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**LABOR CONDITIONS
OF WOMEN AND CHILDREN
IN JAPAN**

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Foreword

The study of factory legislation in the making is a fascinating subject of investigation in any country and under any system of law or government. The whole idea of the application of the legislative method to the solution of social and economic problems is still so novel and experimental in all countries, even in the oldest industrial civilizations, that we all have much to learn from the experience everywhere and especially from that of Japan, which has passed so rapidly, and withal so successfully, from an agricultural to a dominant industrial economy and has adapted, rather than merely imitated, and incorporated into oriental life and tradition the standards, methods, and processes of the occidental factory system.

To anyone familiar with the detailed history of the English factory acts of a century and more ago, and of the early labor legislation in various States of the American Union 50 years ago, there is a curious parallelism, probably wholly unrelated and unconscious, to the remarkably rapid developments of the last 15 years in Japan. Both in the problems and difficulties encountered and in the devices employed to make legislation and administration effective this parallelism under such different conditions of environment is most interesting and instructive. Although Doctor Matsuoka has brought to her task, as she has outlined it and carefully circumscribed it in the preface, peculiar qualifications by reason of her long and patient studies of American and European efforts to promote and conserve the welfare of women and children, she modestly disclaims having made any new or startling discoveries or having done more than open the door and point the way to a better understanding of motives and underlying principles of the protective labor legislation for women and children in the Japanese textile industries, which are the dominating industries of her country.

Valuable as many of the results of this study, in my judgment, will prove to be to American readers, the greatest service Doctor Matsuoka has rendered and the chief value and significance of her study consist in the discriminating use and interpretation of original materials and sources of information, mostly official, unknown and inaccessible to those who do not read the Japanese language. Perhaps the most helpful word of introduction I can give will be to explain who some of these responsible authorities are whom she cites or quotes most frequently. First of all—and there is scarcely a second in his class—is Dr. Minoru Oka, formerly a high Government official and now vice president and director of the Tokyo Nichi-Nichi, one of the daily papers of largest circulation in Japan. In the year he graduated in politics at the Tokyo Imperial University he passed the higher civil service examinations and soon became councilor of the Legislation Bureau in the Department of Agriculture and Commerce; later he became secretary of the department,

and later still director of the Trade and Industry Bureau of the same department. This was in the critical period before 1911, when the Government's plans for factory legislation were being formulated and discussed. During this period Doctor Oka was sent on tours of investigation of industry and commerce to Europe, Java, Straits Settlements, United States of America, Mexico, and South America. He also served as chief of the insurance sections of the department and as a member of many of its committees. From 1919 until his retirement in 1925 he was twice director of the Bureau of Commerce and Industry, which, in its relations to the development and enforcement of labor legislation, stood very much in the same position as the Bureau of Social Affairs now does. He has been a delegate to many international economic and labor conferences and was the chief Government delegate of Japan at the First International Labor Conference in Washington in 1919 in pursuance of Part XIII of the treaty of Versailles; also Japanese delegate to the Paris Peace Conference and a member of the conference's commission on international labor legislation, which drafted Part XIII of the treaty. If he is not entitled to be called the "father" of the Japanese factory acts because he was not a member of the legislative assemblies that adopted them, he was at least the guiding spirit in their drafting and in the preparation of the ordinances and regulations for their application and enforcement which, under the Japanese system of legislation, are often more important than the original enactments. It would be hard to find a better qualified person to testify as to what went on behind the scenes in the long struggle and dramatic history preceding the first factory act, that of 1911. Fortunately he has made himself the "historian" of the Japanese factory acts in his monumental Treatise on Factory Legislation (*Kojō-Ho Ron*), published in 1917, but unfortunately only in Japanese. A few scraps of it have appeared in English in articles by Doctor Oka and others. Doctor Matsuoka has very properly placed great reliance on this source.

Comparable statistics from official sources covering any considerable part of even the brief 15 years of regulation, and pertaining to the conditions regulated and the effectiveness of the regulation, are exceedingly difficult to obtain even with the most complete access to Japanese sources. This is partly due to the complicated system of national and prefectural or local administration, and to the rapid changes in the scope of regulation and in the national agencies for its direction and supervision. Doctor Matsuoka has wisely confined such statistical material as she presents to strictly official sources, though this has meant in many cases the omission of any attempt at quantitative measurement and the reliance upon descriptive accounts and interpretation of events by competent observers. Just as in the early days of the English factory legislation both legislators and the general public relied largely for guidance upon the first factory inspectors and their official reports, as well as their unofficial contributions to a critical discussion of their problems and to constructive suggestions for their solution, so in Japan Doctor Matsuoka has found that in addition to valuable official reports of investigating commissions, of factory inspectors, and of such governmental agencies as the Bureau of Social Affairs, there is a wealth of reliable material in books and papers contributed to unofficial publications by persons who have held or are holding high official and responsible positions

and have more than a perfunctory and bureaucratic interest in their work. No small part of the value of this study to foreigners will consist in making them acquainted with the thought and efforts to improve social conditions of such men as J. Kitaoka, for several years chief factory inspector; T. Katsura and S. Kimura, both of whom have had important duties in the Bureau of Social Affairs; K. Takahashi, a brilliant young financial writer, formerly on the staff of the *Oriental Economist*, who began as a shop boy and, after graduating in commerce at Waseda University, had business experience in the service of the Kuhara Mining Co.; S. Yoshisaka, now chief of the permanent delegation to the International Labor Organization at Geneva and Japanese representative on the governing body of the organization, formerly chief factory inspector in the Bureau of Social Affairs in Tokyo; Dr. Iwao F. Ayusawa, chief Japanese representative on the staff of the secretariat of the International Labor Organization in Geneva, and others, all of whom can speak with that competence and authority that comes from long and varied practical experience in the making and application of protective labor legislation. Mention should also be made in this connection of Mr. Junshiro Asari, now the director of the Tokyo office of the International Labor Office, but formerly the first executive secretary and one of the founders of the Japanese Association for International Labor (*Kokusai Rodo Kyokai*), an organization founded in 1925 on the initiative of a few leading scholars who succeeded in enlisting the active cooperation of the leaders of all the chief workers' organizations, of influential employers, of prominent representatives of the professional and intellectual classes, and finally of many officials and Government delegates to the various International Labor Conferences, an unofficial national organization created "to support the International Labor Organization and particularly to act as a medium for hastening the ratification and enforcement of international labor conventions, and also to discuss other labor and industrial problems." Doctor Matsuoka has drawn heavily upon these authorities for interpretation and confirmation of her own observation of conditions and of her own study of official reports and documents. Unfortunately the greatest of the governmental commission reports in Japan, that of the Special Factory Investigation Commission of 1900, several volumes of which were published in 1903, is difficult to find even in Tokyo. Miss Matsuoka had brief access on the occasion of her visit in 1929 to two volumes, which she cites—those on the condition of cotton-spinning workers and raw-silk workers—but for the most part she has let one or another of the above authorities cite and reveal the information to be found in this important source.

Another very important general source for the subjects here treated is that of the numerous publications of the *Kyocho-Kai* (Association for Harmonious Cooperation), a private foundation established in 1919 with a modest endowment of \$3,000,000, part of which is a Government subsidy and part voluntary contributions, mostly from capitalistic sources. The association maintains an able research staff and works in close affiliation with the Government. Prince Tokugawa Iyesato, president of the House of Peers, has been the president of the association from the beginning; the present director is Mr. S. Yoshida, who was formerly director of the Bureau of Social Affairs in the Department of Home Affairs. It has the

active support of representative capitalists, of the more intellectual and progressive leaders of public opinion, and increasingly of late of representatives of labor unions and of labor leaders. Among the more than 100 volumes of publications the association has published during the past decade there are several Japanese translations of important English, French, and German books in the field of labor and industrial leadership and management, and it is a pity that there is no corresponding provision for the publication in English of at least the more important original publications of the Kyocho-Kai. Other recent writers in English, notably Mr. Shuichi Harada in his *Labor Conditions in Japan* (1928), and Dr. Iwao F. Ayusawa in numerous places in the International Labor Office publications, have cited and used this material, but I think it is safe to say that the perusal of Doctor Matsuoka's study will give the most comprehensive view of the scope and significance of the Kyocho-Kai materials that has as yet been presented to English readers.

Doctor Ayusawa has been engaged for some time in what will be virtually a revision and bringing down to date of his excellent report on *Industrial and Labor Legislation in Japan* (International Labor Office, *Studies and Reports, Series B, No. 16, Geneva, 1926*), which will appear soon as two chapters (Ch. X, *Labor Legislation*, and Ch. XI, *Labor Administration*) of an International Labor Office report on *Conditions of Industrial Labor and Legislation in Japan*, which is part of a larger report on an inquiry into the conditions of labor in Asiatic countries. Doctor Ayusawa very kindly made available to Miss Matsuoka an early draft of this material, which has proven very useful, and it is to be regretted that it is not yet far enough advanced toward publication to be cited by date and number. The reader of Doctor Matsuoka's study will find Doctor Ayusawa's report well worth consultation, for the purpose of both supplementing and substantiating many of her statements concerning labor legislation and administration in Japan.

Protective labor legislation everywhere is experimental and in an embryonic stage of development, but it is something more in strong youthful industrial nations like Japan and the United States—it is one of the high hopes of militant efficient democracy in industry as well as government. It is a sort of collectivism based on mutual consent of those directly affected, but making the public interest the dominant controlling factor. In any event, I am sure that there will be many American readers of this book who will feel grateful, as we do at Columbia University, to the Ayusawas, the Haradas, and the Matsuokas of the younger generation of Japanese scholars, as well as to the elder statesmen in industry, the Okas, the Yoshisakas, the Kitaokas, and others, for the painstaking work they have done, first, to understand, interpret, and apply the earlier occidental theory and practice of labor legislation and second, to record and interpret to us their experience in its adaptation to oriental life, traditions, and customs.

SAMUEL McCUNE LINDSAY.

COLUMBIA UNIVERSITY,
New York City, July, 1931.

Preface

Japan has in the past 50 years emerged from an agricultural country and become to-day one of the great industrial nations of the world. The World Engineering Congress and the World Power Conference, held in Tokyo in 1929 with Japan as host to those industrial representatives of the occidental countries, bear witness to Japan's leadership and progress in industrial pursuits.

This industrial progress of Japan is due to many factors. Government paternalism has played an important rôle in this growth, but, on the other hand, without the cooperation and loyalty of the great masses of people, who are the real productive forces in industry, the Government could not have brought about the change.

There have been serious labor problems in Japan, and there have been attempted solutions, but the apathy of most of the population and the antagonism of those who benefited from exploitation of workers prevented success. It was not until the labor provisions (Pt. XIII) of the treaty of Versailles, and the first International Labor Conference under the treaty, held at Washington in 1919, had centered the attention of the world on labor's major problems that Japan awakened to her own situation. Both the Government and representatives of public opinion studied labor problems with great enthusiasm. The Government established a Bureau of Social Affairs in 1922 as a central administrative authority to deal with labor problems and questions concerning the International Labor Organization and international labor relations. The standards of legal protection of women and children in industry became at once a matter of increasing public concern. Improvement in labor legislation and its administration began to manifest itself.

Materials on various phases of this subject exist, but no comprehensive treatment of the problems of women and children in industry has been attempted in English. The source books are mostly written in Japanese and for that reason are not available to the occidental student.

The purpose of this study, then, is to present for occidental readers some account of the working conditions existing among women and children in the textile factories of Japan, with special reference to the international influences at work since the beginning of factory employment largely determining those conditions and the efforts to improve them through protective labor legislation. My effort has been concentrated on the textile industry because of its relative importance and because women and children are employed almost exclusively in its several branches.¹ The conditions among farmers,

¹ Prof. John E. Orchard (*Japan's Economic Position*, New York, McGraw-Hill Co., 1930, p. 115) says: "In modern industrial Japan there can be no question of the pre-eminent position of the textile group, including the reeling of raw silk, the spinning of cotton yarn, the weaving of cotton cloth, the weaving of silk and mixed cloth, the spinning and weaving of wool, hemp, flax, and other fibers, and the finishing of cloth. It is in those industries that Japan has had the greatest development. They are industrial Japan."

miners, and other industrial workers are excluded from the study, because Japanese factory legislation deals almost entirely with the protection of women and children, and these are found largely in the textile industry. Conditions in the smaller unregulated factories are for the most part likewise excluded, because official data for such are almost nonexistent.

This project has been in my mind since an occurrence of more than 10 years ago. At that time I accidentally saw a weaving factory in Kyoto, and was much distressed by the conditions which existed. Later it happened that there was a servant in my household who was totally illiterate, owing to employment in a silk-reeling factory since early childhood, and my earlier interest was intensified. I came to the United States to study with this project in mind. For seven years I did practical social work as a basis for the study and at the same time took academic courses. But it is difficult to obtain any dependable source books on such subjects in America. Following Professor Lindsay's direction, I went to Japan in 1929 to see the actual conditions among the woman and child factory laborers, as well as to collect exact data for this study. The most important information on the subject was given by the chief of factory inspection in the Bureau of Social Affairs, Mr. Kitaoka, who participated in the drafting of the revised factory legislation in 1923, and of several other protective laws. Mr. Kitaoka recommended several source books (in Japanese), such as: Oka, M., *A Treatise on Factory Legislation*, Tokyo, 1917; Yoshisaka, S., *Treatise on Amended Factory Law*, Tokyo, 1927; Takahashi, K., *History of Industrial Development in the Meiji and Taisho Eras*, Tokyo, 1929; Kimura, S., *Commentary on the Ordinance on Recruiting of Workers*, Tokyo, 1926; Reports and publications of the Bureau of Social Affairs, Tokyo. He also suggested a possible method and procedure of study, and then sent me to inspect several textile mills.

For academic sources of information and interest in this subject I visited the Imperial University of Tokyo, the political and social science department. Professor Kawai admitted me into his seminar, and gave valuable information and suggested several books to be used as source material.

Much important and up-to-date material for this study was found in the publications of the *Kyocho-Kai* (Association for Harmonious Cooperation), founded in Tokyo in 1919. Its chief serial publication is a monthly issued since September, 1920, entitled "*Shakai Seisaku Jiho*" (Social Reform). It furnishes current information on industrial conditions and social legislation, and an English supplement gives a summarized report of the current situation of the working-class movement. The society maintains close and friendly relations with the Government and with employer and employee organizations, and has a small but able research staff of its own which is constantly engaged in researches on the following subjects: Conditions of labor in Japanese industries; the progress and development of labor and other social movements; conditions of Japanese rural workers; cooperative movements; adult workers' education; social legislation, etc. The results of these investigations are published from time to time in books and pamphlets, and the society also publishes Japanese translations of important foreign books on these

topics. Foreign students who can read Japanese will find in one huge volume of the *Kyocho-Kai* publications, frequently cited in the following pages, a veritable mine of accurate information. This is the tenth anniversary volume, published in 1930 and entitled "Saikin no Shakai Undo" (Recent Social Movements). Other important reports of the *Kyocho-Kai* are: Cost of Living of Japanese Workers and Employees, a valuable investigation completed in 1923; Rules of Employment in Important Japanese Factories; Handbook on the Health Insurance Act in Japan; Welfare Work in Japanese Industries.

Another periodical in this field of study was found very helpful. It is the *Journal of the Association of Social and Political Science of the Imperial University of Tokyo*, published under the title: "Kokka Gakukai Zashi." The official reports of the Government, of its factory inspectors, and of its Bureau of Social Affairs, and its departmental and legislative documents are all, of course, indispensable in any such inquiry as undertaken here, but of almost equal value as source material were the publications of the International Labor Office in Geneva, Switzerland. The following were consulted and found useful both in interpreting and supplementing the Japanese records and reports of Japanese labor conditions: *International Labor Review* (monthly); *Industrial and Labor Information* (weekly); *Legislative Series* (annual, containing the text of labor laws and ordinances and regulations in all countries); the director's annual reports; documents of the International Labor Conferences (annual or more frequent); the stenographic reports of the proceedings of the International Labor Conferences; *Studies and Reports*, a valuable series of volumes, several of which relate specifically to Japan.

Statistical data for this study are taken from Japanese Government sources, such as the annual reports of factory inspection, etc., which are reliable. Their introduction and use in this study are chiefly for illustrative purposes and to furnish a concrete picture of general conditions.

I acknowledge with gratitude the suggestions and kind guidance given me by Prof. Samuel McCune Lindsay, of Columbia University, in whose seminar on social legislation I have studied for two years and part of a third academic year. My sincere thanks are due to Mr. Kitaoka; Professor Kawai; Mr. Ishi, the Japanese consul in New York City, whose kind assistance has made available Government publications; Mr. Hiroike, of *Kyocho-Kai*; Mr. H. Maeda; Mr. T. Gamo, of Industrial Welfare Society; Mr. J. Asari, director of the Tokyo office of the International Labor Office; Mr. K. Mizusawa, second secretary of the Japanese Embassy in Washington; and Hon. Sho Nemoto, of Tokyo, and for over 35 years continuously a member of the House of Commons, who provided me with the minutes of the factory acts committee of the House of Commons in the twenty-seventh Diet which passed the first factory act in 1911.

Thanks are also due to my American friends, Mrs. Mary Stevenson Callcott, of New York City, and Miss Edith Sawyer, of Freiberg, Me., for their valuable assistance with English.

ASA MATSUOKA.

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Chapter 1.—Introduction

The most recent notable event in the history of factory legislation in Japan occurred on July 1, 1929, when night work for women and children was abolished, in accordance with the terms of the factory (amendment) act of 1923, which took effect July 1, 1926, but which contained an exemption permitting night work in factories operating on a two-or-more-shift plan for three years from that date. This important result was achieved only after years of intense and dramatic struggle on the part of those whose interest in the protection and welfare of women and children had already secured a shorter factory working-day, better sanitary conditions, safety and health measures, and prohibition of child labor for those under 14 years of age, with an exception for children of 12 years of age who had met the elementary education requirements. But back of even the earliest of these achievements there is a long history of attempts and failures leading to only partial similar success.

Peculiar Characteristics of Japanese Factory Conditions

Every country has had a factory legislation history in its efforts to secure protective legislation for its workers. Japan's experience, while not greatly different in general outline from that of England and the United States, still has points that distinguish it. In the first place the Government itself, instead of private agencies and the humanitarians, initiated and put on the statute books most of the protective legislation. From the beginning factory regulation and legislation on a national scale have affected only the larger plants, and the smaller private factories employing less than 10 persons are still outside of the application of the law. That means that native manufacturing industries have always been for the most part unregulated.

In the second place, the dormitory system in Japanese industry, which houses its workers in living quarters within the factory precincts, is also unfamiliar to the Occident. Previous to any factory legislation a system of long-term contracts, which under the

peculiar workings of the dormitory system amounted almost to peonage, worked great hardship and injustice on the unprotected young girls of the nation. Long hours, insufficient or poor food, and insanitary living conditions in the dormitories took their toll in loss of health. Often, too, cruel disciplinary measures were resorted to, in order to enforce the employer's arbitrary commands. Girls were the chief victims because the textile industry, of first importance in industrial Japan, employed mostly females who had not yet reached the marriageable age.

The fact that these workers were so at the mercy of this system was largely because of the recruiters—persons who went forth to seek the new labor necessary on account of the high percentage of turnover in the factories. The textile industry of Japan has been subjected to harsh criticism for its methods of obtaining workers, since it is necessary to secure the workers needed from distant country places. When taking the girl from home, paying enough wages in advance to bind her to a condition of economic slavery, the recruiter, formerly unregulated, was apt to paint conditions in a rosier hue than facts warranted; parents were deceived, and young girls were persuaded to enter factory work because of the natural desire to see urban life. But the evils that ensued proved the undoing of the exploiter. Early attempts at legislation for the prohibition of night work proved that the Government could do little to correct these evils without an enlightened public sentiment. With the return to their homes of girls suffering from tuberculosis and from other diseases, however, there arose a compelling sentiment for protective legislation. In 1911 the first factory act was passed, but it was not put in force until 1916 because the Government, with its paternalistic concern for industry as well as for workers, wanted to give ample notice and time for the adjustment of Japanese industry to the new burdens and responsibilities.

In the third place the international factor has played an important rôle in the industrialization of Japan and in the need for protective labor legislation. Imported industries, as most manufacturing and especially that of textiles are called, were started under the strong leadership of a paternalistic Government in order to enable Japan to associate with western nations on equal terms, quite as much as to profit by the economic advantages of occidental life. Naturally, with the adaptation of the factory system to the needs and uses of her own people, Japan looked to the west for the remedies for its attendant evils. Hardly had the first factory act in Japan, fashioned on occidental models, been put into force and subjected to the strain of the war years (1916-1918) until world-wide efforts to consider the welfare of workers and the equalization of protective measures in all countries found expression in Part XIII of the treaty of Versailles, and in the formation of the International Labor Organization, in which Japan was recognized as one of the great industrial powers.

The first International Labor Conference under the new organization met in Washington in 1919. As a result of the important draft conventions it adopted, three of which Japan subsequently ratified, it became necessary to readjust Japanese industry to new standards of regulation. The amended factory act of 1923 and the establishment of the new and enlarged labor authority—the Bureau

of Social Affairs in the Department of Home Affairs at Tokyo—was the next step and the beginning of many efforts from that date to the present to adjust Japan's protective labor legislation to the requirements of the best international standards.

In 1929 the abolition of night work for women and children did not apply to unregulated factories and did not go far enough to enable Japan yet to ratify the night-work conventions, though it benefited more than 200,000 workers in Japan.¹

The working conditions of women and children which have made protective legislation necessary and how they have been affected by such legislation will be examined in the following pages. But some consideration of the social and industrial development of the country is necessary as a background for such a study.

Social and Industrial Changes Since the Restoration of Meiji (1868)

Japan has undergone remarkable changes in a very short period. To the western world she was only a geographical name until Commodore Perry's visit in 1853 and subsequently when treaties were made with the United States and other countries by which Japan opened the country to foreign commerce, and the feudal system which had prevailed during centuries of peace and prosperity was abolished by the establishment of a constitutional monarchy. The Shogun Tokugawa, and all the feudal lords surrendered their fiefs and ancient hereditary positions of trust. The emperor resumed his throne and the actual power; thus the restoration of Meiji was accomplished in 1868.

