, had for years been laboring to convince the employers that the mentally low-grade girl or feeble-minded boy could do something in the factory, could earn a little bit; and we had come to look upon the employer who would pay a feeble-minded girl 50 cents a day for \$5 work as a great philanthropist, and we subscribed liberally to the overhead expenses of the welfare society that had secured her this job. And it was all done out of the goodness of our hearts. We believed in it, really not seeing its possible future consequences.

However, when the Army figures came out the personnel engineers began to see the point. Arthur S. Otis in his "The Selection of Mill Workers by Mental Test" tested 300 workers and found no correlation between intelligence and ability to perform the work well. Personnel managers of textile mills took the position that textile mills formerly were operated by children and they saw no reason why adults with only childish intelligence should not do perfectly acceptable work; and after experimentation they reported that they did.

Then along comes the automatic machinery which accomplishes mass production. We are told that, "It is of course fortunate that a great many jobs make no particular call for mental alertness, because this fact gives even dull minds a chance to find assignments at profitable jobs." To-day we find the literature of efficiency and industrial management full of suggestions as to the preferability of the employment of Class D- and E men and women. We are told they are more docile; that they are not only more contented but that they are living constantly in an atmosphere of gratitude to their employer for giving them an opportunity to earn—however little.

A certain agency organized to handle industrial problems for private firms on a fee system reported that it was called in on a strike in a textile mill somewhere in New England. The strike

ostensibly was for higher wages, but this organization of efficiency experts knew psychologically that all grievances express themselves in terms of money. That is to say, if the girl who is operating a machine sits in a chair that is too low, she has to reach too high and she develops physical discomforts, her shoulders ache and her mind pains her. She does not know what the matter is, but she is quite sure that she should be paid at least a dollar more a week. After all, we must admit that this is a pretty good diagnosis.

This association of industrial psychological experts found that the strike in this mill was caused by dissatisfaction in a certain department of the plant employing women exclusively; that one or two other departments had gone out in sympathy but had stated no grievance of their own. These experts interviewed the strikers and found that about 25 per cent of them were very intelligent young women who were employed to do very automatic, monotonous, and unintelligent work. These were perfectly furious in their demand for higher pay, shorter hours, etc.; 15 per cent were indifferent, had simply gone out because the strike was called, but thought they could use a dollar or so more a week; 60 per cent, when interviewed privately, were entirely satisfied, according to the report, thought everything was all right and were ready to go back to work. This association of experts therefore informed the firm that the trouble was in hiring people with too much brains to do brainless work, offered to furnish a sufficient number of morons to take the places of the unduly intelligent ones, and closed the deal. This was done and the association of experts brag about it.

Another report from an organization whose object is the scientific study of personalities with regard to their genetic record, and which among other things specializes in industrial surveys and information and contact activities—whatever all that means—describes in its published literature one of its distinct accomplishments as follows:

In a plant in which we made a survey not so very long ago they were employing a great number of girls and in one of their departments they had a very large labor turnover. They couldn't understand why they had such a large labor turnover. We went in; we found that the work the girls were doing was very simple work; it was merely motor activity. They had some milled products piled up on a table to the right of them, which they picked up and ran across a sandpaper belt in order to smooth up the edges of this particular milled product, and when they had smoothed it up they piled it up on another table to the left. It was just a triangular motion to pick up milled products here, sandpaper the edge, put them down on the other side, pick up the next, and so on indefinitely.

They had a minimum standard of production for that department, and when a girl failed to reach that minimum standard after two weeks' employment they discharged her. The analysis showed what? It showed that the girls who were discharged were the thinking girls or the dreaming girls, the girls who had a mental equipment, and those girls could never reach the minimum standard, because soon after they started the motor activity their mind tired of that and a thought came in or a dream entered into their mind, and their activity was slowed up because of that thought or dream. What they needed to employ in that plant were morons, as the morons did stick to the job and did give the production required.

They should have predetermined the mental capacity of those girls they discharged before they put them on that job. They were employing girls who were too good for the job and firing the girls who ought to have been used in productive positions throughout other parts of that plant.

One of the mottoes of this organization is, "It is just as bad to employ an individual who is too good for a job as it is to employ an individual who is not good enough for the job."

I quote from an article on "The adjustment of the feeble-minded in industry" by Emily Burr, Ph. D.; director of a vocational adjustment bureau:

The difficulties for the utilization of the feeble-minded in industry are more apparent than real. What is needed is a larger cooperation on the part of the employer. If hundreds of thousands of children are gainfully employed in States where no restrictions as to child labor exist the same number of adults with child minds can be utilized at the same tasks. Naturally, doing child work they would receive child pay, but would not this be preferable to their remaining unemployed and a total loss to the community?

Here again there need be no particular alarm. This does not sound badly at all, except in the light of the gradation of the population into mental levels as the result of the war tests. I quote from another paper, by Edna W. Unger, likewise issued by the Vocational Adjustment Bureau, 336 East Nineteenth Street, New York City, which claims that it is a "noncommercial, nonsectarian placement bureau for the maladjusted girl."

It is possible to train a certain proportion of subnormal girls for the garment industry, but no attempt should be made to train for the garment-machine trades any subnormal girl with a mental age below 8 years or an intelligent quotient below 50.

Another report says:

During the past year a preliminary analysis has been made of information obtained in a study of the work histories of approximately 1,000 young persons who had formerly been enrolled in the special classes for mental defectives in seven cities—Detroit, Rochester, Newark, Cincinnati, Oakland, San Francisco, and Los Angeles. The majority of these young persons could be classified mentally as middle-grade morons, although some were only slightly subnormal, and a few were high-grade imbeciles.

It was found that the great majority went into work of an unskilled or semi-skilled type that required little if any preliminary training. More than half of all the jobs held by both boys and girls since leaving school were in the manufacturing and mechanical industries, the great majority being employed as semiskilled operatives in factories, chief among which were those manufacturing automobiles and other metal goods, foodstuffs, clothing, lumber, furniture, shoes, electrical supplies, and paper boxes. The next largest number of jobs for the boys were those classified by the census under transportation, and these comprised 12.3 per cent of all their jobs. They were most frequently employed as teamsters, truck and taxi drivers, and telegraph and special-delivery messengers. The same tendency toward work of this kind was shown in the large number of jobs on delivery wagons and trucks among boys in occupations classified under trade, which was the third largest group of occupations for boys. Next to factory work girls were engaged chiefly in personal and domestic service, as household servants, nursemaids, restaurant workers, and laundry operatives. Many of them also were salesgirls in stores. Clerical jobs, chiefly in messenger and errand service for the boys, and some office work and clerical jobs for both boys and girls, comprised 6.5 per cent of all occupations.

The average cash wages for beginners of both sexes, all occupations being taken into consideration, were between \$12 and \$14, and the last cash wage, which meant the wage at the time of the interview, or the last previous wage if the individual was unemployed at the time of the interview, averaged between \$16 and \$20. More increases in pay and likewise more promotions to jobs of greater responsibility were reported for the boys and girls with the higher intelligence quotients than for those with the lower intelligence quotients.

In interviewing employers an attempt was made to obtain reports as to whether boys and girls were rated as satisfactory or unsatisfactory in their work, and an expression of opinion was secured for a little more than half the jobs studied. Among boys 78 per cent of the jobs, and among girls 80 per cent, were satisfactorily performed. The proportion doing satisfactory work varied somewhat with the intelligence quotient, more especially among the girls; the difference in this regard between boys of low mentality and those who were more nearly normal was not very great. The types of jobs unsatisfactorily performed were principally in messenger service, clerical work, and apprenticeships in skilled trades.

Again, Mr. Arthur Pound says, "The most valuable man in operating automatic machines is the man without imagination, and generally the man with a mentality below the average."

So, you see, the expert testimony is almost unanimous.

Dr. G. B. Cutton, president of Colgate University, at Hamilton, N. Y., says:

It may be interesting to speculate concerning the effect of mental tests upon the problem of democracy. If the present hopes and expectations are realized, they will result in a caste system as rigid as that of India, but on a rational and just basis. We are now examining children in the public schools and find all ranges of intelligence from imbecility to genius. We are told that the intelligence quotient of a child rarely changes, so that we are enabled to tell early in life what the limit of intelligence of any person will be, and in a general way to what class of vocation he is best fitted, and, to a certain extent, destined.

The American Federation of Labor at its Atlantic City convention received a report from its committee on education. In discussing the Gary plan the report calls attention to the fact, "The increasing use of the so-called group test in our public schools warrants serious attention." It can not be said that the report shows a very full appreciation of what is going on, although the authors of the report, particularly Mr. Olander, of the Seamen's Union of Chicago, may have had a better understanding of its import. However, the trend of this report is to show that the "intelligence tests" were very often wrong, and this, it seems to me, is entirely wide of the mark and apart from the issue.

I can not speak for the school systems in American cities as a whole. I can only speak for Washington, D. C., where in the grammar schools there is a grading of the children along the lines of the Army tests, though they do not carry it quite so far. There are what they call X, Y, and Z grades, and the children are segregated and classified, and marked according to their abilities within these grades. The curriculum is supposed to be adjusted to the Y or middle group. The mere change in the lettering does not change the situation, and in this paper I will stick to the classifications as adopted by the War Department tests—A, B, C, D. When, however, these children get into the high schools this classification does not obtain, and one of the many rumpuses in the high schools to-day is that the D child or C-child in the grade schools competes only with minds of his own grade and hence readily passes the grade-school tests for his grade; but when he gets into high school and competes with A, B, and C children he is hopelessly staggered, is not only incapable of grasping the subjects as taught in the high schools but holds back the whole class and wastes the teachers' time, etc. Hence there is a move to have classifications within each year in the high schools,

so that the D child from the grammar schools would go into the D grade in the first year of high school; in other words, to perpetuate the mental level. From a school point of view you must admit this sounds good.

It is just one more step in the stratification of society. You may say this stratification already exists, and is not created by the Binet test nor by the War Department's analysis of the mentality of subjects of the draft.

The question of wages has been incidentally referred to above. In practically every article or book dealing with the subject it is shown that the D and D- and E workers receive anywhere from 50 to 65 per cent of the prevailing rate of wages, plus the philanthropy which goes with paying them anything at all.

I may say that the best book covering the general theory is by Henry Herbert Goddard and is published under the title, "Human Efficiency and Levels of Intelligence." It was published by the Princeton University Press, Princeton, N. J., in 1920. In the preface the author says:

It is quite possible to restate practically all of our social problems in terms of mental level. For instance, what could be done with labor and wages? Suppose we say men should be paid, first, according to their intelligence and second, according to their labor—that is, D men are worth and should receive D wages, C men C wages, which are higher, etc. If a certain job requires D intelligence D men should be employed at D wages. If there are not enough D men C men must be employed at C wages.

To quote again from this preface:

Testing intelligence is no longer an experiment or of doubtful value. It is fast becoming an exact science. The facts revealed by the Army tests can not be ignored. We only await the human engineer who will undertake the work.

Now let us see as to the labor supply along these levels. The census estimate as to population in continental United States as of 1928 is 120,013,000. As shown by the census of 1920, 66.4 per cent of the total population were 16 years of age and over. We will assume that that percentage still holds. Of course, this includes persons too old to work, which, however, is a small percentage of the total. Applying, therefore, the percentage of the 1920 population 16 years of age and over to the estimate of the census for 1928 population, we get the following as falling within the mental levels developed by the Army tests:

	Per cent	Number
D- and E (persons of inferior intelligence)-----	10	7,969,000
D (persons of inferior intelligence)-----	15	11,953,000
C- (persons of low average intelligence)-----	20	15,938,000
C (persons of average intelligence)-----	25	19,922,000
C+ (persons of high average intelligence)-----	16½	13,149,000
B (persons of superior intelligence)-----	9	7,172,000
A (persons of marked intellectuality)-----	4½	3,586,000

It is not very flattering to note that the mental age of the C group, which constitutes 25 per cent of the population and is the average of the persons examined by the Army, was 13 and 14 years.

The census of manufactures shows between 8,000,000 and 9,000,000 wage earners employed in the entire manufacturing industries of the United States in 1925. As automatic machinery increases it will be

readily seen that there will be more than twice enough D and D- and E persons in the population to take care of all the jobs.

I want to touch upon one or two more features of this problem, first, the industrial accident question. In the early part of 1928 the National Bureau of Casualty and Surety Underwriters, of New York, got out a textbook for safety education in national vocational schools. The publication gives actual experience from a class of boys graduated from a two years' course. The Class A boys were so few in number that the record is not dependable. Class B boys had a percentage of number of injured to the number in that intelligence class of $33\frac{1}{3}$ per cent. The intelligence class C+ sustained 62.9 per cent of the injuries; class C, 82.6 per cent; class C-, 100 per cent; and class D, in which, however, the number of boys in the class was insignificant, likewise sustained 100 per cent. More significant to me is the table which shows the number injured two or more times—the B intelligence class, 10.7; C+, 16.9; C, 29.9; C-, 35.6. Thirty-eight boys sustained 98 accidents out of a total of 146; that is, 66.2 per cent of the total, and of these 38 boys all but 5 were in low intelligence groups.

To say that this will be remedied by our workmen's compensation laws is to ignore certain elementary facts. In the first place, compensation is paid upon the basis of loss of earning power. In other words, the rate will be very much less for a moron working at a feeble-minded wage rate than it would be for an intelligent person. Secondly, as I have shown, these people are more liable than the intelligent workmen to second and third injuries. Now, in practically all States compensation is paid only for a given period of time. The feeble-minded man who loses a leg is just as feeble-minded after his compensation has expired and his leg is just as much absent as the first day he was hurt, while an intelligent man losing a leg may by reason of his intelligence reestablish himself, as a contractor in his industry, learn something entirely new, become a bookkeeper, a clerk, lawyer, or a doctor, if he be injured in the early years of his life. In other words, by the time his compensation period has expired he may have exercised his brains to reestablish himself entirely. For the idiot or feeble-minded no such pathway is open. At the expiration of his compensation period he becomes a public charge.

As indicated at the outset, I am drawing a picture of what will happen to society if the mental-level theory of mankind can be thoroughly utilized in industry. It is my first attempt at prediction and forecasting. I shall not live to see it. Some of you and many of your successors may live to see it. The scheme is so subtle, so plausible on its face, so many will see the immediate benefit from its adoption, so few will see its long-distance ultimate results, that I am not prepared now to suggest any method for combating it.

The only organizations of which I know that could successfully plan its defeat are the American Management Association and the American Society of Industrial Engineers. In both of these organizations are men who are at present industriously attempting to hasten its consummation, some of them with a view only to immediate advantage and probably without ever having had their attention called to its effect upon the social structure in the long run. Many of them would be perfectly horrified at the picture I have drawn,

while some would resent the social construction that I have put upon the facts I have stated. I do not know whether or not a majority in either of these organizations could be enlisted in a movement to defeat what I have here termed the industrialization of the feeble-minded, but which really means the moronization of industry. I grant you that it is not a happy thought, but my conscience tells me that I should lay these things before you as I see them.

DISCUSSION

Miss GORDON. I started my work as factory inspector some years ago. I realized there was something wrong and offered my services as factory inspector, and got a child labor law put through in Louisiana which made it impossible to employ children under 14 in the factories. I found great husky boys and girls strong enough to be working, but they didn't work long. One week in one job and then in another, and I found they didn't have the mental intelligence to do the work demanded of them.

Answering some of the points in Mr. Stewart's paper, I would suggest a plan that could help us most of all to prevent these morons—but I don't call them morons, because they are from 9 to 12—that would be a society for the care and prevention of the feeble-minded. That is the society we must work with. As I sat there and listened a picture came into my mind. I think our democracy is in a very critical situation. You can not have democracy for the majority of the people. D and E and F classes are below the mental age of 9 years, as the Army test shows. It means boss rule. It means lining them up as you herd so many cattle.

The picture that came to me was of a woman working in our office for a few days, whose husband had been thrown out of work through no fault of his own, and because he was over 35 years of age could find nothing to do. This woman, who had been a stenographer before marriage, had tried to get a position as stenographer and could not, because she was married and because of her age. These intelligent people are being crowded to the wall because our factories are being machinized and are throwing out intelligent workers.

I am having the time of my life now with one institution. Take Doctor Bernstein, of New York—his idea is to colonize all his workers; they go out into industry under a padrone system, and also have their home life. I see in that a continuation of their breed, and that we must stop. It will not happen to-day; you will not see it and I will not; but if industry is determined to go on as to-day—and I see no way of stopping this mass production—we will not make a flower out of a tree.

We must stop this supply of the feeble-minded; the natural and only way to reach that is through sterilization of the feeble-minded. And after a while—it will take several generations—you will have an intelligent community, and one having very much shorter working hours, so they can have some time for their own development, like this woman who wants something to do and yet would love to read and improve herself. But most of these workers are not taking advantage of your libraries or educational clubs or correspondence schools to train themselves. It is not in them; they are incapable

of it. It is marvelous what you can teach the feeble-minded to do. There is not a person in our dairy better than Rose, a girl in our institution, who is one of the finest milkers I have ever seen. But you have to be there and say, "Rose, your cup is full, put it into the big bucket." But the thing to do is to see that there will be no little Rosies—cut her off in this generation and then you will have your answer.

I speak from an experience of over 30 years, going into factories, going to this convention and that. We must see that something is done, because industry is really killing us, because we can not go back; the door has been closed and we must find a way to help this situation by bringing up a higher class of people to do the work which machinery is being used to do. While we may have our castes here, let it not be a caste system. There must be people to do the factory work as well as the office work; it is just as necessary as having your collar clean. We must go on on that line, and my thought is that the society to appeal to is the society for the care and training of feeble-minded.

MR. STEWART. I would like to ask Miss Gordon one question. Have we a study along those lines which is anywhere near safe to follow? It occurs to me the children of the poet Thomas Campbell were all idiots; Caesar had epileptic fits and R. Waldo Emerson had epileptic fits. I am not at all sure, if we had a test upon which we could depend, whether we would not be in danger of making more mistakes, or doing more harm than good. I would be inclined to go with you, but we need something a whole lot surer than Army tests before we begin to sterilize 26 per cent of the population. And the difficulty is we don't know the human mechanism well enough to be very sure of that. There are innumerable instances where a genius is the last flickering of the candle—practically gone out and the light flares up and a great man is produced, but all his children are idiots. Could we get a rule that is safe?

MISS GORDON. I don't suppose there will ever be anything where the rule is 100 per cent safe. I am willing to take my chances on killing that generation. For one generation of geniuses you can quote to me, I can quote thousands and thousands of the other classes. I have heard those opposing birth control tell that Caruso was the nineteenth child. We could get along without Caruso just as well. I would give up the Emersons for the Roberts and Johns I could show on the other side. It took a Maxim to make a wonderful gun, but any idiot can blow his brain out with a gun. We may have one or two Maxims at the head of things, but we are getting so many low-grade intelligences that they can do more harm than all of the Maxims or others can hope to build up again. It is the most serious problem facing the community to-day.

We are opening our doors to the afflicted of Europe. We are sending out these appeals to come here and they have been heard. Europe, particularly Italy, opened its jails and asylums—\$60 each brings those people here. Take Blackwell's Island; there are hundreds there who can not tell you their name. We have right here in New Orleans about 8,000 who should be segregated to-morrow, but we have no provision for it. California is doing wonderful work under its sterilization bill. In my institution we have a woman

who has had children of her own kind in the different institutions of this city. Her contribution to New Orleans, by the time they are grown, will have cost this city \$30,000 or \$40,000. Now they are going out, because of this fool rule of letting them go out, and already one of them is in the House of Good Shepherd. There is the thing. You and I will not see any wonderful results from it, but, as was stated some years ago, "Mrs. Kelly, you have a program here to be accomplished in 100 years." That is the way we must look at the sterilization of the unfit or they will unfit us.

The CHAIRMAN. The next will be a paper by Mr. Rooksbery, commissioner bureau of labor and statistics, Arkansas.

PROBLEMS ARISING FROM LABOR EMIGRATION TO INDUSTRIAL CENTERS

BY W. A. ROOKSBERY, COMMISSIONER BUREAU OF LABOR AND STATISTICS, ARKANSAS

I assure you, ladies and gentlemen, that I deem it a privilege to have the opportunity to speak to you, and I wish that conditions were such in my State at this time as to enable me to present a more valuable discussion of the very vital problem that is presented in many of the American Commonwealths by the movement of labor to the larger industrial centers.

As you all know, Arkansas is not, strictly speaking, regarded as an industrial State. Our development has been accomplished through the great agricultural industry. I speak of agriculture as an industry and I think that you will agree with me in placing it in that classification. The lumber mills, the bauxite mines, and the coal mines furnish our chief industrial activities. And these industries are not as a whole capable of furnishing employment throughout the year. Our coal mines through the western section of the State have and are still facing the same problems which have confronted the mining sections all over the country. As a result they are operating at about one-sixth capacity. This part-time employment is also true in the lumber industry and the bauxite mines.

There has been little to attract the farmers to Arkansas industrial centers. Yet we find that each year there is a movement of labor from the rural sections to the State's centers of population.

In June, 1923, the State department of labor made a study of emigration of negro labor from the farms to the urban sections, both in this State and in other parts of the country. This survey revealed the surprising fact that within three months a total of 1,868 negroes left the State. Most of these were traced to Chicago, Cleveland, and Toledo. In addition, a large number of negroes settled in the larger cities within Arkansas. It was also developed in the survey that the majority of the negroes who left the State were engaged in industrial employment and not in agricultural pursuits when they departed. This made it necessary for the industries to find workmen to take their places, and we found that these recruits were obtained from the farms throughout the State.

This condition has continued since 1923; in fact, it has continued since about 1920. The peak was probably reached two years ago, but the condition has by no means become settled, and we are not

hoping to reach a period of stability in our State before the end of five years at the earliest.

A recent survey of the cities of this State revealed the fact that 30,000 men and women normally employed were out of employment. A great number of these formerly were on the farms of this State, but preferred casual work in the city to farm labor and conditions.

A survey conducted by Dr. J. A. Dickey, of the University of Arkansas, in regard to the emigration of labor from the country to the city, reveals practically the same condition as was developed in the survey of the labor department.

When we find that over a period of about eight years there has been a well-defined movement on the part of the rural population to emigrate to the centers of population we should endeavor to locate the cause of this unrest before condemning the movement or seeking to check it. We can be reasonably certain that there is a cause.

In a further study of the rural situation existing in Arkansas Doctor Dickey found that the average annual income of the average farm family was \$600 per year. He also found that the average farm family consisted of a father, mother, and at least two children—all forced to seek an existence on an average of \$50 per month. And we who are acquainted with the rural situation not only in Arkansas but throughout the entire South are certainly not of a mind to question the liberality of Doctor Dickey's estimate of the average farmer's income.

To me it would seem that this fact presents the underlying cause of the emigration of rural labor. It, of course, is magnified by the fact that in the rural sections there exists a lack of proper educational facilities, undesirable roads, few public improvements, and a general prevalence of a lower standard of living than is to be found in the cities. These things the farmer naturally desires to secure and enjoy, and he therefore looks to the cities.

It is, of course, true that the cities are now oversupplied with cheap labor and that the prices paid for common labor are not sufficient for this class of laborer to maintain a decent standard of living when he arrives in the city. But we are of the opinion that those from the rural sections feel that even admitting this fact, their condition and general standing in life is bettered by the change to the centers of population, where the advantages are admittedly better.

Emigration to the cities in Arkansas has possibly not reached a point to cause alarm, but it will require only a few years until it will become a serious question all over the country, and it is our opinion that now is the time to call attention to this danger and to go about finding a remedy. It is also our opinion that a remedy giving the farmer an opportunity to receive a more just proportion of the wealth he creates will do much to bring about a desired change. Cooperative marketing, it is believed, is the foundation for such a change. At present the farmer receives a very small part of the total paid by the consumer for his product. A just proportion of the value of his products would be sufficient to provide him with, at least, the necessities of life and some of the pleasures to which his efforts entitle him.

The CHAIRMAN. I will now call upon Miss Agnes Peterson, Assistant Director of Women's Bureau, United States Department of Labor, for her paper on "Employment of Married Women."

EMPLOYMENT OF MARRIED WOMEN

BY AGNES L. PETERSON, ASSISTANT DIRECTOR UNITED STATES WOMEN'S BUREAU

Since most of you are not only concerned but informed about the great influx of married women among wage earners, it is not necessary for me to quote statistics to prove to you that the majority of these women work because of economic need and that circumstances over which they have no control force many of them to leave young children to care for themselves or to such casual care as older children or neighbors may be willing to give them.

Your work brings you in contact with such cases in your home States. You know men whose wages are insufficient for the needs of the family or who are unemployed. You know other cases where accident, illness, or death of the husband has forced the wife to seek work in industry.

You are fully aware that for great numbers of women it is not possible to earn sufficient for a family's needs even though other members of the family share with them this responsibility. Nor is it necessary for me to go into details about their problems of employment, for you know by personal knowledge that, although some work in establishments where high standards of working conditions have been provided, a large number of them are not so fortunately situated and must work under conditions detrimental to their health.

You know that monotony and drudgery in employment fall to the lot of many mothers and that most of them have other duties waiting for them at home, which, together with the mental strain under which they suffer through worrying lest something has happened to the baby, or lest one of the older children has set the house on fire or has come to some other grief during their absence, lessens their efficiency on the job and reduces their earnings. I have heard so many employed mothers speak of worrying while at work in fear for loved ones too young to care for themselves that I question whether any mother leaves young or sick children from choice for long hours in industry.

It is obvious that this double responsibility is a handicap that tends to break down the woman's health. Also this handicap reacts against the rights of childhood, and data indicate clearly that its biological and psychological effects on future generations are involved. The Children's Bureau, in a study of "Causal Factors in Infant Mortality," gives the death rate among infants of mothers employed away from home during the child's first year as two and five-tenths times the average for all infants. Moreover, the cost to our social order extends beyond the loss of life among young infants. It is obvious that mothers can not work away from home and be on the job at home at the same time, so it is not surprising that studies show a relation between the mother's absence from home and irregu-

larity of school attendance and delinquency of other children. A Chicago study made by the Children's Bureau reports as below the standard grade in their schooling one-third of the 742 children of school age surveyed. Thus there exist in many homes of employed mothers situations beyond the control of individuals and that challenge our present social order.

I have not the time to present to this convention the statistical details of the occupational distribution of married women. Some new charts prepared by the staff of the Women's Bureau show the shifting of married women into certain occupations and the numbers of women involved. These charts present some very interesting and illuminating facts on the subject and are worthy of your attention.

I shall take time to mention only some of the outstanding facts as to numbers. The census of 1920 reported a woman population, 15 years of age and over, of 35,000,000, and also reported that nearly 8,500,000 of these were in gainful employment. Of the latter group, almost 2,000,000 were married.

In 1890 there were reported in gainful employment 515,000 married women, 1 in 22 of all married women reported in that census. In 1920 the number of employed married women had increased to almost 2,000,000, or 1 in 11 of the women living with husbands at the time of the census enumeration. Practically 1 in 4 of all the women in gainful employment was reported as married. What has developed in the past eight years we have no means of knowing.

Startling as the 1920 figures may seem, their full significance is not evident to the average person. It is not generally understood that the almost 2,000,000 married women reported by the census to be in gainful employment did not include women who were widowed, separated, or deserted. The census figures do not furnish information regarding the number of single women, nor of widowed, deserted, or divorced women in gainful employment, but classify all these in one total and give only one other total, namely, the married women who had husbands living at home at the time the census figures were collected.

The census figures disclose that the greatest influx of married women occurred in manufacturing and mechanical industries, where 24.5 per cent of the 1,900,000 women employed are married. Although all women employed in manufacturing increased only 7 per cent from 1910 to 1920, married women in these industries increased 41 per cent. It is evident that the textile industry played an important part in this increase, for in that industry married women advanced 74.4 per cent during this period while the total number of women who worked in the textile industry advanced only 20.9 per cent.

Most of the complaints about the employment of married women who do not need work are concerned with the women in mercantile, clerical, and professional groups. The proportion of married women in the mercantile group is high—23.6 per cent; in clerical service 9.1 per cent of the women are married and in the professional group 12.2 per cent. The clerical and professional groups each employ more than a million women—1,421,478 and 1,015,904, respectively.

A large part of the interests articulate on the question of married women in gainful employment focus on the isolated cases of wives who from preference seek employment away from home rather than on the necessities of the large majority of employed wives and mothers. It is not uncommon to point out a woman whose husband has a good position and say that she should relinquish her own job on that account, but the man who, in spite of an independent income, carries on a regular business or profession, gains in public respect and is not considered to be preventing the employment of some one whose need of work is greater.

I judge that many of you have considered the desirability of collecting information in regard to these problems and the number of married women involved, but that duties that are your specific obligation, or lack of funds, have made it impossible for you to do so.

Although the Secretary of Labor has recommended a special appropriation for the Women's Bureau to make such a study, sufficient funds have not been given for the undertaking of a comprehensive and thorough survey of the subject. The bureau has, however, made special effort to collect data on the subject wherever it has been possible to do so, and has published several bulletins containing a considerable amount of information about selected groups or for selected localities. I refer to bulletins No. 17, Women's Wages in Kansas; No. 27, The Occupational Progress of Women; No. 30, The Share of Wage-Earning Women in Family Support; No. 41, The Family Status of Breadwinning Women in Four Selected Cities; and No. 52, Lost Time and Labor Turnover in Cotton Mills. In the survey last mentioned, 2,225 women reported on marital status. There were 1,148 women who were or had been married, and 910 of these were living with husbands. Only 31 per cent of the 910 had no children.

Bulletin No. 41. The Family Status of Breadwinning Women in Four Selected Cities presents information about the family status of 38,000 women, or all the women in gainful employment in four selected cities, and is an analysis of information transcribed from the original census schedules. Twenty-one thousand, or 55 per cent, of the 38,000 employed women in these four cities were or had been married; 13,000 were living with wage-earning husbands. More than 11,000 were mothers and 40 per cent of these had children under 5 years of age.

The bureau will publish this year a study of foreign-born women in the manufacturing industries of Pennsylvania, which will contain much information on the marital and economic status of women in this group. It was found that over 74 per cent of the 2,100 immigrant women interviewed were or had been married, and that all but a few had home duties. Eleven hundred and eighty-six had children at home, and 504 had children under 6 years of age.

In the surveys of 17 States, agents of the bureau have collected data on the marital status of 108,000 breadwinning women. These data furnish additional proof that there are many widowed, divorced, and separated women at work, and show that in five of these States over half of the women were or had been married. The per cents of employed wives among white women surveyed range from 14.8 in Rhode Island to 35.5 in South Carolina. In the fruit-growing and

canning industries of Washington 51.9 per cent of the women were married. The per cents of widowed, separated, or divorced in the same groups range from 7.9 in Rhode Island to 24.9 in Arkansas.

CONJUGAL CONDITION OF WAGE-EARNING WHITE WOMEN, BY STATE

State and year	Number of women reporting	Widowed, separated, or divorced		Married		Single	
		Number	Per cent	Number	Per cent	Number	Per cent
Kansas.....(1920).....	5,618	917	16.3	1,262	22.5	3,439	61.2
Rhode Island.....(1920).....	2,876	204	7.9	380	14.8	1,932	77.3
Georgia.....(1920).....	3,132	661	21.1	911	29.1	1,560	49.8
Maryland.....(1921).....	6,571	944	14.4	1,186	18.0	4,441	67.6
Kentucky.....(1921).....	5,004	966	19.3	998	19.9	3,040	60.8
South Carolina.....(1921).....	3,495	516	14.8	1,241	35.5	1,738	49.7
Arkansas.....(1922).....	2,519	627	24.9	637	25.3	1,254	49.8
Alabama.....(1922).....	2,649	540	20.7	708	26.7	1,392	52.5
Missouri.....(1922).....	9,699	1,569	16.2	1,963	20.2	6,167	63.6
New Jersey.....(1922).....	13,082	1,426	10.9	2,860	21.9	8,796	67.2
Ohio.....(1922).....	16,222	2,784	17.2	4,613	28.4	8,825	54.4
Washington.....(1923).....	3,014	419	13.9	1,565	51.9	1,030	34.2
Oklahoma.....(1924).....	2,383	494	20.7	792	33.2	1,097	46.0
Illinois.....(1924).....	17,966	2,207	12.3	4,032	22.4	11,727	65.3
Delaware.....(1924).....	3,255	411	12.6	1,095	33.6	1,749	53.7
Mississippi.....(1925).....	1,028	172	16.7	230	22.4	626	60.9
Tennessee.....(1925).....	6,915	1,327	19.2	1,963	28.4	3,625	52.4
Total, 17 States.....	105,127	16,193	15.4	26,436	25.1	62,498	59.4

Other outstanding studies are "Wage-earning Mothers in Chicago," 1917-18, published by the Children's Bureau of the United States Department of Labor, and "Wage-earning Mothers," by Gwendolyn Hughes, a survey made in Philadelphia in 1918-1920.

There has been assembled, therefore, considerable statistical information on the extent to which wives, widows, and deserted or divorced women seek employment. The public has shown some interest in the problems of widows, and in many States legislation has been enacted to give aid to those with children. In some States the deserted or divorced mothers are discriminated against, even under this type of legislation. They have, nevertheless, an advantage over wage-earning wives in that their need for work is generally understood and the average person has a sympathetic interest in their problems. Also, it is possible that the average person has these women in mind when the census figures of nearly 2,000,000 married women gainfully employed are discussed, and considers a distribution of one married woman in four women workers a matter of no concern. I doubt, however, that anyone who understands that these figures apply only to women workers who have husbands at home will remain unconcerned about the situation.

The published data referred to furnish excellent material on specific phases of the problems of employed mothers. There are, of course, differences in the approach to the subject, in the field covered, and in the method of collecting the data. It is significant, therefore, that all the reports point to the same basic facts. Each study shows that large numbers of married women must share the husband's financial responsibility, that mothers of young children must provide food and clothing for their children, and that mothers must toil outside of the home and away from children who need their care. Cer-

tainly there are now available sufficient data to prove that this subject is one of the most complex of the social problems of to-day.

Studies along other lines show that the majority of workers in the United States have more in the way of creature comforts than have workers in other lands; that many have an income sufficient to provide for their families; and that large numbers of workers have incomes greater than they received a few years ago. The same is true of most of us, whether capitalists or workers on a weekly wage. But standards have changed in money values as well as in cost of living, a subject on which I shall have more to say in a few moments.

Fortunately, in spite of seeming neglect and lack of sympathy, there exists a deep social consciousness in this country. The difficulty is that it is not crystallized. Publicity on certain practices can do much to crystallize this interest into a power dedicated to protect industrious and thrifty people from economic difficulties that are well-nigh insurmountable.