As soon as the imperial régime was restored many reforms and changes were successfully undertaken in political, social, and economic organization. The new Government consisted of three branches, namely, the legislative, the executive, and the judiciary, under one supreme sovereign. The army was reorganized on the German system, with universal military service. The country was divided into more than 40 administrative prefectures and all the feudal domains were abolished. The feudal lords received compensation from the Government in the form of national bonds which capitalized a part of their feudal incomes. The Government also compensated the Samurai in money and bonds for the loss of their feudal incomes, in proportion to their need.²

The democratic, social, and economic spirit of the restoration is clearly disclosed in the charter oath of the Emperor Meiji. This oath was taken on the 14th of March, 1868, and enunciated for the new Japan the following general principles:

1. All governmental affairs shall be decided by public discussion.
2. Both rulers and ruled shall be united for the advancement of the national interest.

¹ In October, 1927, there were 178,800 women and children engaged in night work. Abolition of this system also indirectly benefits probably at least 60,000 male workers. See Kyocho-Kai, *Shakai S-isaku Jiho* (Social Reform), Tokyo, March, 1930, p. 3: "Abolition of night work in Japanese cotton mills" (in Japanese), by J. Kitaoka.

² Takahashi, Kamekichi: *History of Industrial Development in Meiji and Taisho Eras (1868-1926)* (in Japanese), Tokyo, 1929, pp. 80, 100 et seq.; also Okuma, Count Shigenobu (compiler): *Fifty Years of New Japan* (English ed. by Marcus B. Hulsh), 2 vols., London, 1909.

3. All the civil or military officials shall endeavor to encourage private industries of all kinds, and to promote the activities of the people according to individual abilities.

4. Moral and social defects in the nation shall be remedied.

5. Useful knowledge shall be introduced from the outside world and thus the foundations of the empire shall be strengthened.

Following this new laws were introduced. The old feudal system of privileges and the caste system having been abolished, all people were declared to be equal before the law. They were then free of all the restraints which had formerly existed. The most significant thing occurring after the restoration was the progress made in the economic sphere. Up to that time Japan was not financially or economically organized on modern lines, and difficulties in the economic situation which the new Government had to face were bound up with the pressure and competition of capitalistic countries. The people and the Government were ignorant of conditions in foreign countries. Commercial treaties were made between Japan and other countries which were disadvantageous to Japan. The only means the Government found to deal successfully with this situation consisted in taking vigorous measures to promote the industrialization of Japan. This meant the adoption of the capitalistic economy of other nations, the accumulation of capital, and the improvement of labor. Private enterprise was not yet prepared to play the rôle of leadership in industrialization, and the Government had to take the initiative and mobilize national resources in the attempt to achieve this end.

Government Program for Industrialization

The Government program for industrialization included the establishment of model factories in various industries, operated by the Government: First, to stimulate and encourage the development of modern manufactures and to serve as an example of the best industrial methods; second, to supply the military and naval needs of the Government, as, for example, in the shipyards of Nagasaki and the Yokosuka munition factories, etc.; third, to exploit natural resources, mines, etc., in order to increase Government revenue; fourth, to aid the export trade in order to maintain monetary stabilization; fifth, to promote industry and commerce by the establishment of national services, such as the post office, postal savings banks, transportation facilities, communications (telephone, telegraph, etc.). In addition the Government subsidized private enterprises and provided protective tariffs to promote domestic industry. In short, Government operation of industrial establishments by occidental methods had three objects: First, military purposes; second, the transplanting of occidental industrial methods; and third, the mechanization of Japanese national industry. Between 1880 and 1885 the newly organized governmental factories were gradually disposed of by the Government to private concerns. At the same time the Government gave as much aid as possible in the form of subsidies and otherwise to private industrial enterprise.³

³ Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras in Japanese*, Tokyo, 1920, pp. 90, 91.

Another essential factor underlying the development of modern industry was the effort, dating back to the early Meiji period, to stimulate the growth of private capital and corporate enterprise. In 1871 Mr. Shibusawa, now Viscount Shibusawa, the beloved veteran industrialist of Japan, published a book on *The Regulation of Corporations*, and in the same year the Government published a translation of a *Handbook of Modern Corporations*, to encourage the promotion of corporations and to educate the public in western methods of finance. One of these corporations developed into the first national bank, founded soon after the enactment of the legislation of 1872, after the system of American national banks. There were 4 national banks established in 1876; a total of 26 banks in 1877; and 151 national banks in 1879. This record development of financial institutions, according to Mr. K. Takahashi,⁴ laid the foundation of the capitalization and expansion of industry.

Government initiative and paternalism are the important factors in Japanese finance, as well as in the development of her factory system and the operation of model factories and industries by the Government.

Introduction of the Factory System

Rice was the main product which assured the self-supporting economic system of Japan under the feudal régime. Besides rice, farmers produced tea, liquor (sake), tobacco, soy-bean sauce, lumber, mats, and some building materials, as well as sundry other articles. Manufactured products, chiefly for luxury consumption, included swords, lacquer work, bronze ware or porcelain, and the products of applied arts. In feudal times these were made by craftsmen in various centers under the supervision of local authorities. The production of merchandise was chiefly carried on as home industries and was not large in quantity but valued for its quality as the chief factor in luxury consumption. The only products not made exclusively by hand power were flour, cleaned rice, and oil extracts from vegetables, in which water power was used. Cotton thread, silk, and textile fabrics were made by manual labor by the farmers in their homes. After the feudal system disappeared the new factory system changed the whole industrial structure for farmers as a class, but it brought certain advantages to farmers as well as to others, due to the stimulation of foreign trade which it made possible.⁵ In 1869, in a time of famine, during which the country imported a quantity of foreign rice,⁶ the Japanese learned very many of the advantages of foreign trade. The main exports in the beginning of the expansion of foreign trade were silk, tea, fish and sea products, cereals, and copper. Raw silk amounted to one-half and tea to one-quarter of all exports in the early Meiji period. These two export commodities laid the foundation for the later development of Japanese industry. The new demand for export stimulated other industries such as the manufacture

⁴Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras* (in Japanese), Tokyo, 1929, p. 77.

⁵*Kyocho-Kai: Recent Social Movements*. (A collection of special articles in Japanese.) Tokyo, 1930, pp. 11, 12.

⁶Foreign rice had been imported 3 years earlier as merchandise in small quantities, but now it was required on a large enough scale to make the possibility of foreign sources of supply widely known. See Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras* (in Japanese), Tokyo, 1929, p. 82.

of screens, fans, china, porcelain, and other distinctively Japanese articles. This increasing production of merchandise for export was the main cause of the rapid transformation of home industries into a factory system. Foreign trade also affected Japanese traditional social customs and created a home market or demand for cotton and woolen clothing.

Exact information of a detailed statistical character concerning the basis of manufacturing industries in 1885 upon which subsequent progress was built is not available. Takahashi⁷ enumerates 661 factories, privately owned and operated, of which only 53 used steam power and 364 were still using water power, while 244 were yet in the stage of home industry, employing only manual labor. The raw silk industry was still in the stage of hand manufacture, while cotton spinning, milling rice, and smelting were about the only enterprises which were operated with steam power. More than half—in fact, about 57 per cent, according to Takahashi—of the employees in all the factories were women, including a large number of girls under 16 years of age.

After each of the three wars in which Japan engaged between 1893 and 1918—that is, the Sino-Japanese War, the Russo-Japanese War, and the World War—Japanese industry experienced a remarkable expansion. After the World War this growth was tremendous and Japanese factories increased from 32,228 establishments in 1909, each employing 5 or more persons, and with a total force of 307,139 men and 493,498 women, to 43,949 establishments, employing 1,611,990 workers in 1919, and in 1922, to 46,427 establishments (including all factories with motive power or where dangerous or unhygienic work is performed), employing 834,314 men and 856,705 women.⁸

Early Proposals of Factory Legislation

With the rapid development of Japanese industry, due to the stimulus of imported industrial techniques, the Government recognized the necessity for protective legislation, applicable to both imported and native industries. While factory industry was growing steadily there was still a considerable population engaged in home industry and in farming at the same time, constituting a large body of half agricultural and half industrial workers. For this reason the Government realized the need for protecting both factory and industrial home workers. The first step in this direction took the form of licenses, issued by the local Government authorities, which regulated buildings and equipment generally in an effort to safeguard the workers' interests and health. Finally the Government inaugurated its policy for the protection of workers, modeled on that of foreign countries, by a comprehensive act by the National Legislature.

Efforts to secure factory legislation in Japan date back to 1882, when the Government first attempted to formulate proposals.⁹ The

⁷ Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras* (in Japanese), Tokyo, 1929, p. 173.

⁸ International Labor Office. *Studies and Reports, Series B, No. 16*, Geneva, 1926, p. 9: *Industrial Conditions and Labor Legislation in Japan*, by Iwao F. Ayusawa.

⁹ Solano, E. John (editor). *Labor as an International Problem*, London, 1920, Ch. IV, pp. 85-102: "The protection of labor in Japan," by M. Oka. Doctor Oka seems to think that workers in both imported and native industries were partially protected by prefectural regulations but that this was not accomplished for the native industries (the smaller plants and home industries) by the factory acts. It remains only an ideal, as yet unrealized, in national legislation.

Government created an independent Department of Agriculture and Commerce in 1881 and the next year a division of investigation was formed in the newly established Bureau of Industry to make a study of labor conditions and to investigate factories for the purpose of gathering data on which labor laws and factory legislation might be based. From these accumulated data two tentative proposals were formulated. These were entitled "A factory workers act," consisting of 5 chapters and 46 articles, and "A factory workers and apprentices act," consisting of 4 chapters and 31 articles.¹⁰ These proposals were dropped, however, after consultation with other chiefs of divisions in the Government, on the ground that such legislation would effect social and economic changes too far reaching for the time. In 1897 the Government again drafted a proposal consisting of 5 chapters and 35 articles. Before this proposal was introduced in the Imperial Diet, however, the Diet was dissolved and no action was taken in the matter. In 1899 another attempt was made to enact factory legislation on the part of the Government, which realized the necessity of bringing about a consensus of public opinion on this subject, in order to facilitate the passage of its bill in the Imperial Diet. With this object the Government consulted chambers of commerce throughout the country by circulating draft proposals of legislation among them for consideration. The Government also consulted the special commission of agriculture, commerce, and industry, which was established in the Department of Agriculture and Commerce. It was found that the majority of the members of this commission admitted the necessity for factory legislation. They submitted amendments to and modifications of these proposals and also recommended further inquiry and investigation of general working conditions before final drafting of the Government proposals was undertaken.

Exposure of Deplorable Conditions

The Government, acting on this recommendation, appointed in 1900 a temporary staff of experts in various fields to make a thorough investigation of industrial conditions. The results of this investigation were presented in the reports of the special commission in the Department of Agriculture and Commerce, to which these experts were attached. Mr. Kitaoka, now chief of factory inspection in the Bureau of Social Affairs, has recently said that the most important and valuable sources of information for the history of labor legislation and of working conditions in Japan are the official reports on working conditions in industry of this special commission appointed by the Department of Agriculture and Commerce in 1900. The commission's investigation covered a period of two years, and in 1903 several special reports on workers' conditions in the different branches of the textile and other industries and two additional volumes on working conditions in industry in general were published.¹¹

¹⁰ Oka, M.: *Kojo-Ho Ron* (A Treatise on Factory Legislation), Tokyo, 1917. See pp. 3-9 for full Japanese text of both proposals. But as Junshiro Asari, director of the Tokyo office of the International Labor Office, says: "These early bills were more imitations of the legislation of western countries than adaptations to actual conditions in Japan." (Quoted from *The Development of the Social Movement and Social Legislation in Japan*, Data Papers, No. 15, Institute of Pacific Relations, Kyoto Conference, Kyoto, 1929, p. 29.)

¹¹ See *Kyocho-Kai*, *Social Reform* (monthly), Tokyo, March, 1930, p. 5: "Abolition of night work," by J. Kitaoka.

According to the reports of the special commission the actual conditions of labor in the textile industry were indeed deplorable. Young girls worked from 5 o'clock in the morning until 8 o'clock at night, as a normal day. Their principal occupation was weaving, spinning, and silk reeling. They were employed on long-term contracts, wages being paid in advance to their parents, which meant that they had little liberty or freedom of choice, and were in a situation analogous to that of forced labor. Absolute obedience to the employer was the first and foremost requirement. For example, girls in certain weaving factories were forced to work from 4 a. m. to 7, from 7.20 to 12 noon, from 12.20 to 7 p. m. and from 7.20 to 12 midnight, totaling 19 hours a day. This meant that these girls had three meal periods, totaling one hour a day, which also included their rest period. Sometimes there was no mealtime, but they were given cooked rice balls to eat while they worked. One day's work consisted of finishing two tan of cloth (56 feet long and 1 foot wide) woven by hand, so that the less skilled girls were forced to work until midnight in order to complete their daily task. Failure in finishing their daily task was inevitably followed by severe corporal punishment. Long hours of labor and short rest periods, poor food, and unsanitary conditions caused serious ill health among the workers. Many sought relief by running away, but efforts to escape were so hopeless or likely to entail more serious consequences that they gradually became resigned to their fate. Factories were inclosed by walls with heavy gates, well-guarded, and one case was noted where the police raided a weaving factory and found it stronger than most jails.

Examples cited in the report on the spinning industry show that the relay or shift system which prevailed in this industry consisted in dividing the workers into two groups, who took 10-day turns at working nights. The normal working-day was 12 hours, but when a worker from either group was absent her place had to be filled, which meant that some workers were employed for 36 hours continuously, doing their own tasks and those of absent fellow workers.

Other examples cited in the report concerning silk-reeling factories showed that "long working hours without rest periods prevailed in this industry." In Nagano Prefecture 16 to 17 working hours for young girls in silk reeling was the rule, and these girls had no rest period whatever. Even the three meals were provided while they were reeling the silk thread. Some factories had posted notices to the effect that mealtimes must not exceed five minutes. The regular working-day of some of the factories was from 12 to 13 hours, but toward the close of the day the hands of the clock were often set back. It was customary for silk-reeling factories to blow the whistle at the beginning and the end of the day, but this custom was discontinued so that the retardation of the clocks would not be detected.¹²

With the advice of the special commission appointed in 1900, a proposal was drafted in November, 1901, by the Government, for a general factory act which it intended to introduce in the Diet in 1902.

¹² Japan. Norin-Sho (Department of Agriculture and Commerce). Special Factory Investigation Commission, 1900: *Menshi Boseki Shokko Jijo* (Condition of Cotton-spinning Workers), 1903, p. 29; and *Kiito Shokko Jijo* (Condition of Raw-silk Workers), 1903, pp. 18 and 58, quoted in *Kyochō-Kai, Social Reform*, Tokyo, July-October, 1930: "The indigent labor-capital relationship in Japan," by Prof. K. Hatano.

But the bad economic situation and the impending struggle between Japan and Russia made it inopportune, and it was not brought before the Diet until 1909. Opposition on the part of employers to the restriction of night work was so strong at that time, however, that the Government withdrew it, fearing that the night-work prohibition would endanger the passage of the whole bill. The Government, nevertheless, was firmly determined to adhere to its bill. The next year it was submitted to the Imperial Diet after further consultation with the chambers of commerce throughout the country and with the economic investigation commission of the Department of Agriculture and Commerce. The following year the first Japanese factory legislation was passed in both the upper and lower houses. But the factory act of 1911 did not go into effect until applied by the order in pursuance of the factory act of 1916, which contained the regulations putting the factory act in full operation on September 1, 1916.

Factory Acts of 1911 and 1923 and Ordinances Pursuant Thereto

The factory act of 1911, the first important law in Japan for the protection of workers, which contained only 25 articles, embodied the general principles of legislation that had been under public discussion for more than 30 years as an official proposal.¹³ During this period the competent (government) minister had changed 23 times; the chief of the Bureau of Industry, who took the leadership in drafting the measure, had changed 15 times. Before the text of the act was finally adopted it had been revised and resubmitted by various authorities more than 150 times. So writes Dr. Minoru Oka,¹⁴ who served many years as chief of the Bureau of Industry both before, during, and after the year 1911. Yet this act required so much expansion that the decree of August 2, 1916, putting it into effect and the detailed regulations issued thereunder required 42 and 31 articles, respectively.

As soon as the act, ordinances, and regulations were promulgated the experts who had done most to create it demanded a revision of the act. It was pronounced spineless and a deformed child, because of the serious defects of postponing the prohibition of night work for 15 years, and permitting children to be employed at 12 years of age when they had not finished the elementary-school course, and in certain light industries (manufacture of matches, etc.) children of 10 years of age. The working-day for women and young persons was put at 12 hours (11 hours actual working time) but could be extended 2 hours by special permission in the raw-silk and silk-weaving industry, which employed the largest number of workers.¹⁵

Bureau of Social Affairs Established

Other considerations, however, were destined to bring about speedy revision. After the first International Labor Conference in Wash-

¹³ For text of act, see International Labor Office Bulletin, Vol. VI, English ed., London, 1911, p. 267; and for text of Imperial Ordinance No. 153, dated Aug. 2, 1916, putting the factory act into effect on Sept. 1, 1916, see Bulletin, Vol. XII, London, 1917, p. 27. For text of act and ordinance as amended, see Appendixes A and B (pp. 73 and 76).

¹⁴ Oka, M.: *Kojo-Ho Ron* (A Treatise on Factory Legislation). Tokyo, 1917, p. 1.

¹⁵ Asari, J.: *The Development of the Social Movement and Social Legislation in Japan*. Tokyo, 1929, p. 31.

ington in 1919, in which Japan participated under the Treaty of Versailles, following the establishment of the International Labor Organization under the same treaty, Japan established in October, 1922, the Bureau of Social Affairs to deal with all labor problems, including international labor questions. The Bureau of Social Affairs was placed under the Minister of Home Affairs and its importance is so great that it is almost a separate department or ministry in itself. According to Imperial Decree No. 460 of 1922, the following subjects come under the jurisdiction of the bureau: (1) General labor questions; (2) enforcement of the factory act; (3) mining workers' protection (under the mining acts); (4) enforcement of the minimum age for industrial employment act; (5) labor disputes; (6) social insurance; (7) relief and prevention of unemployment; (8) International Labor Organization matters; (9) relief and charity; (10) child protection; (11) army and navy relief; and (12) other social work.¹⁶

Within a month after the Bureau of Social Affairs was established, in November, 1922, an investigation was begun of the various enactments of labor legislation. The bureau decided to start at once the revision of factory legislation. It drafted an amendment to the factory legislation, which was referred to the Department of Home Affairs and to chambers of commerce throughout the country and was given publicity also in the press. The main points of the revision were as follows:

1. The application of the law was extended to factories employing at least 10 persons instead of 15, and to all factories regardless of the number of employees if the work was dangerous and injurious to health.

2. Limitation of the working age of young persons, making children under 16 instead of 15 protected workers.

3. The hours of the working-day for protected workers were limited to 12 for workers in the textile industry until August 31, 1931.

4. The prohibition of night work for protected workers, which the 1911 legislation had deferred until August 31, 1931, was, by the revision of 1923, postponed only three years after it became effective in 1926. However, the revised legislation was delayed in its enforcement by the earthquake catastrophe of 1923, and the night-work prohibition did not go into effect until 1929.

5. Night work, from 10 p. m. to 5 a. m., was prohibited, but the occupier of the factory could change these limits to 11 p. m. to 6 a. m. "when permission was obtained from the proper authorities."

Replies concerning this revision were received from many interested parties, especially from the Raw Silk Association and the Spinning Association, the two most important associations of manufacturers. Both associations made certain suggestions, and the remarkable fact was that neither of them opposed prohibition of night work nor the shortening of the working-day. This fact indicates to what extent public opinion had advanced in the realization of the necessity for the improvement of labor conditions.

¹⁶ Japan. Shakai Kyoku (Bureau of Social Affairs). *Shakai Kyoku Kankei Jimu Gaiyo* (Outline of Work of Bureau of Social Affairs). Tokyo, 1928, pp. 1-4.

Comparison of Principal Provisions of Acts of 1911 and 1923

The resulting revised factory legislation included the factory act (amendment) of March 29, 1923,¹⁷ and the minimum age for industrial employment act of March 29, 1923¹⁸ (both of which were put into effect July 1, 1926, by Imperial Decree No. 152), Imperial Decree No. 153 amending the decree of August 2, 1916, and the regulations issued under the first factory act of March 28, 1911.¹⁹ The main points of the revision²⁰ compared with the 1911 act are as follows:

1. Application of legislation:

(a) The 1923 act is applicable to any factory where 10 or more persons (15 in 1911 act) are regularly employed, and where the work is of a dangerous nature or injurious to health, regardless of the number of employees.

2. Minimum age:

Under the 1923 act²¹—

(a) Children under 14 years of age are prohibited from engaging in industrial employment.

(b) Children between 12 and 14 who have completed their elementary education are allowed to enter employment.

(c) When the minimum age for industrial employment act went into force children more than 12 years of age, already employed, were allowed to continue in their employment.

Under the 1911 act—

(a) Children under 12 years of age were forbidden to enter employment.

(b) Children between 10 and 12 years were allowed to work at light tasks when permission had been obtained from the administrative authorities.

3. Limitation of protected workers:

(a) The revised legislation stipulated that women and children under 16 years of age are protected workers. However, until three years after the enforcement of the revised legislation protected workers were to include persons of 15 years of age. The 1911 act stipulated that women and children under 15 years should be classed as protected workers.

4. Working hours for protected workers:

(a) The working-day is to consist of 11 hours as a maximum, and to include 1 hour at least as a rest period if the legal working hours exceed 10.

(b) For factories which produce export silk fabrics or which are engaged in silk reeling or cotton spinning, until August 31, 1931, working hours are prescribed as 12 a day. However, when the factory divides workers into more than two groups and employs them on a shift system this regulation shall not apply. The 1911

¹⁷ International Labor Office. Legislative Series, 1923, Jap. 1, Geneva. See Appendix A (p. 73).

¹⁸ Idem. 1923, Jap. 2, Geneva. See Appendix C (p. 87).

¹⁹ Idem. 1926, Jap. 1, Geneva. See Appendix B (p. 76).

²⁰ Kyocho-Kai, Social Reform, October, 1926, says that the revised factory acts will bring under regulation, according to estimates of the Bureau of Social Affairs, more than 18,000 new factories and more than 124,000 additional protected workers.

²¹ The minimum age provision was contained in article 2 of the 1911 factory act, but was omitted when that act was revised in 1923 and in conformity with the international labor convention on minimum age (industry) at the Washington Conference this matter was dealt with in a separate act.

legislation laid down the maximum working-day as 12 hours, and in the textile industry permitted 13 hours a day until August 31, 1931.

5. Night work of protected workers:

(a) The hours from 10 p. m. to 5 a. m. are "midnight." All work during this time is prohibited. However, protected workers may be employed until 11 p. m. when the occupier obtains the permission of the local authorities.

(b) Exceptions provided in the 1911 act for work which for special reasons necessitates employment at night or must be carried through without interruption, etc., are all abolished.

(c) When workers are divided into two groups and employed on a shift system, until June 30, 1929, night work is permitted. The 1911 act prohibited night work from 10 p. m. to 4 a. m. (Art. 4.) However, even this prohibition was subject to exceptions and did not become absolute for protected workers under the 1911 act; that is, for young persons under 14, and women under 20 years of age.

6. Maternity protection:

(a) The employment of women during the six weeks following childbirth is prohibited, and prospective mothers may stop work for a maximum period of four weeks preceding confinement.

(b) When the prospective mother makes application to stop work within four weeks of confinement the employer must not hold the woman to her job. (Regulation 9 under art. 12.) Mothers with children under 1 year may demand intervals for feeding twice a day, each not exceeding 30 minutes, during working hours. (Art. 12.) This is the maternity protection provided by the revised legislation of 1923. In the legislation of 1911 employment of women for five weeks following childbirth was prohibited. However, with the doctor's permission, she might be employed at lighter tasks, three weeks after childbirth. The 1911 act had no provision for the period preceding childbirth, but the revised legislation included such provision in conformity with the international labor convention.

7. Compensation for accidents or disability:

(a) The 1923 act makes compensation for accidents or disability, including sickness, obligatory without the exception in the 1911 act of cases where there was "serious fault" on the part of the worker. The compensation or relief is extended in case of death, to any person dependent upon the workers' income at the time of his death. Among these dependents are included "informally married wives"; that is, women whose marriages are not yet legally registered. An investigation of 3,417 establishments, employing 101,166 married men and 41,612 married women showed about one-fifth in each group were "informally married."

In case of disability a worker is entitled to compensation of 60 per cent of his daily wages for the first 180 days; thereafter compensation is reduced to 40 per cent of the daily wage. Compensation for accidents ranges from the sum of 40 days' wages to 540 days' wages. The family of the deceased worker is granted a benefit equal to his wages for 360 days, and funeral expenses equal to 20 days' wages, or a minimum of 20 yen (about \$10). The minimum lump-sum compensation for total disability of a worker is 540 days' wages, after which the employer has no further responsibility for him. Lump-sum compensation is provided for the disabled worker who has not

recovered after three years from the date of his first medical treatment. On comparing this provision with that of occidental countries, it seems inadequate. However, the 1911 legislation provided compensation only when the worker was not at fault, and for the first three months of absence the worker received one-half his daily wages, after which time it was reduced to one-third his wages. Compensation for disability ranged from 4 days' wages up to 170 days' wages, which is about one-third of that stipulated in the revised standard. Compensation for the family of the deceased, funeral expenses, and lump-sum compensation amounted to only about one-third of that stipulated in the new law.

8. Provision for the dismissal of the worker:

(a) Revised legislation provided, in an imperial decree enforcing the amended act, that when the employer wishes to dismiss a worker or to break his contract with a worker, he must give 14 days' notice or grant 14 days' wages. Provision was not made for this in the 1911 legislation.

9. Regulations regarding working conditions:

(a) In a factory which employs at least 50 persons continuously the employer must make regulations regarding working conditions and notify local authority concerning them. The regulations must include the following articles:

(1) Daily time for beginning and ending work, rest periods, holidays, time for changing shifts; (2) methods of payment of wages and time for that payment; (3) board and other expenses of the worker; (4) penalties; (5) regulations for dismissal. Local authorities have the authority to change any of these articles.

(b) The employer is bound to make clear to the employee the method of wage payment.

The 1911 act had no provision regarding the regulation of working conditions. When the revised factory legislation was drafted Kyocho-Kai recommended strongly that consideration be given to the method of wage payment. The recommendation was adopted by the Bureau of Social Affairs. A clear understanding of conditions of wage payment is necessary for any worker in order that he may budget his expenses and his time. It is now the duty of the employer to make such matters clear to his employees.

10. Report of accidents:

(a) When a worker becomes ill, or meets with an accident in the course of his employment, or when the worker is absent for more than three days recuperating, the occupier of the factory must notify local authorities.

(b) When the following incidents occur in a workshop or in any building attached thereto the occupier of the factory must notify local authorities without delay: (1) Fire or explosion; (2) explosion of a steam boiler or vessel under pressure; (3) breakage of a flywheel or machine revolving at high speed; (4) breakage of a crane, or elevator chain, or beam support; (5) collapse of a chimney or roof tank; (6) any accident causing death or injury to more than five persons at the same time.

The act of 1911 provided in article 24 of the regulations pursuant thereto that the occupier of the factory notify the local authorities in case of accident or illness of a worker only in factories employing

more than 50 people. The report was to be sent in before the 20th day of the following month. By this provision, therefore, a factory employing 50 or more people was responsible, but other factories, where fewer than 50 people were employed, were outside the scope of this law. The revised law remedied this defect, thus protecting the health and safety of a much larger number of workers.

Chapter 2.—Child Labor and Protection of Children

Nearly 53 per cent of the factory workers of Japan are under 16 years of age. According to the latest data available¹ the total number of factory workers in regulated factories was 1,869,668. Workers under 16 years of age numbered 989,390, of whom 958,248 were girls and 31,142 were boys. More than 80 per cent of these girl workers are in the textile industry. This signifies that the most important industry in Japan is carried on chiefly by workers under 16 years of age. It was owing to the hesitancy or opposition of employers in this industry that the factory act of 1911 was pending for more than 30 years before it was enacted. It met with great opposition on economic grounds because, obviously, its main purpose was the protection of these young workers.

Traditional Customs and Early Evils of Child Labor

According to the social customs of the Japanese family system, children inherit their father's occupation. Under the feudal system, for example, children of merchants remained merchants, and children of samurai remained samurai. Sometimes children were sent into apprenticeship to be trained for long periods until they should become master workers. One of the characteristics of apprenticeship was that apprentices were treated as members of the family and there was a sentimental relation between master and apprentice. With the restoration of Meiji, in 1868, new social, political, and economic institutions were established and occidental civilization was ushered in with its characteristic economic organization of the factory system. Entirely new labor problems arose concerning wages and working conditions. With the development of modern and imported industry, and the beginning of a labor movement, restriction of child labor and prevention of the premature employment of children were among the first items in the new program of labor reform and of social legislation, as it had been in other countries where the industrial revolution and the development of machine industry made child labor possible and apparently cheap, with all the attendant evils that gave rise to protective labor legislation. Employers in Japan, as elsewhere, often denied the existence of these evils until compelled by law and public opinion to recognize them. At the third meeting, in October, 1898, of the special commission of agriculture, commerce, and industry, established in the Department of Agriculture and Commerce, in discussing proposed factory legislation the opinion was expressed by one of the commissioners opposing article 9, which prohibited the employment in factories of children under 10 years of age, that—

The Government proposal for a factory law is far from practical as far as article 9 is concerned. From my experience, very few young children under 10 years of age are employed in the textile industry, either spinning or reeling.

¹Japan. Bureau of Social Affairs. Factory Inspection Report, 1928. Tokyo.

However, in match factories, for example, which I visited in Kobe there were many children of about 5 or 6 years of age, or sometimes toddlers, working, sorting match stems with their mothers, who also had babies in their laps. The factories were well equipped with modern sorting machinery, but were still using children, while machines were rusting and unused. The wages of these children are at least 1 or 2 pennies a day, but it makes the children feel that they earn that much if they are there, and that is the reason why children go there every day cheerfully and are trained to industry from childhood. This is beneficial.²

But in Japan, as elsewhere, long hours and night work, inevitably associated with the textile industry and the exploitation of child labor prior to its strict regulation, added to the usual abuses often much physical cruelty for disciplinary purposes in what was supposed to be the beginning of an enlightened modern era. But such acts only helped to arouse public indignation. Only recently the chief factory inspector reported that in the Aichi Prefecture an employer tortured a juvenile employée for an act of disobedience, pouring water upon him in severe winter weather and tying him out of doors while still drenched, with the result that he froze to death. In another case an employer in a small textile mill shaved the crowns of the heads of girl workers as a mark of identification to prevent their running away.³ It is obviously injurious for growing children to work continuously in the midst of dust and noise under any circumstances, and under inhuman treatment one sees their health consumed as coal for the factory is consumed, to add to the wealth of their employers.

Poverty and Social Responsibility

No normal parent, if he were acquainted with the facts and had a choice in the matter, would be willing to allow his children to go out to work at an early age in factories where dangerous machinery is operated nor allow them to lose the opportunity for education and thereby destroy their chance for future success. The numerous evils of modern factory employment for children, with the hazard of accidents or occupational diseases, were not unknown to the Japanese people even in the early days of transition from home industry and native employments to the factory system. It was not parental ignorance but poverty which drove them to let their children go out to earn part of the family living. Parents were powerless in the face of necessity and unable to assure their children protection of health and educational opportunities. It is because of this that the State sought to remedy a defective social organization, which is less a matter between individual parents, children, and employers than it is a social responsibility, the neglect of which carries unmistakable social penalties.

The enlightened statesmen of the Meiji era saw the dangers of this situation as early as 1887 and proposed a factory workers' act, the purpose of which was the intervention of the State for the protection of the weaker party in industry. Modern Japanese industry was begun under government paternalism and was fostered under its wing, so that the child-labor legislation of Japan was drafted upon government initiative, which is in contrast to similar legislation of

² See Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras* (in Japanese). Tokyo, 1929, p. 614. He also says that even 10 years later (1907-8) very young children constituted from 60 to 70 per cent of all factory workers.

³ *Kyocho-Kai, Social Reform*, July, 1928.

England and most western lands. Japanese protective legislation regarding child labor was based on three points—education, health, and the national population policy.

Washington International Labor Conference and First Child Labor Act

Although the first factory act, of 1911, which came into force (by the decree and regulations of 1916) on September 1 of that year, dealt timidly with child labor, it was not until after the First International Labor Conference met in Washington in 1919 and the Bureau of Social Affairs was established in Tokyo in 1922 that any effective steps were taken to meet a serious situation. The new bureau began at once to draft a new and separate child labor law with relatively high standards. The new proposal added to health protection, which was the underlying motive of the first factory act, that of educational protection as equally necessary in the public interest to justify greater restrictions and burdens on industry.

The results are embodied in the minimum age for industrial employment act of 1923, which became effective July 1, 1926,⁴ the great earthquake in 1923 being the cause of postponement in putting the act into force. It was the intention of this legislation to conform completely with the standards of the international labor convention (Washington Conference, 1919) fixing the minimum age for admission of children in industrial employment, having in mind the special conditions in Article V, which modified the standards fixed by Article II—

Children under the age of 14 years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed—

in connection with the application of the convention to Japan, as follows:

(a) Children over 12 years of age may be admitted into employment if they have finished the course in the elementary school;

(b) As regards children between the ages of 12 and 14 already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of 12 years to certain light and easy employments shall be repealed.

The new act thus fulfilled the promise of the Japanese delegates to the Washington conference and enabled the Japanese Government to ratify the international convention, which was done on August 7, 1926. These standards now in force with respect to child labor are substantially as high or higher, and give wider protection to more children, than corresponding legislation in most States of the United States and in many other western nations. Japan has made a heroic effort in a period of economic depression and withal a successful effort to enforce the new protection and economic freedom for children under 14 in order that they may all enjoy the advantages of completing the elementary-school course. Poverty in rural districts may make its enforcement in new fields of application

⁴ International Labor Office. Legislative Series, 1923, Jap. 2, and 1926, Jap. 1 (A); for text of act see Appendix C (p. 87).

difficult, and the Government is considering supplementary measures of poor relief to complete the task it has set itself.⁵

Minimum Age Act and Compulsory Education Law

The minimum age for industrial employment act consisted of 11 articles, 2 supplementary provisions, and 3 regulations concerning enforcement. The main divisions of the act are:⁶ (1) Scope and limits of application; (2) minimum-age requirements; (3) register of juvenile workers; (4) legality of government inspection of factories; (5) issuance without charge of copies of census register; (6) penalties.

The most important phase of this legislation is the raising of the standard of the minimum age for employment and the enlarging of the scope of application of restrictive legislation. It is rather difficult to say what the minimum age of "juvenile" workers should be because the development of children differs according to individual characteristics and geographical areas. A child may be immature at 14 in one country and mature in another. This is an added difficulty in any attempt at international standardization. Many countries have adopted the standards of the International Labor Conference and of the Washington convention (1919), fixing the minimum age for the admission to industrial employment. Japan has also ratified (August, 1926) this convention. When Japanese factory legislation was revised in 1923, article 2 of the factory act of 1911 providing a 12-year minimum age, with exceptions, allowing under certain conditions the employment of children of 10 to 12 years of age, was repealed, and the provisions of the minimum-age convention were enacted in its place. The scope of its application, as well as the supervision of factory inspectors, was extended to include all industries except agriculture and commercial pursuits.⁷

One of the chief purposes of this legislation was not only the raising of the minimum age and the extension of the application of the law, but the safeguarding of the opportunity for elementary education, which children, without such legislation, bade fair to lose. Under the factory act of 1911 many children who had not completed their elementary education were allowed to go to work. Even children 10 years of age could be employed in certain occupations, and for several years after the enactment and enforcement of the first factory act the textile industry could, under certain circumstances, add two hours to the normally long working-day of children and other employees of all ages. Thus children of school age working long hours had little or no chance to benefit by the minimum educational requirements of the school law.⁸

Under the factory act of 1911, when children of school age were employed who had not completed their elementary education, imperial decree of August 2, 1916, No. 153 (ch. 3, art. 26) provided

⁵ International Labor Review, Geneva, February, 1929, pp. 198-200: "Employment of women in Japanese industry," by Iwao F. Ayusawa.

⁶ Yoshisaka, S.: Treatise on Amended Factory Law (in Japanese). Tokyo, 1927, pp. 71-76.

⁷ Idem, p. 72.

⁸ Toyohara, M.: Kojo-Ho Yogi (Commentary on Factory Act). Tokyo, 1912, p. 17.

that the employer must, with the approval of the local authorities, make suitable arrangements for such children to attend school. Some employers provided school facilities within the factory inclosures and others sent the children to near-by district schools, but this system, in either event, imposed a double burden upon growing children who had to work long hours, and only those who had surplus energy left for study were in any way benefited by it.⁹

The Japanese educational system dates from the restoration of Meiji, when class distinctions were abolished and equal opportunity proclaimed for all. The imperial decree promulgated in 1872 enjoined, "If a child, male or female, does not attend the elementary school, the guardian is responsible for such neglect; * * * education shall be so diffused that there may not be a village with an ignorant family nor a family with an ignorant member." From the date of this decree to the present time the nation has done its utmost to attain this goal. With the progress of social development the elementary-school law was amended several times, and in 1886 compulsory school attendance was made universal.¹⁰ The cost of elementary education is a charge on the taxes in the several school districts, but for years the national treasury has made grants proportionate to the needs of the poorer districts and to the number of teachers and pupils therein.¹¹ The compulsory elementary-school course is six years. Every child who reaches school age is legally required to attend an elementary school, and his guardian has the legal responsibility of seeing that his elementary education is completed. Extracts from the amended elementary-school law of 1900 are as follows:

ELEMENTARY-SCHOOL ORDINANCE (1900), No. 344

CHAPTER V.—*School attendance; general regulations*

Article 32

SECTION 1. The eight years from the time a child reaches 6 years of age until he is 14 years of age are the school age.

SEC. 2. The day on which a child attains school age shall mark the beginning of his attendance at school, and when he shall complete the elementary course shall mark the termination of his obligation under compulsory education.

SEC. 3. The guardian of a child of school age shall have the legal responsibility to see to it that the child completes the elementary course from beginning to end.

SEC. 4. The guardian of a child of school age is the person who exercises parental rights over the child; if there is no such person, the legal guardian becomes responsible.

⁹ A regulation of the Department of Agriculture and Commerce (Ordinance No. 10) was adopted to limit or correct this evil by requiring that children subject to the educational requirement and between the ages of 10 and 12 should not be allowed to work more than six hours a day, and that when a working-day exceeded three hours at least one rest period of 30 minutes must be provided and also that the employer must provide for holidays at least four times a month.

¹⁰ Okuma, Count S.: *Fifty Years of New Japan*. London, 1909, p. 165.

¹¹ The total amount of such grants-in-aid was fixed at 75,000,000 yen annually in the national treasury expenditures for compulsory education act, 1923, as amended in 1927 (see Genko Monbu Horei, Vol. 1, p. 385) and increased in 1930 to 85,000,000 yen (see Japan Year Book, 1931, p. 183).

Article 35

The occupier of a factory who employs children with incomplete elementary-school education must not hinder such children from attending school.¹²

Another article of this chapter refers to "Exemptions from, and permit to defer, school-attendance requirement," as follows:

When a child is afflicted mentally or physically so that he is unable to attend an elementary school, the local authorities must obtain the permission of the governor of the prefecture to exempt both the guardian and the child from the compulsory education requirement. When children of school age are physically unfit or undeveloped they may, with the permission of the governor, temporarily defer their schooling. When the local authorities declare that the guardian of children of school age is a pauper and unable to send them to school, permission must be obtained from the prefectural authorities to exempt them from compulsory school attendance. (Art. 33.)

Thus the elementary-school ordinances fixed the responsibility for school attendance and at the same time exempted normal children from school attendance for reasons of poverty, the same as mentally and physically defective children were exempted.

The 12-year-age minimum of the factory law was too low for the normal child to comply with the national compulsory education law, because there are very few who complete the elementary-school course at 12 years of age. However, at the time when the first factory legislation was drafted so many children of about 12 years of age were employed in industry that in the limitation of child labor an effort was made to avoid an extreme measure which would be detrimental to national industry.

It was clearly evident from the very day following its promulgation that the first factory legislation would be revised, because it was so incomplete and so weak in its protective features. Dr. Minoru Oka, the author and instigator of many efforts to protect children, in his *Treatise on Factory Legislation*, repeatedly expresses his regret on this point. To remedy this defect the Government enacted at the same time as the factory amendment act of 1923 the minimum age for industrial employment act, which raised the minimum age from 12 to 14 years, excepting only young persons who were 12 years of age and over who had completed the elementary-school course, who could be legally employed. Persons under 14 years of age with an incomplete elementary education were prohibited from employment. The present legislation applies this requirement to unregulated as well as regulated factories.¹³

¹² Isoshima, Y.: *Gakuji Reiten, Shogaku-Hen (Elementary-School Ordinances, 1928)*, 20th ed. Tokyo, pp. 172-176. The ordinances also provide a standard form of permit to be issued by local authorities to employers who provide their own elementary school facilities, in order that the elementary education given in factories may follow the general requirements as to hours per week, daily instruction in specified subjects, textbooks used, school holidays, and the grading and classification of both teachers and pupils, and may conform to the standards required by law of the public elementary schools. The ordinances also provide that when factory children attend district schools outside the factories they must be allowed a study period of two hours daily besides the actual time required for such attendance, and if factory children attend night school they must be allowed the same study period as those attending day school.

¹³ The number of unregulated factories in 1927 was more than two and a half times that of regulated factories, but the number of employees in unregulated was only 25 per cent greater than the number of employees in regulated factories. This is because there are so many unregulated factories in Japan having only four or five employees. Generally such small factories have small capital and for economic reasons operate long hours—14 or 15 per day—with very poor working conditions and insanitary surroundings. The enactment of the minimum age for industrial employment act has been beneficial for the juvenile employees in this type of factory because the revised factory law of 1923 applied only to the factory which employed at least 10 persons. (Kyocho-Kai. Social Reform, July, 1929, pp. 99-102.)

Although the number of children under 12 years of age and the number between 12 and 14 years legally employed under the exceptions provided in the factory act of 1911 (in force in 1916) steadily decreased from 1916 to 1925, the year before the amended factory act of 1923 went into effect, the Factory Inspection Report for 1928 showed about the same number of children under 14 years of age employed in regulated factories as were reported in 1916.¹⁴

Minimum Age Act During First Two Years of Operation

Efforts at enforcement of this law, as disclosed in the official reports for the first two complete years of operation, 1927 and 1928, show meager accomplishments on account of the wide scope of its application, shortage of inspectors, lack of funds for its enforcement, and lack of understanding of its requirements on the part of employers. In 1927, after the law had been in force for one year, there was a total of 2,196 persons charged with violations of this law, of which cases 669 were violations of the age requirement (art. 2) and 1,527 were violations of article 3. In 1928 the total number of violations charged was 2,235, of which 699 were violations of article 2 and 1,536 violations of article 3.¹⁵ The violations under article 3 are for failure to keep a register and report age and school-attendance record of employees under 16 years of age, and in both years these violations are more than twice as many as those under article 2, which excludes from employment children under 14 years of age, with specified exceptions.

Most of the violations were in unregulated factories, amounting to 87.9 per cent of the total number of violations in 1927 and 77.6 per cent in 1928. Regulated factories are mostly those in which at least 10 persons are employed and which are well managed. They are under the supervision of factory inspectors, which constantly tends toward the raising of standards. On account of present small appropriations for factory inspection, the Government is unable to furnish adequate inspection, even in regulated factories. In addition to supervising regulated factories, the Government under this law has to inspect two and a half times as many unregulated factories, which do not come under the supervision of the factory law. The general working conditions in unregulated factories are very poor, and since the enactment of the minimum age law inspection of such factories has been carried on practically by the local police. Nevertheless, this law, by widening the scope of protective legislation to include unregulated factories, has proven itself to be beneficial for the welfare of children.

Underlying Cause of Violations of Act

The underlying cause of most of the violations is the fact that the families are so extremely poor that guardians or parents seek employment for their children as a means of aiding in the family support, or

¹⁴ See Yoshisaka, S.: *Treatise on Amended Factory Law* (in Japanese). Tokyo, 1927, p. 77.

¹⁵ Japan. Bureau of Social Affairs. *Factory Inspection Reports: 1927*, p. 290; *1928*, p. 266. Tokyo.

that parents desire their children to be employed immediately after their completion of the elementary-school course, and so, while they are still in school, they are put to work illegally in vacation time. Sometimes children go to work illegally, accompanied by their parents. Carelessness on the part of the parents, ignorance of the law, and poverty necessitating economic aid by children—these conditions render it very difficult for factory inspectors to deal wisely and justly with the problems presented by children working in violation of the law. One solution may be found in vocational guidance, influencing juvenile workers to enter other occupations, such as agriculture, where they may earn without breaking the law, since the minimum age law does not apply to this industry. As there is no provision for the education of poor children by the Government, the result is, obviously, that such children are likely to be apprenticed in small shops, employed as nurses for babies, or employed in amusement occupations such as vaudeville or acrobatic troupes, or become street peddlers.