Judge Edwin B. Parker, speaking before the recent session of the United States Chamber of Commerce, warned his audience that there is more danger to business from the members of the business profession "who are faithless in their obligations, and who break down public confidence" than from the propaganda of radical agitators. Although this statement was taken to have been made because of opposition to interference of the Government in business methods, it is encouraging to find that business men are recognizing the fact that business has a moral responsibility for organizing its activities upon a firm foundation of social obligation.

It is also encouraging that some of the questions discussed at the conference addressed by Judge Parker have a direct bearing on the subject of my remarks. I refer especially to the following: "The social and moral responsibility of business in the new economic order," "Responsibility of national business to local community development," "Forecasting national economic needs from the consumer viewpoint."

Although I can but scratch the surface, I may mention here some of the practices that have had a detrimental effect on the economic conditions in American homes:

The general tendency to report and to talk of the daily or weekly rate of pay, or of earnings per week of individuals, instead of yearly earnings by groups, plays its part. Figures averaging wages often include highly paid people, which automatically brings up the average. Such data are misleading, in that averages cover up the extent to which low wages are paid and may contribute to forcing mothers to supplement the fathers' income.

It frequently happens that workers must make up in wage cuts the loss incurred because of unwise expansion or unfair practices in competition.

A demand for excessive profits at the cost of fair wages to the worker is another practice that should be exposed to public light.

There is collected yearly a cost in human life and limb, because of laxity in regard to safety, which is a national disgrace in a country that boasts the prosperity that is ours.

These and other practices lay a heavy economic burden on many married women.

How is it that the husbands of to-day fail to supply the funds necessary for the support of the family? One answer may be this: Based on its power to meet the costs of living, the dollar that was worth 100 cents in 1913 was worth only 58.4 cents 10 years later. At the present cost of food, shelter, fuel, and other essentials, a man whose employment is in common or unskilled labor can provide only the minimum of subsistence for his family, and the necessity of rising above such level must be met by other resources.

Paul H. Douglas, who has devoted considerable study to the subject, estimates in his "Wages and the Family," published in 1925, that in the larger American cities a family of five requires between \$1,100 and \$1,400 a year to live at even the minimum-of-subsistence level, and that to reach the level of all necessary expenses plus "a modest balance" for recreation and sundries requires from \$1,500 to \$1,800. The level commonly considered as the "American standard" costs between \$2,000 and \$2,400. It is common knowledge that the average retail prices of food in the United States are not less in 1928 than at the time this estimate was made.

The United States Department of Commerce is authority for the statement that in February, 1928, the average hourly wage of road labor in the United States was 38 cents. ("Survey of Current Business," April, 1928, p. 44.) At 38 cents an hour a man would have to be employed, without loss of time, 10 hours a day and 6 days a week for 50 weeks of the year in order to earn \$1,140, the lowest figure at which, according to Mr. Douglas, even the minimum of subsistence for a family may be attained. The more reasonable week of 48 hours would yield in 50 weeks \$912.

The Bureau of Labor Statistics of the United States Department of Labor reports that in January, 1928, the average entrance rate for 121,000 men doing common labor in 13 important industries in all parts of the United States was 43 cents an hour (Labor Review, April, 1928, p. 116). At 43 cents an hour, the income from 60 hours of work in 50 weeks of the year, without so much as an hour's loss of time, would be \$1,290, which would place a man's family at about the middle of the minimum-of-subsistence group. With a week of 48 hours, 50 weeks' work would yield but \$1,032.

To earn at common labor, even with a 10-hour day, no Saturday half holiday, and no allowance for sickness or other unavoidable absence, the \$1,500 required to lift a family to the level of all necessary expenses and a modest balance for recreation and sundries, a man must be paid at the rate of 50 cents an hour, a figure 7 cents above the average for the United States in January of the present year as reported by the highest authority on the subject.

The information now available in regard to married women in gainful employment is fragmentary; also it appears to be insufficient to impress the public that there is developing a serious social problem that becomes more complex with each year. I feel confident that each and every one of you will desire to take some part in formulating a program of concerted effort to collect data that will be so inclusive and authoritative as to focus public attention on this problem and furnish proof that it is not an imaginary one, not periodic nor spasmodic, but a general condition which may become an acute social problem. To acquire a basis for an analysis of the causes that lie behind the

necessity for wives to supplement the earnings of husbands, and the need for mothers to leave children who need them, we should have a considerable array and variety of facts, collected under a well-organized plan, by which we should be furnished comparable material from a number of States on definite aspects of this problem.

The Bureau of the Census collects information on the composition of families and on occupations of persons for its census of population, but because of lack of funds it has not prepared special tabulations on the family status of bread-winning women. I feel very confident that the Director of the Census will continue to extend to persons interested the very fullest cooperation within his power. Bulletin No. 41 of the Women's Bureau, to which I have referred, and which furnishes the most comprehensive information available on the subject, was made possible by the courtesy of the Director of the Census.

You ask what we can do. We can confer together and work in cooperation with every agency that can be of service, so that as soon as the fundamental facts are disclosed we may make a concerted effort to bring about a better social order. But not until the Bureau of the Census is given sufficient funds to enable it to publish information on the family status of working women, the numbers and ages of their young children, and the occupations of their husbands—the last mentioned being information that almost certainly will show that some industries contribute more generally than do others to the influx of married women in gainful employment; or until a number of States make local studies of the problem, analyzing thoroughly the employment and the family status of married women in at least one representative community, shall we have the statistical background necessary for a study of the factors that contribute to the economic and social problems which complicate life for so large a group of our citizens, in order to inaugurate measures for their correction. This group can do much to further such a program.

DISCUSSION

The CHAIRMAN. Next on our program is a discussion of Miss Anderson's paper by Mrs. Joseph E. Friend, of New Orleans.

Mrs. FRIEND. Might I say I am, indeed, happy to appear as a layman before experts, but I am afraid what I shall say along these lines may not be of great value to you.

I have had brought to my attention the differences between the married woman entering occupations as compared with the single one. I thought perhaps that might be a point of discussion this afternoon.

Of 572 gainful occupations, women are employed in all but 35. These range over a wide field—manual tasks, research specialists, statisticians, administrative and advertising directors, credit managers, investment advisors, newspaper editors, export managers, not to mention the many professions and all intervening occupations.

Statistics regarding the whole body of women who work are slightly antiquated, but in 1920 there were reputed to be 2,000,000 married women in gainful occupations. And during the eight years which have followed women have entered the business and profes-

sional world, so that the number must be considerably enhanced in 1928.

A recent survey in New York City, "Mothers in Business," by Constance Marshall (*The Woman's Journal*, March, 1928), brought out the following facts from the employer's point of view.

First. A few exceptional women can manage a home, children, and a job without undue strain and do justice to all three jobs, but can the unexceptional woman do this?

Second. Will business give them a chance to try to do it?

Third. Shall they postpone motherhood until later in life?

Fourth. Shall they give up their jobs in favor of motherhood?

Fifth. Shall these two million and odd working women and wives remain childless?

Presumably the majority of women who work, as they are normal human beings, wish to have children, but what they will do depends in large measure upon what they can afford to do, and this again rests largely with their employers.

First, out of 20 personnel directors interviewed, only 4 had been definitely authorized to discriminate against married women.

Second, some organizations reported that they found married women more independent than single women, less punctual, and that they are absent on account of sickness more often. They do not keep their minds on their work as well as the single girl.

Others were found where there was no objection to employing married women.

In reply to the question, "What of the woman who expects to become a mother?" Many said, "She drops out," and this apparently is the end of her as far as the business world is concerned.

To the suggestion offered by the social worker: Leave of absence to expectant mothers; leave of absence with part pay or provisions for expectant mothers similar to those made for employees during illness—none of these things are done in large business organizations. In Russia, England, and Germany there are maternity benefits for mothers in industry. These benefits are a form of social insurance administered by the State. The employer pays the larger share, the employee a smaller share; the State the cost of administration. There is nothing of this kind in this country nor has any movement been inaugurated to secure this. Here in this country, in industry as in business, the employer's policy depends entirely upon his temperament and upon the conditions the nature of his organization imposes. With one exception, the industrial world has trade-unions to reckon with. In the open shops the employer can dismiss a woman as soon as her condition becomes noticeable and refuse to employ her when she returns, and there is no one to reproach him. But in the closed shops the trade-unions stand ready to fight for the rights of their members. In the clothing industry, for instance, the garment workers' trade-unions make it their business to fight for their expectant mothers and the employer is often very willing to hire a temporary substitute and hold her job for her, particularly toward the end of the season.

Since the war it has become common for a woman to run a home and help to support it, and she has done this very successfully, if at some expense to herself physically; having proved that she can

swing two jobs she proposes to add motherhood and raise the total to three, and three jobs are too much for any one person.

Divested of all sentiment, it would appear that business will do nothing for mothers until it is advantageous to business to do so. Thus, in the last analysis, the employer has the last word, and the economic and the social destinies of husbands, wives, and children are directed according to his standard.

The CHAIRMAN. The next paper will be by our good friend Mr. Wood, on the subject of "What effect has so-called age limit on employment."

WHAT EFFECT HAS SO-CALLED AGE LIMIT ON EMPLOYMENT

BY FRANK E. WOOD, COMMISSIONER OF LABOR OF LOUISIANA

With the passing of time we are confronted with ever-changing conditions, the creation of new rules, and adoption of new ideas, some of which no doubt have been beneficial while others, to the contrary, have proved a hardship on the workers and of no especial benefit to even those putting them into effect, and I know of no custom or practice that is more unjust to the workers and of less real benefit to the employers than the present age limit now in force in the employment of both men and women.

Some years ago the carriers, for some cause, adopted the age-limit policy, the maximum at that time being fixed at 50 years, but in a few instances this was extended to 55, it being understood that all applicants for employment had to pass certain physical examinations. As time passed, the maximum limit was reduced until at present very few roads will employ men who have passed the age of 35, and if applicants for employment have reached the age of 40, chances of securing employment are lessened, and if they have passed 45 the possibility of securing work is practically nil, and they may just about as well abandon the idea of pursuing their respective trades as they are thrown upon the scrap pile, so to speak, and are looked upon as down and outs so far as railroading is concerned, and this regardless of most favorable conditions, and it matters not how capable, how trustworthy, how deserving, or how hale and hearty or how physically sound they may be; simply because they have reached the so-called age limit they are no longer considered as desirable employees.

There may be some good reasons or just cause on the part of the employer in the adoption of such policies, but I have never yet been able to understand what real benefits are derived by the carriers and other employing interests, while it is an easy matter to see readily the penalizations so unjustly inflicted upon the employee, and I am quite sure that in many instances the employers themselves make sacrifices by the adoption of these policies.

Not only does the age limit apply to transportation workers. As time has passed, other employing interests fell into line until to-day practically all large employers have adopted an age limit, and observation teaches that the maximum is being gradually reduced until at the present time it is so closely drawn that often workers who have passed the age of 25 or 30 years are considered as undesirable,

and it is not unusual to read in the press advertisements seeking help, both men and women, setting forth the fact that they must not be over 25 years old.

If any present are not conversant with these conditions or should feel inclined to doubt the truthfulness of the above statement, the most convincing proof that can be offered is to suggest that you start out to look for employment, and if you are so unfortunate as to have passed the age of 40, whether you be a man or woman, I will guarantee that you will soon come to realize the seriousness of existing conditions and the truthfulness of my contentions.

Naturally I anticipate most of the advocates and defenders of the age-limit policy will advance the argument that this has nothing to do with present conditions of unemployment. While this contention may be true in some instances, and may not really be the prime factor of present existing conditions, it is a barrier since the carriers, industries, and other employments actually in need of workers turn away both men and women for no other reason than "you are too old" or "you have passed the age limit fixed by our company."

It appears to me that the employers make a serious mistake in drawing the age limit so closely. It seems that with many employers, youth, red blood, and pep are the prerequisites rather than ability, skill, and experience. I maintain that, with occasional exceptions, both men and women of matured years, and this regardless of trade or profession, so long as they are physically fit, are better capacitated to perform their respective duties than others younger in years who lack experience. I further maintain that the average worker who has reached the age of 40 or 50 is surrounded by certain conditions in life that make him all the more careful in the performance of duty and by service has established that spirit of cooperation and loyalty that is so essential to the welfare of both the employer and employee.

With the ever increasing displacement of workers who have reached the so-called age limit we are being confronted with a very serious condition. There is much truth in the old maxim, "You can not teach an old dog new tricks," neither can workers, as a rule, learn a new trade after they have passed the age of 40 or 45, and for the employers to discriminate against those physically fit and well qualified to render acceptable service simply because they have reached middle life, or even passed that point, appeals to me as an unjust penalization and is morally wrong. I am inclined to believe this should be remedied at once either by moral support or legal requirements.

In discussing this matter recently with a large employer, the only argument in favor of the age limit was the policy adopted by the employers respecting pensions and blanket life insurance for the workers, and I might state here that so far as the number of pensioners is concerned, because of certain restrictions and red tape in connection therewith, the number pensioned are really few when compared with the number employed. So far as the insurance benefit is concerned, I find that most of the workers much prefer that the age limit be extended so they can earn a living while they are physically fit rather than to derive the benefit of the blanket insur-

ance protection. While they realize and admit that the insurance feature is all right in a way, they further contend that the benefit of work while physically fit is much preferable to insurance protection, and they would gladly forfeit all rights to both pensions and insurance if the employing interests would do away with the present age limit so closely drawn.

If past and present policies are to be continued and the age limit not raised, what is to become of the thousands of workers who are daily being thrown out of employment? With a continuation of this policy and the installation of mechanical devices, not only in industry but in other occupations as well, the time is fast approaching when this country will be confronted with the crisis now existing in England and it will become necessary to protect the idle by insurance or compensation since the workers constitute largely the citizenship of America. Unless the employing interests care to give them employment and derive a benefit from their labor, these same employers will have to meet some emergency and provide for the care and well-being of the common masses by taxation, either direct or indirect, as humanity and society will demand that the common masses be given fair protection. The workers must live and they have the right to work and they expect, and justly, too, that the financial interests shall not penalize them simply because they have reached a certain age limit; the vast majority of them are forced to seek employment through no fault of their own and are often turned away where help is actually needed because they have reached or passed the so-called age limit.

What would our statesmen, State or National, say and do if an edict was handed down they could no longer serve their constituents because, forsooth, they had reached the age of 35 or even 50 years? What would the lawyers and doctors say and do if they were denied the right by their constituents to continue their profession before reaching the zenith of manhood? What would the merchants, the manufacturers, and other employers say and do if they were denied the right to engage longer in their respective vocations simply because they had reached the age of 35 or 40 or even older? And especially if this penalization was inflicted by the workers. What would anybody and everybody think if the common masses established a policy that they would have no dealing, either regarding work or otherwise, with trades and professions whose managers had reached the age now in force with the average large employing interest? You know there is an old saying, "What is sauce for the goose is sauce for the gander." and I feel that the common masses have equally as much right, if they see fit, to inflict this penalization upon the employers as the employers have to inflict it upon them; but this is neither advocated nor anticipated and is cited solely to demonstrate the great injustice perpetrated upon the working people.

I am honest in the belief that so long as workers are physically fit to perform their respective duties there is no just cause to deny them the right and privilege of following their profession or trade and earning a livelihood; but unless the age limit is extended or eliminated and the workers given employment regardless of age, sooner or later some system or policy will have to be inaugu-

rated, either through State or Federal action, looking to the care and relief of both men and women who are willing and anxious to provide for themselves but who, although physically fit to follow their respective vocations, are denied this right simply because the employing interests have so closely drawn the age limit of employees. I sincerely hope that this very important matter will receive the careful consideration of all concerned.

The CHAIRMAN. We have a very interesting paper by Mr. Bradway, secretary of the National Association of Legal Aid Organization of Philadelphia, which will be read by Mr. W. J. Waguespack, sr., of the Legal Aid Association of Louisiana.

COOPERATION OF LEGAL AID SOCIETIES AND LABOR COMMISSIONERS IN THE COLLECTION OF UNPAID WAGES

BY JOHN S. BRADWAY, SECRETARY NATIONAL ASSOCIATION OF LEGAL AID ORGANIZATIONS

Legal aid societies and labor commissioners have common interests in the field of unpaid uncollected wage claims. This field has received comparatively little attention until recently. It has been overshadowed by other related problems of wages, such as unemployment, minimum wages, old-age pensions, insurance. Those of us who were concerned with the specific problem of unpaid wages and how they should be collected have had to survey our field before saying much about it.¹

The cooperation between your organization and the National Association of Legal Aid Organizations began in 1923, when we had a conference with Ethelbert Stewart and agreed to see what could be done. Your organization appointed a committee which has submitted reports from time to time.² On one side we have also had extensive discussion and debate on the problem.³

Financial assistance was also rendered by the International Association of Industrial Accident Boards and Commissions. We saw the problem in terms of a statute which would represent fundamentals, and to take into consideration every factor we could think of to draw such a statute was no easy task. We wanted a statute which would require that wages be paid promptly, which would supply a means of collecting them when necessary, and which would be of practical value for use by practical men. The task of preparing this law was intrusted to the legal aid committee of the American Bar

¹ The bulk of early material in this country is collected in an article, "Administrative Justice," 18 Illinois Law Review, p. 211, December, 1923, by Reginald Heber Smith. See also "Exploitation of labor through nonpayment of wages and efforts of labor offices to enforce payment," in Monthly Labor Review, June, 1927; Bulletin 408 of the United States Bureau of Labor Statistics: Laws Relating to Payment of Wages, by Lindley D. Clark and S. J. Tracy, 1926.

² See Bulletin 339 of the United States Bureau of Labor Statistics; Bulletin 429, p. 5, where funds were provided for drafting the model act; Bulletin 455, p. 23, Report of the Committee on Legal Aid.

³ See Proceedings of Second Annual Meeting of the National Association of Legal Aid Organizations (1924), p. 101 et seq., paper by Miss Schutz and appointment of committee; Reports of Committees, 1924-25, p. 105; Proceedings at the Third Annual Meeting of the National Association of Legal Aid Organizations (1925), p. 82; Proceedings of the Fourth Annual Meeting of the National Association of Legal Aid Organizations (1926), p. 23; Proceedings of the Fifth Annual Meeting of the National Association of Legal Aid Organizations (1927), p. 82.

Association and in due course the first draft of that law appeared. Copies were sent out to interested persons and every effort was made to see that it was thoroughly criticized.⁴

Our purpose to-day is not merely to chronicle the developments in the past. We should survey our present situation and then consider the further steps to be taken. At present we have taken the first step and we have the first draft of the law. A second draft of the law will probably appear in the report of the Legal Aid Committee of the American Bar Association in 1928. This will give us substantially our model law flexible enough to meet the various needs of different localities; designed to avoid constitutional obligations, drawn with the primary intention of meeting a practical need. That practical need is to collect the employees' wages, speedily, inexpensively, and without unnecessarily complicated legal machinery.

The plan upon which the model act is based is in effect in California and Massachusetts. Through administrative machinery the labor commissioners are able to collect perhaps 75 per cent of all unpaid wages with little difficulty and with the requisite speed and economy. The act itself, because it has teeth in it, induces employers to adjust difficulties where they might otherwise do nothing, relying upon the complications of the old law to wear out the employee in his effort to collect. Under the new law there is equality of position before the court on the part of both employer and employee. Poverty is no longer the obstacle it used to be.

This is a splendid beginning. It will be followed up by extending the model law to other States and making it function. The important fact is that now we know how it can be done because where the new law is in effect it works. But we have already said that it takes care of only about 75 per cent of wage claims.

We may turn to consider the remaining 25 per cent of the unpaid wages and how they are to be collected. The second group of wage claims consists of those where the collection requires court action. This is a different sort of problem from the one in which an amicable adjustment is possible. For the solution of this second step, two pieces of machinery are necessary; one of these is a special kind of court and the other is a special law office to take the case into court.

The special court is one which because it specializes in this sort of work is able with speed, economy, and simplicity of procedure to secure the wages for the employee. Unless we have this speed, economy, and simplicity the court does not meet the specific needs of the average wage earner. As one report expresses it:

Although the amount of the average wage claims, about \$50, may seem small, the records of hardship and destitution following the workers' failure to collect their earnings include such tragedies as dispossession of lodgings, recourse to charity institutions, and even death from exposure and suicide.⁵

The wage earner is usually without funds. Court costs, delay of court procedure, and the complicated nature of the procedure are insuperable obstacles to him on account of his poverty, unless special provision is made for him. Of what use is a piece of legal

⁴ For text of model law see Proceedings of the American Bar Association for 1927, p. 323 et seq.

⁵ Monthly Labor Review, June, 1927, p. 19.

machinery if it does not meet the actual needs of thousands of persons? Our task is, then, to discover and set up a piece of legal machinery which will be designed specifically to help the poor man over these obstacles.

Fortunately, we know about just such courts. They are known variously as small-claims or conciliation courts. They have been described elsewhere.⁶

The small-claims court may be expected to collect wage claims which will not yield to the ordinary persuasive eloquence of a labor commissioner. Perhaps 20 per cent of the remaining wage claims may be collected in that way. If, then, 75 per cent of unpaid wage claims will yield to the administration of our model law and another 20 per cent to the effective operation of a small-claims court our problem narrows to a consideration of the remaining 5 per cent.

This last group of wage claims is distinguished by the fact that they will not yield to persuasion or conciliation, they can not be handled adequately in small-claims courts. They require specialized machinery because they are unusually complicated. Here there are real legal controversies of some magnitude. It is in this last field that eventually legal aid societies and labor commissioners will do most of their cooperating.

At the present time, of course, the model law and small-claims courts are frequently conspicuous by their absence in some of our States. Consequently there is work of a constructive sort for us to do in getting this machinery established. But, it is only fair to demonstrate that even after it is established our cooperation will not end. To demonstrate this I have collected a group of wage-claim cases handled by legal aid societies in which various complicated questions are considered. The grouping does not exhaust the possibilities by any means. It does, however, indicate something of the nature and extent of this last group.

In all these cases we have the two parties, an employer and an employee. We also have an unpaid wage claim which the employee wants. Beyond this, points and facts diverge. First we consider the wage claim where collection can not be made. Then we take up cases where the employer simply refuses to pay without giving any reason therefor. In the next group are efforts of the employer deliberately to evade payment. A further step arises when the employer has endeavored to defraud the employee. Finally we consider matters in which the parties are in different cities or States so that extra machinery is needed to make a collection.

The first illustration is one reported by the New York Legal Aid Society in its 1927 annual report (p. 43):

There has sprung up, in this vicinity of the greater city of New York, during the past few years, a group of individuals known, for lack of a more appropriate name, as the "speculative builder"—not that builders of that character were unknown before, but the present class is of a rather different sort from the old

⁶ Bulletin of the United States Bureau of Labor Statistics No. 398: Growth of Legal Aid Work in the United States, Chapter VII; Annals of the American Academy of Political and Social Science, March, 1926, March, 1928; Proceedings at the Meetings of the Central Committee of the National Alliance of Legal Aid Societies (1922), p. 21; Proceedings at the First Annual Meeting of the National Association of Legal Aid Organizations, p. 64; Proceedings at the Third Annual Meeting of the National Association of Legal Aid Organizations (1925), p. 112.

type builders who finished their jobs, paid off the men, and sold their buildings at a reasonable profit. The present-day "speculative builder" is really what is known as a "shoe-string operator." He goes in and commences work on any size building operation without having the slightest idea how, when, and if ever he can meet his obligations, trusting to luck, and perhaps to some other fellow's mistake, to help him out of his difficulty. With nothing to lose except money which belongs to somebody else, he naturally does not figure very closely or accurately, and in too many instances, comes out of the operation through the small end of the horn, losing nothing but his time, and I would say in a great many cases pocketing an unknown profit.

But how about the mechanics and laborers who faithfully worked on the job, for months at a time, and only received wages now and then, until sums very often up in the hundreds are due them. It also must be remembered, that a great majority of the mechanics employed by these building operators are non-union men and therefore have no union protection or help of a delegate to assist them in collecting their wages when due. The work is carried on in what is known as the "open shop" manner, which means union and nonunion men can work side by side and each man must look out for himself, as far as collecting his wages is concerned.

John Z—, who applied to us for assistance in October, will illustrate the position of at least 300 such men who called at our office during the past year for assistance in helping them to collect wages.

It appears in certain outlying sections of the city of New York, a great building boom was in progress and men were being taken on for work with no questions asked. John Z—, having a large family of seven children, the eldest being 9 years of age, not being a member of a labor union, as membership was practically restricted to a limited number of members, and initiation fees and dues too high for a man with his home responsibilities, applied for work on one of these "open shop" jobs and was accepted by the contractor in charge of the work. John Z— was advised to see the man having the contract for work of the character he could do, and this person would make all arrangements as to work, hours, wages, etc. After a talk with the subcontractor, who had the contract for wire lathing (the work in which John Z— was engaged), it was agreed he was to be paid so much per foot for putting up lath and a certain rate for all overtime work. He commenced some time in April, shortly after the frosty weather was over, and worked on to about the middle of August, receiving some weeks a full pay envelope and others a short payment, until finally his deficit in wages amounted to \$210. The job was nearing its end and the subcontractor had made no effort to pay up the back wages. Our client became more insistent in his demands for payment. He was finally advised that he could not be paid in full until the job was finished and final payment made to his boss, and if he did not care for such an arrangement, he could cease work at once and try to get his money. Having a big family he was forced to continue. Finally the job was finished and all the workmen under the same contractor were advised they would be paid the following week, as soon as the building department had passed on the work. They called on the appointed day to receive their back pay, only to be advised their boss had taken the last payment made him and fled to parts unknown. Nobody knew anything about him, where he resided, whether or not he had an office, or any information relative to him whatsoever.

John Z— then appealed to us for aid and we communicated with the main contractor, who informed us he had paid all subcontractors in full—and before so doing he had not been notified of any money due to the men. He showed us receipts proving his claim. We found him to be a reliable and trustworthy man and were forced to advise our client that unless the person for whom he was working could be found, we could be of no assistance to him. We eventually discovered the location of the home of the employer and found it to be a small four-room flat in the Bronx, containing not more than \$200 worth of furniture, which would not bring the charges if sold on an execution. We also discovered that John's employer, as far as this world's goods were concerned, was no better off, and in a great many cases not so well situated, as the men he had employed to perform the services for him. The employer was conducting his business on the "shoe-string" plan, which depended more on luck than good judgment. The only loser was the wage earner—a judgment in his behalf would have been worthless.

There is certainly need of cooperation between labor commissioners and legal aid societies to prevent situations of this kind, particularly in view of the fact that the collection of a judgment against a man who has little or nothing, or who is clever enough to conceal his property, is of practically no avail. Our court records are full of judgments that are uncollected and each year legal aid societies turn down many people because after an investigation it appears unlikely that any money can be secured from the opposing party.

The second case illustrates the attitude of the employer who simply will not pay and who trusts to the ignorance and bewilderment of the employee to prevent any action at court.

The case is reported by the Cleveland Legal Aid Society in its report for 1927.

Our client is a widow, aged 68 years, and has two sons, neither of whom have been contributing to her support. At the time she called at our office she was living with her sister and brother-in-law in an apartment in the east end of our city in a very respectable neighborhood, and doing what little work she was able to obtain as a practical nurse.

She stated to us that she had been employed by a certain man to take care of his wife who had appendicitis, and that she had worked for this party for a period of two weeks and two days, that she was to receive \$25 per week and that she had earned \$57.50, of which \$25 had been paid to her, leaving an unpaid balance due of \$32.50.

Investigation by the attorneys for the legal aid society disclosed the fact that the man who owed our client this amount of money was an actor who was playing in one of our leading vaudeville houses as a black-faced comedian, and that on the following Saturday evening he was to leave town and continue on the circuit that he was playing. This comedian when approached by our client for the money she had earned, kept promising to pay her, and on one occasion when she called him by telephone to ask for the money he had told her that he would pay her when he got good and ready, and hung up the receiver.

It was evident from the nature of these facts that our society must take immediate action if we were to collect this money for our client. An action was instituted in the municipal court of our city for the \$32.50 due our client, and in addition we asked for an attachment against this man's salary at the theater and also against his equipment. This action was filed on a Friday afternoon.

When the smiling black-faced comedian appeared at the theater the following afternoon to entertain the many people in the audience, he was surprised to find that the bailiff of our court had padlocked his dressing room and that an attachment had been served on the treasurer of the theater, attaching his wages. He immediately retained an attorney, who communicated with the attorneys for our society and offered to compromise this claim by paying \$25. This offer was flatly refused by us, and when the attorney saw that we would take no less than the entire claim the case was allowed to remain in court.

A short time thereafter a trial was had and a judgment was rendered in favor of our client for the \$32.50, together with court costs, and the attachment against the comedian's wages was sustained. An order of the court was issued to the treasurer of the theater to pay this money into court, and during the time that elapsed between the issuing of the order and the paying of this money into court, our client was the victim of unfortunate circumstances. As she was alighting from a street car, near her home, she was struck by an automobile and was knocked unconscious and taken to the hospital. An examination by the doctor disclosed a fracture of her neck, bruise on her right ear, several severe bruises on her head, and a compound fracture of her right leg. Our client was confined in bed at the hospital for about three weeks, after which time she was removed to her home, where it was necessary for her to remain in bed for another three weeks.

Just about the time that our client was released from the hospital and taken to her home, and at a time when she was by reason of her accident unable to

work and without funds, the money due on this claim was paid into court and received by our client.

Since this accident our client has received a communication from her sons, one of whom is coming to visit her in the very near future. As the result of the services of our society, our client has received the money which she earned by her hard work and will soon be reunited with her son and enjoying life as a hard-working mother should.

To the same effect is the following case reported by the Cincinnati Legal Aid Society for 1926:

Mrs. B. called at the office and complained that Mrs. O was indebted to her for \$12, wages due for domestic work at Mrs. O's boarding house. For several years previous we had numerous complaints against Mrs. O for failure to pay wages, and because of the small amounts involved we could not induce our clients to enter a suit because of the loss of time occasioned through court appearances. However, Mrs. B. finally consented to permit us to file a suit after we had explained to her the difficulties we had experienced in the past, showing her the advantage to the future clients with claims against Mrs. O. should we be successful in forcing collection of a judgment. Mrs. O. did not appear for trial and we thereupon took a default judgment. Execution was issued on the judgment by the sheriff and return was made "no goods or chattels found upon which to levy." Our next procedure was to issue an order for appearance of the judgment debtor for examination. Mrs. O. also ignored this order. We then asked for a citation for contempt of court, which also was ignored by Mrs. O. We then secured an order from the court for a body attachment for contempt and Mrs. O. was brought into court by the sheriff. She was held in bond of \$100, which she produced and the case was set for trial, first on contempt proceedings and then on examination. Court fined her \$5 for contempt. The examination developed that she had 14 rooms of furniture, all under mortgage, no money in bank, no stocks, bonds, or real estate. Examination was continued and we then entered a suit against her for the sale of her household furniture, making the mortgage company a party defendant. Before this case was heard, Mrs. O. appeared at our office with an attorney and paid the judgment and costs. Since then we have had three other wage claims against her and immediately upon notification from this office, she remits the money without any further trouble. We have estimated that the actual legal services in this case would be over \$100. A fee of \$1 was charged to our client.

A slight variation of this is the employer who thinks he can bluff his way through to a successful settlement.

The case is reported by the New York Legal Aid Society in the *Legal Aid Review*, vol. 15, No. 3, page 12:

A woman, well known to the society as an "old offender" in wage cases, doing business in one of the "smart" sections of this city, had, prior to the new municipal court code, been a source of constant annoyance to our attorneys. Being strictly judgment-proof by means of an adroit manipulation of assets, she would employ young girls in her business for a period equal only to their patience and reliance upon her promises to pay, at the expiration of which they would resign and receive only further promises in lieu of payment for their services. No notice was taken of demands made by the society on behalf of these employees, and we had long since learned the futility of civil proceedings, as at that time a woman was exempt from arrest and imprisonment in wage actions.

Then came the new municipal court act, which extended the provision regarding arrest and imprisonment to include women defendants, and it took only one demonstration of the working of the new law to reduce this particular defendant to complete subjection. She thereafter settled, more or less promptly, all claims for wages presented against her. This condition continued until just recently, when this defendant became incorporated, and the old trouble immediately manifested itself, our demands being again totally ignored.

Upon the first claim presented to our Harlem branch subsequent to the incorporation, suit was commenced with little delay, the action this time being brought against the corporation. Service of the summons brought an immediate telephone call from our old defendant, now "manager" of the corporation. She triumphantly informed the attorney that she was no longer personally liable, being merely the manager of the corporation, and was advised by her lawyer that she could not now be imprisoned as was formerly the case. The attorney replied that he was aware of the incorporation, and was very well acquainted with the law in such cases; and, moreover, was not at all interested in what her lawyer's advice had been. The action was thereupon noticed for trial, and all attempts of defendant to secure an adjournment upon various grounds were successfully resisted.

Our lady evidently did not have full confidence in her own attorney, for upon the day previous to the date set for trial she paid in cash the full amount of the judgment, with costs.

No claims have since been presented at the Harlem office against this defendant.

More serious than the foregoing are the cases where the employer endeavors to defraud the employee.

The first case is one reported by the Philadelphia Legal Aid Bureau two or three years ago.

Some months ago a woman called at the office of the legal aid bureau and stated to me that she was a widow with two small children and a mother dependent upon her for support. By dint of strenuous work she had educated herself as a stenographer. She answered an advertisement appearing in one of the Philadelphia papers which stated that the services of an expert stenographer were required to do confidential work. She was referred to an office in one of the second rate office buildings in this city and had her first interview with her proposed employer. He appeared delighted with her appearance and ability and told her that her inexperience would not count against her at all. He was glad to select her out of the number who had applied, she was the most satisfactory, and the employment would begin at once with a salary of \$30 a week. One condition, however, was attached to the employment, and that was that the woman deposit with the employer the sum of \$300. The reason she was required to do this was because she was expected to handle sums of money in the office and the employer, merely as a matter of form, he said, wanted some guarantee to protect him in case of mistake. The woman went home and took some of her personal belongings around to a pawnbroker, where she obtained the necessary \$300, leaving herself and those dependent upon her practically without furniture or clothing in the house in which they lived. She then set out to work, and her employment continued satisfactorily for the first week. At the end of this time the employer said that he could only pay her every two weeks, and she continued working for another week without compensation, while the aged mother and the small children were almost without food. At the end of the second week there was still no money forthcoming and the woman decided she did not care to remain any longer. She demanded her money and the deposit of \$300, and the employer refused to give her either. He said that he did not have to; and in response to her queries, produced for her inspection a paper which she had signed unthinkingly at the beginning of her term of service. This paper set forth that the employer might retain the \$300 for a period of 60 days from the time the woman left his employ, so she was left penniless and without a position, owing \$300 to the pawnbroker.

She was nearly distracted and on the verge of a collapse from insufficient food. As a matter of fact, she had not handled any money at all in the course of her employment and her business had consisted in writing a few unimportant form letters, so that in the last analysis it appeared that the employer had no business at all except the business of capturing deposits from respective stenographers and using the deposits for speculation in stocks and otherwise. In her distracted condition she called upon an attorney, who gave her the customary advice that a contract was a contract and that she had better wait until the time was up before proceeding to collect.

At this point in the story there were two ways open to her. One of these ways was to let everything go and rush to the nearest office

from which charity might be dispensed, asking for actual financial aid. There is possibly nothing unusual to you in that point of view; possibly a great number of your cases are cases where the people have lost their heads in the sudden collapse and their courage has gone from them. This woman was built of sterner stuff. She wanted, if possible, to compel the employer to give her back her money and thus permit her to continue earning her own living. This is an attitude of mind which I think all of us will applaud because the woman was not willing to give in to circumstances which she considered absolutely unjust and unfair, but she was face to face with the proposition that a proceeding in court would cost her anywhere from \$4 to \$50, and she had only a quarter with her, and the further problem that the working of the law was so slow that as the lawyer told her it would take at least a month and possibly longer to get results from the ordinary suit. There is no reason why a woman in this position should be required to go to charity for assistance. She was perfectly able-bodied, personally well able to earn her own living, and her spirit was such that she preferred to do it, but the delay and the expense of the law presented for the time being an insuperable obstacle.

A similar case is reported from the Cleveland Legal Aid Society in 1921:

In 1921 Cleveland was holding the celebration of the twenty-fifth anniversary of its founding. It was a time of festivity and the community was out to enjoy itself. There were speeches, music, parades, performances of various sorts, and the bustle that attends such a celebration.

Among the entertainments was a "rodeo" or "wild west show." Daring cowboys from the far West rode spirited horses. There were exhibitions of roping steers, breaking horses, and a thousand thrills for the audience. The company had been on tour for some time and had performed at East St. Louis, Bowling Green, and Detroit.

At East St. Louis the company had need of a few more riders. They were so fortunate as to find one Tex Crawford, who was giving riding exhibitions for his living. He had a few horses of his own and a desire for adventure. He was duly initiated into the mysteries of the rodeo.

Prior to this time his life had been spent largely in the West. Montana he claimed as his home. He had been in the cattle business and had developed into a typical care-free adventurer. When the World War broke out he rode his pony at break-neck speed to the nearest recruiting station and joined the Army. It seems that the horse was either left standing in front of the recruiting office or given away. After the war civilian life claimed him again and he started to give the riding exhibitions referred to because there was no demand for his services in his former employment.

When the rodeo was in Cleveland it became apparent that the financial side of the business was not meeting expectations. Wages were in arrears to some of the performers, including Crawford. The whole company from the beginning had a look of demoralization. The people were downcast. The horses and cattle used in the performances had to be fed and this drained the treasury.

One evening the two partners who owned the show added up their cash and came to the conclusion that the time for action had arrived. In the most approved fashion they determined to seek new scenes of adventure. With due secrecy and without the knowledge of Crawford and the other talent the proprietors removed the most valuable of the horses and steers during the night and took the train for Toledo.

The following morning the employees arrived upon the scene to observe a few undesirable horses and cattle occupying the premises. They were constantly clamoring for food, which had to be purchased for them, and they were practically worthless as beef.

For a time no one was interested in the show business sufficiently to help out the employees. Crawford needed money. He felt that he as well as the horses must eat. Some one told him of the legal aid society. He went there to tell his story. There was \$150 due him for wages. He had been hired at \$50 a week and his railroad expenses. He now owed a hotel bill, was entirely without funds, and had no prospect of securing his wages in view of the condition of the company. Further, he feared that what was left of the company would leave town at any time.

The first matter was an investigation into the facts of the case from a legal standpoint. It was necessary to discover whether there was any property of the company which could be secured to pay the wages. The inquiry revealed that another creditor had already brought suit against the company for a large amount. Such funds of the company as were in town were supposed to be in the hands of the anniversary committee of the city. This committee had made a contract with the company before it came to the city, and under the provisions of the contract the funds were retained.

The legal aid society determined to issue legal process and attach the money in the hands of the city belonging to the company. This was done, and it was found that there was no money there.

The next move was to attach the property of the show itself. The society advanced the costs of \$10 because Crawford had not a cent. It then developed that the proprietors of the show had gone to Toledo, and the remaining livestock consisted of 13 horses, 44 long-horn steers, 8 calves, and 2 burros.

The legal procedure took time. After a while the bailiff was intrusted with the papers and he started down to the grounds where the show was; arriving there he proceeded to declare that all the property was thenceforward in the hands of the law and must not be disturbed by anyone under penalty of the law. The steers seemed to resent this, because they chased the bailiff from the corral. For a time he was in considerable peril.

The case proceeded in the customary fashion, and finally the court appointed a representative to take care of the property of the company and dispose of it and pay the bills. Crawford's claim was also filed with this receiver. He finally sold the livestock to another round-up company, and Crawford was engaged by the new company to take the stock into Indiana, where a performance was scheduled. This at least meant employment. Still the legal proceedings progressed in a leisurely fashion.

A few days later the Cleveland Legal Aid Society received from Crawford a telegram reading "Show busted and so am I." The following Saturday he reappeared in the office of the society. He looked worn out, and in reply to questions confided in the attorney that he had secured passage on a freight car.

Again an appeal was made to the receiver of the first rodeo for Crawford's wages. This official was reluctant for some reason to deliver the money. The attorneys therefore were compelled to ask the court to order him to pay the wage claims. With the help of this order the society was able to secure payment in full. Enough was secured to pay the hotel bill and leave a balance in Crawford's hands. With this he stated he intended to return to Montana to his wife and children and give up all idea of a life of a traveling showman.

To add to the complications, the element of distance makes for greater difficulty in the collection of wage claims.

The following two cases, one reported by the legal aid society in Grand Rapids and the other by the legal aid society in Cleveland, illustrate the possibility of cooperation between legal aid societies themselves in handling matters of this sort.

An inexperienced girl 16 years old was employed as a domestic, earning \$5 per week. Her employer failed to pay her wages, and his wife borrowed the little money she had. They took her to Detroit with them, and they continued to fail to pay her wages or to pay her transportation back to Grand Rapids.

The girl had to appeal to the police department in Detroit, and the employer then set up a false claim against the girl that she had stolen some trifling articles. However, the police found it to be fully untrue, so they forced the employer to pay her transportation home. Her wages were still unpaid, and she appealed to the legal aid bureau for assistance in collecting her wages and borrowed money.

It was ascertained that the employer was about to remove himself and family to the State of California and evade his creditors. The legal aid bureau also ascertained that a certain party in Grand Rapids owed the employer a sum of money, and enough to satisfy the amount due the girl, if prompt action was taken to attach it. Therefore immediate court action was taken through the girl's "next friend" to garnish and attach the money due her employer, and the results were the collection of the full amount due the girl for wages and borrowed money the day the tricky employer took the train for California.

Early in November the Legal Aid Society of Buffalo wrote to us regarding a claim which a client of theirs had against a company in Cleveland for services which she had performed as a stenographer, the amount of \$52.50 being due her. The Buffalo organization also inclosed correspondence they had had with one of the agents of this company. It seems that several parties were interested in the company for which our client worked and that there was a dispute as to who should pay her.

The attorneys for the society took up the matter with the representatives of the local company here, who stated that another party was responsible for the debt and that he had admitted the obligation. We communicated with this party, who stated that while he did not owe the money, if the other parties who should pay it did not do so he would pay the claim himself.

After setting several definite dates for payment and the parties having failed each time to make good the obligation, the attorneys filed an action in the municipal court. Exactly one week later the attorney for the defendant called at the office and paid the claim in full, together with costs, and we sent a check to the Legal Aid Society of Buffalo for the full amount.

This case is illustrative of the spirit of cooperation which exists between the legal aid societies of the country and the value which they can be to each other in referring cases.

We might spend much more time in a perusal of interesting cases involving such factors as the garnishment of wages. These matters, however, lie in a slightly different field because they touch on the domain of the loan shark.

Enough has been said to make it clear that the problem of unpaid wages has many interesting aspects. The first impression that one gets from a perusal of a number of these cases is that they are unrelated. A closer inspection will reveal, however, that this is not so.

Through all these cases run certain threads which we must now try to draw together. The first of these is that neither the wage claim law nor small claims court is of itself sufficient to solve such matters. There must be litigation in the hands of competent attorneys or legislation presented by all those interested. The second thread is that the lawyers best qualified at the present time to do such work are the members of the staffs of the various legal aid organizations; they are already handling the cases. They know how to do it and they have won the confidence of the wage earner. A third thread is the need for cooperation. Many labor commissioners faced with problems such as the foregoing may make real progress by establishing a close contact with legal aid societies so that a means of speedy solution may be provided. When such a case comes in your office it will be of assistance to be able to phone the nearest Legal Aid Society and have it assume without question a share in the task of collection.

Unpaid wage claims of which we have knowledge amount to some \$2,000,000 a year in the United States alone and they may exceed this amount by a great deal. Legal aid societies handle approximately 50,000 of such claims a year. Labor commis-

sioners have approximately the same number. Surely the problem is large enough to warrant an earnest attention. It should be a matter of pride to both labor commissioners and legal aid societies to reduce the total of uncollected claims at the end of a year to the minimum.

The machinery for accomplishing it is now known. There are two matters needed—the urge to establish the machinery in every State and the desire to cooperate with other interested organizations in handling specific cases. In so far as the legal aid group is concerned I invite you to arrange for local conferences with the legal aid societies in your State to work out the best methods. You will find most of them cooperative and thoroughly interested.

In the neighboring field of workmen's compensation legal aid societies already are beginning to cooperate with industrial accident boards. There is every reason to urge similar joint action in the field of collection of unpaid wage claims. Upon our two groups rests the primary responsibility of seeing that the wage earner secures his money. It will be a test of our efficiency whether with the machinery available we have enough interest to set it up in our own communities and make it work. It is an eminently practical task and one which, when accomplished, will be of service each year to thousands of our fellow citizens.

DISCUSSION

MR. STEWART. Just a few months ago a case came from Utah. A man, working for a brickyard company, was killed by a railroad. He was going to work but had not got into the yard of the company at all and the commission turned down the claim. It was appealed to the Supreme Court of the State of Utah and that court gave the widow the claim. It was appealed to the United States Supreme Court and for some reason or other the attorney general of the State, at the last moment, declined to appear. The Utah Commission wired the Legal Aid Association at Boston and they sent young Harovitch to Washington the following day. He had never been admitted to the Supreme Court and could not appear there. We had him admitted to the Supreme Court and he went through our library, got his precedents, went down there and tried the case, and won it. The Supreme Court of the United States stood by the Supreme Court of the State of Utah and gave the widow the money, and it was all done within 36 hours. As an example of what these fellows can do for us in emergencies, you should know it. It was certainly the quickest job I ever saw done and I really think they are all right and we should form an alliance with them wherever we can and work through them. That case convinced me that they were "Johnny on the spot" and they are perfectly square.

MR. WAGUESPACK. Our experience here has made me come to the conclusion, as a lawyer, that human nature is the same all over the world. There are thieves among the employers, not only in New York, Chicago, and Pennsylvania but also in New Orleans, and I had to take steps against that kind of "cattle"; probably I should not call them that. Now most of the cases that come to our legal aid society originate with the commissioner of labor. Our commissioner

of labor has been very active; he has never failed to send us all the cases coming through his office, and we have always done our best to have speedy collections. But in New Orleans the legal aid society is not so progressive as it is in New York, Chicago, or Boston, for the reason that we have not been able to raise a dollar of contributions from any source. I have appealed to our millionaires but they would not give 5 cents toward the legal aid society work and I have been struggling along without any funds whatever.

The bar association was asked in. They appointed a committee of five lawyers; I have been chairman for 15 years and helped to create the legal aid society in Louisiana, but we are working exclusively under the auspices of the Louisiana Bar Association and there is nothing in the charter of the Louisiana Bar Association that allows \$1 for contribution to our work. We must do all our work with our own funds and that is why our cases are not so successful as they are in New York and Boston, where they have large sums contributed to their legal aid work. There were two graduates of the law department of Yale who returned to New Orleans a few years ago and were very enthusiastic about legal aid work. They asked me to let them do the legal aid work. I was very enthusiastic about that myself and encouraged them in it, but in a few months they had forgotten all about it. There is a proposition now to enlist the services of all graduates of the law departments of our two universities. Mr. Bradway wrote me last week asking if it was possible, and I told him it was; so in the future we may get the graduating classes of both universities to take charge of the matter under the supervision of our legal aid committee of the bar association. Of course we must supervise their work and I intend to devote all of the time necessary to that end within the next few months.

Mr. Wood. Immediately after I took charge of this department I discovered a great many employers were fleecing their employees out of small sums. Although having no legal jurisdiction, I realized I should do something to protect these employees. With the view of having legal action taken, I filed in my department, from January 1, until May 8, all claims in amounts of less than \$7, because I realized you could hardly get anybody to handle a claim for that sum. It was a costly proposition. During the period of five months there was nearly \$8,600 that these poor devils were being fleeced out of. I immediately got in touch with the legal aid society and appealed to the legislature also to give this department some authority or to create a "poor man's court" and provide a public defender. I did burden the legal aid society with so many complaints that they had to hire another secretary on the reports I presented. The public would stand aghast to know who these employers were who were beating their employees out of small sums. I have had very good cooperation from the legal aid society. Of course they don't collect all claims and the only obstacle I am confronted with is taking the part of the fellow who can not go into court himself, but when the claim goes through the legal aid society that obstacle is practically nil. It is the best arrangement that could be made and I have no apology to offer for making it. I have no power to collect money or handle it, but I realize that by cooperation with the legal aid society 95 per cent of these claims are collected.

Mr. STEWART. Of course it is entirely possible to get young graduates to take these cases for the practice it gives them but the question is of raising the money. It struck me that the gentleman who talked about the millionaires is going to the wrong crowd entirely. After all it is the small competitor, the small merchant, who loses because this man can not collect his wages and can not pay his bills. I know the Legal Aid Society of Chicago has hundreds of thousands of dollars to do anything they might ordinarily need to do. They go to the small merchant, who loses in the long run because this poor fellow has been robbed of his pay.

The CHAIRMAN. I refer cases which I know require an attorney to the Legal Aid Society of Wilwaukee. We have one now, a case of insanity because of lead poisoning. We, of course, can not investigate that ourselves.

Mr. MCKINLEY. I am glad to have heard this paper read and learn that all the rascals are not in the same place. I was under the impression that Arkansas had the most. As deputy commissioner it is my duty to handle claims, and since 1921 we have had 1,500 cases. I think the aggregate amount has been over \$50,000. We have no legal aid society in Little Rock. We find it difficult to handle cases with some attorneys and we have had to pay attorneys to collect money. Under the law the person having the claim can not be made to pay anything.

[Meeting adjourned.]

WEDNESDAY, MAY 23—MORNING SESSION

GEN. E. LEROY SWEETSER, COMMISSIONER MASSACHUSETTS DEPARTMENT OF
LABOR AND INDUSTRIES, PRESIDING

FACTORY INSPECTION

The CHAIRMAN. Factory inspectors are the eyes and ears of the commissioners. I find that they are most important. After some experiences, I find they are born—not made. They have to be instructed, but most of them have experience, and to me a good inspector is worth almost his weight in gold. Unfortunately, in a good many States, including Massachusetts, we are not able to pay the salary which a good inspector is entitled to. Fortunately, this year I have been able to get the pay increased for all our inspectors, so now the maximum is over \$2,500 and we start them at \$2,000. The position of inspector is worth at least \$200 a month. I think the most important work we do in Massachusetts is the prevention of accidents, and this is most important, as you know, to the individual, the family, and the State.

But the working people have no idea of this work and we have to depend on our inspectors. We have a school of instruction. I hold the inspector responsible for anything that happens in his district. If I find an accident was caused by unguarded machinery I send the inspector to the head of the company where the accident occurred and I want to know why that machinery was unguarded. I look up his report of the last time he inspected that place and if his report shows the machine guarded, I ask if it was an old machine, and if it was, why he did not see it. Then they realize their responsibility. It helps a great deal if they are taught how to make reports. I presume you all have inspection blanks and they should all be checked to see that everything is O. K. Ordinarily, this is enough, but for special cases there is a space on the back of the report to make remarks, where he reports the cause of the accident, or the violation of the law, so that the head of a department may visualize the whole situation. It requires training to make a proper report to cover all these facts.

Then I think we should give our inspectors knowledge of what is going on throughout other districts, and we publish each month a bulletin to our inspectors, but not for publication generally, telling him that John Smith in the thirty-fifth district discovered a new proposition, or a new machine, or a new method has been found for carrying on, or if they are violating a law, all this in a unique way. For seasonal occupations in special sections, such as to the cranberry district, we send special information. Then to building inspectors we send special information of dangerous buildings we have discovered or dangerous situations in new buildings under inspection; in other words, we keep them informed and we try to have them keep us informed and make recommendations of their own.

We require that they keep records in their diaries and send us this information in their reports and we have it properly tabulated. They have to keep copies of all their reports; so when they go to a factory they have the report of their previous visit to the factory. They can then compare conditions. I try to have them go in the front door and meet the head of the concern and tell him they are going through the factory, and I try to have them talk matters over personally and I find they can accomplish a great deal more than the law requires by getting the superintendent interested.

Of course we keep a list of the factories and plants that need special attention. Under our law we make an inspection of every manufacturing plant at least once a year. Then we have a special list of those covered oftener; they have to be followed up by visits made unexpectedly and the inspectors work without regard to hours and are subject to 24 hours a day, including Sundays, and in the summer, at the beach resorts, they practically have to work evenings and Sundays. I will call on Mr. Wrabetz, who will talk on the subject assigned to him, and after he gets through I will take the liberty of calling on Mr. Hamilton to say a few words to us about his department.

PROPER ATTITUDE OF THE STATE IN ACCIDENT-PREVENTION WORK

BY VOYTA WRABETZ, COMMISSIONER WISCONSIN INDUSTRIAL COMMISSION

To get the necessary perspective for a discussion of the proper attitude of the State in accident-prevention work, it is well briefly to point out certain facts and developments with which you are all familiar. To-day modern industry presents management on the one hand, with its primary interest in large production and its accountability to the stockholders for profits, and, on the other, the workers, who have become more or less a part of the big system used in production. Employer and employee are no longer neighbors and their interests are no longer identical. To accomplish its end, industry to be profitable has made necessary the use of large numbers of men working in one building and of huge and rapidly moving machinery. These factors in turn have created hazards to working men which have resulted in many injuries, with their resultant losses in earning power, followed by suffering and anguish.

It is well recognized that this condition which modern industry has produced, must be carried by industry as a cost of production. Such cost of production is then in turn borne by the public, the consumer, which constitutes the State. Upon this hypothesis, what should be the proper attitude of the State in accident-prevention work?

The State is interested in the development and maintenance of a high standard of life. Its ideals are assured only when its citizens are virile, independent, and self-respecting. The State must not as its right but as its duty do that which is necessary to build the strength and wealth of its largest class—the workers. It can not by indifference permit itself or its institutions to be jeopardized by poverty, devitalized labor, and the economic waste of man power, which are the results of industrial accidents. To accomplish these aims and purposes, a State department of labor has a real job before it.

Compensation laws in a measure softened the results of injury, but the most important field in which a State, or its agency, the labor department, can engage is in the promotion of industrial safety. I use the term "promotion of safety" rather than accident prevention because it conveys the idea that the State should be actively engaged in positive and constructive work.

First of all, and as a base from which to operate, the State must declare by law that all places of employment shall be reasonably safe and require that an employer shall not permit or allow dangerous practices to be used. The primary obligation as to safety should be upon industry. Upon this declaration of principle, the administering body should act as much as possible in a helpful and advisory capacity. Its purpose should be not that of a police officer having in view prosecution for a violation of a law, but rather that of a salesman, selling the idea that compliance with the law promotes safety and avoids the harrowing results of injuries.

In carrying out this policy, the work of the department should be primarily inspectional. There are two kinds of investigation which should be made, first, general inspections of places of employment and, second, special investigations of particular accidents.

It is very essential that general inspection work be done thoroughly and cover the entire State. If the work is not thorough—that is, if not all violations of law are discovered—it follows that some dangerous points have been overlooked and perhaps the employer lulled into a false sense of security. An incomplete inspection is worse than none, because it leaves a cause of injury uncorrected, gives the opportunity to shift the responsibility for making places and practices safe, and, if an accident occurs, furnishes an alibi to the employer who is apt to assert volubly that the inspector should have discovered the dangerous condition.

This kind of work should likewise be state-wide and apply to all industries to avoid a charge of discrimination. The intent of safety regulation is to set up minimum standards for all and to raise the level of competition so that the "good employer" is not subjected to the cutthroat competition of the unscrupulous. All employers in a given field should be required to comply with the law and to correct like dangerous conditions. To do less in any case gives the competitors just cause for complaint.

General inspections should be made periodically and written reports made to point out to the employer those conditions which are dangerous and which do not comply with regulations. In making such inspections, the State official should insist that a competent person representing the management accompany him. After the inspection is completed the items enumerated should, if possible, be discussed with the management. A copy of the report should, of course, be left with the employer.

Proper completion of such inspection necessitates a follow-up, conveying to the management the idea that the department is interested in getting the conditions remedied.

The second type of inspection work is the investigation of all accidents, particularly serious ones, with a view of avoiding similar accidents in the future. After one of his employees has been hurt it is much easier to convince an employer that machines and practices

should be changed. Personal experience is always more eloquent than impersonal knowledge gained from other sources as to particular causes of accidents and therefore the occurrence of an accident furnishes the opportunity to deliver a master stroke in the promotion of safety even though as one contemplates the results of injuries it seems like a rather sad commentary on human relationships to think one must wait sometimes to "lock the barn after the horse is stolen."

Of course, from a practical standpoint, all accidents can not be individually investigated, but reports of accidents can be analyzed as to causes and a letter written making inquiry as to what steps have been taken to prevent similar accidents. Furthermore, it is desirable that the field representatives be advised of such matters. Recently in the reports received in one day, 14 were sent in by a tie-treating plant, nearly all indicating injuries to feet due to the dropping of ties because of their slippery condition. It was found that no inspection had been made of this plant and therefore a list was sent to the field representative. He was well received and steps were taken immediately, trying out several methods which should prove helpful.

While the primary obligation to provide safe places to work and to avoid unsafe practices is with the employer, he frequently is required to give so much attention to production that he is not able to get the same viewpoint as an outsider as to how certain accidents can be avoided. In such cases as well as when "safety is a stranger" there will be no great difficulty in having recommendations carried out if the inspector "knows his stuff." The responsibility for the proper promotion of safety, for selling the idea, must be placed squarely on the shoulders of the inspector. By acquainting himself in his district, both as to conditions and persons, by personal visits to plants with proper words of advice and compliment when and as deserved, he can build up a spirit of confidence so that employers will invite advice and counsel.

It is well recognized that a very important phase in the promotion of safety is educational. In this field the State can and should play a leading role. It can maintain an information service so that employers may have the advantage of expert assistance in remedying unsafe conditions and practices. Perhaps a State that has done most along this line is New Jersey, under the leadership of Dr. Andrew F. McBride. This State maintains a wonderful and elaborate safety museum wherein are shown the latest practical devices for guarding machinery and parts and also the proper means of avoiding and preventing dangerous conditions. Here is a practical demonstration to employers as to how things can be done to make work safe. Such work is really constructive. It develops a better attitude on the part of the employer by showing that the State is more interested in helping him solve his problems than in merely detecting violations of law.

As important as discovering unsafe conditions and practices, is the bringing home to employers, and to employees as well, a knowledge of what constitutes unsafe conditions and practices and a development in their conduct, particularly as it relates to coworkers, a safety consciousness. Judging from the sudden and great increase in accidents since 1920, it would seem that the most important factor in safety is psychological rather than mechanical or technological. In other words, accidents are due to carelessness and thoughtlessness

of persons manifested chiefly in the way they do their work rather than in the way machines are constructed and guarded. An analysis of the accident experience in Wisconsin, or any other State, discloses the fact that only 15 to 20 per cent of all accidents are machine accidents, as compared with the 80 to 85 per cent caused by falling objects, slipping, stumbling, being hit by flying or falling objects, and the like. Many, if not all such accidents, can be avoided, but only by an active, living mental alertness on the job and a knowledge of how to work safely.

A very effective means to attain this end is the promotion of regional safety conferences. These conferences can be held in those localities where the employers themselves are willing to get behind the movement and actually put it across. In Wisconsin, we have found it desirable to give such conferences regional names as Fox River Valley conference, Wisconsin River Valley conference, Rock River Valley conference, rather than the name of a city. Cities conveniently located are grouped with a view of bringing together employers and employees known to each other and who therefore are more apt to exchange experiences freely and take to heart the information they receive.

It is probably better to hold one-day conferences so that men will not be away from home overnight and will lose not more than one day from the plant. At the first meeting, a single program is most desirable. In the Fox River Valley, where the fourth annual conference will be held on June 6, four sectional programs will be held in the forenoon simultaneously, namely, woodworking, metal trades, paper and pulp, and public utilities. At each of these problems will be presented pertaining to their own particular industry. In the afternoon and evening the program will be general and of interest to all. Such conferences may be made self-supporting by charging a registration fee.

Such conferences are valuable in themselves, but our experience has been that they serve as a means to a greater end, and that is that they are usually followed by foremen's safety schools. These schools are usually sponsored by various local organizations and are aimed to bring together the key men in various plants one evening a week for from 7 to 10 weeks. So successful have these conferences and schools become that employers in other localities have requested and urged similar organizations for themselves.

To be effective, whatever is done by a State department must be predicated upon an existing body of safety laws or orders. In Wisconsin the department is charged not only with administering safety laws, but also with formulating safety regulations. The legislature has established the general standard requiring all places of employment and all practices to be safe and has placed the responsibility upon the department of defining within such rule what is and what is not a safe place or a safe practice. Within this power various regulations have been adopted and are known as safety orders and are collected into various codes.

In the process of developing these codes the department must of necessity give recognition to the interests affected and, therefore, advisory committees are organized consisting of representatives of industry, labor, and the public and are also made to include experts.

After careful study, investigation, and agreement, such codes are recommended to the department in the form of regulations and are usually adopted. Such orders then have the full force and effect of law. The advantage of such a system is that regulations are adopted upon expert advice and may readily be changed to meet changing conditions and new methods and processes. A committee so organized is better equipped to get at the facts and truth as to conditions and remedies than a legislature and, of course, is not apt to be biased by political expediency.

When a State department is fortunate enough to be charged with the administration of the workmen's compensation act, as well as with safety regulations, it can do much more effective work in the promotion of safety. This is true because it has available all the experience which comes from compensation cases. Such experience not only furnishes a wealth of information as to the causes of accidents, but also gives a strategic opportunity to do effective safety work. The accident is an object lesson and with proper investigation the lesson may be brought home more thoroughly.

Two features of law are effective in the promotion of safety: First, when an accident occurs because of a violation of a safety order the employer is required to pay 15 per cent increased compensation, which obligation he can not insure, and conversely, if an employee is injured because of willful failure to use a safety device furnished by his employer, compensation is reduced; and second, he is given credit in his compensation premiums for the record in his own plants. By these two provisions of law, for purely selfish reasons, the employer and employee both are urged to comply.

While on the subject of the benefit to be derived from the study of accident reports submitted by employers under the workmen's compensation act, attention should be called to the excellent work being done by the Bureau of Labor Statistics in this field. The bureau has not only standardized these reports so that they are comparable one year with another and one State with another, but is now collecting information on man-hours of exposure to accidents. As we all know, the number of accidents occurring in an industry is significant chiefly when related to the number of men exposed to such accidents. For the last three years the Bureau of Labor Statistics has called upon a number of the State departments of labor and has taken off from the accident reports of employers necessary data and has then gone to the same employers and secured the number of man-hours worked during the period of time in which these accidents occurred. Inasmuch as they are taking the larger employers, a very considerable sample is being secured from each State, so that reasonably accurate conclusions may be reached as to accident rates. The State departments of labor should lend every possible assistance to the Bureau of Labor Statistics, personified by Commissioner Ethelbert Stewart who is with us to-day.

In conclusion it is necessary to add that, after all, a State department can do only that which under a wise expenditure of money its budget permits it to do. The attitude of the State, however, should be that sufficient funds should be appropriated to make possible those efforts by way of investigation, inspection, study of safe processes and practices, demonstration and education that will

produce a safety rule and a safety consciousness that will reduce accidents to a minimum, that will save to the State a strong, virile citizenship unhampered by deformities, that will save millions of dollars and will assure to workers and to their families, life and happiness, rather than the pain, suffering, and anguish that comes as the result of avoidable accidents, but in all its work recognizing and maintaining the principle that the primary obligation to make places of employment safe is with industry.

DISCUSSION

The CHAIRMAN. I will ask Mr. Hamilton to say something about labor conditions in the city of New York.

Mr. HAMILTON. This matter of accident prevention is of great importance in the State of New York. When I tell you we have in the State of New York some 66,000 factories, that in these institutions there are over two and three-quarters millions of people, and that these factories are owned by approximately another quarter million of people, we have about three million people directly or indirectly connected with the labor department. We have 200 inspectors in the State of New York and we insist on seeing that we cut down a large number of accidents; the number has increased over the past five or six years, in fact, for in the last fiscal year there were reported to the State Department of Labor in New York 578,297 industrial accidents. Thus, in a business day there are at least 1,500 men, women, and children injured while on the job. So, you see, we are tremendously interested in cutting down these accidents.

We find we must have a code in connection with the great labor situation that is workable and practicable. I was interested in the remarks of Mr. Wrabetz about how the codes were built up in his State. We organized a committee in each industrial line of activity. These committees set to work with technical men and insurance carriers, so we have committees that consist of from 15 to 25 individuals, who make a careful detailed study of all accidents in the particular field. They propose a set of rules, the industrial commission looks them over and turns them over to the industrial board. The board consists of five men appointed by the governor, who take these rules and go over the State in the great centers of population and hold public hearings to which the public is invited to go and to give its reaction. Then the board will mull over the whole situation, adopt a proposed code, and submit it to the industrial commission. The law was changed last year to centralize in the industrial commission all the departments of labor. It is a job to look over and make sure that the proposed code is the best and most workable set of rules that could be gotten up. If I am convinced I sign it, approving it, and send it to the secretary of State where it is filed. Then it is immediately a law of the State, as much as if the legislature had enacted it. It is a case of delegated legislative responsibility. I can remember as a representative 15 years ago, a great volume of bills introduced in the 1915 session. We had many outstanding questions to decide and on the last day of April we had over 2,000 bills; some, of course, were only a page or two in length, but others four or five hundred pages, so that it was an impossibility to go

over that great mass of material and the legislature felt it was advisable to separate this responsibility. So far as labor was concerned the industrial board could take care of these matters that the legislature did not have time to handle.

When our inspectors go out they have a copy of the code on industrial law and when they go through a factory they see how the conditions correspond with the law, then tell the manager wherein the law is violated, give him notice, and let him have a certain time in which to make the necessary changes. That time may be 10, 30, or 60 days. Just as we give delegated legislative power in this way, we give the inspectors power. If a factory manager violates a hard and fast provision of the code, compliance may work a hardship in some instances; let us say, in a garment factory where there are machines, maybe $33\frac{1}{2}$ inches apart and the code provides for 36 inches, if you have a sweep of 100 machines, and if you cause a readjustment so each would be exactly 36 inches apart it would be a hardship on this particular shop to make that change. In such an instance, the manager of the enterprise may appeal to the industrial board and ask that a variation be granted. If in the wisdom of the board it is possible to do so, it could grant it; but in the case of a new establishment we require that the code be lived up to 100 per cent. We feel if we can get a spirit of cooperation among the different firms a great deal of good can be brought about.

We have upstate a large group of manufacturers associated in the Associated Industries. Two years ago they started a safety campaign. This group of upstate manufacturers made an agreement with me that if I would agree to sign certificates they would plan to carry on a safety campaign for two months, they would do what they could among their employees to cut down their accidents. They figured there would be one or two hundred of the certificates to be signed. They started their safety campaign; if there was a lost-time accident the flag came down. I signed 1,200 certificates and found a large number of these certificates placed in different shops. In some places they didn't have a lost-time accident after that campaign. The most essential thing is to get to the man in the main office; how will you appeal to him? You must show him first the road of financial advantage; if you can show him that by an effort on his part you can reduce the toll of industrial accidents, and consequently reduce the premium on workmen's compensation insurance, which will pay, he will work with you.

Perhaps you have heard of the Corning Glass Works. They employ anywhere from 3,000 to 4,500 men. I had been invited there and told them I would go as soon as I had an opportunity. I told them I would be interested in seeing what method was employed in reducing the toll of industrial accidents, and they gathered there that night, I presume, 400 or 500 workers. I saw from the records that Ambassador Corning and his son were very much interested. They had told the heads that this could be done, and the result has been a decrease in industrial accidents.

By letting the management and the men see that the State stands ready to bring together instead of to separate, and to bring about

cooperation between, the heads of the concern and the men, the industrial life of these people will be better and the result will be a conservation of human life.

The CHAIRMAN. I know Mr. Hamilton and Mr. Wrabetz will be glad to answer any questions. For the discussion I will call on Mr. W. A. Rooksbery.

Mr. ROOKSBERY. I think this question is one of the biggest things confronting us in the South to-day. We find in our State considerable opposition to the State in carrying on safety work. I would like to ask a question. What is the attitude of the employers toward the State in carrying on safety work? Do you find a spirit of cooperation, or is there opposition?

Mr. WRABETZ. I know to-day the spirit is one of cooperation. We have absolutely no difficulty. We have only to make a suggestion and it is usually carried out. You can very easily see that opposition to compliance with the code is very, very rare. Our cooperation is almost 100 per cent. That is because these codes are developed by representatives in industry, labor, and various institutions that should be represented, and they gather around the table; that brings them together, and by the time the code is established it is pretty well sold, so we have absolutely no difficulty.