Osaka, the largest industrial center of Japan furnishes an example of the enforcement of this legislation. There investigation is made by the police bimonthly and includes the inspection of factories and other places where children may be employed within the factory inclosures. This is done in connection with police registration of every household in their jurisdiction, which is a monthly task.¹⁶ In this supervision the police cooperate with the superintendents of local elementary schools and request them to report cases of prolonged absence, and also the name, date of birth, etc., of children in night school who are employed in factories. The result of this inquiry was the discovery of the violation of article 2 on the part of 45 employers who were employing children under 14 years of age, with incomplete elementary-school education. Thirty-six girls and 9 boys were involved in these 45 violations. When discharged from the factory all 9 boys secured work in domestic service or occupations not prohibited and only 2 completed the required elementary-school education, and of the 36 girls discharged only 10 completed the required elementary-school education, while 31 secured employment in unprotected occupations.

The example from Osaka Prefecture speaks eloquently of the inadequacy of protective legislation for children without some means of attacking the poverty that compels so many to evade the law intended for their protection and welfare. There must be some means by which poor children whom necessity now drives to work may be given aid that will enable them to finish their elementary education, and if such means can be established by the State there will be some prospect of this legislation reaching the desired ideal both as to enforcement and ultimate effectiveness.

In 1923, when the Imperial Diet passed the revised factory law, the House of Representatives declared that the Government should provide some means by which poor children might be enabled to complete their elementary education, which the State had made compulsory, and the House of Peers adopted a similar statement when it passed this legislation. In conformity with this request from both

¹⁶ Japan. Bureau of Social Affairs. Factory Inspection Report, 1927. Tokyo.

Houses, in the following year (1924) the Government, through the Department of Education, made an investigation of the number of poor or pauper children of school age. It was found that they numbered approximately 207,000, of whom 165,836 were receiving some kind of aid from public or private charity organizations, and that children who were exempted or granted deferred attendance from elementary school on account of poverty numbered 42,044 (of whom 1,386 were exempt and 40,658 were granted deferred attendance). Furthermore, the investigation revealed that the total number of children who did not go to school was approximately 100,000.

Physical examinations in the army in 1924 revealed that more than 10 per cent of the young men who took the examination in that year (out of a total of 50,000 examined) had not completed their elementary-school education. This would indicate that a large number of children of both sexes never complete their elementary school course.¹⁷

The minimum age act does not apply to commercial, agricultural, and other enterprises, as does similar legislation in other countries, so that there is an opportunity for children of school age to escape unmolested into these employments. Such occupations usually have long working hours without adequate rest periods, and many of them are undesirable and unhealthy for young children. In 1919 the Social Affairs Section, before the Bureau of Social Affairs was established in the Department of Home Affairs, made a study of children engaged in such trades and found 5,602 children under 10 years of age and 17,099 children 10 to 12 years of age engaged in nursing and taking care of babies; 688 under 10 years and 2,911 from 10 to 12 years of age in domestic service; 72 under 10 years and 189 from 10 to 12 years old in theatrical entertainment; 173 under 10 years and 478 from 10 to 12 years old in street peddling; others whose occupations were not known made a total of over 69,000 children under 12 years of age not in school.

Children were reported in 1927 as not attending school in compliance with the elementary-school ordinance as follows:¹⁸ Children engaged in factory work, 1,762; children in domestic service at home, 4,270; children engaged in street peddling, 118; children bound as apprentices or otherwise employed, 3,942; miscellaneous employment, 1,092.

These figures show many more truants for causes other than employment in industrial enterprises.

Protection of Juvenile Workers in Dangerous and Unhealthful Occupations

In the revised factory legislation, for the purpose of safeguarding young workers under 16 years of age they are placed in the class of "protected" workers. The minimum age for industrial employment act fixed the age of 14 as the minimum age for admission to employment, with certain exceptions, but required the employer to keep a

¹⁷ Yoshisaka, S.: *Treatise on Amended Factory Law* (in Japanese). Tokyo, 1927, pp. 78, 79; also, for later figures of illiteracy as revealed by army examinations, see Yano, T.: *Nippon Kokusei Zuyō* (Japanese Statistical Graphs and Year Book), Tokyo, 1929, p. 355.

¹⁸ Yoshisaka, S.: *Treatise on Amended Factory Law* (in Japanese). Tokyo, 1927, p. 80.

register and report certain facts about all employees under 16 years of age. But the general factory law provides many other restrictions and prohibitions for the health and welfare of these protected workers. The legislation of 1911 fixed the maximum age for protected workers at 15 years, in which it simply followed the suggestion of the Commission on Industry, which held that according to Japanese traditional custom a boy became a man upon completion of his fifteenth year. The International Labor Conference of 1919 adopted a convention concerning the night work of young persons employed in industry, which Japan has not yet ratified but which prohibited night work for persons under 16 in certain occupations and under 18 in others. At this conference Japan insisted upon 16 years as the age limit for protected workers, upon the ground that Japanese reached maturity two years earlier than Europeans, according to Doctor Mishima's investigation.¹⁹ This theory holds that Japanese children begin the period of adolescence earlier, boys from 12 years of age and girls from 11 years of age, and both boys and girls complete the adolescent period at the age of 16.

The revised factory law also restricts the hours of work for protected workers under 16 years of age and prohibits their employment at night (arts. 3 and 4 of the factory act (amendment), 1923); that is, the hours of work permitted for young persons under 16 years of age (15 in first factory act and continued for three years from the coming into effect of this act, i. e., until June 5, 1929) shall be not more than 11 daily (formerly 12), but the minister concerned may extend by not more than 2 hours the daily period of employment. This variation holds for a specified term of not more than 15 years after the coming into effect of the act, i. e., until not later than June 5, 1941. The prohibited hours are from 10 p. m. to 5 a. m. (formerly 4 a. m.), and with the approval of administrative authorities the persons affected may be employed until 11 p. m.

The revised factory legislation provides for at least 2 rest days a month and a break of not less than 30 minutes during the period of employment if said period exceeds 6 hours a day, or not less than one hour if it exceeds 10 hours a day. (Art. 7.) In Article 9 and article 10 protected workers are prohibited or restricted from engaging in dangerous occupations or in unhealthful or dangerous processes specified in the act. The health and safety of "protected workers," which in some cases includes all women as well as persons under 16 years of age, according to Japanese factory legislation, are dealt with more fully in special ordinances.

Regulations for Accident Prevention and Hygiene

There are more than 200,000 persons who are disabled as a result of industrial accidents or disease in Japan each year, of whom 350 die and 3,000 are totally and permanently disabled. The material loss, aside from injuries and disabilities of workers, amounts to more than 20,000,000 yen (about \$10,000,000) annually, from accidents and accidental destruction of property, all of which is avoidable and not traceable to natural causes.²⁰ Particularly these accidents of an

¹⁹ Yoshisaka, S.: *Treatise on Amended Factory Law* (in Japanese). Tokyo, 1927, pp. 61, 62.

²⁰ Nagaoka, R., in *Sangyo Fukuri* (Industrial Welfare), August, 1927, p. 7.

avoidable nature may be eliminated or reduced to a certain minimum by individual care and attention and also by safety devices provided by factories. The facts stated in the annual factory inspection report for 1927 show that of the more serious accidents, i. e., those inflicting more than 30 days' disability, more than 53 per cent are due to machines or some defects in factory facilities, and that 47 per cent are due to carelessness or other human factors. The employees in 51,952 regulated factories in 1927 numbered 1,687,472. The number of those injured, who had to be absent from their work more than three days on account of injuries, totaled 44,558. These figures show how urgent is the need of adequate regulation and of the prevention of accidents, particularly when in Japanese industry more than 50 per cent are juvenile workers.

Article 13 of the revised factory law of 1923, in force from and after July 1, 1926, gave the necessary authority for ordinances to enforce the regulations concerning safety and sanitation. There are also some prefectural regulations. Similar regulations were generally enforced in different localities before there was a central authority with adequate powers to act. After the establishment of the Bureau of Social Affairs, the bureau decided to separate the regulation of dormitories and the regulation of factories. It first drafted regulations for dormitories, which came into effect in July, 1927. It next drafted regulations concerning safety and sanitation in factories and submitted them for discussion to the Employers' Association of Japan and also to the factory inspectors at their annual meeting in April, 1928. Later, the bureau also referred this proposal to the Central Hygiene Association. The resulting draft was issued as regulation No. 24, dated June 20, 1929, to go into effect September 1, with postponement of certain clauses for brief periods to allow sufficient notice or for making structural changes in buildings. The provisions of this regulation may be divided into five parts.²¹

1. Provisions for safety devices and protection against dangerous machinery. (Articles 2 to 19 and 28 concern provision for safety devices; articles 2 to 9 were specially designed as protection against machinery in motion.)

2. Fire hazards and provision for emergency exits. (Articles 20 to 27 deal with this subject; fire losses in Japanese factories in 1927 numbered 622 fires in which the loss was over 50,000,000 yen,²² and in which there were 32 deaths, 132 severe injuries (more than two weeks required for recovery), and 150 slight injuries.)

3. Hygiene and provisions for first aid. (Articles 26 to 33 are devoted to sanitation and first aid. For health protection of factory workers the law prohibited night work, restricted working hours, and required improvement of dormitories. These, the most important points, were regulated in the factory law and in the regulations of dormitories act, and therefore this regulation deals only with provisions and facilities in factories.)

4. Conditions affecting morals of the workers. (Article 34 requires provision of separate baths and dressing rooms for both sexes.)

²¹ Kitaoka, J., in *Sangyo Fukuri*, August, 1927, pp. 24-33. For text of regulation No. 24 see International Labor Office, *Legislative Series*, 1929, Jap. 4. See Appendix D (p. 88).

²² At par, yen = approximately 50 cents; sen = 0.5 cent.

5. General regulations. (Article 1 deals with the application of these regulations, and article 36 provides some special penalties for their violation.)

Several articles have a provision for deferring enforcement one or two years, during which period the factory proprietors shall have time to provide adequate facilities in accordance with the required new standards, but in newly established factories it is provided that the regulation shall be applied as of the date of its enforcement, i. e., September 1, 1929. Before its promulgation the industrial interests had asked the Bureau of Social Affairs for a longer period of postponement to enable manufacturers to come up to the standards specified. The regulation will give much needed and more effective application of protective factory legislation to children and young persons.

The Apprentice System

In any discussion of child labor it is logical to consider the apprentice system both before and after the advent of protective legislation.

The factory legislation of 1923 in articles 16 and 17, and especially in chapter 4 of Imperial Decree No. 153, dated June 5, 1926, provided special protection for apprentices. The apprentice is defined as a young person who is engaged in a certain trade or occupation for the purpose of acquiring knowledge and training under guidance in that trade or occupation. The apprentice system is inherited from the old-time handcraft labor system. Apprentices were always treated as equals with the family of their master and there was between master and apprentice a sentiment similar to that between father and son. With the development of the modern industrial system group work was introduced and tasks were greatly reduced and simplified by division of labor, with the result that the apprentice system is gradually disappearing. On the other hand, modern industry in some branches has become much more complicated and makes much greater technical demands upon workers than was the case formerly, requiring skilled, trained, and intelligent operatives.

The apprentice system primarily was developed for the training and education of workers in certain trades, but in modern industry employers in small factories utilize this system for purposes of exploitation, almost to the degree of sweating, through long hours and low wages. For that reason when the revised factory legislation was enacted it dealt with the apprentice system, which it regulated for the safeguarding of young workers in training. The chief importance of this regulation lies in the contract for apprenticeship. This contract is not a simple labor contract but is a particular kind of contract, which includes educational stipulations. An apprentice is obligated to render service but he may expect to receive training rather than a purely economic return. The employer does not expect a great deal in the way of actual immediate service but he expects future service, and also is under obligation to give guidance and sufficient training for the trade or occupation. The regulations for enforcement of the factory law, as amended by Imperial Decree No. 153,²³ Chapter IV, articles 28 to 32, deal with the apprentice system and cover the following points:

²³ International Labor Office. Legislative Series, 1926, Jap. 1. Geneva.

1. Under the apprentice system a person is employed for the purpose of getting sufficient knowledge of and skill in a trade.

2. All apprentices shall receive training and education under certain guidance and supervision.

3. Apprentices should have ethical training and the employer should provide such education.

4. Apprentices must be employed according to the regulations which are permitted by the local authorities. The following items should be included in such regulations: (*a*) The number of apprentices; (*b*) age of apprenticeship; (*c*) qualifications of person giving training; (*d*) subject and period of training; (*e*) method of training and number of hours per day devoted to it; (*f*) holidays and rest periods; (*g*) supervision of moral and ethical education; (*h*) method of payment of wages; (*i*) if the apprentice is within the age of protected workers, or a girl, a provision must be made for such facilities as will provide against dangerous and insanitary surroundings; and (*j*) apprenticeship contract.

There seems to have been a marked gradual decrease of factories employing apprentices, but this change has been apparent rather than real and lies in a difference in the form of employment rather than in employment itself. Welfare work on the part of factory owners—and giving education and training to young workers in the factories is regarded as a form of welfare work—has become so much the fashion in Japan that some factories have even established technical schools and supplementary and continuation schools, which are in reality a form of the apprentice system. Factories, then, are still taking apprentices, in the original and legal sense, in trades which require long years of training, such as the steel, electrical, motor, and other industries.

According to the annual factory inspection report for 1928 there were 13 factories with 641 boy apprentices, their ages ranging from 13 to under 17 years. Both the number of factories having apprentices and the number of apprentices in each year during the decade 1918–1928 was much larger, varying from a low of 15 factories with 975 apprentices in 1926 to a high of 23 factories in 1923 and 3,310 apprentices in 1921.²⁴

In one ironworks plant in Yamaguchi Prefecture there is an industrial school for the training of its apprentices, which is recognized by the department of education. Three years are required to complete the course. The subjects taught are carpenter work, iron manufacturing processes, boring and finishing, and boiler making. Training is also provided in ethics, reading and writing, English, arithmetic, science, drafting, political economy, and mechanical engineering, operation of motors, physical education, and laboratory work.

There are 92 apprentices enrolled, about 30 in each year of the course. They receive wages averaging 18 cents a day in the first year to 42 cents a day in the third year. In accordance with local regulations the company has provided a staff who have specialized in the subjects which they teach, as follows: Nine graduates of higher technical schools, one graduate of a normal school, two graduates of prefectural technical schools, and one teacher of fencing.

²⁴ Japan. Bureau of Social Affairs. Factory Inspection Report, 1928, p. 33. Tokyo.

All the apprentices must agree to work for this company for two years after the completion of their studies, and in the case of the failure to fulfill this obligation the employee must reimburse the company for a part or the whole of the cost of his training.²⁶

Apprenticeship in Unregulated Factories

Aside from the persons employed in regulated factories most of the juvenile workers or minors in Japan are employed as apprentices in industrial, commercial, and skilled labor or trade occupations. The conditions of employment of these juvenile workers are still unknown, as sufficient data have not yet been gathered on the subject. There is not as yet any protective legislation for them and very little study has been made of their condition. Therefore, the available data such as the study made in Tokyo in 1924 by the Department of Social Education is the principal source of information. This study was made by the Metropolitan Police Board in Tokyo, and may therefore be safely accepted on the score of accuracy. For that reason and for the reason that apprenticeship is an urban institution, this study may be relied upon for illustrations of some phases of the apprentice problem.

At the end of 1922 there were approximately 23,000 juvenile workers employed in Tokyo, 20 per cent being engaged in the clothing industry, 18 per cent in carpentry and cabinetmaking, and 11 per cent in printing and bookbinding, the remainder being occupied in metal work, textile manufacturing, manufacture of food and beverages, etc.²⁶

The excessive hours of work for juvenile laborers was one of the great factors in the demand for protective legislation. The 1923 revised factory legislation stipulated that persons under 16 years of age and women should be prohibited from working more than 11 hours a day, but employers may secure a permit to extend the day two hours during the 15-year period ending in 1941.

An analysis of the figures given in Mr. Isomura's study shows clearly that the working hours of juvenile workers are practically the same as the working hours of adults. The simple average of the number of working hours is 9 hours and 20 minutes. In the manufacture of machinery the working hours are shorter than those in the textile industry. The working-day of from 9 to 10 hours, which is predominant among children, is from one to two hours longer than the internationally accepted standard for adults, toward which Japanese labor is striving. This is one of the great problems of Japanese industry.

The number of commercial apprentices, more numerous than all other groups of apprentices, amounts to approximately 85,000 in Tokyo. These juvenile workers are found in various forms of trade, probably 25 per cent are in dry-goods stores, 20 per cent in shops handling food and beverages, utensils, and house-furnishing goods; the remainder in stores handling a wide range of machines and devices, furniture stores, hotels, restaurants, etc.²⁷

²⁶ Japan. Bureau of Social Affairs. *Factory Inspection Report, 1927*, pp. 59, 60. Tokyo.

²⁷ *Kyocho-Kai. Social Reform, Tokyo, November, 1927*, p. 155: "Juvenile employment in Japanese towns" (in Japanese), by E. Isomura.

²⁸ *Idem*, p. 159.

Chapter 3.—Woman Workers in the Textile Industry

The Bureau of Social Affairs in the Department of Home Affairs reports the total number of workers in Japan employed in factories, mines, transportation, and communication services, and casual workers, in June, 1929, as 4,832,000, of which 1,577,451, or about one-third, were women. The number of factory workers was 2,194,000, of which 1,058,369, or about 48 per cent, were women.¹

Woman factory workers predominate only in the textile industry. This is the typical industry in which women are engaged, 83 per cent of those employed in it being women.

According to the latest available complete report² of the Bureau of Social Affairs, we find that in 1928 women in regulated factories (employing more than 10 persons) in the textile industry numbered 791,682 out of 980,948 workers, or nearly 83 per cent. Doctor Ayusawa in his statistical survey of women in Japanese industry³ presents an interesting analysis of all available statistical data. He shows that over half of all the workers in Japan are probably still engaged in agriculture and two-thirds of all the woman workers in the country are found therein. Also the greatest preponderance of women over men is found in agriculture. In only one other group, namely, commerce, are more women than men engaged and the preponderance is slight. In factory employment, however, over 1,000,000 women are engaged, and the bulk of them are in the textile industry, where they outnumber men at least four to one. An increasing number of women in this industry is being brought under the protection of regulated factories.

Women in regulated textile factories in 1928, numbering 791,682, may be classified roughly as follows: Nearly half in reeling raw silk, and nearly a quarter in spinning, and the same in weaving mills, leaving less than 5 per cent in all the other branches of the textile industry.

Importance of Textile Industry in Japan

There were 11 industries in Japan in 1926 each with a total annual output of more than 100,000,000 yen. The three highest on the list in value of annual output, each with more than 500,000,000 yen were raw silk, cotton spinning, and cotton fabrics.⁴ For more than 50 years the value of raw silk exported annually has constituted at least 20 per cent of the total annual value of all national exports and in prosperous years this percentage has risen to more than 40 per cent.

¹ Japan. Bureau of Statistics. *Rodo Tokel Yoran* (Labor Statistics Year Book). Tokyo, 1930.

² Japan. Bureau of Social Affairs. *Factory Inspection Report*. 1930.

³ *International Labor Review*, Geneva, February, 1929, p. 194 et seq.: "Employment of women in Japanese industry," by Iwao F. Ayusawa.

⁴ Takahashi, K.: *History of Industrial Development in the Meiji and Taisho Eras* (in Japanese). Tokyo, 1929, p. 431.

When silk fabrics and silk manufactures are added to raw silk, they constitute more than half of the total value of national exports and supply more than half of the world market for raw silk. No other commodity in Japan ranks so high in national exports as raw silk.⁵

The silk industry is as old as the country. The story of the cultivation of silk worms appears even in the mythology of Japan. More than 30 per cent of the farmers are engaged in this cultivation and produce a considerable amount. The silk industry in Japan developed as a domestic industry and it was in 1870 that reeling machinery was first imported from the Occident by the feudal authority of Mayebashi. From that time both the Government and private enterprise made a strong effort to mechanize the process of silk reeling, to replace hand reeling, which had been the original method. This effort was not successful, however, until after the Russo-Japanese War when Japanese industry experienced a period of great development and expansion into large scale enterprise, adopting the more general use of machinery which modernized the whole industry.⁶

The silk worm is mentioned in the oldest Japanese mythology, but its authentic historical record begins with the naturalization of the Chinese Koma-O, who came to Japan in 199 A. D., bringing Chinese silk-worm eggs with him. Some 90 years later many Chinese experts again became inhabitants of Japan and were ordered by the Emperor Ohjin to engage in silk-worm raising in various districts. The sericultural industry of Japan may be said to have dated from that time. Since then, this industry has been a favorite of the Imperial Court, the Empress herself sometimes setting an example by raising silk worms in person. Official encouragement soon made the industry popular among the people and it made rapid progress. Sericulture is, and generally has been, a subsidiary business of the farmers, and silk worms are chiefly fed and taken care of by girls. There are approximately 2,000,000 families in Japan engaged in raising silk worms; that is, about 34 per cent of all Japanese farmers.⁷

The cotton-spinning industry was imported from occidental countries in 1868 with other aspects of western civilization, and the first spinning mill was established in Kagoshima. The industry had a remarkable development in the decade following the Sino-Japanese War in 1893-94, and again in the decade following the Russo-Japanese War in 1904-5, but the number of spindles in 1900 was still less than the number to be found in Spain, Italy, or Switzerland. During and after the World War the industry developed so rapidly that by 1927 Japan ranked sixth in the number of spindles among the nations engaged in that manufacture. From 1900 to 1927 the total number of spindles in the world increased from 105,000,000 to 164,000,000, or about 60 per cent. In this same period the number of spindles in Germany increased 20 per cent; England, 30 per cent; France, 8 per cent; the United States, 100 per cent; Japan, 450 per cent; and China, 600 per cent.⁸

Weaving is traditionally regarded as women's domestic hand industry. It was widely developed in ancient times in producing silk,

⁵ Japan. Bureau of Social Affairs. Central Employment Exchange. Honpo Seishu-gyo Rodo Jijū (Condition of Japanese Silk-Reeling Workers), by T. Katsura. Tokyo, 1928, pp. 3, 4.

⁶ Idem, p. 7.

⁷ Raw Silk Association of Japan. Outline of the Raw Silk Industry in Japan. (Sesquicentennial International Exposition, Philadelphia, 1926.) New York, 1926.

⁸ Japan. Bureau of Social Affairs. Central Employment Exchange. Boseki Rodo Fujin Chosa (Condition of Woman Workers in Cotton Spinning). Tokyo, 1929.

brocade, linen, and mixed and cotton fabrics. There are many such fabrics still kept in the Shosō-in Imperial Repository in Nara, established in the eighth century. From the period of early Meiji the gradual change in social customs created a new market and a new industry in the manufacture of woolen cloth. The weaving industry supplied also one of the important products of Japan both for domestic use and export, and in 1928 its output was more than 560,000,000 yen.

The 1928 Factory Inspection Report (p. 19) gives an interesting tabulation of ages of factory workers in regulated factories. The distribution in the textile industry is as follows: Males—under 14 years of age, 857; 14 to 15 years, 3,245; 15 to 16 years, 7,301; over 16 years, 177,863; total males, 189,266; females—under 14, 36,281; 14 to 15 years, 70,017; 15 to 16 years, 96,177; over 16 years, 589,207; total females, 791,682. No such preponderance of young women is found in any other branch of industry.

According to this report nearly 800,000 women, or 83 per cent of the total number of women in regulated factories, were employed in the textile industry; 200,000 were girls under 16 years of age, and 36,000 were under 14 years of age.

Recruiting Woman Workers in Textile Industry

Recruiting labor is one of the most important problems in the textile industry. In Japan there are three methods of recruiting labor generally practiced, namely: Public employment exchanges established by the Government to conform to international labor conventions; private commercial employment agencies; and direct labor recruiting by agents of manufacturers. There are some employees recruited through other means, such as introductions by relatives or friends or advertisements, but these constitute only an insignificant proportion of those employed. The textile workers are recruited largely by the third method. Thus the Government report on factory inspection in 1928 in an appendix on labor recruiting shows that in that year persons who were granted licenses (valid for three years) as recruiting agents numbered 15,835, while the persons actually employed as recruiting agents numbered 10,858. Seventy-two per cent of all the recruiting agents in Japan in 1928 were in the silk industry and 19 per cent were engaged by spinning, and 8 per cent by weaving manufacturers, and only 1 per cent in all other branches of the industry. The total number of employees so recruited in 1928 was 342,023, of whom over 300,000 were woman workers in the textile industry and 235,000 of these were in the raw silk industry alone.

Labor Recruited from Rural Districts

The textile industry, as we have said, was primarily developed as a domestic or household industry until the adoption of the modern industrial system which involved group manufacturing, and therefore this type of work is thoroughly familiar to the rural population of Japan. It is, moreover, quite unfamiliar to the urban population. From generation to generation the women of the rural districts have been taught textile methods as their traditional occupation. This is the principal reason why the potential labor supply for the textile

industry is found in the rural districts, and silk and textile mills were generally established in rural neighborhoods in order to have ready access to this labor supply and to be near the supply of raw material—that is, cocoons.

The Japanese textile industry, by adopting the occidental factory system and by division of labor, has come to require a larger number of employees, and as the nature of the work is not congenial to town women,⁹ and was also unfamiliar to them, it became necessary to recruit labor from remote country regions. Moreover, the usual custom of a day and night shift system necessitated the housing of employees in factory dormitories rather than their living outside the factory. Young women under marriageable age form the basic labor supply for the industry because, according to Japanese custom, housewives and older women do not go out to work. Another reason why textile labor is recruited from rural districts is that the Japanese method of cultivating farm lands has recently been modified in such a way as to create a surplus of woman workers on the land, while the ratio of the farming population to the amount of land available for cultivation has increased. This has led to economic difficulties for the farmers, and has tended to draw their children into industry to ameliorate the financial situation of the family.

The report on the condition of workers in cotton-spinning factories gives an analysis for 34 factories and over 21,000 woman workers, which shows that more than 15,000, or over 70 per cent, entered the industry to assist the family, and a little over 17 per cent from the motive of economic independence or to earn extra money for their wedding trousseau. No record of motive is given for 4.5 per cent, while all other motives, none accounting for much more than 1 per cent of the workers, are included in the remaining 8.5 per cent of the 21,000 women to whom the questionnaire was sent.¹⁰

Young Girls from Farms Recruited for Short-Term Employment

The large majority of the textile workers, drawn from the rural population, are temporary workers, most of them between the ages of elementary-school graduates and marriageable young women. They have parents and need only to earn partial support from their work in the factory. Although the farming population is generally in an unfavorable economic situation, it is not so poor as to render the employment of the daughters of the families imperative, as is the case with the proletarian city laboring class, where the labor of the whole family is absolutely necessary for existence. This fact of sheer necessity for employment is not present in the case of rural woman factory workers, and so employers must offer positive and attractive inducements in order to get their labor force. Such action can not be expected from Government employment exchanges or public and commercial agents.

⁹ Kimura, S.: *Rodosha Boshu Torishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, pp. 15, 16.

¹⁰ Japan, Bureau of Social Affairs. Central Employment Exchange. *Boseki Rodo Fujin Chosa*. Tokyo, 1929, p. 25.

The Rôle of the Recruiting Agent

As already mentioned, these women are temporary workers and both the tenure of employment and the duration of their employment or "laboring life" are brief. In the textile industry the labor contract is usually for a short period or from year to year. In the raw-silk industry most workers contract for only one year, but in spinning and weaving the customary contract is for two or three years.¹¹ This necessitates the recruiting of labor annually in many factories. The newly recruited workers are inexperienced and without technical preparation, and must consequently be persuaded to enter industrial employment rather than be expected to seek it of their own accord. On the employer's part, it is necessary to make personal contacts through agents with potential woman workers in their own homes to induce them to leave their families, to go to a distant place and stay away from home. For girls who have taken this step but who later find themselves homesick, frightened, and overworked, the agent is their connecting link with their families and makes it possible for many girls to stay away from home longer and to remain contented with their work.

In silk factories, at the end of each calendar year, and also in May and June, the season for purchasing cocoons, there are recess periods when girls are allowed to go home. In the spinning industry there is no such custom, and the agent's service as a go-between is a very essential one. Recruiting women from rural districts is one of the social phenomena of the present time in Japan, and it will continue unless some great change takes place in the agricultural and village economy and social organization.

In the textile industry generally the recruiting of labor is carried on by the direct method through agents. Employees who are recruited through friends, relatives, or advertisements are known as volunteer workers (*shigan-ko*), while the others are known as recruits (*boshu-ko*). Male workers are found in the former class and generally live outside the factory, while recruits live within the factories in dormitories.

The report referred to above shows that of 21,000 workers in cotton spinning, nearly 14,000 or about two-thirds were recruited through company agents; over 3,000 or about 15 per cent were recruited through parents, friends, and acquaintances; for nearly 8 per cent the method of recruiting was unknown, and all other methods account for the remaining 10 per cent.

In the spinning industry the labor supply is drawn mostly from children of the farming population, because the recruiting covers such a vast area that agents are obliged to protect their own territory. In the raw-silk industry, the recruiting begins about the middle of December and lasts until about the middle of January, employers sending out their agents during that period. In the spinning industry there is no periodic recess giving an opportunity for recruiting during the year as is the case in the raw-silk industry. Therefore, the employment period contracted for is from two to five years, with a certain amount of recruiting going on throughout

¹¹ Kimura, S.: *Rodosha Boshu Tarishimari-rei Shakug!* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, p. 23.

the year. The season of recruiting is most active at the period of graduation from the elementary schools; propaganda is necessary, and companies send out members of their staff to direct the work among local recruiting agents. As to the weaving industry, small-scale enterprise prevails, and recruiting is carried on by the employer himself or by one of the other methods enumerated above.

Disadvantages of the Recruiting System

Labor recruiting through agents is often carried on under pressure of severe competition and the necessity for speedy results, with undesirable consequences. Unscrupulous agents sometimes resort to deception, exaggeration, and unfair means to secure recruits, especially as such work is usually paid for on a commission basis. Another disadvantage of the system is that the family of the employee considers only the immediate advantage in gifts or emoluments from the recruiting agents and ignores entirely the important question of working conditions within the factory. It considers the contract in terms of the amount of the payment advanced, or the amount of money given for outfitting the girl for the journey, or in terms of its personal relation to the agent. The prospective employee herself is under 20 years of age, lacks judgment, is ill informed and susceptible to the attractions offered by the agent in the form of pictures of towns, railways, theaters, etc., which are the determining factors in her decision. Particularly in the silk industry there is great rivalry among recruiting agents to get skilled labor by persuading workers with experience to leave the factory in which they have been employed and go to another factory.

The chief disadvantages of the recruiting system are:

1. It is extremely expensive for the employer on account of travel expenses and salary of supervising members of the staff, commissions for the recruiting agents, traveling and other expenses of the recruits, and cost of gifts and expenditures for entertainment for their families. The agent's commission generally ranges from 2 to 30 yen for each person secured. Besides the regular commission, agents are paid monthly commissions on renewals of contracts of workers secured in previous years, such renewal fees ranging from 15 to 60 yen per person per month. According to a study made by the Bureau of Factories in Nagano Prefecture,¹² the cost of recruiting in 1913-1924, exclusive of the travel expenses of recruits, was the lowest, 3.95 yen per person, in 1915, and the highest, 23.02 yen, in 1920, and averaged 12.50 yen per person per year for the 12 years. Traveling expenses are paid by the employer if the worker continues in the employ of the factory for a period of one to three years, but if she does not complete her contract they are charged to her account and paid by the worker.

2. There are many abuses in the custom of the "advance payment of wages" and the outfitting of the girls. Generally, the factory does not wish to provide funds for such purposes but competition with other factories makes it necessary. Sometimes, however, factories do it willingly in order to retain their working force for a longer

¹² Kimura, S.: *Rodousha Boshu Tarishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, p. 37.

period and to have a stronger hold on the employee, and thus more easily and surely to enforce the labor contract. The amount of such advance payments varies from a few yen to as much as 50 or 60 yen to an individual worker. Advances may be repaid by monthly deductions from the earnings of the workers, no interest in such cases being charged the worker. If workers leave their employment before termination of their contracts, they must pay from 8 to 15 per cent interest. This system of advance payments prevails in the eastern rather than in the western part of Japan.

The high cost of recruiting, including the amount of working-capital investment required for advance payments of wages, etc., is well shown in a recent report by Kyocho-Kai,¹³ covering the period from January to June, 1928, and giving the expenditure of five large spinning companies in eastern Japan, and the average expenditure per recruit in securing 2,310 new recruits (girls), of whom only 2,166, or 93.8 per cent, satisfactorily passed the tests for admission to employment. The total cost of direct recruiting was 67,534 yen, or 31.16 yen per recruit actually engaged to work. The commissions paid to recruiting agents amounted to 42,358 yen, or 19.56 yen per recruit engaged. The traveling expenses of recruits from home to factory amounted to 20,490 yen, or 9.46 yen per recruit engaged. Salaries of supervisory staff and miscellaneous expenses totaled 4,685 yen, or 2.16 yen per recruit engaged. The total advance payment of wages, etc., amounted to 46,647 yen, or an average of 21.54 yen per recruit.

The advance payment of wages often tempts parents to dishonest practices, such as not returning the money, or making contracts with two or more agents, accepting advance payments from one factory while putting the girls to work in another. Furthermore, this system of advance payments tends to encourage long labor contracts and a situation akin to peonage.

3. The moral hazards of girl workers engaging in factory work are not lessened by the recruiting system. The young women are brought from remote districts by recruiting agents and there have often occurred most unpleasant incidents. The number of recruiting agents who were punished in 1918 for offenses in which girl recruits were concerned was 22; in 1919 there were 174 cases and in 1920 there were 262. In 1921 there were 94 cases in Gifu Prefecture alone.¹⁴

In the raw-silk industry the recruiting agents are usually factory foremen, and the new recruit finds that the person with whom she made a contract turns out to be her boss on the job, with added powers to enforce the obligations she entered into, perhaps under false representations as to actual working conditions. This is an added reason for strict governmental supervision of recruiting agents. Protective factory legislation ordinarily covers working conditions in the factory but not living conditions in the dormitories. Ordinance No. 26 of 1927 regulating dormitories, to which reference is made elsewhere in this study,¹⁵ dealt with many of the evils inherent

¹³ Kyocho-Kai. Recent Social Movements (in Japanese). Tokyo, 1930, p. 43.

¹⁴ Japan. Bureau of Social Affairs. Central Employment Exchange. Honpo Seishi-gyo Rodo Jijo (Condition of Japanese Silk-Reeling Workers). Tokyo, 1928, pp. 40, 47.

¹⁵ See chapter 4 (p. 53); also Appendix F (p. 96).

in the dormitory system, but not with those in which the dormitory system has important relations to practices connected with the recruiting system.

Recruiting of Workers Ordinance, 1924, and Its Application

The Bureau of Social Affairs was early convinced of the necessity of a separate regulation of the evils inherent in and attendant upon the recruiting system. An ordinance on recruiting of workers was drafted and became effective March 1, 1925—Ordinance No. 36, dated December 29, 1924.¹⁶ There had been previously some similar regulation of recruiting by prefectural and local authorities, but the new ordinance gave for the first time uniform and substantial measures dealing effectively with the system.

In explanation of the details of this regulation it is necessary first to call attention to the scope of its application. It applies to all factory workers, miners, navvies, and other laborers, except where the recruit does not have to change his residence to perform the work, when he is procured by advertisement and the recruiting is conducted at the place where the work is to be performed, and when recruiting is done under the emigrant protection act. This ordinance does not displace regulation or supervision by prefectural authorities, and prefectural regulation may be applied in fields which this ordinance does not touch.

There seems to be some question as to whether this ordinance applies to workers in both regulated and unregulated factories. However, persons employed alike in unregulated or regulated factories are engaged in industrial production, that being the purpose of factory operation, and therefore this law appears to apply to all workers in both types of factories.¹⁷

Recruits to be Furnished "Particulars of Employment"

The employer is legally obliged to furnish a manual of working conditions, as it is necessary to give a clear exposition of working conditions to recruits. He is also obliged to furnish a form of employment contract with an explanation of its provisos. Article 3 of the recruiting ordinance specifies the information which the manual of employment must furnish to prospective recruits, as follows:

1. Name and address of employer; if incorporated, the corporate title, name, and address of the representative of the corporation.
2. Name and address of place of employment.
3. The date of beginning and ending of job.
4. The kind of work in which recruit will be employed.
5. Information concerning working hours, rest periods, holidays, and night work.
6. Wages.
7. Particulars of dormitory accommodations, cost of meals, travel expenses, etc.
8. Regulations for discipline, if such exist.

¹⁶ International Labor Office, Legislative Series, 1924, Jap. 3; see also International Labor Review, October, 1925, pp. 484-499: "Labor recruiting in Japan and its control," by Shuzo Yoshisaka.

¹⁷ Kimura, S.: *Rodosha Boshu Torishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, p. 68.

9. Period of employment and information concerning dismissal.

10. Compensation for injury, sickness, or death.

The purpose of the manual of employment is to give the prospective worker a clear exposition of labor conditions in the factory which intends to employ the recruit, and it is therefore necessary that it be inspected by competent government authorities to insure its accuracy and completeness. Hence notice and a copy of the manual must be sent to the local authorities before agents can receive a license for recruiting. In article 20 it is stated that the person who makes false statements in this manual may be punished by fine or imprisonment.

The act of recruiting involves the taking of young, ignorant, and often helpless women from their homes and transplanting them to a distant environment in which they are quite defenseless and alone. Hence the necessity for safeguarding the issue of licenses to recruiting agents. Applicants for licenses as recruiting agents are subject to thorough investigation by local authorities, and those not qualified are not granted licenses.

Application for License as Recruiting Agent

Article 4 specifies that the application for a license must give:

1. Name and address of the employer for whom the agent will recruit if licensed to do so.

2. Recruiting agent's domicile, address, name, occupation, date of birth.

3. Personal record of agent.

4. Period of recruiting (season for recruiting).

5. District where recruiting is to be done.

6. Name and address of the place of employment for recruits and nature of work in which recruits will be employed.

This application must be signed both by the applicant and by his employer and must be accompanied by two photographs of the applicant. One of these photographs is to be attached to the license of the recruiting agent and the other is retained by the local authorities for identification. The person who is engaged in recruiting is often working outside of his home locality, and therefore the license must provide evidence necessary for his identification. The license is granted on the ground that this person is certified as having qualified in his own locality. He may carry on recruiting in different localities, but his license must be shown to the local authorities of each district before he undertakes the task. However, article 18 states that whenever the recruiting agent has been guilty of misconduct or has demonstrated, in the opinion of the authorities, his unfitness for his duties his license shall be revoked. The recruiting agent's certificate also must be returned in order to prevent its misuse.¹⁸

Anyone is free in theory to undertake recruiting, but in practice this is not true, as there is close supervision and control of both the act of recruiting and the persons engaged therein. Article 9 stipulates that notification of recruiting must be given to the police station of that district, which has direct control thereof.

¹⁸ Kimura, S.: *Rodosha Boshu Torishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, p. 121.

Article 11 requires agents to keep a register of recruits, as it is necessary for the police to know whether the recruiting has been carried on in accordance with legal requirements. Items of information required in this registry are: Name, address, and age of recruits, sex and domicile, name and address of guardian or parents, date of arrival of recruit at place of employment, amount of advance payment of wages, and amount of travel expenses. Article 14 requires advance notice of departure of recruits, as this is necessary to give the police ample time to investigate whether the recruiting has been done legally and whether the recruits and their families understand the labor conditions in the new place of employment. This investigation is by the police, who visit the homes of the recruits or interview them at the point of departure. Moreover, in the case of recruits being obliged to stay overnight in hotels or elsewhere, the law requires that advance notice be sent to the police of that place as to where they are to stay (art. 15). This does not apply in the case of their staying overnight on a boat or in a train, as it is impossible to control or supervise such travel.

Article 12 prohibits certain acts in recruiting, and article 16 prescribes the duties of the employer in connection with the protection of workers. The labor contract is a contract for the buying and selling of labor and labor can not be separated or distinguished from the worker himself; that is, the worker himself comes under the control of the employer, and therefore, the employer has the responsibility, automatically, of protecting the worker and preventing anything injurious to his health and life. Moreover, this recruiting of labor is not the same as volunteer employment. The making of the labor contract is due to the fact that the employer recruits the employees by persuasion or other means, hence the primary interest in the contract is on the part of the employer rather than of the employee. It is the duty of the employer to restore the original status of the employee in case the latter suffers any injury or illness due to his employment, and such a provision is more necessary when the employees are young girls brought from remote places.

Other Means Than Recruiting for Securing Labor

The State makes provision for securing labor through public employment exchanges. In April, 1921, the Government enacted regulations for the employment of labor and the year following Japan ratified the international labor convention of 1919 regarding unemployment, and established a system of free public employment exchanges. The work was initiated by *Kyocho-Kai* and was gradually developed. After the establishment of the Bureau of Social Affairs, the supervision of the public agencies was transferred to the Bureau of Social Affairs and the Government opened simultaneously many public employment agencies in the larger cities all over the country. Finally, in 1925, the Government promulgated regulations governing private commercial employment agencies.

A private means for the securing of labor called a system of "registration of employees" (*Jokō Toroku Seido*), was instituted by the employers in the raw-silk industry. This system required each employee in every factory to register in the records of the Raw Silk Association so as to avoid competition for employees in another fac-

tory. This system was instituted in 1902 by the Federation of Raw Silk Manufacturers of the Okaya district in the Nagano Prefecture.¹⁹ It was found to be very successful, particularly in a district where competition for workers was very keen. In some districts it takes the form of a "union" (including many phases of the textile industry), or an "association," or some similar name, according to the trade in which it operates. This system renders the manufacturers immune from competition, but it involves the problem of the employer's right to a particular employee, because once a man is employed under this system he is for all practical purposes regarded as the absolute property of his employer. This system was condemned as inhuman and public opinion compelled its abolition, which was effected by the local authorities in Nagano Prefecture, where it was most prevalent, on February 28, 1926.

Another employment facility, provided by the employees, is known as *Jokō Kyōkyū Kumiai*, or Association for the Supply of Woman Factory Workers. The principal purpose of this organization is the protection and promotion of the workers' interest through the united action of workers and their parents. This organization developed rapidly in two of the prefectures where the raw-silk industry predominated, namely, Nagano and Aichi Prefectures, and spread to the neighboring Gifu Prefecture and thence all over the northern part of Japan.

This association was formed by woman workers and their families, with cities, towns, or villages as units of organization. The duties specified for all members are as follows: (1) Without the consent of the association, no member may make a contract directly with an employer; (2) members may not make double contracts; (3) members have the responsibility of notifying the association concerning any employer who is guilty of a breach of contract or any employee who is guilty of misconduct or misrepresentation.

The members are privileged to attend lectures and educational meetings under the auspices of the association. The officers consist of the local authorities, police officials, and influential citizens. The work of this association is principally to supply working girls and to educate them. For the support and maintenance of the association, the association charges employers for the workers it supplies 1.50 yen per girl from within the district and 3 yen per girl from outside of the district. The local authorities protect this organization and prohibit direct recruiting of labor in districts where it has been established; in short, the association has been given a monopoly of supplying the laboring force from its own district.

Requirements for Admission to Work

All new recruits in a factory are first given a physical examination. The higher the type of the factory the more thorough is this examination, especially since the national health insurance law came into effect in 1926, and at the present time when recruiting is easier than in the past. The latter two developments have tended to increase the strictness of this examination. When the recruit has passed the physical examination she takes an intelligence test. If

¹⁹ Kimura, S.: *Rodosha Boshu Torishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926, appendix, p. 6.

she is successful in passing both of these examinations she is entitled to complete her employment contract, written or verbal. Her employment contract is presented to the company with a copy of the record of her domicile and an identification certificate.

Sample Form of Labor Contract

A sample form of labor contract used by a spinning company is as follows:²⁰

Labor contract—No. 2 form

Domicile _____
 Address _____
 Relation to head of family _____
 Name _____
 Date of birth _____

I hereby pledge myself to follow and observe the following regulations, from the date of being employed by your company:

1. I will observe all the working regulations which your company has made and also any other regulations and orders. I pledge myself to be very diligent and honest.

2. According to your working regulations, I will engage in the work in which your company places me, during the period of the three years from _____ to _____. And after the completion of the contract, if I continue in your employment without opposition on my part, the contract will be recognized as being automatically renewed for another year, and after the termination of that year, if I continue to work, the contract will have the same effect as before.

3. During my employment, if I have reason for leaving the company, I will give notice two weeks in advance, stating the reason for going.

4. After the termination of the contract, if I continue to be employed of my own volition without drawing up a new contract, you will recognize that it is the same as though I had made a new contract.

As stated above I hereby swear to

Name _____
 Address _____
 Date of birth _____
 Address of the guardian _____
 Address of the guarantor _____
 To _____ Spinning Co.