Mr. ROOKSBERY. Accidents are growing considerably throughout our State, to the extent that the employers have demanded a compensation law. There was a bill referred to the legislature three or four months ago which met the opposition of labor at that time. When I was appointed commissioner of labor, a little over a year ago, I met with some of the representatives of employers and of labor with reference to a compensation law for our State. I found them both wanting the law but the question of bringing the two forces together was the problem. We succeeded in doing that and we met in a conference three months ago and decided to write a concrete bill which carries out the safety work under the jurisdiction of the State. The contractors' association is opposed to any such regulation. They met in Little Rock 30 days ago and three of us were invited to that conference. Mr. Richards, of their international association, gave quite a talk in reference to the State's attitude on the safety law; they were opposed to the interference by the State in that work and felt it should be left with the association to carry on safety work in industrial plants throughout the State. Our insurance rates are growing very alarmingly; the companies are objecting very seriously and the insurance companies state that the reasons those rates are growing is the hazards the industries have; and I think the only solution will be for the State to carry on an active campaign of safety work and regulation of the industries.

The CHAIRMAN. I noticed in Doctor Patton's talk yesterday there was some opposition from the building contractors; it was the reverse in Massachusetts.

Mr. ROOKSBERY. We find that those who work under compensation laws are rather in favor of them in preference to our methods in Arkansas.

Mr. DAVIE. On this big road program, nearly all those outside contractors caused quite a problem to be solved. Is there enough to wield the balance of power?

Mr. ROOKSBERY. No, sir.

The CHAIRMAN. We all know they have a dangerous occupation, the bridge builders. They have organized themselves into a separate safety organization including practically all contractors in Massachusetts. We have gotten out a poster, completed and printed just a few days before I left, 4 or 5 feet tall, which shows the partial completion of a building. Two sets of the posters have been gotten up, with the help of our building contractors and some of the architects, and they contain every kind of violation of the law that we have been able to invent; some, of course, are plain and simple and some hard to find and we are putting them out on every job, and are going to give prizes to the workmen who find the largest number of violations of the law in that building. The first five or six are money prizes. We can not tell you how many there are, but there are over 100 violations. It is going to create a great deal of interest.

Mr. WRABETZ. In Wisconsin they usually invite some one from our department to talk to them and we use that occasion to sell them a safety idea and we read them what was adopted for the code and they are pretty well sold.

Mr. MCKINLEY. The contractors of Arkansas (some of them working out of the State) employ negro labor; when the negro is hurt away from home he is easily settled with, and when he signs an agreement he has no way of getting compensation through the courts. We had one case where a negro had four fingers cut off and he settled for one-half pay for two months. The local negro knows some white man he can trust and he usually finds some attorney to take his case and go to court, and in that case a compensation law would be to his interest. I suppose that is why the road contractors prefer not having a compensation law.

The CHAIRMAN. How many States have no workmen's compensation law?

Mr. STEWART. North and South Carolina, Arkansas, Florida, and Mississippi.

Mr. DAVIE. Why don't the brothers from Arkansas have written into these \$82,000,000 contracts the clause that no one but a citizen of Arkansas shall do the work? We have written into our contracts of road construction the clause that citizens of New Hampshire be given preference in employment. We don't deny the key man that the contractor brings in, but we feel he should comply with our labor laws.

Mr. ROOKSBERY. Our department took this question up when it was called to our attention that many of the contractors were bringing in outside labor. They did issue orders that preference be given the Arkansas taxpayers in all construction work. That's the only method we have of handling it in our State.

Mr. STEWART. There is a bill before Congress which will apparently stand a very good show of going through, requiring that preference be given to local employees in all Government contracts for

public works. That is to prevent the contractor taking a contract for public work, like one did to build a hospital in New York. He brought up a trainload of negroes from the South, kept them in the cars, and fed them from his own commissary, buying the food somewhere else. They didn't know there was anything like workmen's compensation. The contractors take these trainloads of negroes to work on these contracts in all States. That is of no assistance to the locality; and one of the pleas for this bill, which of course the contractors say is unconstitutional, calls for preference to the residents of the State in which the work is to be done. It insists that taxpayers of that State are entitled to some benefits from these contracts. My impression is the bill will go through, but whether they will draw the teeth out of it, I don't know.

The danger is that in these Southern States, where negro labor predominates, if you get a workmen's compensation law you will get court administration. It has been said the court will O. K. any agreement. It used to be if a man put a gun to my head and made me sign a contract which permitted him to pick my pocket I could go before the court and say that contract was signed under duress and was not legal, but in court administration that does no good. Any contract is legal no matter what it is.

I thought I knew something about court administration, but last year Virginia tried to amend her compensation law. They invited me down there to talk to them about administration of the State law, some improvements they wanted to make, and the other fellows were there 100 per cent strong. Their plea was to let the Virginia law alone, it was the best in the world. No State in the Union has anything like the Virginia law; that's pretty nearly true. They compared it with some of the court administration laws where they had contracts and they said they were doing business there. The stories they told as to what they got away with in these court administration States! I thought I knew something about it but they brag about things worse than I ever heard of. Get the negro away from home, and he does not have to be far away at that, and they settle with him for practically nothing, and it doesn't make any difference what the statement is, if it is an agreement to let the hold-up men pick his pocket, it is upheld in the court as a mutual agreement. The situation down there is abominable and something certainly should be done about it.

The CHAIRMAN. In our State if such things occur on a Government contract we stop it. There is more than one way to get action. If we can not do it we have influence in Washington.

Mr. STEWART. The Government let a contract in New York to build a hospital on Long Island, and the contractor brought a trainload of negroes from Alabama; not a single local man was employed, and they proceeded to fence them around so no one could tell them what the wages were or what the compensation laws are. They are simply in a barracks. It was called to the attention of the Government department that was doing the work, and it said the man got the contract at the lowest bid. Of course he did. State inspectors have no right to inspect a Government building. You can not enforce State laws on a Government job. The Bacon bill, if passed, will have a tendency to stop that thing.

OPPORTUNITIES FOR IMPROVED INSPECTIONS

BY JAMES H. H. BALLANTYNE, DEPUTY MINISTER OF LABOR OF ONTARIO

In the Talmud it is stated that when a thief has no opportunity for stealing he considers himself an honest man, and following this line of thought, it might be said that any person who is an inspector of factories and who imagines that opportunities for improvement in his special line of work is negligible, would, like the thief mentioned in the Talmud, be deceiving himself. Of what use is opportunity to the man or woman who can not use it, even if he or she is able either to see or to grasp it. Opportunities did not come with their values stamped upon them. Every opportunity must be challenged in order that its value may be determined.

Factory inspection work has become deeply embedded in the soil of practically every industrialized country. Its development and influence in various countries show uniformity and divergence along various lines. Each country in its own way aims to make factories, workshops, mines, and other places where work is carried on, safe places to work in, although different methods are employed to obtain similar results. The power of pioneer thought and action is a hereditary privilege that is accorded to few persons and in endeavoring to outline opportunities for improved inspections it is necessary to realize that much of the road already covered by men and women eminent for their knowledge of such matters must be traveled over again.

The subject matter of this address is not pursued with the hope that my treatment of it may be better than what has already been said or written about it, but rather with the belief that the securing of finality in any direction is hardly possible, and a viewpoint from another angle may give a different perspective of a situation in which employers, employees, and officials of the State are vitally interested. It may be stated that, in proportion to the extent that factories, workshops, mines, buildings, etc., become safer places for employees to work in, inspection service, whether performed by the State official or by the employer or his representative, has improved and opportunities for improvement have received the attention they deserve.

It is becoming recognized more and more that the factor which counts most in factory inspection work, is the human factor, but a mistake is oftentimes made in limiting the terms "human factor" to include only employees. To carry on the work of efficient and proper factory inspection it is necessary that complete cooperation exist among employer, employees, and State officials. Unless this spirit of cooperation is fostered and encouraged, many opportunities for performing really efficient factory inspection service is delayed and sometimes lost sight of altogether.

Factory inspection service generally and improved inspections especially must be based on as complete a knowledge and as wide an understanding as possible of the many factors which enter into this most important work. Factory acts are the base line of nearly all forms of labor legislation, although it is oftentimes made to appear that other forms of beneficial labor law supersede in importance

the work of factory inspection. Nothing could be further from the truth, and to maintain or entertain this idea is but retarding progress.

It ought to be better understood that compensation laws, minimum wage laws, and similar forms of beneficial labor legislation, while general in their application, only cover and protect a proportion of industrial workers at any given time. In other words it is the actual beneficiaries under such laws that enjoy and are afforded their protective features. Factory acts at any given time cover all employees included within the scope of the respective acts, and benefits that accrue through the administration of factory acts are distributed equitably over each and every employee.

What can be more important for the enjoyment of life, especially during that portion of life when men must toil by the sweat of the brow, that working conditions are of the required standard, not only to maintain the health and safety of the workers but actually to promote and improve these.

Some hazards in industry which imperil the life, limb, health, and safety of workers are oftentimes traceable to some single specific cause, but a great number of accidents arise from a variety of inter-related causes. The fact that a workman steps on a rusty nail and lacerates his foot, that blood poisoning develops, that death ensues, can not all be charged to the carelessness of the deceased. Might not such an accident arise from insufficient sunlight or inadequate lighting arrangements in the establishment concerned, or it might be the fault of the supervisor in not having the dangerous nail removed from the path of the workman.

Other dangerous hazards for persons engaged in industry are created through the vitiation of air, by fumes, gases, dust, unsuitable temperatures, and oftentimes too great a dependence on natural ventilation as compared with artificial controllable ventilation. Different industrial processes and occupations affect eyes, ears, nose, throat, lungs, and other parts of the body in diverse ways. From press reports I learn that the apparently simple industrial function of painting luminous dials for watches and clocks has condemned several persons, mostly young girls, to almost certain premature death. What a glorious opportunity does a case like this provide for improved inspection service, and what better corroboration could there be of the nonfinality of things covered by inspection service.

In the administration of a factory act or any similar industrial code several responsibilities devolve on the inspectorate staff. The term "inspection" is used to cover a multitude of activities. One responsibility is the inspection of machinery used directly in the processes of manufacture, that is, the productive or physical equipment, including prime movers impelled by steam, electricity, gas, oil, or water. Auxiliary physical equipment such as elevators, cranes, hoists, ladders, etc., have also to be inspected. Special physical equipment such as machinery for removing dust, fumes, gases, vapors, metal particles, etc., are included in this inspection responsibility. Safety of operation without impairing efficiency of production of all such machinery and appliances is the objective aimed at by the inspector and to reach this objective the inspector must keep him-

self or herself fully informed on all the latest scientific and technical developments bearing on this phase of inspection work.

A conspicuous feature of modern industry is the rapidity with which production takes place in practically every line of manufacture. Greater machine speed, more rapid operation, specialization, standardization, time and motion studies, and many other factors have played their part in keeping this kind of factory inspection work ever necessary. It must be admitted that employers have done a great deal through their safety engineers and safety methods to assist in the work of inspection and to reduce whenever practical the number of accidents that take place in their establishments under modern conditions of production.

It is possible, however, in considering opportunities for improved inspection that we overlook the most important factor, that is, the human one. Biologists, historians, and intellectuals generally, maintain that our physical and mental powers are not any better than those inherited by the members of Grecian or Roman civilizations and that comparatively little, if any, organic change has taken place in us.

On the other hand the changes that are taking place, especially in the economic structure of every country, make it increasingly difficult for the human factor to accommodate itself to these new conditions and it is not surprising that in the process of adjustment the human factor should be a little slow and oftentimes get hurt in the process of adaptation. Employers as well as State officials should recognize this fact and as a result seize every available opportunity to improve their inspection service.

Another phase of inspection service involves the comfort and convenience of workers in industry. It is necessary to have proper sanitary conveniences, wash rooms, lockers, chairs, etc., and to enforce observance of sanitation requirements as distinguished from safety requirements requires different methods.

An inspection responsibility quite distinct from the preceding one is the enforcement of that part of the law which governs employment and hours of employment of women and minors in industry. In the Province of Ontario it is the duty of the factory inspector to see that no youth, young girl, or woman is employed for a greater number of hours than those prescribed by statute, and it is also his duty to see that no child 14 years of age or under is employed in industry. It is the duty of the inspector also to see that no young person between the ages of 14 and 16 is employed in industry without an exemption permit from school attendance having been issued by the educational authority in the Province.

Investigation bearing upon the minimum wage law as affecting female workers in a factory is part of the responsibility exercised by the factory inspector.

It is becoming more and more recognized that some diseases attack workers in the course of their employment in certain industrial occupations. Some of these occupational diseases are fairly well known. Recently an act was passed in the Province of Ontario whereby all miners will be medically examined prior to their employment in mines and thereafter be examined once in each calendar year. This is being done with a view to the prevention and control of an occupational disease known as "silicosis." Recognizing the probability for

contracting diseases in certain occupations, it becomes more and more a duty of the factory inspector to investigate carefully the organic effects which may arise from some occupations by questioning, if necessary, the workers themselves. When convinced that danger to the worker lurks therein it should be reported at once so that a specialist in this particular line of investigation may be put at work in order that preventive measures may be forthcoming as soon as possible.

About two years ago the attention of the minister of health and labor for the Province of Ontario, the Hon. Dr. Forbes Godfrey, was directed to the number of cases of caisson disease, some of them fatal, that were taking place on sewer construction jobs in Toronto and vicinity. He instituted an investigation by the officers of the division of industrial hygiene. Inquiry was made at New York and elsewhere to find out what methods had been employed to protect workmen in the construction of the New York tunnel, under compressed-air conditions. Leading physicians and contractors familiar with the use of compressed air in sewer construction work were interviewed and their opinions and experiences carefully studied. Similar inquiries were pursued in Ontario and the officials in the department of health and labor, under the direction of Doctor Godfrey, drafted a set of regulations designed to protect persons working in compressed air in Ontario. These regulations became effective September 1, 1926, and are administered by the department of labor. Every phase of sewer construction work which involves the health or safety of workers under compressed-air conditions is covered by the regulations.

The maximum number of hours in any 24 hours during which workmen may be employed in varying air pressures is specified. The maximum number of hours per shift is four, but as air pressures go higher the maximum working period is reduced. In air pressures from 45 to 50 pounds the maximum period per shift is 45 minutes, and no more than two working shifts for each compressed-air worker is permissible during any 24 hours.

One of the most important regulations is that which specifies the necessary minimum period of time for carrying out what is termed "decompression." It is recognized by medical authorities that adequate periods of decompression, under proper conditions, is one of the very best remedies that can be used to checkmate or control any tendency there may be for workers to contract caisson disease.

Based on very careful study the regulations detail in a most complete form the period of time that is necessary for decompression, in accordance with the air pressure under which the worker is employed.

Decompression locks and the tunnel or working chamber are equipped with approved pressure and recording gauges. All lighting is by electricity and at all times there is adequate communication by telephone and otherwise between the working chamber and the surface. Smoking and the use of intoxicating liquor is prohibited and the employer is obligated to provide suitable wash and rest rooms, also an adequate supply of coffee for the workers after decompression has taken place. Special attention is given to ade-

quate methods of sanitation and ventilation in the working chamber or tunnel and it is further provided that every person employed or to be employed in compressed air is examined by a physician in order to determine his fitness to undertake this special kind of employment.

Persons employed in compressed air are exposed to some special health hazards, one of which is commonly termed the "bends" or "caisson disease." Since the regulations became effective in Ontario there has been a steady decline in the number of caisson disease cases contracted or reported, and this satisfactory condition of affairs is due to the excellence of the regulations and to the work and methods of the inspector appointed to see that the regulations are carried out. Since these regulations came into force caisson disease has been added to the schedule of diseases for which compensation is payable under the Ontario workmen's compensation act. It is gratifying to know that the number of claims made to the compensation board, based on caisson disease or bends, has shown a substantial decrease during the past 12 months.

Only one fatal case has occurred during the past 12 months and this fatality might have been prevented had the case of the workman concerned been reported to his employer and the deceased taken back to the job for decompression before his illness had a fatal ending.

The regulations stipulate that every worker in compressed air must wear an identification badge and an instruction is placed on this badge to the effect that in the event of illness, instead of the man being sent to a hospital he is to be returned to the medical lock on the sewer construction job, in order that he may be properly treated for decompression.

The foregoing remarks indicate that from the moment a worker reports for duty under conditions involving the use of compressed air, everything possible is done to control the hazards of his occupation, not only while at work, but even when away from it. Such results, however, are not attained by simply waving some kind of fairy wand. Perseverance, initiative, observation, sound judgment, technical and medical skill all play their part in making the foregoing facts possible, and illustrate the exceedingly satisfactory results that can be obtained by State inspection service in cooperation with employers and employees.

It must not be overlooked, however, that this form of inspection service, comparatively speaking, is but a part of the inspection duties carried out by inspectors of factories. The inspection of physical equipment, the maintenance of safety devices, and practice of approved safety methods may be the best possible in a factory, yet the requirements of the factory law in other respects may not be fully observed.

Conversely the protection of workers against accidents may be a secondary consideration to the observance of other requirements of the law which are also aimed to protect the life and health and promote the welfare of persons employed. Where the management of a factory or workshop in cooperation with State officials meets every requirement of the law in a manner calculated to bring about

the best possible results it may be said that every available opportunity for improved inspection service has been taken advantage of fully.

There is no question but that the adoption of laws providing for compensation to injured workmen and their dependents has given a tremendous impetus to the work of accident prevention in industry. While the "cash nexus," as Carlyle calls it, between employer and employee is still very much in evidence, yet humanitarianism in industry has assumed a greater importance than ever before. The replacement of the trained eye and skilled hand is both difficult and costly and the study of accident prevention work is becoming more and more intensified and assuming more practical forms.

Employers, with a legitimate desire to reduce the amount of compensation premiums payable by them, employ a staff of safety engineers, who are extremely efficient in their special line of work. It must not be overlooked, however, especially by the State inspector that the recommendations of such safety engineers are invariably based on uninterrupted rapidity of production to a much greater extent than positive safety of operation.

Great changes are taking place in the field of medicine and tremendous strides are being made in the prevention of disease. As a result, life expectancy and longevity are opening up new fields of endeavor for those who appreciate these advantages. The public generally appreciates the importance of preventing sickness and premature death and equal recognition should be given to the necessity of preventing injuries and fatalities in industry.

So long as we are sincere in taking up accident prevention work in a scientific rather than sympathetic way there will be no lack of opportunities for improved inspections.

It is my opinion that the State or Provincial inspector of factories is the person who holds the key position in factory inspection work and especially work of accident prevention.

The ideal system for carrying out the duties of factory inspection is for specialists in diversified lines to be employed as inspectors, but the cost of carrying out such a system is regarded as prohibitive by the legislator on behalf of the taxpayer. It is very probable, however, that a better and more widespread understanding of the great monetary losses to industry and to the taxpayer generally through industrial accidents and disease would help to overcome many of the objections to alleged excessive cost of the best possible type of inspection service. Under present conditions, however, the work of factory inspection appears to be best accomplished by employing persons who see that the general requirements of the factory laws are observed and by having other phases of inspection service which require great technical or medical skill dealt with by specialists.

It is the duty of every factory inspector to acquire as much technical knowledge as possible bearing on the various manufacturing processes executed in the establishments he visits. Otherwise it is impossible to take advantage of opportunities for improving his inspection service. Usually the recommendations made by an inspector are based on his experience and training in conjunction with the requirements of the industrial code, but at all times his own judgment should prevail.

It is a mistake to deal with every employer and every establishment who may be engaged in similar productive processes in the same way. Each employer as well as each establishment should receive separate consideration by the inspector and the more tact he employs in dealing with employers the better he will perform inspection duties. The inspector should keep a personal record of the accidents that occur in his district, carefully analyze and classify these, and plot or plan to bring under better contact the most frequent and severe types. Every inspector should be aware that non-mechanical, chemical, and psychological causes are responsible for the greater number of accidents.

On every possible occasion the inspector should get into touch with the chief executive of the establishment visited and impress upon this official the necessity of complying with such recommendations as may be made.

In so far as the inspector is able to support his recommendation with cogency and clearness, there is every probability of approval being given to them without any equivocation by the employer concerned.

One point that is often overlooked in the work of factory inspection is that the inspector in his administrative capacity is not any stronger than the law he administers. Most employers will collaborate with inspectors in seeing that safety recommendations and supervision requirements are carried out, in the belief that the cost of compensation will be decreased thereby. The inspector, however, requires more than a reason involving dollars and cents to induce certain employers to carry out some of his recommendations and the inspector is oftentimes at a disadvantage if he does not properly understand the law he is appointed to administer.

Laws which determine the fundamental rights and duties of master and servant or employer and employee in the labor contract, such as acts respecting wages, mechanics' lien, employers' liability, etc., are enforced only when a private individual brings a case to court, but factory legislation, as represented by the factory, shop, and office building act of Ontario, is that part of labor law which requires officials for continuous inspection or enforcement. This act is enacted by the Provincial legislature under powers conferred upon it by the British North America act. The legislature may make laws relating to property and civil rights and the administration of justice in the Province and any law of the Province may be enforced by the imposition of punishment, such as fine, imprisonment, or other penalty.

The inspector of factories in interpreting the terms and applying the various provisos of the factory act is partially limited in his authority of interpretation and application of the act by the powers that are invested in the courts of the Province for the administration of justice. The interpretation of the act by the judicature is limited only by the exact intent or meaning of the law itself. The court may be called upon in the event of a dispute between the factory inspector and an employer to render a decision or give judgment as to whether the interpretation or application of any section of the factory act by the inspector of factories is correct and proper. In the first instance it is the inspector of factories who interprets the

requirements of the act or decides whether the person, firm, or corporation affected by it has complied with its provisions. The employer or owner is expected to be cognizant of and to have complied with the general intent of the act and he may not dispute or appeal any part or section of the act unless and until the inspector of factories has given notice by written order that the act as interpreted by him is to be complied with.

The authority of the inspector in granting or refusing permits under any section of the factory act is practically final and binding upon the employer, and the courts, if appealed to by the employer, appear to have no alternative but to accept and enforce the decision of the inspector, provided the inspector understands properly and interprets correctly the requirements of the law.

The true value of any law and more especially factory legislation is the success which can be obtained by its administration. A good act may be rendered ineffective by indifferent administrative methods, while an act which may be weak on matters of corrective law may become quite effective in the hands of a competent and careful administrator who has the confidence of employers and employees. In my judgment the administration of the law, especially a factory act, should be based on toleration within reasonable limits. Parties to the labor contract include employer and employee with the State superimposing itself on both parties to serve public interest.

The age in which we live is conspicuous for invention, scientific discovery, social change, widespread education. As the poet has stated "The old order changeth, yielding place to the new." Old traditions are shattered, new precedents established. The principle of survival applies best to those who are adaptable. Change takes place everywhere and the manufacturer or employer who does not recognize this truth, which is as common to industry as any other phase of human activity, is likely to be pushed aside by his competitors. The State official or inspector who does not possess some knowledge of these things can not hope to be as successful in the performance of his duties as otherwise he might be. The best equipped factory to-day, in which safety practice is maintained at a very high level and factory law supervision is at its best, is subject to this continual process of change. Unceasing vigilance is the price we pay for safety, and so long as the inspector is willing to pay this price he will find innumerable opportunities for improved inspection service.

DISCUSSION

Mr. STEWART. This organization as at present constituted is a merger of the organizations of factory inspectors and labor commissioners. It seems to me that since the merger we have rather lost sight of the factory inspectors and that they have not been given a fair show on the program.

It seems to me the whole matter of factory inspection has changed. Mr. Meade, a few years ago, called attention to the fact that less than 30 per cent of the accidents in factories were caused by anything that could be prevented by enforcement of factory laws. That

is to say, factory laws are written on the old method of protection of machinery, etc., and accidents do not occur on machinery as they used to. Over 60 per cent of the accidents were caused by things other than machinery—slips, falls on floors, etc.—to which the old laws did not pay any attention. Now, is it the fault of the fellow who slips on the floor, or the fault of the concern that has that kind of a floor? I want to say this—so long as the old chestnut that 75 per cent of the accidents are due to the carelessness of the worker—so long as that old chestnut is hard-boiled in your mind, there will be very little agreement in accident prevention.

Now, radium poisoning is said to be caused by putting the brush in the mouth. That's another way of saying it is the fault of the worker. Workers should be thoroughly taught; nobody should be permitted to go into these industries without going through two weeks' schooling, or something of that sort. The bureau tried to control that thing and we have controlled it in a few instances; but the point I am getting at is that the present job of the factory inspector is entirely a new job. The occupational diseases begin at a point where the factory inspector ought to know of it. He should be able to foresee it and I want to see the factory inspector's job put practically on the level of an industrial physician. The inspector should know something about the mechanical side of an industry. For instance, our figures show that 60 per cent of the accidents occur among the people who have been employed less than two weeks in the work where they are injured. After all, that's the factory inspector's job. My idea of a factory inspector to-day is that he is the biggest man in the whole business, and it seems to me it is time we should wake up to that fact. If we are going to be successful in the long run, we must look after our factory inspectors and see that we have the biggest man and the best man we can get and give him the training, if necessary.

Mr. DAVIE. I agree with some of the brother speakers that what we have to look out for is not the old machine hazards. There has been so much discussion regarding machine hazards, that now all of the new machines are properly safeguarded. Education has reached that point. Nevertheless though, all of us engaged in the factory inspection work still have the problem of the old machine which must be put in proper shape. The machine hazards to-day do not constitute the main problem of industrial accidents. We have more through slips, falls, falling objects, and otherwise. It is the absolute duty of the inspection department of the State to see that floors are not slippery with oil or other material, or covered with hobbles, making it uneven for employees to walk on. That particular field provides the inspector with much of his job. We can accomplish as great a result as we have accomplished with machine hazards.

There has been some material progress made on one subject not touched here; in New Hampshire, and other places where the stone-cutters are, we have done a lot on that particular work. If anyone wants to see a lot of dust, look in your stone shops; and if you want to see effective stone dust provisions come to our State. See how free from dust those pneumatic tubes make these plants.

INSPECTIONS

BY ANDREW F. M'BRIDE, M. D., COMMISSIONER OF LABOR OF NEW JERSEY

Factory inspections should be carried on only by persons who are interested in the subject of safety and who have actual inclination to take up the work.

The most important qualification of a factory inspector is enthusiasm. Of course, he must have in safety work, as in every other field of endeavor, certain basic qualifications. He must be physically well, honest, and industrious. He needs good intelligence and a sufficiently general experience to enable him to see his problems clearly and work out the solutions. He is greatly benefited by technical training, by specific experience in the industry in which he furthers safety, and by personal experience with the men with whom he must work, but even though theoretically ideally qualified, if he does not possess enthusiasm he never will be a real success as a factory inspector. Safety is a gospel to which each worker must be converted. Safety must be preached with conviction and almost religious fervor. It must be preached and practiced day by day, month by month, year after year.

A man must believe or he carries no conviction. He must break through resistance to new ideas, through resentment against interference with existing working conditions, through suspected infringement of personal rights. No factory inspector will ever succeed in the long run in accomplishing the best results without a compelling, contagious enthusiasm.

Factory inspectors should be given an absolute right of entry into establishments subject to their supervision. In order to prevent persons outside the recognized factory inspection force from illegally using the inspector's right they should be required to carry with them a certificate furnished by the commissioner of labor to be presented upon request of the manufacturer. Factory inspectors should also carry a State badge furnished by the head of the department.

Manufacturing secrets and working processes which may come to the knowledge of inspectors should, under no circumstances, be disclosed and the inspectors should assure manufacturers of this fact.

The principal duty of a factory inspector is to see that buildings coming under his control are safe and healthful places for people to be employed; to investigate the conditions and to arrange for the remedying of any unsatisfactory condition in the most economical, practical, and safest manner. The furnishing of inspectors with lists of accidents and occupational disease cases is a guide for inspectors in this direction.

It is of the utmost importance that inspectors should carry out an inquiry on the spot in case of accident, and, if possible, immediately after the accident has taken place. Such inquiries allow the inspectors to examine the different methods of protection and are very valuable for the development of propaganda.

It is necessary that inspectors should submit immediate reports of serious accidents so that no time will be lost in providing for such protection that would prevent recurrence of a similar accident. All accidents involving serious results should be investigated with

a view of making suggestions that would minimize the risk of similar accidents in the future.

Inspectors should immediately report on all firms visited, and where necessary should make recommendations as to the necessity for new orders or for the further extension of existing orders.

Factory inspectors should enter any establishment, at any reasonable time by day or night, where they have reason to believe that work of the character over which they have right of supervision is being carried on.

A factory inspector on the job, making regular inspections, following up his recommendations very carefully, will not only provide safe places in which workers may be employed but will eliminate considerable compensation work and the necessity of rehabilitating the injured and handicapped worker.

In New Jersey we have a very comprehensive method of factory inspection. The State is divided into 22 areas, each area in charge of a factory inspector who is responsible for the enforcement of all the regulations the department of labor is called upon to administer. They are responsible for these areas in so far as child labor violations, employment of women, fire protection, structural conditions, electrical and mechanical, sanitation, hygiene, licensing of engineers and firemen, are concerned. In the areas where mines and quarries are located they are responsible for the conditions in these places. In areas where explosives are stored and handled, they cover such places.

It is very often necessary for a factory inspector to receive practical information on different subjects coming before him. This is provided for by having a factory inspector who is an expert on the different subjects, such as structural and electrical conditions, sanitation, ventilation, mines, and quarries. These inspectors also have a district to cover and are used when the practical information concerning the occupations on which they are expert is needed.

It has often been advocated that factory-inspection work should be carried on by a man familiar with certain industries. In other words, there should be an inspector to cover the textile industry, one for foundries, the metal industry, shoe industry, clothing industry, and such other types of factory buildings. This would necessitate a staff of inspectors trained on these certain subjects and would cause enormous traveling and the duplication of factory inspectors visiting certain communities, and we found it could not be worked out to any degree of satisfaction in our State. Thus we arrived at the area plan of inspection districts, making the inspector responsible for each type of industry in his area. This has worked out very satisfactorily.

A factory inspector conducting inspections in our State visits a factory building and makes a general inspection. He records what he finds are violations of the law and outlines these violations to the building owner or manufacturer and advises them that an order will be issued by the department covering the violations found. After this order has been issued he again visits the building, serves the order personally, and outlines to the person upon whom the order is served the most practical way to comply with its provisions,

allowing sufficient time to comply with each and every item on the order served.

At the expiration of the time allowed on orders, inspectors again visit the building to review what has been accomplished; and if the reports indicate that progress is being made and there is a good reason for extension of time, it is granted and so recorded in our records.

If, after several inspections are made and it is found that our orders are being ignored or promises not fulfilled, the person upon whom the order was served is summoned to the nearest office of the department of labor for a hearing to show cause why he should not be prosecuted for failure to comply with the law; and if he can not offer a good reason after a final extension is given, then the case is turned over to the attorney general's office for prosecution. I might state that the majority of cases are satisfactorily adjusted at these hearings, thus removing the necessity of legal action by the department.

One of the latest pieces of legislation in New Jersey is a law placing theaters, moving-picture buildings, and places of assembly, including grandstands, under the supervision of the department of labor where there is no local building supervision. In cities or communities where they have a building code or building supervision this law does not apply. It simply covers places where they do not have such supervision.

We consider factory inspection work the most important branch of our service.

WEDNESDAY, MAY 23—AFTERNOON SESSION

JAMES H. H. BALLANTYNE, DEPUTY MINISTER OF LABOR OF ONTARIO, PRESIDING

FACTORY INSPECTION

The CHAIRMAN. The first speaker on the program is Mr. L. C. McGinn, who is going to address us on the subject of "How to make a factory inspection effective from the standpoint of the insurance company."

HOW TO MAKE A FACTORY INSPECTION EFFECTIVE FROM THE STANDPOINT OF AN INSURANCE COMPANY

BY L. C. M'GINN, OF HARTWIG-MOSS INSURANCE CO., NEW ORLEANS

In coming before you to-day to make an address on "How to make a factory inspection effective from the standpoint of an insurance company," I wish to state that the task assigned to me is a rather large order, and the best that I can hope to do will be merely to scratch the surface of the many things necessary for an insurance inspector to do in order to secure safety and safe working conditions in any industrial plant.

We have found from our experience during the years that the mere guarding of physical conditions in any plant, such as the inclosing of belts, gears, points of operation, etc., of the various machines, prevents only about 10 to 15 per cent of the normal number of accidents which any given plant will have over a given period of time. We also find that there are certain types of industries which have what we call an inherent hazard that can not be eliminated by any "physical" recommendation which we could submit, and the result is that the hazard remains in a plant until such time as manufacturing changes take place or buildings are erected designed to eliminate the particular hazard.

As an example I shall cite two instances. We will take first the milling of grain, as in the manufacture of flour. You probably know as well as I do that grain dust when floating in the air, with the correct atmospheric condition, creates about the worst explosion hazard that is known. Science, as far as we know, has not yet devised any way or means of totally eliminating this inherent hazard in the manufacture of flour. This condition is caused by dust from the grain floating through the air and settling on overhead timbers, belts, shafting, floors, walls, etc.; if conditions are right and a spark is applied a disastrous explosion occurs that wrecks the building and kills or injures everybody in it. To eliminate such danger as far as possible, we submit a physical recommendation calling for the installation of electric magnets on cleaners, grinders, etc., to catch all metal particles that may be in the grain so as to prevent their making a spark which might cause an explosion. In addition to that, we also recommend dust-collecting systems, with hoods over the

tops of all machines, these hoods in turn being connected with a suction system which sucks up the dust and carries it off to bins outside of the building; but in spite of this we find that a certain amount of this dust does get out and float through the air, lodging on belts, walls, shafting, etc. We also recommend that this dust be swept up, that rafters, stairways, etc., be cleaned off periodically, at least an average of once a day. Yet in spite of all this we still have the explosion hazard. Even with these precautions and with all machinery grounded, shaftings grounded, and so on, these explosions occur from time to time throughout the country, and from the speaker's point of view will continue to do so until radically different methods are used in the milling of grain.

As another example we will now take a wet-wash laundry. In this industry some radical changes have taken place in the last few years, not only in the equipment that employers use, but also in the design of their buildings. In the old-type laundry the inherent hazard was due to wet and slippery floors, which could not be eliminated 100 per cent because formerly the industries of this type were located in old garage buildings, in cellars of warehouses, in old horse-shoeing shops, barns, sheds, etc., and the result was many bad accidents due to people slipping on the floor and falling into guarded or unguarded machinery. As this industry is growing, new and modern buildings are being erected, where the rotary washing machines are placed on specially constructed concrete or cement floors that have a pitch to them which enables the water to drain off very quickly, and the skylights or ventilators are placed directly over the washing machines, taking off all steam. Our experience shows that accidents in laundries due to stumbling and falling on account of the inherent hazards of the business have been diminishing.