This sample, which most forms follow, is more or less typical of the labor contract. On account of the ignorance of the recruit and her parents, important labor conditions contained in the contract may be and are one-sided, but the employee and her family accept them as practically compulsory and without criticism. We must notice, however, the employment period stipulated in the contract; that is, two to three years. This is, however, less important than it appears. The statement of the period is, in practice, used only in the awarding of termination prizes. In the raw-silk industry the labor contract is, as a rule, for one year, and the provisions of the contract are usually similar to those of the spinning contract given above.

Examination and Training of Recruits

The worker thus employed is placed under the charge of a trained worker from one week to one month, in order to gain ample experience, this being the method generally used for a newcomer. The

²⁰ Japan. Bureau of Social Affairs. Central Employment Exchange. Boseki Rodo Fujin Chosa (Condition of Woman Workers in Cotton Spinning). Tokyo, 1929, pp. 45-46.

raw-silk industry particularly requires trained workers, since the nature of the work itself demands sensitive finger tips. To attain the required degree of skill necessitates long training, and large factories often establish schools in which they place new recruits to give them the necessary technique as well as elementary education.

Working Hours and Rest Periods

The revised factory legislation has been in force since 1926, and regulated factories in the raw-silk industry work, generally speaking, 12 hours a day, which time includes a rest period of 1 hour. Rest periods are generally given three times a day, such as a lunch period, 30 minutes, and a 15-minute recess in the morning and afternoon. In some factories a rest period occurs twice a day, or there may be recesses of 15 minutes each morning and afternoon, in addition to a lunch period of 40 minutes, totaling 1 hour and 10 minutes of rest for the day.

In the spinning industry the working hours are generally 11 per day, the workers being employed in two shifts. The time when workers begin their shift is 5 a. m. or 6 p. m.; for example:

1. Day work, 7 a. m. to 6 p. m., 11 hours per day; night work, 6 p. m. to 5 a. m., 11 hours per day.

2. Day work, 6 a. m. to 6 p. m. (men), 12 hours per day; day work, 6 a. m. to 5 p. m. (women), 11 hours per day; night work, 6 p. m. to 6 a. m. (men), 12 hours per day; night work, 6 p. m. to 5 a. m. (women), 11 hours per day.

Since July 1, 1929, night work has been abolished by the revised factory legislation. As early as April 1 of that year 14 out of 59 companies, members of the Japan Cotton Spinners Association, had discontinued night work, anticipating the enforcement of the new law. For example, their new working schedule is as follows:

1. Day work, 5 a. m. to 2 p. m., 9 hours per day; night work, 2 p. m. to 11 p. m., 9 hours per day.

2. Day work, 5 a. m. to 3 p. m., 10 hours per day; night work, 3 p. m. to 11 p. m., 8 hours per day.

The above two types of the working-day also included 30 minutes recess for mealtime.

In the weaving industry the working hours are usually longer. The industry is accustomed traditionally to long working-days, and particularly because of the ignorance of the workers the employer is desirous of prolonging the working-day as much as possible.

The examples of the wretched conditions of the workers cited in the report of the Department of Agriculture and Commerce were mostly drawn from the weaving industry. Since even regulated factories operate to the legal maximum limit of the working-day, it is natural that many unregulated factories are at present working several hours longer than the standard of factory legislation. The 1928 report on factory inspection of the Bureau of Social Affairs cited that in that year 463 violations of factory legislation were punished and in 20,954 cases warning was given.²¹ Among those punished, 228 cases, or about 50 per cent, were in the textile industry. Of this latter number, 120 cases were convictions for employing protected workers

²¹ Japan. Bureau of Social Affairs. Factory Inspection Report, 1928. Tokyo, pp. 20, 21.

overtime. In the case where warnings were given 1,803 cases were due to the failure of the establishment to post for the information of the worker labor regulations as to hours, rest periods, etc. Particular attention is called each year by the metropolitan police of Tokyo to the fact that in this jurisdiction there are a large number of violations of the law with respect to working hours.

Wages in the Raw-Silk Industry

The wage system of the textile industry is a very complicated one. In the raw-silk industry men are paid on a daily or monthly basis and women usually on a piecework basis. The principle of the formulation of wage rates is as follows: The basic wage rate is determined by the average worker's production for one day over a certain period of time, which is then compared with the results of similar estimates made in other factories in the same district and modified by consideration thereof. To the basic wage, as thus determined, there is added an amount proportioned to the individual worker's skill in (1) reeling; (2) denier;²² (3) luster; (4) coarseness or fineness of thread.

The basic wage is so small compared with the final wage depending on skill ratings that in the silk industry the amount and quality of production have a direct relation to the effort and skill of the worker. The nature of the work demands constant and intense concentration on the part of the worker and requires tense effort by her, which doubtless may increase her efficiency but which at the same time places her in competition with others to their disadvantage.

The essential factor in determining the wage earned is the skill of the worker, but the wage is also greatly affected by the quality of the raw material, such as the cocoon, and this is the chief justification for the existence of such a wage system.

Women's daily wages in the raw-silk industry averaged, according to the official statistics of the annual report of the Department of Agriculture and Commerce and the Imperial Statistical Year Book,²³ only 20 sen (10 cents) in 1900, 31 sen (15.5 cents) in 1912, 43 sen (21 cents) in 1918, and has fluctuated between 93 and 96 sen (46 and 48 cents) from 1921 to 1927, the latest date for which such figures are available.

Of course, board and living quarters are customarily provided by employers in the raw-silk industry and the average wages paid would, in nearly all cases, be in addition to such board and shelter.

The individual fluctuations from the average, because of the skill factor, are very great. In an investigation by the prefectural bureau of factories in the Gifu Prefecture in 1926 and 1927, covering 164 and 165 factories, respectively, it was found that the average daily earnings in these factories for those years were only 70 and 75 sen (30 and 37.5 cents), respectively, but that the fluctuation was from 39 to 136 sen (19.5 to 68 cents) in 1926 and from 37 to 132 sen (18.5 to 66 cents) in 1927.

²² Unit size of silk fiber is called "denier," which means the size of fiber of 0.05 gram in a 450-meter length.

²³ As quoted in *Kyocho-Kai, Recent Social Movements, Tokyo, 1930, pp. 60, 61.*

Thus an untrained girl may work with the utmost diligence and still earn an amount which bears no relation to the earnings of a skilled worker, or, indeed, on account of penalties for lack of skill, may earn nothing or even incur a debt to her employers. In view of this system the prefectural authorities of Nagano Prefecture in 1927 put into effect a minimum-wage regulation that each employee must be guaranteed a minimum wage of 30 sen (15 cents) per day for trained workers and 15 sen (7.5 cents) for untrained workers. Formerly payment of wages was generally made at the end of the year, but since the factory-legislation revision in 1923 payment is made monthly or twice a month, and must be made in legal currency.

As before mentioned, the basic wage of the textile worker is increased by a system of skill rating; in addition there are several kinds of prizes, such as (1) prizes in recognition of long and continuous service; (2) prizes for the purpose of increasing efficiency; (3) prizes in recognition of good conduct; (4) annual prizes or presents.

Generally the raw-silk industry requires long and continuous service, without loss of time from the worker first, because of the nature of the processes of the industry, and, second, because the employer furnishes meals to the working force, which practice may tend to malingering and idleness. In order to foster emulation among their companions, No. 1 prize is given to the girls who have not lost time. This prize is given in three ways: The first, based on a simple calculation, is a premium for a certain period of work without loss of time, the prize increasing in the same ratio as the period increases; for example, 25 sen (12.5 cents) added for 15 days' continuous service, and 50 sen (25 cents) for 30 days. By the second method a certain period without loss of time entitles the worker to a premium which is cumulative, increasing in greater proportion than the period without loss of time increases. The third method is a premium not in money but in commodities, gifts of furniture, etc.

The second type of prizes—prizes for efficiency—are usually added to regular wages. They are given as competitive group prizes. For example, workers are divided into two groups, each consisting of about 60 girls. Both groups perform similar tasks for 15 days. After a decision as to the winner in respect to quantities, qualities, etc., of work turned out, the winning group is rewarded with money, generally about 50 yen (\$25), which is divided among the members of that group.

The third type is the prize for good and exemplary conduct, or it may be given to a person who renders service to the company for many years, or one who has shown great skill in her work. The company celebrates with a ceremony and presents the gift to the worker who has qualified for the honor.

The annual prize, the fourth type, is given, according to Japanese custom, at the season of Bon (July 13) and at Kure, the end of the year, when gifts are exchanged, and the employer is accustomed to give gifts to his employees.²⁴

²⁴ Japan. Bureau of Social Affairs. Central Employment Exchange. Honpo Seishi-gyo Rodo Jijo (Condition of Japanese Silk-Reeling Workers), by T. Katsura. Tokyo, 1928, pp. 94-96, 142-144.

Wage System in the Spinning Industry

Wages in the spinning industry are calculated on an hourly basis or on a piecework basis. Generally woman workers are paid by piecework rather than a fixed daily wage. The hourly wages are calculated at the normal rate per hour for the normal number of hours per day, overtime or extra hours being paid for by a 10 per cent increase in the hourly rate.

Even piecework rates vary according to the skill of the individuals or groups to which allotments of work or special tasks are made. The average wages earned by men and women are shown, over a period of years,²⁵ to have increased steadily since 1903, when men earned on the average only 32 sen (16 cents) per day, to 1918 when this was increased to 68 sen (34 cents), 1921 to 1.46 yen (73 cents), and in 1927 to 1.53 yen (76.5 cents). The corresponding figures for women are 1903, 20.6 sen (10.3 cents); 1918, 47.6 sen (23.8 cents); 1921, 1.13 yen (56.5 cents); 1927, 1.04 yen (52 cents).

Generally, men get as a basic wage from 80 sen (40 cents) to 1.10 yen (55 cents) per day as beginners, and women between 50 and 70 sen (25 and 35 cents). The amount varies according to the factory and to the work performed. Usually a woman worker's wages are on the piecework basis from one to three months after she commences work. Her basic wage will be raised from 2 to 5 sen (1 to 2.5 cents) per day after the first two or three months, when she may be able to earn a substantial daily wage. From six months to two years after this time she receives another raise of from 5 to 15 sen (2.5 to 7.5 cents) per day. This determination of the rise in wages is largely influenced by the trend of the trade. Wages are paid monthly, on the 20th or 25th, in legal tender.

In 1929 Kyocho-Kai's investigation of 11 representative spinning concerns quoted the average daily earnings of men as 1.52 yen (76 cents) and of women as 95 sen (47.5 cents).²⁶ The spinning industry also has a system of prizes similar to that of the raw-silk industry. Also semiannual prizes given by some companies constitute practically a bonus and bear a relation to the profits of the company during the year.²⁷

Wage System in the Weaving Industry

In modernized weaving factories traditional long-term labor is disappearing and the average basic wage for the untrained worker is calculated on a daily basis. Experienced skilled workers are paid by piecework. However, the long-term workers are paid yearly wages and receive in addition lodging, board, summer and winter clothing, and about 3 yen (\$1.50) pocket money per month. This system has been adopted by the smaller factories as a fixed system; other facto-

²⁵ Kyocho-Kai: *Recent Social Movements* (in Japanese), Tokyo, 1930, p. 49; see also, for wage system in spinning industry, Japan, Bureau of Social Affairs, *Central Employment Exchange, Boseki Rodo Fujin Chosa*, Tokyo, 1929, pp. 66-68.

²⁶ Kyocho-Kai. *Recent Social Movements* (in Japanese). Tokyo, 1930, p. 49.
²⁷ According to the *Imperial Statistical Yearbook*, the average daily wages for woman workers in the cotton-spinning industry were: 1922, 1.11 yen (55.5 cents); 1923, 1.07 yen (53.5 cents); 1924, 1.10 yen (55 cents); 1925, 1.16 yen (58 cents); 1926, 1.18 yen (59 cents). A study made by the *Central Employment Exchange of 3,966 women in the spinning industry* (*Boseki Rodo Fujin Chosa*, Tokyo, 1928, p. 27) showed that their average monthly earnings were 26.85 yen (\$13.43) in 1927.

ries have adopted the yearly wage, but based on a piece rate or production calculation rather than a stipulated contract rate.

Factory legislation now requires that all wages must be paid at least once a month, in legal tender, which regulation has tended to do away with contract long-term labor, but this system will continue under the guise of "advance payment of wages."

The contract rates for long-term workers in Enshu district, according to the Weaving Association of Employers, for 1929 on a yearly basis, are: Highest skilled, 150 yen (\$75); first class, 130 yen (\$65); second class, 110 yen (\$55); third class, 90 yen (\$45); and apprentices in training 80 yen (\$40) per year.²⁸

These figures show that the weavers of the most skilled class earn about 13 yen (\$6.50) per month, in addition to pocket money, board, and room; those in less skilled classes earn about 10 yen (\$5) per month, with pocket money, board, and room. Weavers are by far the lowest-paid group in the textile industry.

In modernized factories workers in training are paid daily wages for a brief period of two weeks to three months, the daily wage varying from 30 to 65 sen (15 to 32.5 cents), the average being about 50 sen (25 cents). These figures are based on a survey of all statistics of the weaving industry throughout Japan in October, 1927. After the training period is over the basis is calculated on a piecework scale plus prizes for efficiency, long service, etc. The average net return to average skilled woman workers, including prizes, was found to be: Silk weaving, 88 sen (44 cents) per day; woolen weaving, 1.09 yen (54.5 cents); linen weaving, 1.33 yen (66.5 cents); cotton weaving, 96 sen (48 cents); and other fabrics, 93 sen (46.5 cents).

Workers' Savings

Workers' savings on deposit with employers, October 1, 1928, totaled 61,474,678 yen, of which 7,987,584 yen were on deposit in Government-operated factories. The total number of workers depositing this money was 790,521, of whom 67,944 were employed in Government-operated factories. This gave an average savings deposit of 77.76 yen per worker in all factories where deposits were made. This means that nearly half of all the workers in regulated factories (totaling 1,869,668 workers in 1928) and more than half the employees in Government-operated factories had savings on deposit with their employers. The amount of such savings deposits of employees in Government-operated factories was nearly one-eighth of the total deposits, while the number of workers was only one-fourteenth of the total number of workers in all regulated factories. The textile industry, particularly the raw-silk, spinning, and weaving branches, is predominant in the number and amount of savings deposits. The factory inspectors' reports show that probably about 86 per cent of the total savings deposits in regulated factories were deposited with employers, about 10 per cent in postal savings banks, and about 4 per cent in commercial banks. The savings de-

²⁸ Some districts have attempted to abolish this system of long-term contract service and advance payment of wages. For example, the Weaving Association of Enshu District has made regulations: (1) To prohibit the advance payment of wages and enforce monthly wage payments and (2) payment of board by occupier of the factory. (Kyocho-Kai. Recent Social Movements. Tokyo, 1930, p. 72.)

posits with employers earn from 6 to 10 per cent interest per annum, compounded semiannually.

The yearly savings deposits with employers have increased in recent years as follows:²⁹

Number of employees making savings deposits and total amount of such savings, 1917 to 1928, by years

[Yen=about 50 cents in United States currency]

Year	Number of factories	Number of employees making deposits	Total deposits
Private establishments:			Yen
1917	1,742	244,020	6,543,892
1918	1,882	270,073	8,241,186
1919	2,828	308,123	8,099,629
1920	3,212	388,832	17,017,087
1921	4,662	681,965	28,359,837
1922	4,792	629,417	31,434,983
1923	4,352	645,102	35,331,468
1924	4,920	709,877	43,749,964
1925	4,672	725,319	46,465,974
1926	5,172	770,640	50,798,364
1927	5,506	731,039	48,398,304
1928	6,194	722,577	53,487,094
Government-operated factories:			
1926	309	74,068	5,334,573
1927	338	68,498	6,817,630
1928	345	67,944	7,987,584

The 1927 factory-inspection report quoted a very interesting episode concerning factory savings. In the Japan Spinning Co. there was a volunteer system carried on by the workers employed by this firm. This particular savings scheme was known as "nenbutsu," or "prayer," or Buddhist invocation savings. Employee members laid aside 1 sen every morning. The origin of this savings plan was that in March, 1927, the company, on the occasion of a religious lecture for the employees, had invited a Buddhist priest who delivered a speech under the title of "Think of your native home." He said that every morning when the workers pray for the happiness of parents and relations at home, if they would save 1 sen their savings would have a meaning. Most of the girls were greatly touched, and the next morning some one made a paper bag, 4 inches long and 3 inches wide, to which she signed her own name on one side and inscribed this Buddhist prayer on the other side. The girls placed similar bags in their own rooms, and afterwards all of this money was kept in their rooms, but none of it was stolen. This volunteer saving system spread among the inhabitants of the dormitory, and at the end of that year there were 1,668 people following this form of saving who had accumulated nearly 1,000 yen. These savings were added to their own regular monthly savings accounts, or in some cases devoted to other purposes, such as donations to temples. But at the end of November it was decided that it should be used for traveling expenses to pay for a visit to the National Shrine of Ise.³⁰

²⁹ Japan. Bureau of Social Affairs. *Factory Inspection Report, 1928, p. 60. Tokyo.*

³⁰ *Idem, 1927, p. 74. Tokyo.*

Labor Turnover and Tenure of Employment

It is the custom in Japan for woman workers to quit work after they are married, and this naturally causes a high turnover in the textile industry and adds to the cost of production, especially in silk reeling, which requires skilled workers, and where it takes about one year to bring a new worker up to standard proficiency.

In the spinning industry the tenure of employment is short and the turnover therefore high, both factors varying somewhat with the district and location of the factory, the welfare provisions in the plant, and the general economic conditions in the community from which the workers come. More workers quit also in the spring and summer because it is the busy season with farmers. Many workers also quit or leave after a few months' experience because of disappointment with conditions as represented or misrepresented. A study made by *Kyocho-Kai* of 10 factories for the year July 1, 1927, to June 30, 1928, showed that of 21,587 persons employed, 10,501 quit after one year or less of service; the proportion of men quitting under the same conditions was 1,087 out of 5,687; of women living in dormitories, 7,771 out of 11,482; of women living out, 1,643 out of 4,418 employed. The reasons assigned for quitting were: Domestic or home causes in 5,428 cases; sickness, 871; because of punishment or fines, 866; changed to other employment, 666; death of employee, 112; miscellaneous causes, 318.

Another study by *Kyocho-Kai*, made in December, 1928, covered 12 factories employing 11,582 workers in the spinning industry, where 5,048 or over 43 per cent had been employed under one year, over 25 per cent under two years, over 14 per cent under three years, and only about 16 per cent for varying periods of over three years. The general conclusion from these studies is that for the most numerous class, the girls living in dormitories, the average tenure in the spinning industry is one year and nine months.

In silk reeling most of the employees, except the girl apprentices in training, are employed on a 1-year contract. Theoretically they quit at the end of the year, if not sooner, upon the termination of their contracts, but in most cases they renew their contracts and are reemployed. This custom, however, and the arrangement of vacation periods which often come at the same times as the termination of the yearly contracts, often causes confusion in the statistics of turnover. In reality the tenure of employment in silk reeling is longer than it is in spinning. Silk workers who are counted as quitting their employment, strictly speaking, are those who leave before the termination of the contract, and those who do not renew their contracts or are not reemployed. T. Katsura recently studied 17 representative silk-reeling factories and found that of 12,070 workers, 2,452, or over 20 per cent, quit work before the termination of their contracts.³¹ In the *Okaya* district, where there is a cooperative employers' association and a minimum of competition in recruiting workers, only 7 per cent of the workers do not renew their contracts, but it is generally supposed that the percentage among silk workers

³¹ *Kyocho-Kai*. Social Reform. Tokyo, October, 1926, pp. 154-167: "Working conditions in Japanese textile industries" by T. Katsura.

in other districts is as high as 15 to 20 per cent. Shuichi Harada said in his *Labor Conditions in Japan*, published in 1928 (p. 129), that no extensive study had yet been made of labor turnover. He quotes a report published by the central employment exchange of the Bureau of Social Affairs to the effect that labor turnover in factories for 1925 was 58 per cent in the textile industry generally, and that the average turnover for all industries in the same year was 57.3 per cent.

Chapter 4.—The Dormitory System in Japanese Factories

The dormitory system has many characteristics peculiar to Japan and raises special questions concerning the housing and protection of workers, especially in respect to woman workers. The latest available official figures for 1928¹ show that of 55,041 regulated factories employing 1,869,668 workers there were 14,115 factories having dormitories housing 33 per cent of the total workers in regulated factories—498,184 woman workers and 117,213 male employees. Nearly half of the factories having dormitories were textile factories, and more than 80 per cent of the workers housed in dormitories are women. Ninety per cent of all workers housed in dormitories are employed in textile factories, and 99 per cent of all textile workers who are housed in dormitories are women.²

Dormitory Problem One of Protection of Young Women

The dormitory problem, as far as it is concerned with health and morals of workers, is confined almost wholly to the textile industry and to the regulation and protection of young women and children.

As the prevailing custom in the textile industry is to house recruited workers in dormitories, the fact that over 200,000 female workers are under 16 years of age and there are only 11,000 boys under 16 years of age employed in the textile industry would seem to corroborate the view that the dormitory is a problem of young women and children.

An investigation made in 1927 by the Central Employment Exchange, of the Government, which studied 49 spinning factories in various districts, shows that 26 per cent of these workers were girls under 16, presumably all of whom lived in dormitories.³

These young girls and women constitute the class who stand in special need of protective legislation, because each girl in the dormitory is necessarily lonely and isolated from family and friends. On the other hand, her employer bases his business calculations upon the assumption of continuous production, which means regularity in attendance and work of all employees. The average employer, therefore, prefers girls who live in dormitories rather than girls living outside, because the attendance of girls from outside is more uncertain. Absence from work on account of personal convenience, domestic affairs, festivals, slight illnesses, new cinemas, and many similar reasons is much less with residents of dormitories because they can be easily controlled by the employer.

¹ Japan. Bureau of Social Affairs. Factory Inspection Report, 1928. Tokyo.

² *Idem*, pp. 31, 32.

³ Japan. Bureau of Social Affairs. Central Employment Exchange. *Boseki Rodo Fujin Chosa (Condition of Woman Workers in Cotton Spinning)*. Tokyo, 1929, p. 12.

Dormitory workers follow absolutely the regulations as to meal-times, rising and retiring, rest periods, periods of recreation, living quarters, etc., and even work through slight illnesses in order to keep in the good graces of the foreman. Also workers in dormitories can be employed to the maximum legal limit of hours, and the employer is able to let them work in alternate shifts, day and night, while this is impossible with workers living outside. For this reason most of the workers in the textile industry are living-in workers and are, in the nature of things, exposed to risks that give rise to serious abuses.