We now come to the plant where, we may say, there is no inherent hazard to speak of, but where any physical recommendations which we might make could eliminate only 10 to 15 per cent of the accidents. Here is where the work of a factory inspector really begins. In order to cut down the remaining 85 per cent, approximately, of the accidents that would ordinarily occur in any industry, we have found that if the assured and the employees are educated to the value of safety very gratifying results are obtained.

In this type of industry it is the duty of a factory inspector to go through the plant, note all of the physical conditions there which might cause an accident, submit recommendations accordingly, and then go before the president or the highest acting executive officer in that company, and "sell" him the safety idea by pointing out to him that even the physical recommendations which have been noted would not eliminate all of the accidents which he would normally have, but that a safety campaign among the employees, foremen, etc., would go a long way toward accomplishing the desired result.

This safety idea, of course, is a very hard matter to "sell" to some people. The average man does not realize what an awful overhead cost or leakage he has in his plant through accidents, 90 to 95 per cent of which are largely preventable. It has been figured by statisticians that in the United States the average accident (from a sliver in a finger to a fatal accident) costs the employer about \$10. The

insurance inspector tries by various ways and means to point out how this cost is created, by showing the employer, among other things, that when a man is injured he immediately stops work and his machine ceases to produce, and possibly three or four more employees also stop work to go to his aid, and their time is going on; if the accident is a very bad one the man is sent to a hospital, and possibly one or two other employees are sent there with him. All of this—the man's time, lack of production, etc.—is a cost borne by the employer; and then if a new man is taken on somebody else's time is taken up teaching this new man, and probably he spoils a great deal of work before he can produce at the same rate that the injured employee did before the accident occurred. In addition to this, we appeal to the employer from the humanitarian side—that it is his duty to eliminate accidents in his plant as far as possible, and that he should not feel that because he carries compensation he has done all that is necessary for his employees. We show him that an accident compensated for, at best, is merely an apology, but that an accident prevented is a benediction.

I will now describe to you the next job of the safety man in plants where, we will assume, the employer has accepted or has been "sold" the safety idea. (Where he has not been "sold" we do not attempt to do any safety work like that described, because we realize that to do so would be much the same as to give a child a box of matches and then tell him not to play with them.) We first have the employer guard all the physical conditions for which we recommend guarding. Our next step is to bring all the foremen together and give them a talk on safety, telling them that accidents are very wasteful to their employer and that we want their cooperation to prevent accidents so far as possible, showing them how accidents eat into and slow up production and how the accident record affects the standing of the foreman with his company. We then tell them that among other qualifications necessary for a foreman nowadays is the one which constrains him to keep close watch on a new employee to see that he is started off safely, to show him the right way to do a job, and to see that he keeps on working safely, and not to be satisfied with coming around and stating, "Well, I told this fellow how to do this job and he wouldn't do it, so if he got hurt it was his own fault."

We impress the foreman that he is his brother's keeper and that it is necessary for him to warn a man who is working unsafely and to see positively that the man does work safely. We point out to him that if each of two foremen has, say, 50 men under him and one of these foremen can get out more of his product in a given time than the other, that the other foreman can not have as an alibi "Well, I had a certain number of accidents this month." We impress upon him the fact that if he saw one or two of his men loafing he would walk up to them and stop them from doing it, and if he saw them doing it a second time he would probably warn them a second time or perhaps he would discharge them, but at any rate he would not allow them to keep on loafing; and that it is the same way with safety—that he must look upon his men who are working carelessly as men who are loafing and stop them accordingly.

Another method we use to tell the foreman that if he knew a thief was going to come into the plant during the afternoon or the morn-

ing and steal part of the product which his men were creating, he would make every effort in his power to catch that thief, even if he had to stay there and do nothing else. He would not come to his employer and say, "Well, I told this man not to steal anything, but he went ahead and did it, so it is his own fault." We try and make him understand that carelessness in the plant is a thief that is stealing a foreman's good reputation, and that it is up to him to watch and see that all guards are kept in place, that men wear goggles, use guards that are provided, and do not throw things carelessly on the floor; in fact, the foreman must not allow workers to do anything which from his point of view might be the cause of an accident. The day has passed when alibis will be taken and when employers look upon the foreman as competent if he is a good man at production, but seemingly can not find or see that there is an enemy of his in the plant; that this enemy is carelessness, and that it is up to him to catch this enemy the same as he would a thief or stop it as he would a man who was loafing. We have found that if foremen are approached the right way and safety put to them in that manner they can be won in a very short time. Once we have the foreman "sold" on the idea of safety it is usually very smooth sailing with the employees.

We now come to the work of the inspector among the employees themselves. After all physical recommendations are complied with, notices are posted, through the management, that on a certain date a safety meeting for all employees will be held—probably during the noon hour or maybe that evening—in a local hall or wherever it may be most convenient for all concerned; and in the course of his lecture the safety inspector talks to the employees regarding accidents. In this connection it might be well for me to say that possibly every insurance inspector has a different method of delivering or putting across his safety ideas. I can tell you only of the ideas I have as to doing this which have shown results; and I instruct all men working for us to follow them as closely as possible. My idea of selling safety to any man is that it is like selling any other commodity that is on the market. Show a person why he needs such a thing, convince him of it, and you have a sale. In my first talk before employees I usually use as my topic, "The ultimate cost of an accident," and bring out the fact that innocent people, the dependents of the persons who are injured, are usually the ones who pay for the carelessness that causes an accident.

As an example I will describe to you a case that I investigated personally some four or five years ago. In describing this accident I will assume that you are an audience composed of employees of an industrial plant and speak accordingly. About five years ago I received a telephone call one morning that a man had been killed in a local plant here in New Orleans. On going to the plant I found that the man had been electrocuted. This man was the chief engineer of the plant, commanded a very good salary, and was well "sold" on the idea of safety for others but could not see any necessity for carrying out any of the recommendations which I had made to him two or three months before that. Among the recommendations which I had given to the employer was one calling for the inclosing of both ends of the switchboard, which was located about

15 to 18 inches from the wall in the power room of that plant. This engineer had stated to me two or three different times on my visits there that he liked the recommendations which I had made very much and had carried them out throughout the plant, but stated that he wanted me to leave the power room alone, as he was the only one who was allowed in there and he would not permit anybody else to come into it; and, so far as the switchboard was concerned, he knew that there were 110, 220, 440, and 2,200 volts coming into that board. He knew the danger of it and stated he was always conscious of it and was well able to take care of himself.

My recommendation regarding this switchboard was that he inclose one side of it to a height of about 6 feet with wire mesh and do the same thing on the other side, leaving the inclosure on one side on hinges, the same as a door, so as to allow access to the inside of the switchboard whenever necessary to change wires, put in new lines, etc., and when the job was finished this door could be closed and locked and the key kept in the control of this chief engineer. This man could not see the idea, but I had hoped eventually to win him around to it, and the employer informed me that the man could be won over.

This engineer had a habit of hanging up his coat and hat on the wall in back of this switchboard, leaving them about a foot or so inside this board. On the day that he was killed he had a screw driver, a pair of pliers, or something of the kind in the hip pocket of his overalls. He went to his coat to get a pencil and, as he was doing this, somebody spoke to him; he turned around to see what the man was going to say or do, and as he did this the screw driver or pliers in his pocket touched wires there, bringing him in contact with 2,200 volts. There was a blinding flash and a dead engineer on the floor. It so happened that this man lived within a couple of blocks of this plant. I immediately went over there with our claim man, and when we went into the house we found a cake on the table with 42 candles on it that his wife and children had planned as a surprise for their daddy, who was 42 years old that day. His widow had been apprised of his death prior to our coming and there was little or nothing that we could do to aid her in her great bereavement. Later our claim man called to inform her of the payments which she would receive monthly from us as compensation for the loss of her husband.

So far as I, my company, and the employer of this man were concerned, that was the end of the case. The employer had complied with the law by carrying compensation insurance with a company duly authorized to do business in that State, and we (the company) had complied with our contract with this employer by paying this widow a certain stipulated amount each month. So far as the law was concerned, justice had been done and the case was closed. Now it so happened that this was not the end of that particular case so far as I was concerned—fate decreed otherwise; and I am now going to show you the ultimate cost of this particular accident. About two years after this man was killed I was out driving one Sunday afternoon with my wife and children. I was driving through a rather poor section of the city and stopped at a gas station, and next door to this station I saw sitting on the front doorsteps of a rather tumble-down shack a lady whom I thought I knew, but could

not recall her name. When I got out of my car this lady looked up, saw me, recognized me, smiled, and said, "How do you do." I then recognized her as the widow of this man who had been killed. I did not wish to reopen a sad event in her life and so for want of something better to say mentioned the fact that "You are not living where you were at the time your husband was killed." She informed me with tears in her eyes that about six months prior to her husband's death they had purchased a new home in the city for \$6,500, for which they had paid \$1,500 cash and a local homestead company had floated the loan of \$5,000. She had four children, and after her husband's death, in a vain effort to hold that home and to hold her children together, she went out to work herself and worked for about four months, but then had to give up on account of ill health, as she was unable to stand the strain. The result was that the local homestead company carried her for a certain period and then, as she was unable to support her family and also pay \$50 a month, they had to foreclose. The result was she lost her home and about \$1,700 or \$1,800 along with it.

Another sad feature was, she informed me, that she had to take her oldest boy out of school and put him to work at the age of 14 years; it had been the fond ambition of herself and her husband to put this boy through college, as he had told them time and again that he wanted to become a doctor. Her oldest daughter also, whom she had intended to give a musical education, had to quit school and go to work and support two other small children and a then semi-invalid mother. The result is that on account of a little bit of carelessness on the part of that father this mother is a widow living in a very poor, tumble-down shack, her two oldest children are being denied the education that she and her husband had planned to give them, and probably the other two children as soon as they are able will also be sent to work. Was this man a coward or not? Did he have a right to take chances that somebody else, those who were nearest and dearest to him, would have to pay for? I could stand here in front of you for hours telling you of accidents of this and similar kinds that I have investigated, where innocent women and children are paying the cost of their daddy's carelessness. I trust that in this talk I have shown you the foolishness of taking chances and the cowardice of it when we compel others who are dependent upon us to pay for the chances we take. There isn't one of you men here to-day who is an honest, upright, law-abiding, home-loving citizen who would do anything to jeopardize the economic future or happiness of your wife or children by drinking, gambling, or any of the other home-wrecking habits that some of us have; yet you will deliberately when you go to work in the morning, take guards off the machinery, or you will walk up to emery wheels without your goggles, although they are provided for you, and in the event of an accident your innocent wife and children will have to pay for it. Can you not see, through the description I have given you of just one accident, the kind of a coward a man is who deliberately takes chances?

Now, to give you an idea of the amount of misery and suffering that innocent people are called upon to bear in this country through that demon "carelessness": Last year in the United States we had more than 25,000 fatal accidents in industries and more than 3,250,000

people injured, who were laid up an average of 72 working days; and the sad part of it is that each and every one of them was a working man or woman and the innocent sufferers, the women and children, are being called upon to pay for it without having any voice whatsoever in whether their protector should take a chance or not. No man with a wife and family or dependents of any kind has a moral right to take a chance without first consulting those who will have to pay in the event that in his gamble with fate he loses.

To give you men an idea what these figures I have quoted mean, let me draw a little picture for you of a parade that we have in the United States every year. Picture in your mind that, after this lecture is over and when you leave this plant you are held up by a parade which is coming down the street: You hear a fife and drum corps, and you look up and see a line of men marching. You stand there waiting for it to pass. It keeps on coming steadily; the men are marching 12 abreast, and 20 rows of these men will pass you in one minute's time—that is, at the rate of 14,400 men per hour; and, from the experience which this speaker has had in the World War, I do not believe that it is humanly possible for any man living so to control his men through discipline that he can march them past you at that rate.

As you stand there watching this parade go by you are conscious of the fact that it has been taking a very long time, and you wonder why the parade is not held up, so you can get across to go home or wherever you may be going. You keep watching this parade, and you hesitate to dart out in between the men and interrupt it. You gaze up the street from whence they are coming; you see them coming but you can not see the end. Suddenly you realize that this parade never halts. There is no order from the commander "Parade, rest! At ease!" On they come, squad after squad, company after company, battalion after battalion, regiment after regiment, brigade after brigade, division after division, army after army, far up the street from whence they are coming; you keep looking, and you can still see them coming toward you—solid phalanxes never stopping. I can tell you folks that if you stood there watching until the end of that parade of the men and women who have been killed and injured in industry in 1927 you would stand there 9 days of 24 hours each and 9 hours of the tenth day. That is the price that we pay for our modern industrial efficiency, and the sacrifice that we offer up to that great American Moloch "carelessness." Compare these figures I have given you and that parade that I have pictured with the war and its losses and you will find that the latter were a picnic by comparison. And the sad feature of it is the parade of 1929 will be bigger if the law of average holds good, as it did for the first three months of 1928. Are you going to be part of this parade next year?

That is, approximately, the first talk that we give to employees; and we find, or rather the speaker finds, that it goes a long way toward making employees think as they work, particularly when they know that the ones they love most are the ones who are going to suffer most for their carelessness. Now, in plants where fleets of trucks are operated we get the chauffeurs together. We talk to them along lines that will promote safety, showing them among other

things that the day of alibis is past, and that the chauffeur who wishes to avoid accidents must anticipate what the other person might do; he must not be imbued with the spirit that because he has the right of way and the right of weight of his heavy truck under him that he can drive on, and that if the other fellow does not observe the laws, regulations, or safe-driving rules it is not up to him to stop and prevent an accident, if that be possible. We show them that the man who can come back to his garage at night and explain to his foreman that he anticipated what somebody might have done and stopped his truck or had it under such control that he avoided an accident is the man who is going not only to live longest, but to have his job longer than the chauffeur who is constantly telling how he had the right of way but comes back with his truck more or less in a bad state of repair.

In addition to that, we draw a picture similar to the one I described, of the man who was electrocuted, usually showing these chauffeurs how a small boy had been run down, and telling that they must realize when they sit at the wheels of their trucks that they are in control of an engine of destruction; that because they meet people whom they term "jaywalkers" is no reason why they (the chauffeurs) have a right to be judge, jury, and executioner of jaywalkers; and that they must if they would be safe drivers anticipate what people might do, not only those in cars but also jaywalkers, and keep their cars under control so that they can save the lives of those people. We usually wind up our talk to them by stating that "if you can not drive your car in such a way as to protect my mother, my sister, or my little boy, then do not expect your neighbor to do it, do not expect me to do it, do not expect the other fellow to do it, or some day, sooner or later, as the law of averages holds good, I am going to walk into your house bearing the lifeless, bloody, dusty body of your little boy. I am going to lay it down tenderly on a couch or bed and look up to you and say, 'I am sorry, mister, but it was your kid's own fault; he ran in front of me.' Are you going to be willing to accept my alibi? No; a thousand times no. You are going to see then a thousand and one ways how I could have controlled my car so as to have anticipated what your little boy might have done and thereby saved his life. If you can not drive your truck in such a way that you can save my boy's life, do not expect me to save yours. In conclusion, let me tell you that there are three classes of men driving trucks: Those who learn from listening to safety talks, safety posters, etc.—they are the largest number; the second class receive their safety education in police courts and hospitals; and the third class get their education from St. Peter—they have their mistakes buried with them."

After these talks to the employees of a plant and to the chauffeurs, the next job of a safety inspector is to attend the next monthly meeting of the employees and the foremen. At these meetings all accidents that have occurred in the plant during that month are brought before the meeting by the foremen, each one of which has already been investigated by the foreman. The safety engineer's duty is to listen to the descriptions of the accidents and offer ways and means of preventing repetitions of them, and it is the duty of the employer to see that the recommendations are carried out so that in the future

these accidents, so far as possible, will be eliminated. From month to month we attend these meetings and I can assure you that we have had very gratifying results in plants where they have become imbued with the idea of safety. As fast as these accidents begin to decline, production steps up and then the employer begins to wonder why he did not adopt safety years before.

My suggestion to you is a plea for cooperation in establishing safety organizations among employers of labor. You will recall, of course, that all of the power that insurance men have is the power to suggest this, or that, or the other thing; we have absolutely no power whatsoever to enforce it. As I understand your duty, the power to compel compliance with recommendations is conferred upon you by the people of the various States which you represent, and it does seem to me that this great humanitarian movement, "Safety first," will take a long step forward when we enlist the services of you who have the power of the State back of you. As to employers wondering why they did not adopt safety years ago, let me describe to you an incident that I have already mentioned. On last Saturday night I gave a safety talk before all of the employees of the Union Saw Mill Co., at Huttig, Ark. This talk was given in the Princess Theater before several hundred employees of this concern, and the topic of my talk that evening was "The ultimate cost of an accident," in which I described things to them as I described them to you to-day, only I went into more elaborate detail, showing how, among other things, while men were working and planning to buy homes, automobiles, and radios, to educate their children, etc., in an infinitesimal fraction of a second in which they were careless all the plans which they or their wives had made could be knocked into a cocked hat. At the conclusion of this talk, Mr. J. W. Scott, the vice president and general manager, stated to me that if somebody had succeeded in selling him the safety idea 25 years before, when he first went to Huttig, Ark., and established a town and his business there, he probably would have saved from that time until this over half a million dollars which he had lost through accidents which were very largely preventable. He stated that up to three years before, at which time we wrote his business, he had between 35 and 55 lost-time accidents per month. Since that time he has steadily cut them down through safety educational work, so that in this last month, April, he had just two. In addition to these lost-time accidents he had had any number of minor accidents, besides an average of one or two fatal accidents per year. In addition to all this saving he has cut down his insurance rate about 60 per cent.

Among other things I asked Mr. Scott why it was that he was so long in adopting the safety idea. He informed me that for a good many years his business had not been good, in fact at times he was losing money; that he was very anxious to cut down his accidents, as he realized that he was his brother's keeper, but could not see how he was going to do it. He had an idea that he had to go to New York or Chicago and hire some high-priced safety engineer, upon whose services, ability, etc., he would have to gamble, in order to establish safety, and he did not feel that he could afford to do that in a business which was already a losing proposition. When we had sold him the safety idea and told him that the safety men whom

he wanted were not in Chicago or New York, but right there in his own plant—his foremen—he put in safety work and was amazed at the way in which accidents were reduced and costs were lowered.

In this connection, regarding the predicament this executive was in, it might be well for me, possibly, to digress a few minutes, and tell you a little incident that occurred in my life about 25 years ago and had its culmination last summer down in the tropics.

In the year 1902, I was in my last year at grammar school in Hartford, Conn. In the spring of that year new school histories had been issued to us, which contained a story or description of the then late Spanish-American War. As a school boy I was always very much interested in history, and I was particularly interested in reading a history of the Spanish-American War and the subsequent Philippine war. My keen interest in this war was probably due to the fact that my oldest brother was a soldier in it. In reading through the history I noted that one of the weapons which the Spaniards and Filipinos used was one called a "machete." At that time I had never seen one of those weapons and anxious to see one.

In the State capitol building in my home town we had what might be called a small museum in which were placed on exhibition all of the different weapons that were used in the United States from the time it was settled up to that time. As a small boy I was keenly interested in looking at all the old battle flags and all of the various weapons on exhibition, which included muzzle-loading guns, swords, pistols, cutlasses, bayonets, revolvers—in fact every kind of a weapon except a machete. Several times I searched through the collection, but could not satisfy my longing to see this particular type of weapon which interested me so much.

The time came for me to leave that school and go out in the world and to earn my living. As I grew older and traveled around the country I never lost my desire to see a machete. Then finally came the World War in which I served, and the day that I sailed for France I thought, "Now I will see a machete." I had read, of course, before going, of all the different types of soldiers that the Allies were pouring into France and thought surely I would have an opportunity of satisfying my boyhood ambition, but I was doomed to disappointment, for in spite of all the different countries who sent soldiers there I did not see one of them whose side arms or other equipment included a machete. I came back from the World War with my boyhood ambition still burning, although no one knew of it but myself. Last summer when I was preparing to go on a fishing trip I was summoned into the office of the vice president of our company and told to leave the next day for Puerto Cabezas, Nicaragua, on some business for the company.

In view of the fact that a war was going on, the vice president asked me if I had any desire not to go on account of the dangers, etc., that might exist; and jokingly I told him that I could not see his purpose in asking that question in view of the fact that he sends me to Chicago half a dozen or more times a year. While he was giving me orders as to different things that he wanted me to do and people he wanted me to see, the thought entered my mind that now I was going to a country where surely I would see a machete. You probably would not believe it, but on the trip down the coast from here, which took

about four days, I could not enjoy the sail because I could hardly wait to arrive in Nicaragua to satisfy a boyhood ambition that was then 25 years old. Upon arriving there my work took me about 90 miles into the interior to a large banana plantation, and while talking to the superintendent I asked him if any of the employees around there carried machetes. He answered, "Why certainly, they all have them," and called an employee, a native Indian, whom he had hand up to me a big long butcher knife, which he told me was a machete. It is needless for me to tell you how terribly disappointed I was to find out that the machete which I was so anxiously looking for was nothing more nor less than a big long butcher knife about 2½ or 3 feet long. I was so disappointed I felt like throwing it away. I was on the verge of handing it back to the Indian when I noticed that about an inch and a half away from the handle there was an oval-shaped space in which was the trade-mark. Through curiosity more than anything else I rubbed off the dirt and dust on this trade-mark and found the words: "Made by Collins & Co., Hartford, Conn., U. S. A."

Imagine my surprise. I was born and raised in Hartford, Conn., lived there until I was 26 years of age, and had to travel almost half way around the world to see a machete that was made by the hundreds of thousands in my own home town. Now, my idea of imposing this story on you was to show you the position that Mr. Scott, of the Union Saw Mill Co., of Huttig, Ark., was in. He believed in safety, wanted to see safety in his plant, talked safety, dreamed safety, and wished safety for years and years, but he did not know that the very talent he wanted, the safety engineer he wanted, was right there in his own home town; like myself with the machete, he did not know enough to ask anybody or to try out any of his foremen to see what he could do. You will be surprised in your travels around the country, if you cooperate with us safety people and try to "sell" the safety idea, to find how many high-powered executives there are who, like Mr. Scott, think they have to go to New York or Chicago to get a safety engineer, when the men they want are right under their noses and can be developed if they will only listen to the suggestions that insurance safety engineers make to them.

I do feel, and it is my suggestion to you, that with the unlimited power of the State that you have back of you, you can do magnificent work if you will not only suggest the safety organization to the employer, but insist upon it, and bid him give attention to the suggestions that insurance men make and not look upon an insurance inspector as a necessary evil that has to be put up with periodically. A big part of our work is lost because of this fact. Inspectors can seldom get to the president or vice president of a company; very often the closest they ever get to him is the superintendent or the general manager, and sometimes the latter has very little power; but you have the power to go right to the head of the concern, and if he will not give you an interview you can compel him to do so, which we can not do. I do feel, in view of the 25,000 who were killed last year and the 3,250,000 who were injured, that many lives can be saved in the future and that millions of dollars can be saved, for these accidents last year cost society \$5,000,000,000, and that in its final analysis means that you and I pay for it. If you will cooperate

with us to that end, these accidents will be cut down and we will both hasten the day when workingmen will live to enjoy the fruits of their labor; when women will not become untimely widows; when mothers will have the strong arms of their sons to lean on in their old age; when children will have the happiness of childhood, which is their natural birthright, and the education of youth to which they are entitled; when men who were once strong, healthy, and vigorous, but now hopeless cripples, will no longer be the by-product of our modern industrial efficiency. Let us cooperate and thus hasten the dawn of the day of universal safety, the objective for which we are all working.

DISCUSSION

Mr. STEWART. Mr. McGinn spoke of this engineer. Did he ever suggest to the superintendent of that concern that it was poor business to have a switchboard extending a foot and a half into the hall?

Mr. MCGINN. It was about a foot or a foot and a half from the wall. They are all out from the wall. Both ends are inclosed and on one side it is like a gate and those with proper authority can go in. If he had followed instructions—he knew the voltage of that board, he knew himself to be very careless—but he went in there and allowed this contact and his life was snuffed out.

Mr. STEWART. If that switchboard had been inclosed on both sides he would have been alive to-day. You say 73 per cent of the accidents are caused by carelessness. As long as we hold to that, there will be as many as ever.

Mr. MCGINN. Put up posters showing how cowardly it is to take chances that others have to pay for. Some men are against wearing goggles. They probably have had emery dust in their eyes. Keep those goggles off and you will get it in your eyes.

Mr. STEWART. There are other ways of guarding emery wheels besides wearing goggles.

Mr. MCGINN. That only protects a man where the wheel breaks. A man down in the Ford plant lost his job. Jobs were hard to find. He got a job finally in a garage and two hours later walked up to the emery wheel and now the man can't go back to the Ford plant because a piece of emery flew up into his eye and he has lost the sight of that eye. He is no longer able to stand the pace in the Ford plant; he has had his telephone taken out; he can not buy an automobile license for his Ford—all that, because of a little carelessness of the man.

Mr. DAVIE. What have the insurance companies behind them to enforce their recommendations? Have they not something to sell?

Mr. MCGINN. Yes, what they have to sell to the employer outside of the safety to employees is a saving in cost. Judge Gary said he had about 300,000 accidents in his plant each year that had cost him about \$10 each as an average. That is what insurance companies have to sell and how we sell it depends on how the inspector can sell the story to the employer. Next get an audience with the executives, and get them to say "yes" after they realize their saving.

Mr. STEWART. You lay particular stress on carelessness?

Mr. MCGINN. Yes.

Mr. DAVIE. I am one of the old men of the old type, never laid up a minute, and I have been in some pretty bad affairs, and I regret very much that insurance adjusters lay special emphasis on carelessness of the worker.

Mr. MCGINN. We can enforce it in this way. If a man will not see the way of safety, if he can not see his way clear to cooperate, we can only cancel our contract.

Mr. DAVIE. No matter what is done for the protection of the operator—take the rank and file of the workers—I think the insurance adjusters are traveling along the wrong line, charging them with being careless. They are very careful. I have seen men seriously burned. No insurance company did anything for that. We went to the little home and helped pull them through. And in the whole experience I have had, nothing was done by the employer. The inspector and his department, I think, have the insurance people trimmed in several ways.

Mr. MCGINN. Was the compensation law in effect?

Mr. DAVIE. No; but your policy was. There are some who have beaten the widow and orphans down to the last pound of flesh. If you don't know that, you can find it out.

Mr. MCGINN. If you did find one or two you should not condemn all of the insurance companies because of that. The law specifically states how much is to be paid each week and they have to pay it. It is fixed by law. Possibly before the day of compensation you found that, but not to-day, as far as compensation is concerned.

A DELEGATE. You don't get anywhere by blaming the workers. It should be the carelessness of the employer for not providing the safety guard in the engineer's case, and not properly instructing the worker when he began work.

Mr. DAVIE. I am still of the opinion that a little too much emphasis is laid on carelessness by insurance companies.

Mr. STEWART. They have to combat psychology. They talk about carelessness and on the face of it, it looks very much as if they mean carelessness of the employee. They don't explain until after they are criticized that they mean everybody. If you stop talking about the carelessness of the employee, you will get somewhere. It is only partially true. I am willing for you to bump on the head the fellow who goes to the emery wheel without goggles. But you are going too far; you are antagonizing the workingman, and the workingman sometimes knows the other side.

I was in a meeting of a scientific organization to get data about spray-gun painting, which is a coming danger, and it is coming faster and faster. These scientists, behind locked doors, said what they had done and indicated about what their report was going to be. Two fellows got up and asked those university professors if there was no way to write into the report that certain people (take for example, young girls) are, because of their youth, immune from the dangers of spray paint? And the next fellow says, Is not the Negro, because of the different blood cells, also immune? Now, fortunately,

there were no workingmen permitted in there. If so, there probably would have been a knockdown and haul out. But in this case, I believe, the professors were so shocked (these small manufacturers had overplayed their hand) that they in self-respect turned around and resented it; but the fact of the business is that is what you are up against on both sides—small manufacturers on the one side and on the other, people trying to pass the buck to the worker, when he knows it is not true. That way you lose your own influence.

Mr. DAVIE. The balance of the accidents is due to the known mechanical element. It is the known mechanical accidents that probably run four times greater. It is another means of saying the greater cost lies in the human element. The insurance man expresses it as carelessness. To me it is the human element. The employer states the basis. The workman looks to him. The employee knows he must turn out so much production and he consciously or unconsciously regulates himself so as to turn out that work—unless the employer has the idea sold to his employees that he wants safety first of all. To absolve himself from responsibility he must impart that idea to the employee. The idea may be well sold, but if it is not you can't do much. It is not just the employee alone, or the employer—it takes both blades of shears to cut the cloth. Insurance men will never cut down accidents. This does not mean that if you will quit being careless you will stop accidents. It means you must consider the human element. The management, as well as the men, must cooperate in order to get safety. I understand what Mr. Stewart means. That is the wrong way to go after it, placing it on the employee. But if you would talk to the employers, don't preach to them about the carelessness of the workers. Preach to them about their own carelessness. You will never have safety in accidents until all groups cooperate. That is the way to go at it.

Mr. MCGINN. All accidents are called carelessness. If it is not carelessness, prosecution follows. Take this terrible affair up in the mines. Somebody probably ought to be lined up at sunrise and shot. It may have been malicious criminal carelessness, or it may have been accidental. I don't mean all accidents are due to carelessness, but for the records most every one is listed that way.

The CHAIRMAN. Dr. Oscar Dowling, president of the Louisiana State Board of Health, will speak to us next.

HEALTH OF WORKERS IN INDUSTRY

BY OSCAR DOWLING, M. D., PRESIDENT LOUISIANA STATE BOARD OF HEALTH

The amazing changes wrought by the development of modern industry is one of the outstanding features of the past century.

Industry in the large "is the organization of human work by which we seek to obtain the basic necessities of food, clothing, and shelter, to provide that physical basis of life on which all cultural and spiritual development must be built."

"Industry" in its modern form "industrialism" has brought thousands from the open fields to the crowded tenements; it has taken them from the pure air of the valley and mountain to the close quarters of the "shut-in" workshops; it has replaced in their lives

the sunlight of the open with the artificial light of the city; where formerly they listened to the rippling of the brook, the swish of the river, and the songs of birds, they now hear clanging bells and the raucous noises of cars of the crowded streets. It has separated men from the ownership of land and homes; it has introduced the worker into a system which is as relentless as fate and in which he is as helpless as autumn leaves before the west wind.

Industrialism has made possible the exploitation of labor, it has made possible the evil of unemployment. The charges against it are many and serious. But its evolution, as we see it, was inevitable in a country with a government based at least upon democratic principles. Our growth into one of the great powers of the earth has been phenomenal. It is logical that developments should have been unique in the history of states, even in the history of man himself. My policy is not to find fault with the past, but to take stock of the present with an eye to a future more in accord with our responsibilities and ideals.

I believe industry can be so shaped that the masses may receive an adequate reward for time given and energy expended; I believe it can be so organized as to provide the faithful, honest toiler with sufficient to maintain a standard of living for his family which will include more than the bare necessities of life. I believe this is what we should demand of industry, and to my mind we should begin with all that is included in the term health.

It is needless to recall here that health is the fundamental of success and comfort. Illness, no matter how slight, means loss of vital force, loss of time, loss of money. The special care of a man chronically ill is estimated at \$3 per day (average life value to industry \$5,000). The economic loss from preventable disease and death among those gainfully employed is estimated to be \$1,800,000,000; among the industrial workers nearly three quarters of a billion. These figures are beyond our grasp, but if our next-door neighbor is stricken with tuberculosis and we see the results we realize the effect in the family life, in the lives of the children, and if we look into the future we will see the result in the budget items and life of the community.

Industrial accidents in the United States cause annually about 25,000 deaths. "Another 25,000 of the army of workers are annually made victims of serious permanent disabilities, and there are 2,000,000 temporary disabilities of more than three days duration."

It does seem, to outsiders at least, that in many instances safeguards or instructions would have prevented accidents. To the public health worker it seems quite clear that many thousands would be spared temporary illnesses if preventive measures against sickness were employed.

Physical conditions in factories can not only be made safe, but beyond that they could be made conducive to health. Adequate ventilation, scientific lighting, sanitary toilets, clean and pleasant lunch rooms, elimination of dirt, dust, humidity, and unnecessary noise, rest rooms and seats wherever practicable are possible. Great progress has been made along these lines, but not sufficient.

An electric light and power company that pays full wages to its employees disabled by sickness, keeps a record of the diseases

which cause time lost from work. The United States Public Health Service helped to analyze this record. When the tabulations were completed, it was found that more than one-half of all the absences on account of sickness among the men in the employ of the company was caused by diseases of the respiratory system, the more common of which are the ordinary cold, sore throat, tonsillitis, bronchitis, influenza or grippe, and pneumonia. This record is of especial interest, because it includes all absences lasting one day or longer during a 10-year period.

The records of employee benefit associations tell much the same story. From the recorded experience of 35 different sick-benefit associations having a combined membership of nearly 100,000 persons, it was found that respiratory diseases caused 47 per cent of all the cases of illness for which sick benefits were paid from 1921 to 1926, inclusive.

Thus, whether we consider all absences from work on account of sickness, or only those illnesses which lasted longer than one week, we find that approximately one-half of the cases were some form of respiratory sickness. Apparently, man's breathing apparatus is especially liable to microbial attack. With this evidence that the organs of respiration are particularly vulnerable, it is apparent that we ought to take special precautions against respiratory infection.

The sickness records of the electric light and power company showed, also, that the average loss of time on account of sickness was approximately six days a year per man on the pay roll. Approximately three of the six days lost from work per annum were lost on account of respiratory diseases.

It is interesting to note that there has been a change in standards of ventilation, and Prof. F. S. Lees sums it up: "The physiological problems of ordinary ventilation have ceased to be chemical and have become physical and cutaneous." Ventilation may be defined as the art of maintaining in inclosed spaces an atmosphere that is comfortable and free from harmful effects.

We used to think that the amount of carbon dioxide in the air of a room was a good index of the effectiveness of the system of ventilation. We now know that the really significant things in ordinary ventilation are temperature and humidity. A temperature in excess of 68° with some air movement and moderate humidity exerts a direct effect upon the human body. It will cause a rise in body temperature, a fall in vasomotor efficiency, a disinclination to exertion, and an increased susceptibility to respiratory diseases. Obviously then, good ventilation means maintaining air conditions as nearly to this ideal point, 68°, as the nature of the industrial processes permit. Factory ventilation often results in additions to this problem, such as the need of removal of fumes and dusts which may be poisonous. Probably the most important of these is carbon monoxide.

Certain respiratory diseases develop because of air conditions together with a predisposition in the bodily condition. Fatigue may be one of these factors. Physical fatigue plays a very conspicuous part in the health of the working man. The body has remarkable recuperative powers, but the potential ability of all organs, and more

especially of the heart and vessels, to return to normal after a prolonged strain has a limit. This limit becomes reduced as years advance, and one may say that each age of working life has its maximum capacity for endurance which it is dangerous to exceed. Of course it must be understood that there is an individual variability dependent upon heredity, physical make-up, nature of occupation, residue of childhood diseases, and age. One man it is well known can not endure the labor that another can accomplish with ease. Some are well adapted to work which requires a commingling of physical and mental exertion, though it should be borne in mind that many types of the latter make demands on the body comparable in every way to hard physical labor. Fatigue is the result of longer or shorter application of either mind or muscle to the accomplishment of an objective, and in general the depletion of bodily energy is essentially the same in either case.

Pneumonia is frequent because overexertion depletes bodily resistance and the germs are always lying in wait to get a chance to grow and wander down into the lungs and produce the oftentimes fatal disease. Here again we have a contact between fatigue and disease. Fatigue and exposure to dampness and chill are factors responsible for more deaths from pneumonia among the workers than any others I can think of. The same holds true for colds and influenza, which belong in the same class of diseases with pneumonia and which often are its forerunners.

Tuberculosis is one of the same class of diseases. As we know, it is not inherited; it is contracted, usually very early in life. Almost everyone has had an infection, but it has been overcome and with reasonable care we remain immune. In some cases the points in the lung do not heal completely, but are merely arrested; the disease is not manifest but latent. If there is an overdraft on our reserve bank of bodily resistance, the latent organisms take on new life and the disease process spreads throughout the lungs or is confined to only one part, as the case may be, but the disease has begun. This is a critical period and every attempt is made by the doctor to make a correct diagnosis. Taken in this stage, tuberculosis of the lungs is eminently curable or at least permanently arrested. Allowed to progress it is analogous to a fire which from a small beginning easily controlled becomes a raging devastating element if allowed to gain the upper hand. This disease has been studied so much and the ways of handling and preventing it are so well known that all who read may learn. Already, thanks to increasing popular knowledge, the "white plague," as it is called, is showing a marked diminution.

The bane of the working man, especially the one who uses his muscles, is in the final analysis the hardening of the arteries, commonly called arteriosclerosis. This disease may, other causes being excluded, be traced also to fatigue. It may come on early or late, but it is most frequently the result of prolonged manual labor extending over years without the necessary rest periods. When the arteries begin to harden the pressure in the blood vessels rises; with the rise in the latter come secondary complications of disordered heart, liver, and kidney which if not properly attended to will eventually have a fatal termination. Heart disease as the result of hardened arteries

is extremely common. So also is kidney disease which follows in the train of the disorganized heart function.

There is only one way of avoiding the complications mentioned—by using judgment in carrying on work. Overwork produces fatigue. Overfatigue means the accumulation in the body of poisonous substances that come from broken-down tissues. The body must have time to eliminate these slowly through the kidneys and the lungs, otherwise the organs of elimination are taxed beyond their capacity and suffer injury. Rest periods, proper attention to elimination, plenty of sleep, nourishing food and, if possible, freedom from worry and the adaptation of the work to capacity to bear the strain, and finally due regard to age will do much to prevent the malady or rather group of maladies which carry off more working men early in life than any other disease group. To summarize, fatigue is a sensation caused by poisons generated by excessive muscular or mental activity that the body does not get rid of without injury to blood vessels, kidneys, and heart. High blood pressure, hardened arteries, heart and kidney disease, apoplectic stroke, and premature death are the prices we pay for fatigue.

There are some measures of protection possible to everyone. If overworked, tired, wet, and cold, the rational thing to do is to take a hot bath and change clothes. This should be followed by hot soup, coffee, or tea, and long rest with sleep in bed. Such measures will not only prevent pneumonia in the majority of instances, but will ward off a cold or an attack of flu.

I have mentioned carbon monoxide. It is one of the most important of the atmospheric poisonings which may create an industrial hazard. Carbon monoxide threatens life and health not only in the factory, but in the garage and sometimes in the home. It results from incomplete combustion and is a very deadly poison. It possesses the power of mingling as oxygen does with the hemoglobin of the blood, thus reducing the oxygen-carrying power of the red blood cells and producing serious and often fatal results. Long exposure to small amounts of the gas produces a chronic poisoning accompanied by fatigue, headache, dizziness, shortness of breath, digestive and mental disturbances. The flueless gas heating stove is responsible for most of the carbon monoxide poisoning in homes.

As an industrial poison salts of lead is next in importance to carbon monoxide. Poisonous lead salts for the most part enter the body by way of the digestive tract or as the result of dust breathed into the lungs, although it is possible for poisoning to take place through absorption through the skin. Over 100 different industries have contributed well-defined cases of lead poisoning.

It is not necessary to mention others of the various and manifold toxic agents to which the industrial worker may be exposed. It is sufficient to point out that grave dangers to health exist wherever there is the presence of poisonous substances and that the control of these hazards, usually by special ventilation, is the problem of the industrial manager.

The initiative for a new day in the industrial program was begun many years ago. Progress has been slow, but the essentials of the program are sound; the ideals sane and, I believe, practicable.

The items which pertain to health are many and each important and far-reaching in effect.

The movement for shorter hours has been successful, though the reduction in many instances probably is not so great as it may appear. In a large number of cities the worker spends a longer time in traveling to and from his place of work.

Wages are higher than they were 20 years ago. This, too, is not so great an advance as it may seem because standards of living have risen and likewise the price of all material necessities. It is almost impossible to determine what is an adequate wage. It must change with conditions. What would have been an extravagance 20 years ago is now a necessity for many wage earners. The automobile is an example.

The limitation of night work for women and the effort to differentiate employments for married women are among later developments. It is not fair to hamper the economic independence of women, but regulations can be justly made to protect their health yet give them full opportunities for paid service.

Abolition of child labor is one of the objectives of the betterment program. It needs no argument. Everyone interested in the welfare of the community and the State, likewise the Nation, feels that there should be rigid laws to prohibit the exploitation of the child in the scheme of labor.

Probably the greatest progress has been made in the items of environmental sanitation, due in part to the community effort to have safe water, proper sewage disposal, clean, screened places for distribution of food, and measures of protection from disease. There has been very great improvement in almost all communities, and these efforts have had a definite influence on conditions in all places where many workers are employed.

Other parts of the program which inferentially at least relate to health I shall omit, not that I have no interest but because of the time limit of my paper. There is, however, one other development which seems to me eminently wise and helpful—social insurance; insurance against sickness, accident, occupational disease, unemployment, and old age is a safeguard which must bring to the worker an assurance conducive to mental peace and physical relaxation.

Our social order depends upon the health and happiness of the great army of workers. They should have needed protection. They should be given every opportunity that a democratic form of government affords. Yet much should be developed by the workers themselves by cooperative activities. Efforts conducted for higher standards by themselves as responsible, loyal agents of a democracy will make happier men and women and finer democratic citizens, willing to serve home and country in all those things which are needed for social progress and the greater happiness of all.

The CHAIRMAN. Our next speaker is one who requires no introduction from me. She has been intimately associated with the work of this association a great many years. I take very great pleasure in introducing to you Miss Ethel M. Johnson, who will speak to us.

SOME UNSOLVED CHILD-LABOR PROBLEMS

BY ETHEL M. JOHNSON, ASSISTANT COMMISSIONER, MASSACHUSETTS DEPARTMENT OF
LABOR AND INDUSTRIES

As long as there is child labor there will be child-labor problems—special problems that do not apply in the case of adult workers, problems that arise from the physical weakness of children, their immaturity, their ignorance, and their helplessness.

Most of the States recognize a definite responsibility in connection with these problems and try to meet them by special legislative safeguards placed around the employment of young children. These safeguards vary widely in the different States. Some States have excellent standards; still others afford very inadequate protection. This variation of itself constitutes one of the serious child-labor problems that awaits solution.

It is not, however, of uniformity or lack of uniformity in child-labor legislation, or of the need for a Federal amendment to permit a national child-labor law, that I am going to speak. Nor shall I attempt to solve any of the problems presented. It is a much simpler matter to propose them. All I am going to do is to mention a few problems which I believe are fairly general in their nature, although the illustrations I shall use must necessarily be confined mainly to the State with which I am most familiar, Massachusetts.

One of these problems is how to protect children employed in industrialized forms of agriculture. The problem is by no means confined to migratory workers. It is a difficult matter to deal with because of the popular conception or misconception regarding the work of children on farms. Many people think of such work as confined to useful tasks on the home farm, doing chores for a neighbor, or earning a few pennies picking berries with sunlight, fresh air, and the open country thrown in.

It is not, however, the work at tasks like these that constitutes the problem. Rather it is where numbers of children are brought together to work under virtually industrial conditions with foremen or overseers in charge, that the serious problem of children in agriculture is created.

Of the thousands of children under 14 and under 16 years of age listed in the Federal census as employed in agriculture, a considerable proportion, in some States, such as Massachusetts, the majority are recorded as employed on other than the home farms. They are working, many of them doubtless, in the gardens of the Imperial Valley, on the beet fields of the Middle West, on the truck farms of the Atlantic Coast, and on the tobacco plantations of the Southern States and New England.

Although this work is frequently carried on under conditions that at least approximate those in the factory, there is practically no regulation. Some of the States, Massachusetts for example, specifically exclude farm labor from the application of the labor laws, thus leaving children as well as adult workers largely without protection.

The failure of most of the State child-labor laws to deal with the situation—Wisconsin is always an exception—is in part due to the fact that many of these laws were enacted before the employ-

ment of children in certain forms of agriculture had developed on an industrial scale.

We pride ourselves in Massachusetts on our child-labor laws; our high standards for working children, which are sometimes cited as models for other States. Yet aside from the school attendance laws, there is little or no protection afforded to the children who work on the onion and tobacco plantations in the western part of the State. There is not even a record of the numbers employed; as the work is carried on mainly during the summer months when the schools are not in session. And the youngest children do not even have to be certified for this work.

Some in a position to know about the situation have estimated that during the height of the season, several thousand children, boys and girls under 16 years of age, are employed on the plantations; and that the majority of these workers are under 14 years of age. As many as 100 children are sometimes employed on a single plantation.

There is practically no regulation of working conditions; no limitation of the hours, other than the night work limits for all children under 14—that is, prohibition of employment before 6.30 in the morning and after 6 at night—and there is no age limit. Young children are desired for the work on the shade-grown tobacco to pick the lower leaves that grow close to the ground.

It is very hot and sultry under the tents during the months of July and August. There have been instances reported where horses working under the tents have died as a result of the excessive heat. That suggests what the conditions may mean in the case of young children. And there have been stories of children overcome by the heat and humidity.

The other year, motorists driving through the Connecticut Valley passed a tobacco plantation where children were employed. Two little girls, both under 14, had collapsed and were carried out from the tents and dropped on the ground like sacks of grain. The people in the car stopped to assist the children; and, seeing that they were quite ill, took them to a physician for treatment. They were shocked to learn that children worked under such conditions in New England.

There are, from time to time, reports from people in the vicinity of the plantations of the moral hazards to children in this work; of the bad working conditions; of long hours, and sometimes of harsh treatment of the children by the overseers. In the absence of definite regulations and provisions for systematic inspection, it is not possible to say to what extent such conditions, and other conditions that are injurious to children, exist.

As has already been suggested, there are difficulties in the way of securing legislative regulation of child labor in agriculture. Not the least of these is the familiar argument of the sanctity of the home. Only in this instance, it is the sanctity of the home farm. It should not be impossible, however, to frame legislation which will permit regulating the employment of children in forms of agriculture which have become industrialized, and to check abuses wherever found, without interfering with the legitimate work of boys and girls on their parents' farms.

Safeguarding the health of children entering industry and after they are in industry are other matters that deserve more attention than they have as yet received. Although the majority of the States have some provision for health certification for young children before they are permitted to enter employment, a number make no provision. In the case of some of those that do, the requirement for an examination is optional with the official that issues the working permits.

Massachusetts is listed as one of the States where the requirement is mandatory. There is, however, a loophole in the health certification law of the State, put there by one of those popular political devices known as a joker, which very greatly impairs the effectiveness of the legislation. The law provides that every child between the ages of 14 and 16 years who wishes to go to work must present a health certificate from a physician who certifies that he has thoroughly examined the child and found such child in sufficiently sound health and physically able to perform the work for which he is applying.

It was intended that this examination should be made by the school physician. By slipping in the words "or family" the law permits any physician to make the examination and issue the health certificate. In its operation, "family physician" means any physician who will sign the certificate, the result being that if a child is refused a certificate by one physician, he has simply to go to another until he finds one who will sign. The protection intended by the law is thus largely destroyed.

In some of the cities of the State the work is assigned to one of the school physicians appointed for this purpose and is conscientiously performed. In other places, however, there is little attention given to it; and the admission is frankly made that the work is not being properly performed.

A recent check-up made for a private agency, covering a representative group of cities and towns, showed that in many localities the work is superficially done, that there is no standard form for the examination, and that practically no children are rejected as physically unfit to go to work.

One of the physicians interviewed was exceedingly easy going in his methods. He not only repeatedly certified for employment a boy he knew was subject to epileptic fits, but refrained from reporting the situation, saying that the employer would find it out soon enough. As a matter of fact, the employers did, and the boy was repeatedly discharged. Finally after the last discharge the boy, discouraged, committed suicide.

In an earlier case, a boy killed on an elevator, presumably as the result of falling in an epileptic fit, was found to have been given his working papers without a health examination. Another case was that of a boy with badly defective vision so that he could not see objects in their right position and could not distinguish them distinctly; and as a result of being certified without an examination, or so perfunctory a one as to be meaningless, he was allowed to go to work on a machine¹ and lost part of his fingers.

¹This machine was not one included in the prohibited list and would not have been dangerous for a child with normal vision.

Many who are interested in the protection of children would like to see the responsibility for this work placed definitely with the school officials as originally planned. They would also like to see a properly qualified physician put in charge, given an adequate salary, and allowed time to visit industry to learn about the occupations in which children are employed.

The health certification of children entering industry has a direct bearing upon the health of children after they have gone to work. Aside from the provisions of the statutes of some of the States excluding children under certain ages from specified occupations presenting definite health hazards, little attention is given to the health of children once they have become wage earners.

The Massachusetts statutes, it is true, contain a provision requiring the department of labor and industries, through its industrial health inspectors, to look after the health of children in factories. Little has been done, however, under this authorization.

Unfortunately, the industrial health activities of the Massachusetts Labor Board were seriously crippled in the reorganization of 1919. This despite the fact that it was largely to provide adequately for industrial health work that the State board of labor was authorized in 1912; and despite the further fact that need for this work has increased since that time as a result of the extensive use of chemicals in industry, presenting new health hazards.

The law as originally passed provided that at least one of the five commissioners at the head of the State board of labor must be an expert, a physician, or a sanitary engineer. It further provided that one of the deputy commissioners should by his training be qualified to supervise the industrial health work of the board, and made specific provision for a group of industrial health inspectors with training in medicine for public health work.

The reorganization of 1919 destroyed all this. The former State board of labor was abolished and its functions assigned to the present department of labor and industries, which was created at that time.

This department is legally under the supervision and control of a board of five commissioners. But there is no requirement that any one of the commissioners shall be an expert or shall have acquaintance with industrial health matters. The position of medical deputy commissioner was abolished and has never been restored. Even the requirement for industrial health inspectors was repealed and there was substituted a colorless clause permitting the commissioner to require that certain of the inspectors, not more than seven in number, or one-half the number that were on the staff prior to the consolidation, be qualified in industrial health work.

A new classification system for the personnel of the State service, adopted in the fall of 1927, drops the industrial health inspectors from the classification and omits the standards and requirements for the position that were in the former classification. So now there is no such position as industrial health inspector, and the requirement that any inspectors should be qualified for this work is entirely optional with the commissioner.

The duties of the department with regard to industrial health, however, remain the same as before. It is still possible to appoint

a temporary medical advisor for a 90-day period, and this has been done from time to time. Generous assistance has been given to the department by both public and private agencies—as the State department of public health, the Harvard Medical School, and the Massachusetts Institute of Technology.

Some day I trust that the industrial health work, which has been largely suspended, will be resumed. Then there would be a division of industrial health in the department, under the direction of an expert engineer or industrial health physician, with a staff of competent, trained industrial health inspectors. Such a division would conduct scientific investigations to safeguard the health of workers in industry. Not the least of its activities would be the actual supervision of the health of children in industry and the conduct of studies dealing with methods of protecting the health of such workers.

Very few studies of this nature have been made in any State. The New York Bureau of Women in Industry has made a study of the health of continuation school children. A somewhat similar study is being contemplated by the Massachusetts Department of Public Health in cooperation with the State department of education. Some of the Federal bureaus have made studies that touched the subject. In general, however, little has been done.

There is need for more studies dealing with the health of working children, the effect of industry upon young children, and the effect of certain kinds of employment, so that there may be intelligent revision of the lists of prohibited employment for children to meet new hazards that have arisen in industry since these lists were originally adopted. Such studies should help in indicating the kinds of employment that are safe for children, and the kinds from which children with certain physical defects should be excluded. They should tie up with the health certification for children entering industry and show how that important initial work could be strengthened and improved.

Prevention of accidents to employed children, and to all industrial workers, has received more attention than the other problems mentioned. A good deal has been accomplished, but much remains to be done. As long as boys and girls are maimed in industry, as long as young lives are sacrificed, the problem is not being met.

The Massachusetts child labor laws make careful provision to exclude children from industrial hazards. Prohibition against employments presenting accident hazards extends to boys and girls up to 18 years of age. The department of labor and industries is given authority to add to the lists of prohibited employments for minors under 18 and under 16 years of age, and to exclude minors from any specific machine where there appears to be an accident hazard.

This authority to act in individual instances is utilized from time to time. The general authority, however, to add to the list of prohibited processes has never been used by the present department, and only in two instances was it used by the former State board of labor.

Although the list of prohibited employments for children under 16 years of age is fairly comprehensive and includes something like 20 different kinds of machine work, boys and girls below this age are still permitted to work "in connection with" some very dan-

gerous machines. One of these is the spinning mule. Boys of 14 and 15 are frequently employed as back boys on the mules. Sometimes very serious, even fatal, accidents occur on the mules.

One very terrible accident was where a boy of 14 was caught between the heavy steel carriage and the breast frame and crushed to death. Another boy of the same age in a similar accident escaped with a badly broken leg. An older boy, cleaning the machine while it was in operation, was caught and his head crushed. Still another boy, winding the sticks while the carriage was running, received a double fracture of the jaw and lacerations of the head and face.

One of the most dangerous machines in industry, as far as children are concerned, is the freight elevator. Most of the fatal accidents to boys under 16 years of age in Massachusetts industries occur "in connection with" freight elevators. The majority of the nonfatal elevator accidents to minors involve boys under 16.

Of 121 elevator accidents to minors investigated by the present department of labor and industries, 68 were sustained by children under 16. And of 23 fatal elevator accidents, 14 occurred to boys under 16 years of age. Since January of the present year there have been two fatal accidents on freight elevators to boys 14 and 15 years of age. Of six fatal accidents to children under 16, investigated by the department in 1926, two were "in connection with" freight elevators. In one case a boy of 13, illegally employed in an industrial establishment, tried to operate a freight elevator and was crushed to death.

It should be noted that the Massachusetts law prohibits the employment of minors under 16 years of age "in operating, cleaning, or repairing freight elevators." It does not, however, prohibit the employment of such minors "in, on, about, or in connection with" freight elevators; and it is in work that comes under this classification that most of the accidents occur.

A few States are trying to prevent, or at least reduce, industrial accidents to children by providing extra compensation in the case of children injured when illegally employed, making this a direct penalty upon the employer against which he is not permitted to insure. The majority, however, have no such provision. Some even specifically exclude from their compensation laws those injured in the course of illegal employment.

In Massachusetts the question of whether illegal employment is covered by the compensation laws has not been decided by the courts. In the absence of a court opinion the department of industrial accidents grants the award.

The Massachusetts law makes no specific provision for an additional award in the case of injuries to children arising out of illegal employment. There is a provision to permit an extra award in any accident, whether to adult or minor, due to the willful misconduct of the employer or his agent. In only one instance, I believe, has such an award been made; and in view of a court opinion following, it is practically a dead letter.

There are other child labor problems which there is not time to discuss—how to secure effective enforcement of the street trades regulations; how to prevent exploitation of children in types of entertainment which are at the border line between a school exhibi-

tion and a commercial show; and how to prevent child labor in forms of industrial home work that are not subject to license or reporting requirements.

All of the problems mentioned present difficulties; but they are not insuperable. It is not unreasonable to look ahead a few years to the time when legislative protection shall be given as a matter of course to all such workers regardless of the nature of their employment; when child labor in agriculture, as well as child labor in factories, will be covered by regulations requiring fair working conditions; when adequate provision shall be made through enforceable regulations to safeguard the health of children going into industry and after they are in; when laws that were excellent at the time of their passage, but have gotten behind the times, will be revised to meet changing industrial conditions.

Nor is it too much to expect that at some not distant day scientific research work and investigation shall be recognized as a legitimate part of the work of a labor department, to be carried on side by side with the enforcement work, though preferably in a separate bureau or division under the direction of a staff of experts.

Perhaps one of the conditions most essential in securing the solution of problems such as those under discussion will be the recognition on the part of the public of the fact that the work of a labor department touches them as intimately as does the work of a health department or an educational department; and that it is important for them to take an interest in this work, and know how it is being done, by whom it is being done, and to assist in securing and maintaining the highest possible standards. This means provision for adequate appropriation; requirement for a properly qualified staff; and for high-minded, intelligent, and courageous public servants to administer and enforce the laws and to establish the policies and standards for the work.

DISCUSSION

The CHAIRMAN. Miss Johnson's address is now open for discussion.

Mr. FRYE. The State of Wisconsin has been struggling with the child-labor problem since 1867. It is still struggling with that problem. We will not allow a child under 17 to work in a hotel, but two little school girls went to their doom in a hotel not long ago. When I read the program I was disappointed that that little prefix "un" was not left off—unsolved problems. I would like to have heard something about what was solved. Until 1899 we didn't solve the problem of issuing certificates. We do not let children out of school until they reach the fifth grade. We were issuing papers to forty or fifty thousand children in the fifth grade and then we tried to get the grade up to the eighth. Then the State says that is not enough. If the youngster does not have four years above the eighth grade he is to go to school part time. If he is under 16, he goes one-half time; 16 to 18, eight hours a week. I doubt if we have that solved.

We have about 20 tuberculosis sanitariums in Wisconsin. They are so filled up that it is almost impossible to get a patient into one of them. Most of those people are young. How many of them are

in those places because they were put on work too severe for their strength? We know about 85 per cent of them get well in about three months' time if given a chance to rest. How many are there because they were put to work too young?

We say we will have the doctors examine the children. We have tried that. How will we have it throughout the State? You know and I know doctors in the State of Wisconsin who should be shot with a lot of rock salt in the proper part of the anatomy if they should take a girl alone for examination. But we have them do it. How are you going to control that? Who are these doctors? Some are health doctors; some, school physicians. Now, if that kind of thing is to be done, the industrial commission should be put over it, just as it is over this proposition of when and where these children may work, or whether he or she may work at all.

We can and do require examinations as we see fit outside, and don't have to take any doctor's or hospital's report. We can say to the youngster, you have a report from a disreputable physician, because the law provides that the industrial commissioner may withhold working papers from any child under 17 when it is deemed to the best interest of the child to deny working papers. Formal resolutions have been passed. Under resolutions of the commission the age was raised from 14 to 17 in hotels, and so on. If we find things we think should be changed, we change them. But that doesn't mean we have solved our problems.

Just before I left a little girl 14 years old was given a permit to do some street work. When I heard of it I made the permit officer recall that permit at once. The industrial commissioner appoints permit officers on the 30th day of June, each year, and we can change them whenever we think it is necessary.

Extra compensation: We thought we were solving something by providing double compensation for children injured through violation of the law. But we took away the right to go further—we took away the right there had been a fight for, for years. A few years later we modified the law so that if only the permit provision is violated and a child is put on work prohibited by the commissioner, he gets treble compensation.

What is Minnesota doing? They say to the little boy put on prohibited work, your employer is guilty of gross negligence; he can not go into court to offer any evidence in a suit for damages. All that is necessary to establish is that he put you to unlawful employment, and ask the amount of damages, and have that established. That was the law in Wisconsin until 1917. Not long ago a young fellow had both feet cut off and the supreme court affirmed a decision of \$45,000. Suppose we had the same law as in 1917? The employer is defenseless and he pays whatever the court states. Damages have gone high in the last few years.

I can't say that Illinois has done as well as we have. They don't give the child as much as we. They give him one and a half compensation. What did they take away from him? That same right by which that little fellow went into court against his employer—the employer defenseless and only the question of damages to be set. I am not criticizing Illinois. But we must be a little careful how we do those things. Let's not take away from the children rights it

took generations to establish. In the suit to settle that, the Illinois decision is quoted. We borrowed our law from Illinois, and the court said when you borrow the law you borrow the construction the court puts on it.

If you have your permit to protect your employer, it takes away the right of the child. You can not protect both the child and employer with that certificate.

Now, once more I would like to see if this convention could start in to show what has happened to these young children? How many of them are sent on the road to ill-health while under 16 years of age? How many of them are sent on the primrose path before they are placed under our laws? Why are we letting them work in the hotels? We have a job, we have a stiff job, to protect these children and we are not doing it any too well up there. We get discouraged sometimes and that is why I came down here. I would like to see something of that kind done. Is there any way that can be followed out?

Mr. STEWART. As to your double and treble compensation, have you any figures showing what effect it has had on the employment of children?

Mr. FRYE. The violations have been so many, it is impossible to say.

Mr. STEWART. Have you any research power to investigate your cases and find out what is happening?

Mr. FRYE. Yes; we have almost unlimited power except as to funds.

Mr. STEWART. I don't know whether those double and treble compensation acts are doing any good, or whether they are doing real harm. After all, if you can show that your seduction cases come from the hotels and restaurants, there is the possibility of sensational publicity that will end it. You can, as it were, put a scarlet fever sign on a restaurant and public sentiment will close it by boycott. If you can show through research investigation any considerable number of seductions, or that sort of thing, such a situation would get you a law in Wisconsin that would have "teeth in it."

Mr. FRYE. How will you enforce your prohibition? We prosecute those fellows and the courts let them off with a couple of hundred dollars fine. We don't issue permits.

Mr. DAVIE. How do you put your children out under certificates?

Mr. FRYE. In Milwaukee all permits are issued by Miss Swett. The commission appoints permit officers in all other sections of the State. They are checked over and any mistakes are sent back to be corrected and if they are wrong they are recalled. For instance, if a permit is issued for a girl 16 years old to work in a restaurant we recall that permit and then we dismiss the officer who issued it. You must have a good inspector to check these different permit officers.

Mr. DAVIE. How can there be very much illegal employment in your State?

Mr. FRYE. There are four or five inspectors to look into about 100,000 places of employment.

Mr. DAVIE. In my State there are truant officers who check every school every morning. That is handled by one man in the State board of education; also by local truant officers. The method in New Hampshire is very similar to your methods. There is a board of

three. First, I might explain that the child labor law in New Hampshire is the only law not under the supervision of the commissioner of labor. The local truant officer is responsible for all those employed under certificates. He is directly under the supervision of the State board of education, and through the State board all inspectors are rechecked so as to see that everything is in proper form. I feel as you do, in the main, and I don't claim 100 per cent efficiency any more than you do, but there are very few violations of the child labor law in New Hampshire.

As regards the employment of children, with or without certificates in New Hampshire, it has been the rule in all compensation cases (*Moore v. Kyte*) that a minor has no right under contract. The matter must come before the court with parent or guardian. I am willing to admit we would like to know more about it, and that is what I am trying to find out; in your State there should not be an unusually large amount of illegal employment because you have that wonderful supervision.

Mr. FRYE. When we appoint permit officers, we appoint about one-half of them from among the school people. We have taken our permit officers from the upper 5 to 10 per cent of the citizenship of the State; one-half of them are school superintendents. We have a close touch with them. We know what they are doing because they have to report to us. Unless you have a different class of school people than we have, you will find in your child labor violations, that they are giving working papers to the children they want to get rid of in the schools. If you don't keep in close touch with them as we do you will not learn these things. We have had some trouble getting the higher up school people to do the work of child-labor supervision. Unless you are working with them, so as to get the truth direct, you are not getting it.

Miss SWETT. I hope Mr. Frye has not given the impression that our State is full of child-labor violations. I am the field director. No one can say we have an excess of such violations, but we know we do have them. There are some violations, of course, and I don't want to say we have 100 per cent compliance.

Mr. STEWART. I had one experience in my home State, Illinois, where we had a factory inspector who was his own permit agent and he was a peach. To show the efficiency of his inspection force he required the inspectors to put in their reports the minute they reached a town and when they left so that he would know how much time they spent in the town and how many inspections were made by them. I was in the Bureau of Labor Statistics, and while not in an official capacity, I had supervisory control of certain employees. One of the smartest inspectors was in Aurora. I had them figure out the work he was doing in Illinois. He was there for 37 minutes and he made 141 inspections. I followed that report down for the whole State and I think he had an average for his entire term of office of 150 inspections an hour for four or five years. While the Bureau of Labor Statistics would not publish my article, when I went back home (in Illinois) I got somebody there to publish it. That inspector has had a new job for quite a long time now. I am telling you this as one way to keep at things.

Mr. FRYE. We have 200 permit officers and one-half of them are our school people. Up to 1917 it was all done by the judges, but since then we can appoint whom we please.

General SWEETSER. In Massachusetts these physical examinations are properly carried out. We have seen some school physicians, and some are good and others have been described by the gentleman from Wisconsin. Inspectors work every year under Mr. Meade's direction and investigate all inspections and we go as far as we can to correct the evils. Take the elevator accidents: A number have taken place in the last few years; a boy under 16 years is prohibited from the operation or using of elevators, but the difficulty comes because we have not an inspector on every elevator. The temptation is there for these boys to operate an elevator. You might have a law prohibiting him from running an elevator, but he will run it at every opportunity he has.

REPORT OF AUDITING COMMITTEE

Report of secretary-treasurer has been checked over carefully. The records indicate that there is now on hand in the savings account \$443.87, that the disbursements for the year amount to \$583.56 and that receipts amounted to \$1,027.43, which includes the balance on hand June 1, 1927, of \$560.77.

It is to be noted that the following States have been dropped from membership due to the fact that dues were not paid: Indiana, North Carolina, Delaware, and South Carolina. Michigan has not paid dues for two years.

Some effort should be made to secure memberships from all the States.

The following motion was adopted:

That the incoming president appoint a committee of three to make a study of the proposed change in the calendar, which is now being studied throughout the world, and to report to the next convention.

Ethelbert Stewart, E. Leroy Sweetser, and James A. Hamilton were appointed on this committee.

THURSDAY, MAY 24—MORNING SESSION

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

The CHAIRMAN. I have learned since coming to the meeting that one of the papers to be given at this association has arrived. The subject is "The new Federal harbor workers' compensation act," and I am going to ask Mr. Frye to read it.

THE NEW FEDERAL HARBOR WORKERS' COMPENSATION ACT

BY CLAIRE BOWMAN, DIRECTOR WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES

We appreciate very much the opportunity to discuss this highly important piece of legislation, even though it be in this more or less one-sided fashion. On July 1, 1927, there became effective a new Federal act known as the longshoremen's and harbor workers' compensation act. I think no seaport State will question the necessity for legislation in this direction. For many years stevedoring companies and water-front operators have been forced to carry liability insurance at a very high rate as a protection to their very existence. Recent damage suits have had a rather disastrous effect on insurance rates. For example, the *McEachran v. Rothschild* case in this State, in which the plaintiff was awarded \$35,000 damages and sustained by the Supreme Court of the State of Washington, was sufficient to frighten all operators coming within this zone. So it was that this particular group of employers, made desperate by the continual threat of damage suits, was very anxious to obtain some sort of legislation which precluded the possibility of suit. The water-front employers of the Pacific coast were practically a unit in their requests to Congress to enact into law something which would be a relief from the ever-pressing danger. They had simply the one thought in mind and that was self-preservation. They were not interested in whom authority would be vested or by whom the law would be administered, nor were they particular about the terms of compensation or the extent of coverage. Some of them who had both on and off shore operations realized that complications might result, but even they were so anxious to get away from the damage suit that they were willing to accept most any arrangement which would guarantee their security.

The State of Washington has the first compulsory workmen's compensation law in the United States, which was declared constitutional. Many other State laws have been modeled after the Washington act. The compensation schedule set up by our act has been increased from time to time by the legislature and is unlimited as to duration according to the necessities of the individual case. Our time loss schedule provides \$35 per month to the injured single man, \$42.50 for the married man, \$12.50 additional for the first child, \$7.50 for

the second child, and \$5 for each child thereafter. Hospitalization is unlimited; there are several instances where hospital and surgical bills have run over the \$7,000 mark for a single claim. I am merely emphasizing the fact that while the actual pay schedule may not be as liberal as in some States, there is no limitation as to duration; and we feel that Washington has one of the most liberal, if not the most liberal law, with regard to the above phases, of any of the laws in the United States. It is not perfect of course and needs improvement from time to time to meet the changing economic conditions, and so forth.

This compensation law was conceived on the fundamental principle that an industry should bear the responsibility of its accidents, and it has been upon this fundamental that the administrative policy of the department has always been conducted. Occupational disease and poisoning have never been recognized by the courts as coming under the present law. From time to time during legislative sessions there have been energetic attempts made to have the State monopoly done away with and have the law made either competitive or optional, allowing for both individual and casual insurance, as well as by the State fund; but so far the majority of those interested have always stayed with the monopolistic form of compensation insurance which, we are convinced, with proper administration, furnishes by far the cheapest and most satisfactory form of compensation insurance. These attempts to break down this law have always been supplemented and encouraged by ill-advised attempts to increase the compensation schedule beyond a reasonable point. We now find ourselves confronted with this situation. All water-front operators, or practically all of them, work their crews both off and on shore. This means that they are operating under a dual compensation schedule, one of which is approximately four times the other both in time loss and disability awards. There are thousands of men employed in this semimarine zone, and while this law has not been in effect quite a year, we are beginning to see the result of this contrast. There will be a lobby at the next session of our legislature demanding that the compensation schedule be raised to meet the terms of the Federal act, that occupational disease and occupational poisoning be included in the coverage of the law, and that vocational rehabilitation be added as a supplementary process since these are all provided by the new Federal law. The on-shore employers of the State, who represent nine-tenths of the pay roll coming under the act, are very much alarmed at the possibility of such new legislation. Eliminating any increase in the compensation schedule, we estimate that the inclusion of occupational disease alone would, over a period of years, double the cost of this insurance.