Conditions in Factory Dormitories

In the spinning industry, where modernized large-scale factories prevail, model dormitories with modern facilities are found. But in small-scale factories in the weaving or silk-reeling industries there are still many dormitories which are inadequate from the point of view of sanitation, safety, and moral conditions.

The types of architecture are varied. Some factories have separate buildings or use part of the workshop or a second floor as a dormitory, the first floor being used as the occupier's residence or office.

Generally, however, dormitories are Japanese wooden houses of 1, 2, or 3 stories, mostly 2. The interior of the house is floored with tatami or thick and straw-padded Japanese matting, on which the workers sit during their rest times and upon which they spread their beds at night. The facilities of the dormitory affect greatly the well-being of workers. Unfortunately, in the case of the smaller establishments which predominate in the silk-reeling industry, poor dormitories are the rule rather than the exception. Such dormitories use the second floor of workshops or garretlike sleeping quarters without a ceiling and without outside doors, or what the Japanese call "amado," and without closets. The rooms are often dark and badly ventilated, badly lighted, and overcrowded. There are often found in the poorer factories 20-mat dormitory rooms, each mat 3 by 6 feet, arranged for 20 occupants, in a space not over 360 square feet, which will be lighted by a single 10-watt lamp. This is not sufficient for the protection of the workers' eyesight or for the encouragement of healthful recreational or educational use of leisure time where other facilities than the dormitory are not provided.

In an official investigation of dormitory facilities made by the Bureau of Social Affairs in 1926⁴ covering 4,804 dormitories in textile factories, nearly half were found without a ceiling (only rafters for a covering) and more than a quarter were without a window and had no outside door protection. Nearly half were without closet or private receptacle for personal belongings and bedding. One-third, or over 1,600, provided only one mat for two persons with one cover of the single size.

In 1919 an investigation by the Department of Agriculture and Commerce brought out the fact that "in most factories workers who sleep alone are only those who bring their own beds. All others sleep double." Even where a factory does provide single beds, bedding is

⁴ *Kyocho-Kai. Saikin no Shakai Undo (Recent Social Movements). Tokyo, 1930, p. 936.*

used by several persons in common. The use of white sheets is very rare; even washable coverings for the upper part of the quilt are seldom found. It is absolutely necessary for sanitary reasons to wash bedding and to expose it to sunlight from time to time and to have quilts at least partially covered by washable material. But in the dormitories these practices are rarely found.⁵ As Doctor Ishihara has well observed, such conditions obviously provide the first and most direct medium for the spreading of disease, especially tuberculosis.⁶

The 1919 investigation also shows that "the average size of the dormitory room is 15½ tsubo,⁷ and that the largest are 405 tsubo and the smallest 1½ tsubo. The maximum accommodation in one room was found to be 708 people, the average 24, and the minimum 2."

The average floor space per person was about one mat or 18 square feet. Usually Japanese houses are measured by the number of mats in each room. For example, one mat is 3 feet wide and 6 feet long, so that a room of the dimension of 10 tsubo is a 20-mat room. Thus a 10-tsubo room will accommodate 20 people.

Bathing Facilities

Generally factories have free bathing facilities for all employees, including dormitory employees, those who live out, and those who live in company-owned houses. If the factory has no such facilities, free bathing tickets to public bathhouses are provided. However, these bathing facilities are of a quite inadequate kind. Large factories have separate bathhouses for men and women; but small factories usually provide for the use of a common bathhouse. The statistics from one prefecture (Nagano)⁸ for 1921 and 1922 showed that in only one-quarter of some 600 factories separate bathing facilities were provided on an adequate scale. For the other three-quarters many of the moral dangers attendant upon the use of common facilities must be assumed to exist.

Meals and Dining-Room Facilities

With the exception of the well-equipped dining rooms of big factories, dining rooms in the textile-industry dormitories are generally floored with wood and covered with very thin matting, on which people sit, or the surface of the floor is of earth, concrete, or of brick, which may be washed. The method of serving the meal varies. In some factories the employees are allowed to sit down and in other factories they stand while they eat. In very few has the custom been adopted of sitting on chairs. In the case where meals are eaten in the Japanese fashion—that is, sitting on the floor—it is often without table or tray, but dishes are placed on the floor, the employees crowd about them and eat in much haste. An exceptionally large factory will be found to have separate dining rooms for men

⁵ Japan. Department of Agriculture and Commerce. Existing Conditions of Dormitories in Textile Factories (in Japanese), 1919. Tokyo, 1924, pp. 60, 61.

⁶ Ishihara, S.: Rodo Yeihei (Industrial Hygiene). Tokyo, 1925, pp. 284, 390.

⁷ 1 tsubo=3.95369 square yards.

⁸ Japan. Bureau of Social Affairs. Central Employment Exchange. Honpō Seisho-gyo Rodo Jijū (Conditions of Japanese Silk-Reeling Workers), by T. Katsura. Tokyo, 1927, pp. 158, 198.

and women, but small factories use one dining room, the hours of meals differing or separate tables being provided for men and women. The worst abuse, according to Mr. Kimura, is where "the dining room is extremely small; therefore in some cases the workers are unable to sit, but must eat all three meals standing, the company using the dining room several times a day, so that the employees must eat very hurriedly, because others are waiting to use the room."⁹

Again, the statistics from the Nagano Prefecture for the years 1921 to 1926 show a reduction in meal facilities requiring standing to a negligible extent in 700 factories, a threefold increase in the provision of chairs, and a 50 per cent increase in sitting space on the floor, according to Japanese custom.¹⁰

Tableware is of two types—for exclusive and for common use. The prevailing type, however, is exclusive, as is the custom in Japanese families. After each meal the employee must wash her own dishes and put them away. In some cases kitchen employees collect and wash them. In large factories there are up-to-date mechanical dish washers, which provide for scalding and other sanitary care such as is found in sanitary kitchens; but often in small factories the dish-washing facilities are inadequate and tableware is put away unwashed. In the silk-reeling industry table board is provided by the employer, but in the spinning industry generally workers pay for it from 15 to 30 sen (7.5 to 15 cents) per day.

The nutrition of workers has a direct bearing on health. Ordinarily meals are very poor. Therefore local authorities prescribe standard menus, which the factories in their districts are obliged to follow. The standard menus prescribed are based on scientific dietary principles, to give, at the lowest cost, a variety of cheap food furnishing the necessary number of calories, 2,000 to 2,200 per day, and the amount of protein, 60 to 70 grams, for the average woman, age 20, working in the textile industry. Interesting sample diets, utilizing the soya bean, bean curd, dried fish powder, green vegetables, and rice, and other food products which are satisfying and agreeable to the Japanese taste, as well as nutritious and healthful, will be found in the factory inspection report for 1928 (p. 185). These menus are not merely academic or theoretical suggestions but are taken from the actual prescribed and enforced regulations of the various prefectural authorities.

These model menus are only a minimum in variety if compared with the average diet of the Japanese people. In some of the larger factories, like the spinning mills of the Kanegafuchi Spinning Co., a great point is made of the proper feeding of employees, from the standpoint of caloric value, quantity, and variety of the food. Besides the regular menu there is unlimited free service of kidney beans, cooked as a sweet, and takuwan. For employees who do not like the regular menu another dining room is provided where a wider choice of food is offered at higher cost. Also great sanitary precautions, which the writer has had the opportunity of observing, are taken to rid the kitchen and dining rooms of house flies. In addition to screens there is a totally dark passage between kitchen

* Kimura, S.: *Rodosha Boshu Torishimari-rei Shakugi* (Commentary on Ordinance on Recruiting of Workers). Tokyo, 1926.

¹⁰ *Kyocho-Kai. Recent Social Movements.* Tokyo, 1930, p. 921.

and serving pantry, into which flies will not enter. This is an outstanding example of the provision of proper food and due sanitary precautions taken by the more progressive establishments. Most of the smaller factories, however, follow only the minimum requirements of the factory inspectors and local authorities, and in such cases sanitary arrangements both with respect to board and living quarters leave much to be desired. Cleanliness and health protection are difficult to enforce and require constant vigilance on the part of the authorities.

Regulations for Factory Dormitories

The daily life in factories has a great influence upon the young workers, both physically and mentally. The factory dormitories should be properly equipped, from a sanitary, hygienic, and ultimately, moral standpoint, to exert a proper environmental influence upon the adolescent and preadolescent factory population. Such standards, however, are frequently disregarded by employers, for economic reasons, and the enactment of proper regulations for dormitories becomes a matter of foremost importance for the supervisory authorities, both local and national.

Article 13 of the factory act of 1911 dealt with, and gave the administrative authorities, local and national, ample power to deal with factories and their entire equipment, so as to remove unsanitary conditions, conditions detrimental to morals, conditions injurious to health, and other conditions not in the public interest. However, there was no unified regulation, because control was vested in each prefectural government for establishments in its area for more than 10 years after the enactment of the act. In 1922 the Department of Agriculture and Commerce drafted orders to regulate factories in accordance with article 13, and submitted them to local authorities and interested parties in different parts of the country. The response to these efforts was not favorable and they were dropped.¹¹ However, public opinion demanded the enactment of some kind of standard regulations for the equipment and facilities of dormitories from the standpoint of morals and sanitation.¹² After the Bureau of Social Affairs was established in November, 1922, and it had completed the drafting of what became later the factory amendment act of 1923, the bureau began its efforts to meet the public demand for dormitory regulation. In September, 1926, the bureau made public its proposed regulations for factory dormitories, which became ordinance No. 26 of the Department of Home Affairs, dated April, 1927, and went into force July 1, 1927.¹³ This ordinance was later amended in minor details, chiefly with respect to better fire protection for dormitory buildings, by ordinance No. 36 of the Department of Home Affairs, dated August 23, 1929, which went into effect September 1, 1929.¹⁴

¹¹ *Kyocho-Kai. Social Reform, Tokyo, May, 1927: "Kojō Kishikusha Kisoku Gikai" (The Regulation of Workers' Dormitories in Japan), by J. Kitaoka, chief of factory inspection.*

¹² *Kyocho-Kai: Recent Social Movements (in Japanese). Tokyo, 1930, p. 773.*

¹³ *International Labor Office. Legislative series, 1927, Jap. 2, Geneva; see Appendix F (p. 96).*

¹⁴ *Idem, 1929, Jap. 5, Geneva; see Appendix F (p. 96).*

The original ordinance No. 26 contains 23 articles and 3 supplementary provisions which may be grouped as follows: (1) Scope and application of the regulations; (2) fire escapes and emergency measures; (3) sanitation and welfare provisions; (4) freedom and personal rights of dormitory residents.

A brief summary of the provisions under the four divisions of the ordinance follows.

Scope and Application of Regulations

Limitation of Application of Law

This ordinance is pursuant to and supplementary to the factory acts, so that its application for the most part is limited to dormitories which are part of the regulated factories, and therefore, the factory which usually employs fewer than 10 people is not within the scope of this regulation. The definition of a dormitory and of the term "attached to a factory" covers any building constructed or used as a residence for the workers of the factory, or any part of the factory building itself or part of other residential buildings being used for a certain period of time as a residence for workers or for apprentices. A part of the workshop, for example, if used as a residence for the workers is defined as a dormitory in article 2. The use of a part of the residence of the employer to provide shelter for the worker is common in small factories in Japan and therefore very properly comes under these regulations. Usually only single persons are accommodated in dormitories, but in Nagano Prefecture there are silk-reeling factories where double rooms or so-called "couple rooms" are provided for married persons; these are also included in this legislation as dormitories. However, independent residences are not dormitories. The dormitories attached to factories are under the administration of their separate factory owners and accommodate the employees of their respective factories.

Girls' dormitories in the spinning industry are the most typical. A lodging house may be autonomous and board be furnished by contract, but if the building and its equipment belongs to the factory owner and if its administration is in his hands, then the lodging house is regarded as a factory dormitory.

Approved boarding and lodging houses run for the economic benefit of the boarding-house proprietors, but also supported by factory occupiers, and sheltering employees of their factories exclusively, are regarded as dormitories.

This ordinance does not apply generally to dormitories attached to unregulated factories. The law is designed mainly for dormitories accommodating great numbers of people.¹⁵

Fire Escapes and Emergency Measures

Fire escapes and emergency exits and fire and emergency safety measures are of vital importance in any building which accommodates such a large number of people as does a dormitory. However,

¹⁵ *Kyocho-Kai. Social Reform. Tokyo, May, 1927. (Article by J. Kitaoka.)*

important as this phase of regulation is, it is dealt with only in a supplementary way in the ordinance governing dormitories, as it is covered quite fully by municipal or local building ordinances. Also the prevention of fire is one of the most important duties of the local police and quite adequate legislation is provided on this point. This dormitory legislation likewise contains little or no regulation concerning fire escapes, fire-prevention walls, etc., such as is usually found in the housing legislation of occidental countries. A recent amendment to this ordinance has made a beginning in dealing with fire escapes as part of the factory inspection duties. Newly erected dormitories must conform to the requirements of municipal building ordinances, but old dormitories are built in the Japanese style and it is impossible to equip them with modern safety facilities. Japan being a country liable to earthquakes, fire-prevention walls, themselves, involve a considerable amount of danger.

Regulations concerning the prevention of dangerous conditions cover three points:

(a) In workshops where conditions injurious to health exist, such as those that expose the worker to gases, dust, or the possibility of explosion, sleeping quarters must be provided in other buildings for the safety and hygienic protection of the workers.

(b) The use of 3-story buildings which are not fireproof as sleeping quarters for workers is prohibited. An exception is made to this regulation in urban locations where land is dear, which permits the use of buildings of more than two stories, provided they are of steel and concrete framework construction. However, if the building is constructed in conformity with the municipal building ordinances with regard to outside walls, floors, roofs, staircases, and supporting columns, it is fireproof, and in such cases the law permits the use of the third floor as sleeping quarters.

(c) The law prescribes that outside doors must open out rather than in and must always be unlocked and easily opened in case of emergency. This is especially necessary, as in Japanese factory dormitories there is always fear on the part of the occupier that girl employees will escape, and for this reason doors are frequently locked from the outside. It is this circumstance that often explains the violation of this provision. The enforcement of this provision was deferred for one year from the date of its enactment. Also the provisions under (a) do not apply to unregulated factories, but those under (b) and (c) apply to all factories.

Sanitation and Welfare Provisions

Regulation concerning sanitation and welfare work: Regulations concerning sanitation are the most numerous in this ordinance. Beginning with matters of physical hygiene, and extending to problems of general welfare, they include:

(a) Regulations of the minimum height of the ceilings in bedrooms, dining rooms, and infirmaries. Seven feet, the minimum specified, is comparatively low, even in Japanese houses. In reality, however, many dormitories have ceilings lower than 7 feet. The law requires that ceilings and outside doors be provided for Japanese types of dormitory buildings.

(b) Earth floors for the dining room and kitchen are forbidden on account of sanitary conditions and necessity for cleanliness. This regulation, however, does not apply in unregulated factories.

(c) There are regulations as to the minimum area per person in bedrooms. This is the most important point in this whole body of legislation. The minimum space stipulated is $1\frac{1}{2}$ mats.¹⁶ Several prefectures prescribe this minimum by local legislation, but in 1927 in 26 per cent or more than 1,500 of the dormitories in Japan, 37 per cent of the workers housed in dormitories were not afforded this minimum space.

In Japanese houses the habit prevails of making beds whenever they are needed by taking bedding from a closet and spreading it on the floor. Therefore this minimum space is calculated from the space for one mat for a bed and half a mat for aisle space between beds. The ideal space for one person should be three mats and 3 square feet for closet space. There are 2,462 dormitories containing sleeping accommodations for 12,462 persons which have no provision for closet space. The space for clogs (footwear), which the Japanese remove upon entering the house, is not counted in these estimates of floor space. These provisions did not take effect until three years after the ordinance came into force, or until after July 1, 1930, but they applied to both regulated and unregulated factories.

(d) Restrictions of the number of persons per bedroom: Formerly Japanese factory dormitories in the silk-reeling industry often were rooms of enormous size, as large as 405 tsubo, which accommodated several hundred people. One case has been cited where 708 people were accommodated in one room. Such conditions are relics of the time when employees worked from 16 to 17 hours a day and when the worker was looked upon as a machine. At the present time the working-day is restricted to 12 hours or less. Therefore, workers have spare time besides that devoted to work and to sleep and live as well as sleep in the dormitories. For this reason some regulation of space per person is more essential than it was formerly. It is injurious to health to have so many people sleeping and living in one room. Article 10 of the ordinance limits the number of persons per room to 16. When the construction of the house makes the division into small rooms impossible, the occupier of the factory, by permission of the local authorities, is permitted to use a larger room for a larger number of persons. The names and number of persons in each bedroom must be posted in appropriate places.

(e) Prohibition of use of one room for groups in relays arising and going to bed at different hours: In the spinning industry the shift system of labor prevailed, different shifts generally using the same sleeping room. This system obviously prevented anyone's sleeping well, and also prevented cleanliness of the dormitories. It was inevitable that this system should produce so-called century beds—i. e., beds never properly made in a hundred years. Article 11 prohibited the same bedroom being used to accommodate two or more sets of workers, but made an exception of dormitories which did not house women or persons under 16 years of age, provided the permission of the prefectural governor was obtained.

¹⁶ The area of one mat is 3 by 6 feet.

(f) Exclusive use of bedding and cleanliness of the same: Article 12 prescribes that it is the duty of the occupier of the factory to provide exclusive use of bedding for employees, as shortage of bedding or common use of the bed is unsanitary and extremely injurious to health. If the occupier provides only one upper and one lower cover and the girls are obliged to sleep together on account of cold, the occupier is held to have violated the law. The worker may, however, bring her own bedding from home.

Cleanliness of the bedding is absolutely necessary, but formerly many dormitories did not provide white sheets for their beds, and very few provided the small white pieces over the top of the quilt that are sometimes substituted for sheets. Therefore this legislation made compulsory the provision of sheets and the exposure of beds in the sun and as frequent laundering as possible. The law does not specify the frequency of laundering of sheets, but does designate a minimum of one laundering a month and one each time that another person occupies a bed.

(g) Prohibition of standing at meals and stipulations as to cleanliness of tableware: Articles 13 and 14 prohibit the serving of meals without seats being provided in the dining room, and stipulate the provision of seats, chairs, benches, and other facilities for comfortable position while eating. These articles did not come into force for two years from their enactment—that is, until July 1, 1929—but then applied to all factories.

(h) Articles 15 to 17, inclusive, require all workers accommodated in dormitories and persons employed therein to be given a health examination twice a year. They prohibit persons suffering from diseases specified in article 8 of the regulations for the administration of the factory acts (Legislative Series, 1926, Jap. 1, C; see Appendix B, p. 76), which would exclude them from factory employment, from being employed in or about a dormitory. Antispitting regulations and the requirement to provide spittoons and to provide for their proper disinfection are included in these articles.

The compulsory physical examinations are intended to disclose the existence of dangerous and prohibited maladies. The employees are quite ignorant in matters concerning their own health, and often a woman employee continues to work without noticing that she is seriously ill, or, knowing that she is, continues in spite of that fact. Such cases are particularly frequent in tubercular or pretubercular subjects. The factories which are particularly concerned with the health of their workers see that the temperatures of workers are taken each week. Most workers, however, are not greatly concerned as to their own health, and occupiers may take advantage of this fact. For this reason the law prescribes a physical examination twice a year, which gives the occupier (as well as the worker) an opportunity to know the facts, and if considerable sickness is revealed in one dormitory, the occupier may voluntarily improve conditions. This provision is enforced for both regulated and unregulated factories.

Compulsory provision of cuspidors for dormitories is stipulated and expectoration prohibited elsewhere. These regulations were primarily enforced by the police in all factories by article 2 of the regulations under previous legislation for the prevention of tuberculosis, but since dormitory legislation has been enacted their enforcement has been transferred to the factory inspector.

(i) Prevention of trachoma and disinfection of objects used by patients suffering from contagious diseases: In dormitories the use of common towels is prohibited; also the use of separate washbasins by trachoma patients is required. Water used for the washing of hands must be running water, in order to prevent the spread of trachoma. The objects used by patients who have contagious diseases must be disinfected, and the proper method of disinfection is prescribed. Article 20 orders the provision of the number of toilets and lavatories, according to the number of employees accommodated. The number of toilets shall be equivalent to one for each 20 workers and if the local authorities do not find these facilities suitable, they may require that they be changed. Failure on the part of the occupier of the factory to comply with any requirement makes him liable to punishment under article 20 of the factory act.

Freedom and Personal Rights of Residents

Regulations concerning the management of dormitories: It is of vital importance that the liberties of workers who are living in dormitories should be protected. There is hardly any place in the world where such restrictions are placed upon the freedom of workers as in Japanese factory dormitories. This limitation of freedom is the greatest abuse of the dormitory system. As has been mentioned, the greater part of the woman workers are unmarried, and most of them enter industry through the persuasion of agents or are lured by other considerations, but after they have gone into employment the hardships and monotony of the work result in dissatisfaction and a desire to return home. On the other hand, the employer, who has already spent a considerable amount of money for outfitting and the advance payment of wages, etc., may resort to various means to keep his employees at work, such as retaining their luggage, and so on. The workers often, on their side, contrive to have fake telegrams sent from home, telling of emergencies that demand their presence there, or they simply run away. The employers, having grown wary of such deceptions, open the personal mail of employees, do not allow visitors to see them without a third person, representing the employer, being present, and forbid workers to go outside the factory grounds. Recruiting agents of undesirable character are ever ready to instigate and abet families of workers to get them away from present employment in order that they may obtain them for their factories. This situation tends to produce many disciplinary measures which may violate the actual constitutional rights of the employees which are secured to all Japanese by the organic law of the land. Among these are inviolability of letters and freedom of person.

Article 21 of the dormitory ordinance requires that notice of all these regulations be transmitted to the local authorities of the districts where factories are operated. The factory inspectors have the direct responsibility of supervising the enforcement of these regulations, and the law requires them to be posted in conspicuous places in the factories.

Further Regulation Needed

This very brief résumé of the dormitory ordinance shows that it is only ameliorative in character and deals only with the greatest abuses; there are many important elements in the situation which are still untouched. Such matters include ventilation, sunlight or artificial light in the dormitories, adequate bathing facilities, including dressing rooms, and room for combing of hair and general making of toilet. These and many other things are of practical import and should be matters of compulsory requirement. Provision should be made for proper, adequate, varied, and nutritious food, cleanliness of dining room, and exclusion or extermination of house flies, rats, cockroaches, etc., a matter of the utmost importance, as they are spreaders of disease. It is desirable that sanitary water-closets be provided, together with good drinking water and good sewerage systems, matters which are covered by housing ordinances, under the supervision of local authorities and local police. Another important matter is the provision of infirmaries in dormitories, which should be required but are not included in this dormitory ordinance. Larger concerns such as some of the spinning companies have provided excellent and well-equipped hospitals, which are indeed becoming something of a vogue among manufacturers able to afford them. These hospitals are one of the first points of interest about the factories shown to parents of the workers when they come from the country to visit their children. As has been said, the Kanegafuchi Spinning Co., in a suburb of Tokyo, has a wonderfully up-to-date hospital. When the writer visited it in 1929 there were three clinics, one general, one surgical, and one maternity, and eight physicians on the regular staff.