Many States which have the competitive form of compensation insurance have corresponded with this department during the past year or so with the object in view of gaining the history of our compensation law as they had in mind making an effort to change their own law to the monopolistic form. It is our opinion that the Washington compensation law is an outstanding example of the success of monopolistic form of State compensation insurance, and should it be endangered or destroyed by overloads from whatever source, such a

happening would certainly spell the defeat of any attempt made by a State having a competitive or optional form of law to change to the monopolistic form.

It is not our desire at this time to discuss either the merits or demerits of the Federal law either in its schedules or coverage, nor have we any criticism to make of its administration, but the on-shore operators are unanimous and most of the water-front employers concur with them, and we as a department have always felt that it was a grave mistake not to make the compensation schedules and coverage of this Federal law in exact conformity with those of the State in which they were operating. It is our opinion and conscientious belief that the present dual set-up will in the long run do vastly more damage to the employee than can possibly be gained by the temporary advantages of an increased schedule and coverage.

The CHAIRMAN. It is not only a great privilege but a pleasure as well to introduce Hon. James A. Hamilton, who will speak to us on the subject of "Commission versus court procedure in compensation settlements."

COMMISSION VERSUS COURT PROCEDURE IN COMPENSATION SETTLEMENTS

BY JAMES A. HAMILTON, INDUSTRIAL COMMISSIONER NEW YORK DEPARTMENT OF LABOR

There are three possible alternatives as to compensation administration. One of these is the handling and settlement of all compensation cases by court processes. This plan would obviously bring about a state of overwhelming congestion in the courts. In New York State, for example, there were, in addition to the 521,624 industrial accidents reported in the calendar year 1927, a total of 170,566 claims filed alleging that compensation was due under the terms of the New York law. Each of these claims required examination to determine the numerous facts which must be developed in order to settle the case. The courts are not equipped with the necessary fact-finding agencies to develop these facts, and, in my judgment, it is not a proper function of the courts to handle what is largely an administrative problem.

The problem is greater in size in New York State than elsewhere because of the greater population and more intense industrial activity. But, proportionately, the question of delay, if compensation settlements were left entirely to the courts, would be as great in other States. In New York State, at the present moment, an investigation is under way as to the delay in court settlement of negligence cases. In New York City, it is reported that two years, on the average, are required for a negligence case to reach trial. The evils of ambulance chasing, runners, and shyster lawyers prevail to a greater extent than in compensation administration.

Another method is that of direct settlements between the injured employee and his employer, subject to confirmation and approval by the courts, and with the right of appeal to the courts in cases where the interested parties can not agree. This is, I take it, the system prevailing in States with the so-called court method of settlement.

This method was effectively exposed last year at the Atlanta meeting of this body, and I concur in the criticism there made.

One strong objection to such a method, even granted that it worked, is that it almost inevitably requires the injured employee to retain an attorney in order to make sure that he receives his just due under the law. Payments made to such attorneys reduce the compensation, all of which should go to the injured worker.

A third method is where the State commission or department hears all cases as in New York State, or else such commission or department, created by the State, after direct settlement examines and approves each particular settlement. In either of these methods contested cases are heard by the State department or commission, with right of appeal to the courts.

New York State, as is well known, follows the plan of hearing all cases by the State department of labor. We have been criticized for this on the ground of the enormous amount of work imposed upon the department. We feel, however, that the interests of justice are paramount, and that, so far as humanly possible, the injured employee should receive the full benefits provided in the compensation law. It should not be forgotten that in the most liberal statutes, as in New York State, compensation is limited to two-thirds of wages, and that this is further reduced by the limitations as to maximum awards.

Furthermore, there is a very specific reason why New York abandoned some years ago the plan of direct settlement between the injured worker and his employer. In 1919, by direction of Governor Smith, an investigation of the New York State Industrial Commission was conducted. The report of this investigation, commonly referred to as the "Connor report" was strongly denunciative of the plan of direct settlements. As a result of this report, the legislature in the same year passed an act which became chapter 629 of the Laws of 1919. This statute expressly required the commission (now department) to hold hearings in every case.

Advance payments are not only permitted, but required, under the New York statute. By that is meant that the employer is required to begin compensation payments within 18 days after disability, regardless of whether a hearing of the case has been had within that time or not. The only way in which an employer may escape making such advance payments is by filing a notice of controversy with the department, setting forth his reasons for believing that it is not a compensable case. Upon receipt of this notice the department is made aware that the injury is not being compensated and is in position to investigate the case or to order an immediate hearing.

The Connor report, above referred to, contains the results of an investigation of 1,000 direct settlements made in chronological order. Rehearings were determined necessary in some 400 of the cases, and in 114 of these additional awards were made. The total amount received by these 114 claimants as a result of direct settlements was \$13,712.40. As the result of rehearings the additional sum of \$52,279.84 was awarded, or an average of more than \$450 additional compensation per case.

As already stated, the Connor report led to the adoption in New York State of the hearing of all cases by the State department with, of course, the right of court appeal in contested cases. Most States do not go so far as that but there is, I think, unanimous agreement of all States that a State department or commission should have control over compensation settlements in the first instance, with recourse to the courts only as a last resort.

Prompt payment to the injured worker so that he and his family may secure such aid as the compensation law provides is one of the prime purposes of all compensation statutes. This is illustrated by section 25 of the New York law, which provides that:

The compensation herein provided for shall be paid periodically and promptly in like manner as wages, and as it accrues, and directly to the person entitled thereto without waiting for an award by the industrial board, except in those cases in which the right to compensation is controverted by the employer.

In order to secure promptness of payment, together with adequacy of payment, it is essential that court procedure be eliminated. Allow me to cite on this point a statement by the court of appeals, the highest court in New York State, in the Kaplan case on April 3, 1928.

The workmen's compensation law was particularly framed to avoid legal terminology and the technicalities of law pleading. It was intended that the working people themselves could make and file these claims and give the notice of injury. The cost and expense of employing attorneys was to be avoided if possible. The act was for the benefit of the working man and his family, not for the profession.

Legal adjudication is not compatible with promptness. This is a fact generally recognized. "The law's delay" was complained of long before Shakespeare penned his line. It has no place in compensation administration.

This does not deny to any man, whether employer or employee his traditional "day in court." But his day in court is placed, in most States, and rightly so in my judgment, not at the beginning of the process but at the end. If after proper hearing by a competent and impartial State department, either party feels aggrieved, he has the privilege of going to the courts. But in New York State, and in other States as well, appeal to the courts is made in a small proportion only of the cases. For the four years ended June 30, 1926, of the more than 365,000 cases closed by department referees, less than 1 in 300 was taken to the appellate division court in New York State, and less than 1 in 4,800 was carried to the court of appeals. This would seem to prove that both parties in compensation proceedings prefer the informal methods of the department to the technicalities of court procedure.

DISCUSSION

The CHAIRMAN. Are there any questions before Mr. Hamilton leaves us?

Doctor PATTON. I don't want to discuss the harbor acts, but there are several cities where there are acts pending. I suppose a lawyer talked them into it. I do know an attorney who has filed an attack on the constitutionality of the longshoremen's act and he alleges five reasons for the violations of the constitution. Now the point is

this: I might say the longshoremen's union through their attorney is making a fight to have the law upheld. The other fellow's lawyer said he will carry it to the Supreme Court of the United States. It would be a calamity for the law of the State of New York to be overthrown.

For a long time there has been an agreement in New York between the longshoremen's union and the stevedores' association. When a seaman is injured, it depends on where he is injured, whether it is a State or Government law. It is difficult for the referee to decide a case, the employer on the one hand and the union on the other, and in every case they agree in advance on a flat-payment basis. That was increased last year to \$20 a week. He might be entitled to less or more, but it takes so long to determine that, that both sides agreed on the \$20 rate. Buffalo has not agreed to that. The point I am trying to make is, that this law should not be overturned. New York and every other port will be thrown back into chaos, where it was before we had such a statute. I think we should try every aid we can to have the law upheld, and we all know what advantages there are in that law.

Mr. FRYE. Another question Mr. Stewart raised—what extra compensation is doing in preventing child-labor violations. That extra compensation law was passed as a compensation measure, in the prevention of child-labor violations. I have never known of that being said to be the purpose. It was proposed by the employers of the State, and their first proposition was to make it quadruple to get the compensation of children on a compensation basis instead of through court procedure.

Doctor PATTON. In New York we have double compensation, but that is not to prevent illegal employment of children. In New York, the courts held that a child who was injured was subject to compensation and had no right to sue. It was the next best thing to give the child something more than a mere compensation. They make an employer involved pay that much more. I agree with Mr. Stewart that in the case of an individual child the chances are that in most cases he can get a better verdict than if the court says his employer is entitled to exemption under the compensation law. Then there is no guarantee for the child.

An Italian put up a bakeshop in the basement of his home and bought his equipment on credit. He employed a boy 14 years old to act as an errand boy. The second day the boy was working a woman wanted to buy 6 pounds of dough. The boy, not having a right to touch the doughmixer, told his boss and he told the boy to take the dough out of the machine. The boy took it out and lost his right arm. The man had a clear right; all you can do is to grant compensation. If the employer does not pay within 20 days there is a \$20 penalty. The Italian didn't own the equipment and said if they collected they would have to foreclose, and then it would not bring more than 5 cents on the dollar. If you compromise and will accept 20 cents on the dollar the man lending the money on the machinery will take a chance. If you don't take that, you will get but 5 cents on the dollar. He convinced us that was the case and we compromised at one-fifth. No matter how many penalties you put on, it

is a case of getting blood out of a turnip. There are some cases you can not solve, no matter how you go about it. We adopted the double compensation in New York thinking it would make the employer a little more careful. It is getting something more than the law allows.

Mr. STEWART. Does your law require every employer to be insured?

Miss **JOHNSON.** I wonder if the opportunity for the child to bring suit in the courts itself is not, in most instances, theory rather than a fact? Their parents don't know about their opportunities and they accept settlement instead of going into court, like the negro who was away from home. They can not employ a skilled lawyer as a corporation can. In some instances the amount may be a great deal more, but in other instances it is not that type of child or parent that is to be considered in the case.

The **CHAIRMAN.** In our State the court ruled, where compensation was paid to the boy, that no minor has a right to contract and that particular case was sent back to trial by the parents and he got a good verdict.

Mr. STEWART. In some States the courts rule they have both rights for compensation and suit under the old law.

The **CHAIRMAN.** It is a great pleasure and privilege to introduce the next speaker, or next president of this association—Hon. Andrew F. McBride. Doctor McBride's paper will be on "The importance of regulating spray brush and coating operations when poisonous compounds are used."

THE IMPORTANCE OF REGULATING SPRAY BRUSH AND COATING OPERATIONS WHEN POISONOUS COMPOUNDS ARE USED

BY ANDREW F. M'BRIDE, M. D., COMMISSIONER NEW JERSEY DEPARTMENT OF LABOR

The use of the spray gun has penetrated so many industries and has been employed for such a wide variety of purposes that it is obvious that a new problem involving industrial health has arisen that will require expert engineering attention based on scientific technical investigation and research for its solution. If the materials used by the spray gun were nontoxic in their action and the only problem involved were to prevent dust particles from being inhaled by the operator the intricacies of the situation would not be so pronounced, for exhaust ventilation methods probably could be devised which, coupled with care and intelligent usage of apparatus would afford a reasonable measure of health protection for operators. The facts are, however, that extremely dangerous and poisonous substances are used by the air gun, including benzol and lead, while silicates in a number of industries are involved, presenting a complicated and difficult industrial problem for solution.

The spraying of surface coatings by compressed air was introduced into this country as a practical method about 1890, at which time the apparatus used was of crude construction, but the results achieved from the viewpoint of economy in operation and quality of work secured were so satisfactory that the use of the spray gun began to increase rapidly until now it is used in an ever-increasing range of industrial activities, including the painting of buildings and the

coating of innumerable objects from small metal parts in the novelty industry to large hides having extensive surfaces in the animal-leather industry. Engineering improvements in this type of equipment have kept pace with its increasing usage in such a manner that the quality of the work has improved to an extent that indicates that there will be in the future a much wider application of the industrial use of spray-brush apparatus.

At the present time the three outstanding health hazards that confront industry from the use of the spray-brush apparatus include benzol, lead, and silica. In the case of benzol its presence is found in a large number of coating compounds, including dope finishes used in the animal-leather industry as well as lacquers used for coating metal and wooden objects. The lead risk may be found in all cases where lead paints or enamels are used by the spray brush. Silica includes the free silica that may be present in vitreous enamels. The spraying of vitreous enamels in the manufacture of sanitary ware, refrigerator linings, stove parts, milk tanks, etc., involves a risk to health because the finely suspended silica dust is present and is taken into the lungs through the breathing efforts of the operator. This matter was given attention by Dr. Leonard Greenburg in his studies of the industrial dust problem.

It is only within the last 10 years that possible health hazards in the use of the spray gun have been brought to the attention of industrialists, for prior to that time we do not find mention made of this risk by investigating experts whose industrial studies form the basis of what is known at the present date of industrial medicine. In "Hygiene in the Painters' Trade," by Dr. Alice Hamilton, published in 1913, there is no mention made of spray coating, which would seem to show that at that time the practice of using the spray gun in the painting industry was extremely limited. R. P. Albaugh, M. D., in 1915, discussed in the *Ohio Public Health Journals*, a fatal case of slow poisoning in the person of a young man employed as a sprayer in a varnishing department, while the *American Journal of Public Health*, volume 6, No. 5, November, 1915, published an article on the dangers connected with the spray method of finishing and decorating. In 1917 Wade Wright, M. D., in the *Monthly Labor Review*, United States Bureau of Labor Statistics, mentioned cases of lead poisoning that he had diagnosed during the first year of his industrial clinical experience in Boston, which included an operator of a spray brush. In the *Journal of Industrial Hygiene*, April, 1922, volume 3, N. C. Sharpe reported the result of an investigation to determine the hazard to the health of operators using the spray machine for painting.

This was probably the first really extensive study of the process of spray coating from the standpoint of the hazard of lead poisoning that had been made up to that time. In New Jersey, in 1917, tentative standards were proposed by the department of labor covering the use of lacquers, shellacs, enamels, and japans, more with a view of protecting property and life from the resulting effects of fires than because of the health hazards involved, although at that time the department recognized fully the risk to health that was inherent in this process and established a rule that in all cases where it was possible to use the spray gun under a hood it should

be done, the hood to be constructed and arranged in such a manner that a free flow of air should be produced through the front of the hood of at least 100 lineal feet per minute in order to remove poisonous substances that might pollute the breathing zone of the worker. We were deeply impressed about this time with the risk to health that was involved in the use of the spray brush because of a large number of cases of lead poisoning that occurred in a vitreous enamel plant. In this plant hoods were used, fans were operating in what to the casual observer would seem a satisfactory manner, but poisoning cases occurred that brought forcibly to the attention of the department the fact that health conditions were unstable. An examination of the apparatus seemed to show that the hoods were not of proper construction and that by enlarging their size and increasing the volume of air through the hoods, a reasonable degree of protection could be secured. This was done with the result that reported cases of lead poisoning ceased, although I am convinced now that a careful check of health conditions in these kinds of plants where exposures cover a long period of time would show that the health of susceptible individuals, at least, would be affected.

The studies made by N. C. Sharpe are extremely interesting because they were probably the first that were made to determine the nature of working conditions that surrounded spray brush operations. During a three-day experiment in spraying a wall, the operator worked from four to five hours daily. The urine for the 24 hours following showed the presence of 0.3 milligram of lead. The plates exposed for half-hour periods indicated that with lead paints sprayed with the apparatus used at that time, lead was deposited 11 feet to the right of the operator and 3 feet behind the operator. In other cases where small objects were being coated in a cabinet provided with suction no lead was recovered from the air samples although plates exposed at various points indicated that at certain positions in the neighborhood of the sprayer lead was deposited. The efficiency of various types of masks was tested in order to determine the degree of protection afforded the spray painter. He found that fine wire gauze masks afforded no protection whatever while a mask of gauze and cotton made as thick as possible without causing constrained breathing reduced the lead present in 10 cubic meters of air from 90 to 10 milligrams, a mask of gauze, cotton, wool, and charcoal, from 104.2 to 3.33 milligrams, but this mask was so uncomfortable that no workman could wear it. Masks of gauze and cotton wool, moistened with a 5 per cent solution of sodium sulphide, reduced the amount of lead present from 232 to 12.4 milligrams for 10 cubic meters of air, while a similar dry mask (that is, without the presence of sodium sulphide solution) permitted 11.7 milligrams for 10 cubic meters of air to pass through. While the author called attention to the risk of poisoning from the inhalation of volatile fumes used in paint it was concluded that there was no danger from lead poisoning in spraying small objects if they were placed in an exhaust cabinet and provided with efficient exhaust ventilation. He concluded that when lead is present in paint that is used in spraying walls inside a building there is real danger of lead absorption but that in exterior painting there would

probably be less risk from poisoning if the painter took advantage of the prevailing air currents.

In this connection especially on the subject of respirators it should be remembered that the experiments made by the United States Bureau of Mines shows that while it is possible to filter out dust the resistance to breathing is so pronounced that workmen could not wear them for any extended period of time. The next important step in the investigation of this subject was made when Henry Field Smyth, M. D., assistant professor of industrial hygiene, University of Pennsylvania, made an exhaustive study of the problem in 1925 in the State of Pennsylvania under the State department of labor and industry. Thirty-two different industrial groups comprising 233 plants using the spray gun in the production of furniture or small metal objects were visited and studied. Ninety-one analyses were made for benzol; 22 for lead; 26 for dust; while 168 air-velocity determinations were made. In addition 383 physical examinations were made and 43 specimens of urine were analyzed for lead, while special studies on benzol concentrations and exhaust ventilation in an experimental booth especially constructed for the purpose were conducted in the laboratory of hygiene, University of Pennsylvania. While no clearly marked clinical cases of poisoning were revealed in the course of the Pennsylvania studies, an appreciable proportion of workers exposed to benzol showed the disturbed blood picture characteristic of early poisoning. This appeared to be the result of using lacquers and similar finishes having a benzol content, and it caused a feeling that exposure to this substance in certain industries was much more common than had been generally realized.

The Pennsylvania study clearly demonstrated that there are three major health hazards which may be involved in the use of the spray gun for interior work. Where paints and enamels contain a definite proportion of lead, plumbism may result. Where benzol thinners are used in the dilution of paints or lacquers sprayed upon interior surfaces of structures or upon manufactured articles, there is danger of benzol poisoning, while vitreous enamel used in making bathtubs and similar vitreous ware frequently contribute finely divided silica to the atmosphere sufficient to create a silicosis hazard. Doctor Smyth found that both benzol and lead were often present in large amounts in the air breathed by the industrial sprayer and that of 127 lacquer sprayers examined, over 5 per cent showed white blood cell counts indicative of benzol poisoning and over 39 per cent gave a disturbed picture. The study showed that 18 per cent of the men engaged in paint spraying showed stippled cells, while the examination of eight spray painters engaged in structural painting showed no cases of lead poisoning. It should be remembered that Doctor Smyth had but little opportunity to observe spray painting of buildings as only a small number of contracting firms used the spray gun and in these cases employees were occupied with spray painting only a part of the time so that their exposure was probably not continuous.

As far as lead is concerned the results seem to show that when paint materials contain more than 1 per cent of lead the amount inhaled during the working-day is sufficient to cause toxic action, while where the content of the material goes above 5 per cent poisonous

action is sure to result no matter where the material is used, whether under the booth or not, and whether a respirator is used or not. A very serious condition was found in those plants where, during moist weather a so-called "retarder" was employed. Investigation showed that this material was acetone oil and the men who used this "retarder" were obliged to quit work for one or two days after its use. The study also showed that but little had been known of the use of the spray gun in the work of applying vitreous enamels to steel or cast iron. It must be remembered that certain enamels contain soluble lead, while in other enamels the lead is insoluble. Those enamels which contain soluble lead show the same poisoning results as other lead-containing materials, while those which do not contain soluble lead, although they offer no lead risk, expose the worker to silicosis. It was found that even with good exhaust ventilation 17 workers in 44 examined were affected with silicosis and it should be especially noted that not one of the 17 affected had worked longer than one year at this occupation.

At the Cleveland congress of the National Safety Council in 1925 the importance of making an unbiased study of health hazards of spray coating was recognized (as the results of the Pennsylvania study had not been published) and a special steering committee to carry on the work was appointed. This steering committee in turn appointed a spray coating committee of 23 members representing Federal and State bureaus, universities, national health organizations, insurance companies, organized labor, and manufacturers of materials and equipment used in spray-coating operations. This committee at the outset recognized the fact that three outstanding health hazards obviously arose from the use of benzol, lead, and silica, and the investigations were conducted with the idea of determining the health risk that arose in industries where these substances were used in spray-gun processing. The investigation covered a large number of plants, physical examinations were made of operators, the results were carefully noted, air velocities were measured to determine, if possible, the speed at which air should travel in order to provide safe working conditions, and in general the whole subject matter and all circumstances relating thereto were given practical and technical consideration. The results of the study showed that in many plants exhaust hoods were in service that were not giving the workers a fair measure of protection and that in order to remove poisonous substances from the vicinity of spray-gun operators it would be necessary to produce air velocities in hoods very much higher than it had been the custom to develop heretofore. The physical examinations showed that a large number of people in the spray-coating industry were being affected by the poisonous compounds that were used in the spray guns, and that measures of protection taken at that time were quite inadequate.

The committee thought that in the case of benzol the presence of this substance in spray paints was entirely unnecessary since plants were in operation that used nontoxic lacquers successfully, and as a matter of fact many lacquer manufacturers had seen the wisdom of discontinuing the use of benzol and of replacing it with toluol as the hydrocarbon thinner for nitrocellulose lacquers. In the case of lead used in interior spray paints it was decided that there is no

necessity for using lead base spray paints for such purposes where other materials which are entirely satisfactory are available in many varying light tints. It was further suggested that manufacturers experiment to find suitable colors to replace the lead pigments commonly used in automobile undercoats.

The investigators gave special consideration to the question of protecting the workers by means of masks or respirators and it was found that the filtration type respirator when constructed on effective lines provided such a high resistance to the breathing of the worker that it would be impossible for a man to do vigorous physical work while wearing an effective filtration type respirator. For many years these respirators have been used in lacquer and paint spraying operations for the purpose of filtering poisonous solvents and harmful lead particles from the air. While it is possible for the filtration type respirator to collect solid particles in the air if the layers are numerous enough in the respirator, it probably would have little or no value in filtering volatile poisonous solvents that pass into the atmosphere. Nothing need be said of the Army gas mask, because while it is effective it is too uncomfortable and cumbersome to be worn for any continuous working period. The respirator with a positive air supply which bathes the face in fresh, pure air and maintains a constant outflow through the normal leakage spaces gives satisfactory results, but on the whole it is better not to place too much dependence on any available type respirator at this particular period of time.

The final conclusion of the committee urged as a most important and fundamental recommendation that manufacturers of paints, lacquers, shellacs, varnishes, and vitreous enamels to be used in spray coating should, so far as possible, eliminate benzol, lead, and free silica from their products and where this has been done should clearly label such products as containing less than a certain maximum amount of lead, benzol, or free silica, as the case may be, and that employers using the spray gun for indoor and booth work should, so far as possible, insist on obtaining and using only material so labeled. The far-reaching effects of the investigations herein noted should not be underestimated, for their practical health values in demonstrating to the industrial world the pernicious effects that follow the practice of asking workers to suffer exposures that endanger health will, no doubt, do much to arouse the industrial conscience and enable the establishment of reforms based on sound, democratic procedure.

It is much better that these things that affect the health of industrial workers on a large scale be done by voluntary action and popular consent than for industry to refuse to recognize the dangers and thereby compel the State to use its police power in the establishment of drastic reforms to protect its industrial workers.

DISCUSSION

MR. STEWART. I want to ask the consent of Doctor McBride and the association to have a carbon copy of that paper at once. I told the national safety code committee that unless it got out its report quickly the States would pass laws preventing spray

gun painting. A bill has been introduced in the United States Senate prohibiting the use of spray gun painting, whether by contract or otherwise. I called the attention of the Senator introducing the bill to the fact that it was going too far. I don't think that is the thing to do. There should be some way of protecting the workers on that machinery. The first contact I had was with a steel ship plant; they wrote me and asked what to do about it. Their place was in a terrible condition. I didn't know what to do and advised them to get in touch with Doctor Bricker in Pennsylvania, and they finally got out of it in some way. The Senator asked me to redraft his bill and I cut out all of the prohibitive clauses in it. I am not satisfied with the 100 linear feet air current; I don't believe it is enough. My idea is 200 feet, and I don't know if that's enough. I have furnished the Senator with certain information but it is not worth 5 per cent of what that paper is. If I can put that paper before the Senate committee handling that bill, I think we can get out a national law for spray paint work that will be a model for every State, notwithstanding Doctor McBride's feeling that the manufacturers will do this themselves. I think it is all right to speak softly but you need a "big stick."

General SWEETSER. I have been very much interested in the doctor's address because I have been very much interested in the subject in our State, especially with regard to the poisons used in spray painting. I have not found a practical plan yet. I am interested in the doctor's paper because I have been corresponding with him. We are trying to prevail on the people who manufacture paint to use a substitute for the poisons. In a great many places we have been able to get them to do that. It seems to me this is one of the reasons for this organization—to work together. It is the doing away of these poisons that we must work for and I find there are chemists who have found a substitute that can be properly used. I would be glad to enter into an agreement with the commissioners of other States to make such a rule.

Doctor McBRIDE. We have, for the past year and a half, investigated the hazards of the paint industry. We have had a great many meetings, experiments have been made in various factories and by the manufacturers themselves, and a great variety of experimenters have been engaged in that study. We had ready for presentation in this year's legislature a bill covering this hazard, for New Jersey, as you know, has a great many manufacturers of paint and lacquer. We gave them a further chance to study the question and we believe they should be given more opportunity, for investigation is still going on, and we will have the bill ready when our legislature meets in 1929; and that bill will correct in so far as we can, the evil as it exists.

General SWEETSER. We made an investigation. Why could not each State send a man to the meetings and as the result of our investigations arrive at a conclusion. We have the power to put through the same code relating to spray paint in all States.

Doctor McBRIDE. The statement made by one member of this association was that we were trying to outlaw spray gun painting in New

Jersey. We do believe that we are making a very careful investigation of the entire thing.

General SWEETSER. What motion can I make that we agree with the Eastern States so that we can have a representative from each State to fix a code and put the same code through each State at the same time? You undoubtedly will be the next president of the association. I agree now to send a man, or several, to meet anywhere you say with a committee of the Eastern States to take that question up for a uniform code or law for all States, at all times.

Mr. STEWART. I will send a man. Just a word as to the cost of making this thing safe: That is all bosh. Five years ago if you wanted an automobile painted it cost \$240 or \$250 in Washington. To-day you get one painted better for \$40. Now, they save money enough that they could perfectly well afford to make that work safe. I don't think we ought to be concerned about the cost of safety in that business.

The CHAIRMAN. How is this? It is moved that the incoming president call a joint conference, at which there would be present, delegates from as many States as possible for the purpose of taking up the question of establishing safety in the protection of spray painting.

Doctor PATTON. I am in accord with Mr. Stewart that unsafe practices in spray painting should be stopped. New York has turned it over to the State labor committee and we are having hearings with the manufacturers, and I am in favor of the motion and will be glad to convey to the chairman of our State committee that this meeting will be held. He has a lot of information that will be of assistance to this meeting. I second the motion.

[The motion was adopted.]

Doctor McBride read a supplementary paper, as follows:

PROGRESS THE STATE OF NEW JERSEY HAS MADE IN COPING WITH OCCUPATIONAL DISEASES

BY ANDREW F. M'BRIDE, M. D., COMMISSIONER NEW JERSEY DEPARTMENT OF LABOR

In 1924 the Legislature of the State of New Jersey passed a law placing the following occupational diseases under the compensation act: Anthrax, lead poisoning, mercury poisoning, arsenic poisoning, chrome poisoning, phosphorous poisoning, benzene and its homologues and all derivatives thereof, wood alcohol poisoning, caisson disease, radium poisoning.

This law was passed in answer to a vigorous demand that had been made throughout the State for legislation that would provide compensation benefits for workers who had suffered in health from an exposure to toxic substances used during the course of their employment. This act was a step in the right direction toward providing that measure of safety for industrial workmen that was contemplated by the legislature when it provided for the establishment of a factory inspection department and gave the commissioner of labor the authority to draft rules and regulations for the safety of workmen engaged in industrial processing. Until this law was passed it had been a common practice for employers to hire labor ignorant

of the nature of the poisonous substances that were to be handled and to give workers no more than a cursory, formal warning notice to take care of themselves and not to become poisoned. Doctors, too, were unfamiliar with industrial poisoning symptoms and in reporting on the subject of occupational diseases left something to be desired by the practical investigator.

The passage of the occupational disease legislation did a great deal to stimulate interest on the part of the medical profession in this branch of medicine so that after four years of active operation, I think I may confidently state that more definite strides have been taken by the State of New Jersey in the work of providing safer working premises for her industrial army than had prevailed at any time previously in the entire history of the State. The group of industrial diseases included in the New Jersey laws consists of those causes of sickness and disability that were of most common occurrence in her industries and probably covers in a satisfactory way a very large percentage of the causes of occupational ailments which are common to industrial workers in our State.

When an occupational disease case is reported to the department of labor, it is referred immediately to a special investigator trained in the chemistry of the industries of the State and a careful and most exhaustive investigation is made not only to establish the status of the worker's claim from a compensation viewpoint but also to show whether or not every precaution had been taken by management or worker that is commonly recommended for preventive purposes. Warning notices are furnished the employer and a special pamphlet has been prepared that is sent to plants where occupational disease cases occur drawing to their attention the fact that certain definite things must be done by management if occupational diseases are to be avoided. These rules outlining the responsibility of employers in engaging and handling workmen in the dangerous trades are as follows:

1. Selection of workmen who are physically fit for the occupation.
2. Warning workmen of the dangers involved in the occupation.
3. Periodical physical examinations by a competent physician.
4. Providing safe premises, safety devices and safe equipment.
5. Providing clean working clothes and standardized sanitary equipment.
6. Expert medical attention to workmen whose health may be affected by their work.
7. Reporting all cases of sickness due to occupation to the proper authorities.

It is especially necessary for the State to give strict consideration to the health problem in the chemical industry because a great deal of foreign labor is employed and the workers' security is menaced not only by faulty structures, exposed machinery, hot fluids, and handling heavy materials, but also by the presence of corrosive and poisonous substances against which any worker unfamiliar with chemistry would find it difficult to guard. The department insists that chemical plants engage in a strict practice of industrial education for their workers and that this education be intensive and continuous whether it be written, verbal, visual, or a combination of all three methods. This safety education of the worker should begin at the time of his selection for employment when he is directed to the first-aid department for a physical examination and when he is given helpful suggestions on how to remedy defects in his physical condi-

tion such as may be disclosed by scars of previous injuries or revealed in conversation with the examining official. In chemical processing operations that may produce occupational diseases it is important to impress management and workers forcibly with the value of cleanliness of person, the use of bathing facilities, and the use of protective clothing, such as head coverings, breathing apparatus, gloves, boots, and, indeed, a great variety of articles of clothing that is recommended as a protection against corrosive and poisonous substances. The frequency of industrial sickness in occupations involving the use of toxic substances has brought home forcibly to the attention of employers the necessity for the strict training of workmen, competent supervision, and intensive and continuous safety education. I think these three items are the ones of paramount importance that will finally insure a reduction in industrial sickness to that irreducible minimum that is so much desired by all of us.

DISCUSSION

The CHAIRMAN. Is there anything further you would like to say, Doctor McBride?

Doctor McBRIDE. No; we should all be alive to the great hazards that exist to the workers and we should be on the alert. We should have on this matter, as on all others questions, uniform legislation, if possible. The health of the workers is just as important in Nebraska as in New York or any place else. We should seek out the hazards and get the legislatures to control them, if possible, so we can all work for the same purpose for which we are organized.

Doctor PATTON. That's about how I feel on this occupational disease problem. I think we are going through a chemical revolution that will be more far-reaching than the industrial revolution was. In every industry now, chemical processes are being adopted and the State health authorities and the State labor authorities are not keeping pace with it. A number of the different industries are about to make changes and we don't have the facts at hand. In the meanwhile, we are trying to stop this chemical revolution and it is as useless as trying to bottle up the Atlantic Ocean. The problem must be met.

Every physician in the State is required to report to the State department every person he finds suffering from one of the specified occupational diseases, but have they done it? We take the medical directory of New York State, communicate with them and tell them they are running the risk of a legal penalty, and continually cases are brought to our attention where the attending physicians have not been reporting their cases to us. In hospitals and plants they report all their cases, but there are lots of cases, I am sure, throughout the State, we do not hear of. I am quite sure the amendments made to the compensation laws this year will be of material help to us. Now, one of the occupational diseases is compensable if arising out of the use of contact with poisonous substances. Until we added the words "in contact with" we were helpless. I am very much concerned about this problem because right now it is a big one and increasing with great rapidity.

Mr. BALLANTYNE. The subject has assumed an importance that would not have been thought possible five years ago, and this recommendation is no doubt due to the cause Doctor Patton has mentioned. The changes taking place in industries have had the effect of introducing a number of new processes, the result of which on the organisms of the workers we are not able to keep step with, but the changes on the worker are taking place. The field is one, I think, that presents more difficulties because disease in general has usually been regarded as arising from congenital rather than occupational causes, and I imagine there will always be a line of demarcation when it becomes necessary to determine whether it comes from occupational causes or congenital causes, and for that reason progress in determining what is an occupational disease must be slow. Not only officials of the department of labor, but also factory inspectors, are required to have a certain technique in the work. We will have to educate public opinion by the process of applying knowledge so that they will recognize the dangers of certain diseases. The best we can hope to accomplish at the present time, I think, is along educational lines and especially for our old officers. The most important thing is for them to have a knowledge of the chemical processes and the best way we can hope to do this at the present time is to proceed slowly and as far as practicable educate public opinion.

Mr. STEWART. I think we should call attention, in most cases, to the fact that occupational diseases develop very slowly. It takes years before you have pronounced unequivocal symptoms and we should lay stress upon blood tests as a method of getting these facts in the early stages, before worse symptoms occur or the person is down and out. I think that is the most difficult and one of the most important features of the whole thing.

Doctor McBRIDE. We should emphasize frequent health examination in some of our plants where hazardous compounds are made and get the manufacturer's report stating the number of hours employed, number of people employed on the work, and the number of people left out.

Miss JOHNSON. This matter is very important, as Doctor Patton pointed out; the legislature might not recognize the importance of the problem; it may be necessary to educate public opinion. In 1912 our board was organized because of the increasing industrial health problems, and yet, through the problem of chemical industry it has become more important, and instead of weakening it, it has strengthened it. We have the same law in Massachusetts about physicians reporting occupational diseases. Sometimes it is more ignorance than carelessness in not reporting these cases, because I have seen many physicians who do not recognize occupational diseases.

Mr. McCOLL. On this matter, I want to say that in Minnesota we have had considerable difficulty on the subject. I know it is not a generally prevailing one but the danger of carbon monoxide gas in garages should be stressed. In the winter months when doors and windows are closed and a great amount of natural ventilation is closed, we find a great many people with signs of carbon monoxide poisoning. We were rather amazed at the small amount of informa-

tion to be found on the subject and we were astonished at the slight knowledge that the medical profession had, as a whole, on the subject. The best information we could get was that exposure of four or five minutes in an atmosphere that contained 4 parts in 10,000 was a dangerous atmosphere to walk in and 15 parts in 10,000 was dangerous to lie in. But so far, we have not been able to obtain information that was really satisfactory.

Now, the main trouble, I take it, would be largely through the States in the northern part of the Union, and I think in Canada, and in the winter months. As I said, we find many cases and symptoms. Men would become helpless about 3 or 4 in the afternoon, with no desire to work and with headaches. Men who conduct these garages, and I believe the automobile industries also, are quite alive to the fact that one of the dangers of their business is this carbon-monoxide gas and the exposure of workmen to the conditions I have mentioned. I believe we had some correspondence with Mr. Stewart, and he referred us to some place where we obtained some information on the subject, but on the whole we were surprised at the small amount of information we obtained on what we think are quite dangerous conditions in certain sections of the country and something that should be recognized. We could not get expert information on the subject and I thought by bringing it up at this gathering we might be enlightened and possibly get some information.

Mr. BALLANTYNE. There is one point I omitted to mention; it is the attitude of the workers themselves toward occupational diseases. At the time the Ontario Legislature was considering a bill for the examination of workers prior to entering employment and subsequent examinations which would take place each year, it was a matter of serious discussion by representatives of organized labor as to what this meant in its economical aspect to the worker. Did this mean his chances to obtain work were altered by examination, or did the medical test assist his chances for employment? A similar point of view is often expressed by the painter and interior decorator when he is asked to submit himself for examination. He is confronted with losing his job or not being able to get a job, and as the economic urge is greater than the health urge, it is difficult to get information from workers regarding occupational diseases. That's what I meant in part by saying we must proceed slowly and along educational lines in order to promote public opinion on this question. The same is true of carbon-monoxide gas poisoning. It is now recognized that policemen who direct traffic may quite unknown to themselves contract a degree of carbon-monoxide poisoning, and what is true of the policeman is more true of the garage employee. The point I wish to emphasize is, we must get a receptive attitude in the mind of the worker, most of which must be based on a knowledge of his occupation. Keep him receptive and make him recognize the importance of his health.

Doctor PATTON. I was amazed at Mr. McColl's inability to get information as regards carbon monoxide poisoning. We can send him a bushel of information. The automobile exposure in the Grand

Central Station was investigated for three days and we had special bulletins on it. They are available.

Mr. McCOLL. We were not able to get the information and we asked different ones and corresponded with the Department of Labor. It is true that the Bureau of Mines has done a lot along this line. Dr. Alice Hamilton made an investigation and that's what I got. We were referred to a few Monthly Labor Reviews and they furnished us with some information, but the question of what would be considered a dangerous percentage of carbon monoxide in a garage is a serious problem and one that should be given more attention.

Mr. STEWART. This is just one more illustration of what General Sweetser said this morning about a clearing house, where we will get information and scatter it around to the members of this association. Not that Brother McColl should be in doubt as to what is the danger line, there are about half a dozen publications of investigations on the subject. What we want to do is to form closer contacts here.

BUSINESS SESSION

REPORT OF COMMITTEE ON OFFICERS' REPORTS

The committee has considered the suggestions made by Mr. Stewart and the question of increasing the salary of the secretary-treasurer was unanimously reported with the recommendation that the secretary-treasurer's salary be made \$300 a year.

In that connection the question that might be raised is: Can we afford it? The committee says that we can. We especially ask that the executive committee make every effort to bring back into the organization those States that have dropped out, and also to increase the membership by adding new States, and one of the reasons put forth is the one of salesmanship.

We also recommend that we establish a clearing house that when any desired information is asked for it can be secured at once. That information when obtained up to date is worth more than twice the cost of membership in any State. We recommend that every head of a department, when Mr. Stewart calls for what you have, will send it to him at once and not wait to be called upon several times.

[The report was received and the recommendations adopted.]

REPORT OF COMMITTEE ON RESOLUTIONS

1. *Resolved*, That the association extend its sincere thanks to the Department of Labor of Louisiana and commissioner of labor Frank E. Wood for the many attentions accorded the delegates in convention at New Orleans.

2. *Resolved*, That the association extend sincere thanks to his excellency the governor, his honor the mayor, the management of the Roosevelt Hotel, the press, and all others who have contributed so much to the pleasure and comfort of the delegates.

3. *Resolved*, That the association extend sincere thanks to the New Orleans Convention and Publicity Bureau for the many favors shown the members during our stay in New Orleans.

4. Whereas owing to poor health our president Hon. H. M. Stanley of Georgia felt obliged to tender his resignation and whereas he was dearly beloved by

members of this association for his faithfulness and many manly qualities: Therefore be it

Resolved, That we extend to him our love and confidence with the hope of a permanent recovery in the very near future.

5. *Resolved*, That we commend H. M. Stanley, Commissioner of Labor of Georgia, for the fine service rendered this association during the many years he has been a member and that he be made an honorary life member of the association.

6. Whereas several of the State legislatures in recent years have enacted legislation which restricts their labor department officials from attending conventions of this association regardless of the fact that they are members, and

Whereas many of these States have in the past sent delegates who have made valuable contributions from their experience in the administration and enforcement of labor laws and in turn have received valuable information to aid them in the administration of their laws; Be it

Resolved, That the attention of the State legislatures be called to the fact that exceptions should be made to conventions where State officials are going to conventions and conferences with other State officials administering the same character of laws or performing the same functions, that we believe these meetings have become real specialized institutes and that the State loses more than it gains by prohibiting the attendance of labor officials at these gatherings: And be it further

Resolved, That an effort be made to have such State legislatures exempt those who make up the membership of this association and the International Association of Industrial Accident Boards and Commissions from the restrictive provisions of such acts.

7. Whereas this organization and the various States composing its membership are very much interested in the completion of a building construction safety code, and

Whereas the American Engineering Standards Committee has had this matter under consideration for several years without having so far accomplished anything definite; Be it

Resolved, By the Association of Governmental Labor Officials of the United States and Canada in convention at New Orleans, La., that we urge upon the American Engineering Standards Committee to especially stress the matter of this code and pursue such methods as will result in the early consideration of such code. We suggest:

First. If the present sponsor does not immediately act that another sponsor be appointed who will act;

Second. If a general building construction safety code can not be secured under present conditions, then that the code be split up into separate codes and that we have—first, a code covering structural steel construction; second, a brick building code; third, a carpentry building code; fourth, a demolition code; and so on through the list of codes by piecemeal until such time as it is possible to bring them together under a general construction code.

8. Whereas the reports of the Bureau of the Census are the recognized authority on statistics of national extent and importance in the United States, and

Whereas the census of occupations of 1920 shows that at that time women constituted one-fifth of all persons gainfully employed, that the gainfully employed women constituted one-fifth of all females 10 years of age and over,

and that 1 in 11 of all women married and living with husbands were gainfully employed, and

Whereas from the fragmentary sources available there is reason to believe that women now form a greater proportion of all workers than in 1920, and that two-fifths of the working women are or have been married, and

Whereas the surroundings of the women of this generation are a large determinant in the healthy development of the next generation, and it is of the utmost importance to the fact that scientific studies be made of the effects of the conditions of their employment upon their family life and the welfare of their children; and

Whereas it is impossible to study, from the census of occupations, the occupational distribution of mothers or the extent to which they are employed, since the present classification includes widowed or divorced women with single women, and

Whereas the census of manufactures omitted in 1925 the classification of wage earners by sex, which had formerly been reported in every 5-year period since 1900: Therefore, be it

Resolved, That the Secretary of Commerce be requested to direct—

First. That the following separate sex classifications be made in the census of manufacturers of 1929: (1) Males and females 16 years of age and over, (2) males and females under 16 years of age.

Second. That the following separate classifications be made in the census of occupations of 1930: (1) Married women living with husband; (2) women widowed, divorced, or otherwise separated; (3) single women; (4) women whose status is not reported.

9. Whereas a total of nearly 2,000,000 married women, or 1 in 11 in the United States, were reported to be in gainful employment, and the number of these in manufacturing and mercantile industries increased 41 per cent during the decade from 1910 to 1920, while the number of all women so employed increased only 7 per cent; and

Whereas the development of a complex domestic and social problem is indicated by the fact that many of these women are mothers, who are forced to leave young children needing their care and to add to their household duties the work of supplementing the inadequate income of employed or unemployed husbands; and

Whereas, in addition, many women not included in the foregoing figures are widowed, divorced, or separated from husbands and also must leave young children and assume the double responsibility of home making and of family support; and

Whereas the United States Bureau of the Census, though it collects information regarding the marital status and the composition of the families of bread-winning women, does not prepare tabulations which show the occupations of their husbands or the number and the ages of their children: Therefore, be it

Resolved, That we, the members of this organization, call to the attention of our State legislatures and of organizations interested in these problems that the census of 1930 will offer an opportunity to secure the following types of information: First, the extent to which mothers of children under 14 are employed and the number and the ages of such children; and second, the employment status and the occupations of the husbands of occupied women: And be it

Resolved further, That we take every opportunity to urge that these facts be compiled and published.

REPORT OF COMMITTEE ON CONSTITUTION AND BY-LAWS

The committee on constitution and by-laws recommends three amendments to the constitution, as follows:

1. *Object of association.*—The committee recommends that article 2 on the objects of the association be referred by the incoming executive board to a committee to revise, so that it will express more effectively the objects of the association. This is for the purpose of using the revised form in an educational program to interest the States that are not members of the association and to help in building up the membership of the association.

[Unanimously recommended; carried.]

2. *Changing name of association.*—Mr. Ballantyne of Ontario presented to the committee a recommendation that the name of the Association of Governmental Labor Officials be changed to Association of Governmental Officials in Industry. This is for the purpose of removing the misunderstanding that now exists regarding the nature of the association and of helping to secure the cooperation and support of such organizations as chambers of commerce and other employers' associations.

[The majority of the committee favored this change.]

The minority recommendation is that the name be changed to Association of Governmental Officials of Labor and Industry. This would meet the objection raised by those who wish to change the present name as it would make clear the nature of the association. It would prevent the assumption that the association was an employers' organization which might be implied if the title was simply Governmental Officials in Industry. It is in line with the titles of the departments in several of the States which are designated departments of labor and industries and it suggests specifically the work of such departments as they are concerned not primarily with labor or with industry, but impartially with both.

[Majority report carried.]

3. *Voting.*—The committee unanimously recommends that article 7, regarding voting, shall be amended so as to read as follows:

SECTION 1. Voting shall be limited to active members of the association.

SEC. 2. In voting on all questions coming before the association, each State department shall be entitled to two votes, provided it has two delegates present; and no State shall have more votes than it has delegates in attendance.

The various bureaus of the United States Department of Labor and the Department of Labor of Canada shall be entitled to one vote.

The changes proposed: (1) It removes inconsistencies and contradictions in the present form between section 1 and section 2; (2) it is a logical arrangement; (3) it is more democratic and fairer to all; (4) it should stimulate interest in the association and result in having State departments send more than one delegate to the convention.

[Not carried.]

ELECTION OF OFFICERS

The following officers were elected for the ensuing year:

President.—Andrew F. McBride, commissioner department of labor, Trenton, N. J.

First vice president.—Maud Swett, field director woman and child labor, industrial commission, Milwaukee, Wis.

Second vice president.—James H. H. Ballantyne, deputy minister department of labor, Toronto, Ontario.

Third vice president.—W. A. Rooksbery, commissioner bureau of labor and statistics, Little Rock, Ark.

Fourth vice president.—E. Leroy Sweetser, commissioner department of labor and industries, Boston, Mass.

Fifth vice president.—Eugene B. Patton, director bureau of statistics and information, department of labor, New York, N. Y.

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

[After selecting Toronto, Canada, as the place for the next meeting of the association, the convention adjourned.]

HONORARY LIFE MEMBERS

Frank E. Hoffman, Minnesota.

Dr. C. B. Connelley, Pennsylvania.

John Hopkins Hall, jr., Virginia.

Linna Bresette, Kansas.

H. R. Witter, Ohio.

Richard Lansburgh, Pennsylvania.

Alice MacFarland, Kansas.

American representative, International Labor Office.

John S. B. Davie, New Hampshire.

H. M. Stanley, Georgia.

APPENDIX

LIST OF PERSONS WHO ATTENDED THE FIFTEENTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY

Arkansas

E. I. McKinley, deputy commissioner bureau of labor and statistics, Little Rock.
W. A. Rooksbery, commissioner bureau of labor and statistics, Little Rock.
Mrs. W. A. Rooksbery, Little Rock.

Canada

James H. H. Ballantyne, deputy minister department of labor, Toronto.

Delaware

C. W. Dickey, Wilmington.

District of Columbia

Charles E. Baldwin, Assistant Commissioner Bureau of Labor Statistics, Washington.

Agnes L. Peterson, Women's Bureau, Department of Labor, Washington.

Ethelbert Stewart, Commissioner Bureau of Labor Statistics, Washington.

Louisiana

Jean Gordon, Alexander Milne Institute, New Orleans.

Kate Gordon, New Orleans.

Mrs. Joseph E. Friend, New Orleans.

Oscar Dowling, State board of health, New Orleans.

W. J. Waguespack, sr., Legal Aid Society of Louisiana, New Orleans.

L. C. McGinn, Hartwig-Moss Insurance Co., New Orleans.

E. A. McGlasson, superintendent compensation department, Union Indemnity Co., New Orleans.

Frank E. Wood, commissioner bureau of labor and industrial statistics, New Orleans.

And others.

Massachusetts

E. Leroy Sweetser, commissioner department of labor and industries, Boston.

Mrs. E. Leroy Sweetser, Boston.

Ethel M. Johnson, assistant commissioner department of labor and industries, Boston.

Minnesota

Louise E. Schutz, superintendent division of women and children, industrial commission, St. Paul.

Henry McColl, commissioner industrial commission, St. Paul.

New Hampshire

John S. B. Davie, commissioner bureau of labor, Concord.

New Jersey

Andrew F. McBride, commissioner department of labor, Trenton.

New York

James A. Hamilton, industrial commissioner, department of labor, New York.

Mrs. James A. Hamilton, New York.

E. B. Patton, director bureau of statistics and information, department of labor, New York.

Mrs. E. B. Patton, New York.

Mrs. E. Hanks Van Buskirk, American Association for Labor Legislation, New York.

Pennsylvania

Walter Linn, Secretary Pennsylvania Self-Insurers' Association, Philadelphia.

Wisconsin

Taylor Frye, industrial commission, Madison.

Miriam Frye, Madison.

Voyta Wrabetz, industrial commission, Madison.

Maud Swett, field director woman and child labor department, industrial commission, Milwaukee.

LIST OF BULLETINS OF THE BUREAU OF LABOR STATISTICS

The following is a list of all bulletins of the Bureau of Labor Statistics published since July, 1912, except that in the case of bulletins giving the results of periodic surveys of the bureau only the latest bulletin on any one subject is here listed.

A complete list of the reports and bulletins issued prior to July, 1912, as well as the bulletins published since that date, will be furnished on application. Bulletins marked thus () are out of print.*

Conciliation and Arbitration (including strikes and lockouts).

- *No. 124. Conciliation and arbitration in the building trades of Greater New York. [1913.]
- *No. 133. Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements. [1913.]
- No. 139. Michigan copper district strike. [1914.]
- No. 144. Industrial court of the cloak, suit, and skirt industry of New York City. [1914.]
- No. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City. [1914.]
- *No. 191. Collective bargaining in the anthracite-coal industry. [1916.]
- *No. 198. Collective agreements in the men's clothing industry. [1916.]
- No. 233. Operation of the industrial disputes investigation act of Canada. [1918.]
- No. 255. Joint industrial councils in Great Britain. [1919.]
- No. 283. History of the Shipbuilding Labor Adjustment Board, 1917 to 1919.
- No. 287. National War Labor Board: History of its formation, activities, etc. [1921.]
- No. 303. Use of Federal power in settlement of railway labor disputes. [1922.]
- No. 341. Trade agreement in the silk-ribbon industry of New York City. [1923.]
- No. 402. Collective bargaining by actors. [1926.]
- No. 468. Trade agreements in 1927.

Cooperation.

- No. 313. Consumers' cooperative societies in the United States in 1920.
- No. 314. Cooperative credit societies in America and in foreign countries. [1922.]
- No. 437. Cooperative movement in the United States in 1925 (other than agricultural).

Employment and Unemployment.

- *No. 109. Statistics of unemployment and the work of employment offices in the United States. [1913.]
- No. 172. Unemployment in New York City, N. Y. [1915.]
- *No. 183. Regularity of employment in the women's ready-to-wear garment industries. [1915.]
- *No. 195. Unemployment in the United States. [1916.]
- No. 196. Proceedings of the Employment Managers' Conference held at Minneapolis, Minn., January 19 and 20, 1916.
- *No. 202. Proceedings of the conference of Employment Managers' Association of Boston, Mass., held May 10, 1916.
- No. 206. The British system of labor exchanges. [1916.]
- No. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
- No. 235. Employment system of the Lake Carriers' Association. [1918.]
- *No. 241. Public employment offices in the United States. [1918.]
- No. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9-11, 1918.
- No. 310. Industrial unemployment: A statistical study of its extent and causes. [1922.]
- No. 409. Unemployment in Columbus, Ohio, 1921 to 1925.

Foreign Labor Laws.

- *No. 142. Administration of labor laws and factory inspection in certain European countries. [1914.]

Housing.

- *No. 158. Government aid to home owning and housing of working people in foreign countries. [1914.]
- No. 263. Housing by employers in the United States. [1920.]
- No. 295. Building operations in representative cities in 1920.
- No. 469. Building permits in the principal cities of the United States in [1921 to] 1927.

Industrial Accidents and Hygiene.

- *No. 104. Lead poisoning in potteries, tile works, and porcelain enameled sanitary ware factories. [1912.]
- No. 120. Hygiene of the painters' trade. [1913.]
- *No. 127. Dangers to workers from dusts and fumes, and methods of protection. [1913.]
- *No. 141. Lead poisoning in the smelting and refining of lead. [1914.]
- *No. 157. Industrial-accident statistics. [1915.]
- *No. 165. Lead poisoning in the manufacture of storage batteries. [1914.]
- *No. 179. Industrial poisons used in the rubber industry. [1915.]
- No. 188. Report of British departmental committee on the danger in the use of lead in the painting of buildings. [1916.]
- *No. 201. Report of committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. [1916.]
- *No. 207. Causes of death, by occupation. [1917.]
- *No. 219. Industrial poisons used or produced in the manufacture of explosives. [1917.]
- No. 221. Hours, fatigue, and health in British munition factories. [1917.]
- No. 230. Industrial efficiency and fatigue in British munition factories. [1917.]
- *No. 231. Mortality from respiratory diseases in dusty trades (inorganic dusts). [1918.]
- *No. 234. Safety movement in the iron and steel industry, 1907 to 1917.
- No. 236. Effects of the air hammer on the hands of stonecutters. [1918.]
- No. 249. Industrial health and efficiency. Final report of British Health of Munition Workers' Committee. [1919.]
- *No. 251. Preventable death in the cotton-manufacturing industry. [1919.]
- No. 256. Accidents and accident prevention in machine building. [1919.]
- No. 267. Anthrax as an occupational disease. [1920.]
- No. 276. Standardization of industrial accident statistics. [1920.]
- No. 280. Industrial poisoning in making coal-tar dyes and dye intermediates. [1921.]
- No. 291. Carbon-monoxide poisoning. [1921.]
- No. 293. The problem of dust phthisis in the granite-stone industry. [1922.]
- No. 298. Causes and prevention of accidents in the iron and steel industry, 1910-1919.
- No. 306. Occupation hazards and diagnostic signs: A guide to impairments to be looked for in hazardous occupations. [1922.]
- No. 339. Statistics of industrial accidents in the United States. [1923.]
- No. 392. Survey of hygienic conditions in the printing trades. [1925.]
- No. 405. Phosphorus necrosis in the manufacture of fireworks and in the preparation of phosphorus. [1926.]
- No. 425. Record of industrial accidents in the United States to 1925.
- No. 426. Deaths from lead poisoning. [1927.]
- No. 427. Health survey of the printing trades, 1922 to 1925.
- No. 428. Proceedings of the Industrial Accident Prevention Conference, held at Washington, D. C., July 14-16, 1926.
- No. 460. A new test for industrial lead poisoning. [1928.]
- No. 466. Settlement for accidents to American seamen. [1928.]

Industrial Relations and Labor Conditions.

- No. 237. Industrial unrest in Great Britain. [1917.]
- No. 340. Chinese migrations, with special reference to labor conditions. [1923.]
- No. 349. Industrial relations in the West Coast lumber industry. [1923.]
- No. 361. Labor relations in the Fairmont (W. Va.) bituminous-coal field. [1924.]
- No. 380. Postwar labor conditions in Germany. [1925.]
- No. 383. Works council movement in Germany. [1925.]
- No. 384. Labor conditions in the shoe industry in Massachusetts, 1920-1924.
- No. 399. Labor relations in the lace and lace-curtain industries in the United States. [1925.]

Labor laws of the United States (including decisions of courts relating to labor).

- No. 211. Labor laws and their administration in the Pacific States. [1917.]
No. 229. Wage-payment legislation in the United States. [1917.]
No. 285. Minimum wage laws of the United States: Construction and operation. [1921.]
No. 321. Labor laws that have been declared unconstitutional. [1922.]
No. 322. Kansas Court of Industrial Relations. [1923.]
No. 343. Laws providing for bureaus of labor statistics, etc. [1923.]
No. 370. Labor laws of the United States, with decisions of courts relating thereto. [1925.]
No. 408. Laws relating to payment of wages. [1926.]
No. 444. Decisions of courts and opinions affecting labor, 1926.
No. 470. Labor legislation of 1927.

Proceedings of Annual Conventions of the Association of Governmental Labor Officials of the United States and Canada.

- *No. 266. Seventh, Seattle, Wash., July 12-15, 1920.
No. 307. Eighth, New Orleans, La., May 2-6, 1921.
No. 323. Ninth, Harrisburg, Pa., May 22-26, 1922.
No. 352. Tenth, Richmond, Va., May 1-4, 1923.
No. 389. Eleventh, Chicago, Ill., May 19-23, 1924.
No. 411. Twelfth, Salt Lake City, Utah, August 13-15, 1925.
No. 429. Thirteenth, Columbus, Ohio, June 7-10, 1926.
No. 455. Fourteenth, Paterson, N. J., May 31 to June 3, 1927.

Proceedings of Annual Meetings of the International Association of Industrial Accident Boards and Commissions.

- No. 210. Third, Columbus, Ohio, April 25-28, 1916.
No. 248. Fourth, Boston, Mass., August 21-25, 1917.
No. 264. Fifth, Madison, Wis., September 24-27, 1918.
*No. 273. Sixth, Toronto, Canada, September 23-26, 1919.
No. 281. Seventh, San Francisco, Calif., September 20-24, 1920.
No. 304. Eighth, Chicago, Ill., September 19-23, 1921.
No. 333. Ninth, Baltimore, Md., October 9-13, 1922.
No. 359. Tenth, St. Paul, Minn., September 24-26, 1923.
No. 385. Eleventh, Halifax, Nova Scotia, August 26-28, 1924.
No. 395. Index to proceedings, 1914-1924.
No. 406. Twelfth, Salt Lake City, Utah, August 17-20, 1925.
No. 432. Thirteenth, Hartford, Conn., September 14-17, 1926.
No. 456. Fourteenth, Atlanta, Ga., September 27-29, 1927.

Proceedings of Annual Meetings of International Association of Public Employment Services.

- No. 192. First, Chicago, December 19 and 20, 1913; second, Indianapolis, September 24 and 25, 1914; third, Detroit, July 1 and 2, 1915.
No. 220. Fourth, Buffalo, N. Y., July 20 and 21, 1916.
No. 311. Ninth, Buffalo, N. Y., September 7-9, 1921.
No. 337. Tenth, Washington, D. C., September 11-13, 1922.
No. 355. Eleventh, Toronto, Canada, September 4-7, 1923.
No. 400. Twelfth, Chicago, Ill., May 19-23, 1924.
No. 414. Thirteenth, Rochester, N. Y., September 15-17, 1925.
No. 478. Fifteenth, Detroit, Mich., October 25-28, 1927.

Productivity of Labor.

- No. 356. Productivity costs in the common-brick industry. [1924.]
No. 360. Time and labor costs in manufacturing 100 pairs of shoes, 1923.
No. 407. Labor cost of production and wages and hours of labor in the paper box-board industry. [1926.]
No. 412. Wages, hours, and productivity in the pottery industry, 1925.
No. 441. Productivity of labor in the glass industry. [1927.]
No. 474. Productivity of labor in merchant blast furnaces. [In press.]
No. 475. Productivity of labor in newspaper printing. [In press.]

Retail Prices and Cost of Living.

- *No. 121. Sugar prices, from refiner to consumer. [1913.]
*No. 130. Wheat and flour prices, from farmer to consumer. [1913.]
*No. 164. Butter prices, from producer to consumer. [1914.]
No. 170. Foreign food prices as affected by the war. [1915.]
No. 357. Cost of living in the United States. [1924.]
No. 369. The use of cost-of-living figures in wage adjustments. [1925.]
No. 464. Retail prices, 1890 to 1927.

Safety Codes.

- *No. 331. Code of lighting: Factories, mills, and other work places.
- No. 336. Safety code for the protection of industrial workers in foundries.
- No. 350. Specifications of laboratory tests for approval of electric headlighting devices for motor vehicles.
- No. 351. Safety code for the construction, care, and use of ladders.
- No. 375. Safety code for laundry machinery and operations.
- No. 378. Safety code for woodworking plants.
- No. 382. Code for lighting school buildings.
- No. 410. Safety code for paper and pulp mills.
- No. 430. Safety code for power presses and foot and hand presses.
- No. 433. Safety codes for the prevention of dust explosions.
- No. 436. Safety code for the use, care, and protection of abrasive wheels.
- No. 447. Safety code for rubber mills and calenders.
- No. 451. Safety code for forging and hot-metal stamping.
- No. 463. Safety code for mechanical power-transmission apparatus—first revision.

Vocational and Workers' Education.

- *No. 159. Short-unit courses for wage earners, and a factory school experiment. [1915.]
- *No. 162. Vocational education survey of Richmond, Va. [1915.]
- No. 199. Vocational education survey of Minneapolis, Minn. [1917.]
- No. 271. Adult working-class education in Great Britain and the United States. [1920.]
- No. 459. Apprenticeship in building construction. [1928.]

Wages and Hours of Labor.

- *No. 146. Wages and regularity of employment and standardization of piece rates in the dress and waist industry of New York City. [1914.]
- *No. 147. Wages and regularity of employment in the cloak, suit, and skirt industry. [1914.]
- No. 161. Wages and hours of labor in the clothing and cigar industries, 1911 to 1913.
- No. 163. Wages and hours of labor in the building and repairing of steam railroad cars, 1907 to 1913.
- *No. 190. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1914.
- No. 204. Street-railway employment in the United States. [1917.]
- No. 225. Wages and hours of labor in the lumber, millwork, and furniture industries, 1915.
- No. 265. Industrial survey in selected industries in the United States, 1919.
- No. 297. Wages and hours of labor in the petroleum industry, 1920.
- No. 356. Productivity costs in the common-brick industry. [1924.]
- No. 358. Wages and hours of labor in the automobile-tire industry, 1923.
- No. 360. Time and labor costs in manufacturing 100 pairs of shoes, 1923.
- No. 365. Wages and hours of labor in the paper and pulp industry, 1923.
- No. 394. Wages and hours of labor in metalliferous mines, 1924.
- No. 407. Labor cost of production and wages and hours of labor in the paper box-board industry. [1925.]
- No. 412. Wages, hours, and productivity in the pottery industry, 1925.
- No. 413. Wages and hours of labor in the lumber industry in the United States, 1925.
- No. 416. Hours and earnings in anthracite and bituminous coal mining, 1922 and 1924.
- No. 422. Wages and hours of labor in foundries and machine shops, 1925.
- No. 435. Wages and hours of labor in the men's clothing industry, 1911 to 1926.
- No. 438. Wages and hours of labor in the motor-vehicle industry, 1925.
- No. 442. Wages and hours of labor in the iron and steel industry, 1907 to 1926.
- No. 443. Wages and hours of labor in woolen and worsted goods manufacturing, 1910 to 1926.
- No. 446. Wages and hours of labor in cotton-goods manufacturing, 1910 to 1926.
- No. 450. Wages and hours of labor in the boot and shoe industry, 1907 to 1926.
- No. 452. Wages and hours of labor in the hosiery and underwear industries, 1907 to 1926.
- No. 454. Hours and earnings in bituminous-coal mining, 1922, 1924, and 1926.
- No. 457. Union scales of wages and hours of labor, May 15, 1927.
- No. 471. Wages and hours of labor in foundries and machine shops, 1927. (In press.)
- No. 472. Wages and hours of labor in slaughtering and meat packing, 1927. (In press.)
- No. 476. Union scales of wages and hours of labor, 1927. Supplement to Bul. No. 457. (In press.)

Welfare Work.

- *No. 123. Employers' welfare work. [1913.]
- No. 222. Welfare work in British munitions factories. [1917.]
- *No. 250. Welfare work for employees in industrial establishments in the United States [1919.]
- No. 458. Health and recreation activities in industrial establishments, 1926.

Wholesale Prices.

- No. 284. Index numbers of wholesale prices in the United States and foreign countries. [1921.]
- No. 453. Revised index numbers of wholesale prices, 1923 to July, 1927.
- No. 473. Wholesale prices, 1913 to 1927. (In press.)

Women and Children in Industry.

- No. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia. [1913.]
- *No. 117. Prohibition of night work of young persons. [1913.]
- No. 118. Ten-hour maximum working-day for women and young persons. [1913.]
- No. 119. Working hours of women in the pea canneries of Wisconsin. [1913.]
- *No. 122. Employment of women in power laundries in Milwaukee. [1913.]
- No. 160. Hours, earnings, and conditions of labor of women in Indiana mercantile establishments and garment factories. [1914.]
- *No. 167. Minimum-wage legislation in the United States and foreign countries. [1915.]
- *No. 175. Summary of the report on conditions of woman and child wage earners in the United States. [1915.]
- *No. 176. Effect of minimum-wage determinations in Oregon. [1915.]
- *No. 180. The boot and shoe industry in Massachusetts as a vocation for women. [1915.]
- *No. 182. Unemployment among women in department and other retail stores of Boston, Mass. [1916.]
- No. 193. Dressmaking as a trade for women in Massachusetts. [1916.]
- No. 215. Industrial experience of trade-school girls in Massachusetts. [1917.]
- *No. 217. Effect of workmen's compensation laws in diminishing the necessity of industrial employment of women and children. [1918.]
- No. 223. Employment of women and juveniles in Great Britain during the war. [1917.]
- No. 253. Women in the lead industries. [1919.]

Workmen's Insurance and Compensation (including laws relating thereto).

- *No. 101. Care of tuberculous wage earners in Germany. [1912.]
- *No. 102. British national insurance act, 1911.
- No. 103. Sickness and accident insurance law of Switzerland. [1912.]
- No. 107. Law relating to insurance of salaried employees in Germany. [1913.]
- *No. 155. Compensation for accidents to employees of the United States. [1914.]
- No. 212. Proceedings of the conference on social insurance called by the International Association of Industrial Accident Boards and Commissions, Washington, D. C., December 5-9, 1916.
- *No. 243. Workmen's compensation legislation in the United States and foreign countries, 1917 and 1918.
- No. 301. Comparison of workmen's compensation insurance and administration. [1922.]
- No. 312. National health insurance in Great Britain, 1911 to 1921.
- No. 379. Comparison of workmen's compensation laws of the United States as of January 1, 1925.
- No. 423. Workmen's compensation legislation of the United States and Canada as of July 1, 1926.
- No. 477. Public service retirement systems, United States and Europe. (In press.)

Miscellaneous Series.

- *No. 174. Subject index of the publications of the United States Bureau of Labor Statistics up to May 1, 1915.
- No. 208. Profit sharing in the United States. [1916.]
- No. 242. Food situation in central Europe, 1917.
- No. 254. International labor legislation and the Society of Nations. [1919.]
- No. 268. Historical survey of international action affecting labor. [1920.]
- No. 282. Mutual relief associations among Government employees in Washington, D. C. [1921.]
- No. 299. Personnel research agencies: A guide to organized research in employment management, industrial relations, training, and working conditions. [1921.]

Miscellaneous Series—Continued.

- No. 319. The Bureau of Labor Statistics: Its history, activities, and organization. [1922.]
- No. 326. Methods of procuring and computing statistical information of the Bureau of Labor Statistics. [1923.]
- No. 342. International Seamen's Union of America: A study of its history and problems. [1923.]
- No. 346. Humanity in government. [1923.]
- No. 372. Convict labor in 1923.
- No. 386. Cost of American almshouses. [1925.]
- No. 398. Growth of legal-aid work in the United States. [1926.]
- No. 401. Family allowances in foreign countries. [1926.]
- No. 420. Handbook of American trade-unions. [1926.]
- No. 439. Handbook of labor statistics, 1924 to 1926.
- No. 461. Labor organizations in Chile. [1928.]
- No. 462. Park recreation areas in the United States. [1928.]
- No. 465. Beneficial activities of American trade-unions. [1928.]
- No. 467. Minimum-wage legislation in various countries. [1928.]
- No. 479. Activities and functions of a State department of labor. [1928.]

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