A final matter of importance which should be looked after is the question of the moral influence of dormitory environment. Matrons should have charge of the dormitories and of the girl workers instead of men. Men should be excluded from the sole management of the dormitories, as is so often the case at present. For example, a foreman of a raw-silk reeling factory in Nagano Prefecture has complete charge of the dormitory life of the girls, as well as absolute control of their work in the factories. It is quite obvious that this situation would have dangerous potentialities from the standpoint of morals. A custom of such long standing is not to be changed in a day, but a gradual reform should without doubt be introduced. Japanese factory dormitory legislation is only a milestone on the road to real protection of the weaker party. There should be real harmony between labor and capital, with a true realization of some equality of human rights based on social justice, and not in any sense on charity or gratuitous giving, which would, as a matter of course, supply the workers with the facilities for a healthful, a free, and a moral existence.¹⁷

¹⁷ The Bureau of Social Affairs (Factory Inspection Report, 1928, p. 102), says that detailed specifications for the enforcement of the dormitory regulations require that dormitories accommodating more than 100 girl workers must provide a system of supervision by matrons by July 14, 1929, and prefectural governments and local authorities are cooperating by helping in the selection of matrons. This report also states that Nagano Prefecture, for example, had appointed 213 matrons for 197 factories. The educational records of these matrons indicate that more than half of them have had the equivalent of an American high-school education; some are certified sewing teachers.

Chapter 5.—Maternity Protection and Welfare Work

Relation to International Standards of Maternity Protection

The protection of woman workers necessarily means the protection of potential mothers, particularly protection before and after childbirth, which thus becomes an important phase of protective labor legislation. The factory legislation of 1911 provided for five weeks' rest after childbirth and prohibited employment before the expiration of that time, unless there was medical authority for allowing the mother to go to work at the end of three weeks. The revised factory act of 1923 extended this period of protection to include a period before childbirth in order to conform to the international convention of the Washington conference of 1919, which provided that a woman worker had the right to leave her work if she furnished a statement from a physician that her confinement was expected within six weeks. However, the Japanese factory legislation failed fully to meet the standards of the convention by limiting the period to four weeks instead of six. Another change is made by the provision that the woman worker be given leave of absence upon her own statement that she will be confined within four weeks, no medical certificate to that effect being required, the latter being practically impossible to obtain under conditions prevailing in Japan. After childbirth she may not be employed for six weeks unless she has a medical certificate permitting her to go to work at the end of four weeks. This is in conformity with the convention of the Washington conference of 1919. The 1919 convention provides that during the rest period the employer should provide a sufficient sum of money for the welfare of mother and child and that the amount of this sum is to be determined by the various governments in accordance with the cost of living. In Japan the expectant mother receives 20 yen (by later amendment raised to 30 yen) at the time of her confinement from the national health insurance funds, and also 4 weeks before the birth of the child and 6 weeks afterwards (10 weeks in all) she is provided with an amount equivalent to 60 per cent of her regular wages. The factory legislation provides that an expectant mother shall be accommodated in a maternity hospital at the expense of her employers and shall receive 10 yen from them instead of the allowance from the national health insurance. In addition to this she is paid a wage, which varies according to the number of the mother's dependents. If she has more than three, her allowance is 60 per cent of her daily wages, but if she has two or fewer dependents it is only 40 per cent, and if she has no dependents she receives only 20 per cent. These provisions for childbirth protection are regardless of the marital status of the mother or the outcome of the confinement. Similar provision as for factories is made for maternity protection for woman workers in mines under the mining acts.

The chief motive underlying this protection is the protection of the child. Hence the factory legislation stipulates that until one year after the birth, i. e., during the nursing period of the baby, the mother, if she requests it, shall be allowed two half-hour periods a day for nursing besides her regular rest periods. Large factories have day nurseries where nurses take care of the children of the employees, and some factories have quarters near the house of the gate watchman where the mothers may nurse the children.¹

Welfare Work in Textile Industry

The rapid development of social ideals in recent years has emphasized the recognition of social justice, and the feeling as to provision for social welfare of the workers by employers has changed, it being regarded now not as charity but as a matter of social duty and of right. Therefore, such provision does not depend so much on legislation as on voluntary efforts of employers to improve labor conditions. This attitude has been strongly supported internationally, and factory inspectors in Japan also encourage it among employers. This tendency has been viewed with satisfaction by those who are interested in effecting industrial efficiency, harmony between capital and labor, and improvement of the spiritual and physical condition of the workers, and increasing the general welfare of the workers and the public.

Facilities for Entertainment and Culture

The large and well-equipped factories have buildings with adequate facilities for amusement, assembly, and similar purposes devoted to the benefit of workers and their families. In the Shizuoka Prefecture, for example, factory welfare work is divided into two parts, entertainment and culture.²

The provisions for entertainment include various annual celebrations of special occasions, amateur performances of dramas and dances by workers with Japanese music, and monologues, moving pictures, athletics, and social gatherings. Facilities are also provided for a great variety of indoor and outdoor sports, such as billiards, pool, ping-pong, gramophones, radio, fencing, jujitsu, chess, and baseball, football, tennis, archery, etc. The cultural activities include books and periodicals, libraries and reading rooms, lectures, and courses in art, domestic science, etc.

Most textile factories employ many young workers who have not yet completed the elementary-school course. One of the cultural provisions of welfare work is that the company send these young people to local elementary schools or employ special teachers for them so that they will have lessons equivalent to those given in elementary schools, utilizing the leisure hours before and after work in the factory. Sometimes companies establish girls' schools of secondary grade to give, in addition to certain cultural education, practical courses designed for prospective brides, including such

¹ International Labor Office. Legislative Series, 1926, Jap. 1. See Factory act (amendment), 1923, sec. 12, and Regulations for the administration of the factory act, arts. 9 and 9(1); Appendix A (p. 73); and Appendix B (p. 76).

² Japan. Bureau of Social Affairs. Factory Inspection Report, 1928, p. 94.

subjects as domestic science, flower arrangement, sewing, etc. Besides such training, companies arrange periodic lectures by specialists, for purposes of character cultivation. Some interesting schedules of practical and cultural educational work in various factories in Shizuoka Prefecture are given in the factory inspectors' reports.³ They show a wide range of subjects, with prizes and certificates awarded for achievement in self-improvement.

Report on Welfare Work in Japanese Industries

The following extracts, translated but not published by the International Labor Office in Geneva from section 18 of the *Kyocho-Kai's* tenth anniversary volume, *Recent Social Movements* (Tokyo, 1930), will serve to conclude this brief reference to social-welfare work and its present significance particularly in relation to legislative requirements:

"During the World War the industries in Japan experienced an unprecedented boom and began to absorb suddenly a large number of workers. It was at this juncture that the factory act and the regulations concerning the employment and compensation of miners were brought into force. This was in the year 1916. These laws laid down the standard rules for regulating the employment and labor conditions of workers. Employers began then to pay attention chiefly to the drawing together and keeping of workers required in consequence of the expansion of industry. Humanitarian significance was attached to these efforts, and thereafter welfare work of various kinds began to be performed widely.

"In the sphere of 'economic' welfare it was the grant of the 'bonuses' and 'allowances' of all kinds that began to be the feature in this period. As it was feared that any increase of wages, bonuses, or allowances would tend to provoke waste or dissipation among the workers, some employers preferred to make the workers save up for future purposes. In order, on the one hand, to bring about some stability of livelihood and on the other to encourage a steady and long service, those employers began to impose an obligatory saving of certain fixed sums under such titles as 'security money,' 'money in trust,' 'reserve fund,' etc.

"In the sphere of 'intellectual' provisions serious endeavors were made to train skilled workers in order to increase their productivity. Industrial, mining, or engineering schools were set up. Now systems of apprenticeship have been tried, and efforts made to promote technical training. Education of this sort was aimed principally to train the young male workers. However, at the time the factory act was put into force a fresh impetus was supplied by its enforcement to the workers' education. The law required that in case a worker had not completed an elementary-school education, being still of school age, the employer should either send him to a public school till he completed the course of an elementary school or else make other provisions so that the worker shall receive at least an education equivalent to what is given at the elementary school. Consequently, in silk-reeling and cotton-spinning mills and in mechanical or tool-

³ Japan. Bureau of Social Affairs. *Factory Inspection Report*, 1928, p. 92.

making factories where large numbers of young workers used to be employed, though a certain proportion of the young workers was sent to the public school, there were also many cases of employers who made special provisions in their own factories for giving the elementary-school education without sending the young workers off to the public schools. The courses were given in the spare time either before or after the regular working hours, and this enabled other workers who had not received much or adequate school education to attend the courses if they desired it. Incidentally, this gave rise to the 'factory girl schools' and other continuation schools for the purpose of supplementing education.

"As this was a period of unprecedented prosperity, the employers eagerly strove with one another to set up spacious dining halls, theaters, company dwelling houses for the employees, and to provide other such measures as would at once arouse public attention easily for publicity's sake and give pleasure or contentment to the workers. Factory orchestras, factory dancing, cinema, and the like spread enormously. In a number of factories and mines day nurseries were started, with the service of trained nurses or caretakers to look after the children of the woman workers.

"The World War precipitated the awakening of the workers and the labor movement grew rapidly as a result. Moreover, owing to the industrial depression after 1920, many factories and mills were closed down and there was a general retrenchment of industries. Labor disputes were an inevitable outcome of this situation, which had driven the workers to take up a stand of self-defense. The welfare work in this period, therefore, had to change its character. Instead of a welfare for the sake of business or for merely drawing together and keeping the workers, it began to lay more stress on the personality of the worker.

"This new trend could be witnessed in the wide diffusion in this period of the systems of works committees, serving as organs for the exchange of views between the employer and the workers in factories and mines. It is needless to state that these systems aroused the spirit of cooperation in the management of the workshops concerned and facilitated the carrying out of many an important welfare plan. There were, at the same time, advanced factories and mines where a portion of the profit would be laid apart at each term of settlement under such names as 'Employees' welfare fund,' 'Workers' retirement relief and education fund,' etc. By the creation of such funds, permanent basis was laid for carrying out the welfare work unaffected by the fluctuating business conditions.

"The improvement of the factory installation and equipments has been pushed ahead greatly after the war by the revision of the factory laws and regulations. On the side of the entrepreneurs, their efforts have been directed more and more toward the heightening of the workers' efficiency and the improvement of the management methods. Of late, they have begun further to lay out the plans for the rationalization of industry.

"The so-called safety-first movement, which was no other than a movement for the prevention of accidents, was started toward 1916-17. The movement underwent many fluctuations, but it finally has succeeded in eliciting the interest of all circles, especially after

the war. After the founding of the Industrial Welfare Association and of the Japan Mine Owners' Association in 1925 the two associations sponsored the spread of the safety movement. The so-called safety week began to be observed as a result in factories and mines widely all over the country since 1927, and thus the prevention of industrial accidents has at last become a popular movement in Japan.

"As a general tendency the welfare provisions in the past used to aim at the person of the worker, no matter whether the motive of the welfare work was to promote the interest of the business merely or to give true benefit to the worker. The past provisions were to secure the health, culture, or livelihood of the worker. This tendency, however, has changed more recently. It has come to be realized that in order to attain the object of the former provisions and to secure the welfare of the worker, it is necessary to change the environment and more particularly to purify the home life of the worker in the first instance. Consequently they have begun to teach the essence of home life by organizing meetings or clubs of housewives or of families; they are encouraging the spread of the knowledge and of the practice of social and domestic hygiene through hospitals, clinics, health committees, meetings of the tenants of the company houses, etc.; they are endeavoring to raise the standard of life of the workers by the organization of consumers' cooperative societies, by the encouragement of increasing by-products or by teaching or providing new kinds of productive labor. All these are done taking into consideration the actual conditions of the localities or of the trades of the workers concerned, and more and more they organized so as to achieve the best results through the two channels of the trades and the home life.

"Workers' education has spread enormously in every line. Sports and athletic activities are being encouraged in factories and mines in accordance with the general trend of popular interest, and necessary provisions for them are being made.

"Thus, in a word, the welfare provisions in Japanese factories or mines, which used to be charitable acts or acts imposed upon the workers or performed as a profitable investment by the employer in the past, are rapidly becoming cooperative enterprises between the employer and worker, or even enterprises at the initiative of the workers, stressing the importance of the workers' personality. Once they were sporadic, fragmentary, and only temporary. They are now becoming more systematic and permanent."

Workers' Education Movement

The Oyama Mill of the Fuji Cotton Spinning Co. furnishes a good illustration of model educational facilities for woman factory operatives. The company has founded a girls' school for workers who have finished their elementary-school education and also gives continuation school opportunities to male workers. For the cultivation of artistic and aesthetic accomplishments, sewing and flower arrangement are taught for two hours in the girls' dormitory for those who wish to learn. For the purpose of character and cultural training, the company sponsors meetings to which speakers are invited to address the workers. The workers themselves also give educational programs, or exercises similar to those presented by students in American public schools. The company also sponsors a magazine, known as "Fuji No

Homare" (The Pride of Mount Fuji), which is distributed free among the workers, and provides several other magazines for the use of the factory force.

For entertainment, the company provides a large assembly room and utilizes public holidays or occasions such as the company's founding days, or national ceremonial days, for festivities in the form of plays, concerts, vaudeville shows, moving pictures, etc., for the entertainment of the workers. For the workers' physical well-being, the company encourages athletics and sports, such as hiking parties, outdoor field meets, and tennis tournaments. The company provides very good tennis courts and little gardens and orchards, so that flowers in all four seasons add to the beauty, comfort, and pleasure of the environment. This mill is one of the best examples of care for the workers' welfare, but there are many small factories in the same industry, employing fewer workers, which do very little in this line. What they do falls largely in the field of entertainment and recreation, rather than education or culture.

Generally speaking, the welfare work of the textile industries follows the lines just enumerated. Recently sports and various types of athletics and physical training have attained a considerable vogue, and play has become an important part in welfare work in the factories. For example, in Shizuoka Prefecture in the autumn of 1929, at the fourteenth annual industrial conference, it was decided that workers' field meets should be held to determine championships in five different athletic activities—baseball, tennis, basket ball, ping-pong, and field sports. The prefecture was divided into three parts (western, eastern, and central divisions) for preliminary contests, and the final contest for the prefecture banner was held in the central division. Participation therein on the part of the workers increases harmony between them and their employers and is regarded as very important in the cultivation of good will and efficiency.

The progressive factories have gradually established capital sums for welfare work, educational funds, workers' retirement funds, workmen's compensation funds, scholarship funds, social-welfare funds, amounts being put aside each year from profits for such purposes, in order that provision may be made in prosperous times to take care of times of business depression. In some cases such funds have been donated by presidents or trustees of the companies for memorial or similar reasons.

Workers' Welfare Societies

More potent than the democratic idea in industry has been the tendency to establish means by which harmony between capital and labor and the participation of labor in welfare work might be secured. This tendency has been particularly strong and beneficial in the establishment of welfare work among factory employees, their participation being crystallized in workers' welfare societies. Such organizations originated in the Sumitomo Copper Works in Osaka in 1918 and 1919, when industry was greatly expanded by the World War and many labor difficulties arose. The need was keenly felt for autonomous welfare work to secure cooperation between workers and employers and harmony between labor and capital. Following this example, up to 1923 one such association after another was estab-

lished, some being organized exclusively among workers and some including the company staffs. The national health insurance law, enacted in 1927, put to new uses the workers' mutual aid societies where they existed, and new welfare societies were established for that purpose.

Such organizations are found in relatively large numbers in the textile industry in factories where the enterprises are conducted on a large scale. The names of such associations vary, but nevertheless tend to emphasize warm friendship, mutual love, true unity, and similar phrases denoting mutual help and cooperation. The sources from which funds are derived for their support are donations by the presidents of the companies or the converted funds of old associations like those just mentioned. The capital funds of such societies vary greatly in amount; the larger societies may have anywhere from 150,000 to 300,000 yen in interest-bearing funds as endowment, the income only being used for running expenses. Other associations are entirely supported by membership fees of from 5 to 20 sen per member per month, together with company contributions, which often equal the total contributions of the members.

While various types of administration are found, the officers of these associations are usually the presidents or general managers of the employing companies or managing directors of the mills, and the vice presidents are either appointed by the presidents or elected by an executive committee, which is the governing body. Usually half of the members of this committee are appointed by the factory management and the other half elected by the members. In some cases all of the officers are elected by popular vote.⁴ The work of such organizations is usually divided into mutual aid, education, athletics, health, hygiene, recreation, and purchasing or consumers' sections. Special sections are charged with duties pertaining to children of school age, scholarships, visiting of homes, loans of money, personal advice, and legal, medical, and technical counsel. If the company has a club house or assembly hall or a gymnasium, its management is usually in the hands of such a society, so that the arrangements for cultural improvement, recreation, and other activities may be facilitated. From this it may be seen that the workers are an active factor in efforts that are made for their own welfare and well-being.

⁴ *Kyocho-Kai. Recent Social Movements: Welfare Work in Japanese Industries.* Tokyo, 1930, sec. 18.

Chapter 6.—Summary and Conclusions

Beginnings and Paternalistic Character of Factory Legislation

Modern factory industry in Japan is less than 50 years old, and its growth has been so rapid that the present Japanese labor legislation only partially and imperfectly meets the accepted standards of factory legislation and of social justice as expressed in international labor treaties or otherwise in force in the leading industrial nations of the world. Japanese factory legislation has developed from different motives and with somewhat different results from that in other countries. In the first place, it was drafted upon the initiative of the Government and the general public was indifferent to the questions involved. In the second place, it was conceived as necessary more for the protection of the interests of the State than those of the individual worker. There was no driving force, sentiment, or motive, religious or humanitarian, which played a chief rôle in its construction, as was the case in the early English factory legislation under the leadership of the Earl of Shaftesbury and of the Chartists. In the third place, Japanese factory legislation, prior to its necessary adaptation to the requirements of the international labor conventions, was strictly confined to protection for women and children in industry.

When the early Meiji Government first decided as a matter of national policy upon the industrialization of the country it made great efforts toward the accomplishment of its program, even to the extent of opening and operating factories on its own account and engaging foreign experts in order to afford the best possible examples to the nation at large. Thus the factory system of the Occident was introduced and developed largely through the paternalistic efforts of the Government. Particular effort was made to introduce foreign industries, such as the manufacture of cotton textiles, cotton spinning, weaving, etc. The textile industry has obviously played a dominant rôle in the economic life of the nation, and the Japanese production of silk has always been of great importance and constitutes to-day 60 per cent of the world's supply.

National Importance of Textile Industry

The national importance of this industry has always had a great significance for Japanese woman and child workers because, as has already been pointed out, more than half of the factory population and 88 per cent of all industrial woman workers are engaged in textile manufacture. Young women, mostly unmarried, and children engaged in textile manufacture present an obvious problem. Traditionally, Japanese women are strictly bound by the so-called "womanly virtues," reverence and obedience to elders, and when

poor and ignorant parents are driven by necessity to place their children in factories where their own authority passes intact to the employer, the young workers make no complaint. This is especially true where the system of contract labor prevails, and this tradition of "the womanly virtues" is an additional means of keeping girls from rebelling against any form of exploitation to which they may be subjected. The lack of interest in the reform of prevailing conditions was not due to ignorance on the part of the community. The fact is, that such exploitation was well known, as girls often came back from their terms of factory service wrecked in health and dying of tuberculosis, but public opinion on the part of the country at large was both unformulated and apathetic.

The deplorable conditions which existed in the textile factories were fully revealed and formulated in 1901, when the Government appointed a special commission of experts to investigate working conditions in order to accumulate data for proposed factory legislation. This commission prepared the monumental Report on Workers' Conditions, which was published by the Department of Agriculture and Commerce. The Government was now aware of the actual situation and knew the necessity for enacting proper legislation, such as the abolition of night work and the shortening of working hours for both women and children. But when legislation including these provisions was introduced in the Imperial Diet, it immediately met with strong opposition from employers on account of the proposal for the abolition of night work. The final result of the contest was a compromise measure in which the real abolition of night work would not take place until 15 years after the enforcement of the act. This concession was demanded on the ground that immediate enforcement of such a provision would cause a great disturbance in national economy. The question which at once arises is: Why, if night work was harmful enough to be abolished at the end of 15 years, was it not harmful enough to be abolished at once? The real answer is that national economy, and not individual health, was the principal point of consideration which defeated the Government proposal, and the consequence was that the health and welfare of women and children were sacrificed to economic demands.

Nevertheless, factory legislation was pushed forward by the Government, because it was clearly seen that State intervention was necessary to remedy conditions which placed workers completely under the domination of employers, and devoid of protective organizations of their own. It was evidently hopeless to rely on individual or spontaneous social initiative in such a case. Especially in the case of girl workers, whose employment was temporary in nature—for two or three years at the most—there was practically little chance of any organized or united efforts among them, or any consciousness of a common cause that would enable them to help themselves.

In such circumstances as these the Japanese Government showed an intelligence and a discernment for which few, if any, parallels may be found, in championing the cause of an oppressed class which was quite unable to help itself and on behalf of which public opinion

was quite unstirred. The Japanese Government acted upon its own initiative long before its policies could possibly have been forced by an intelligent public opinion outside of the Government.

Influence of the International Labor Organization

Japan has participated eagerly in the progress of modern times and when the treaty of Versailles established the International Labor Organization, the Japanese Government entered into its activities in every possible way. Since the first International Labor Conference in Washington in 1919, Japan has up to June, 1931, ratified 11 conventions, and has adhered to the Bern (1906) white phosphorus convention, as recommended by the Washington conference. These relate to the following topics: Unemployment; minimum age for industrial workers; minimum age for seamen; employment for seamen; minimum age for agricultural workers; minimum age for trimmers and stokers; medical examination of young persons at sea; workmen's compensation for occupational diseases; inspection of emigrants on board ship; equality of treatment of national and foreign workers; weight of packages transported by vessels; and white phosphorus.

With the inauguration of the International Labor Office the need was keenly felt in Japan for an office to take charge of labor administration, and resulted in the establishment of the Bureau of Social Affairs, which furnishes the chief motive power for the betterment of conditions and which serves as a sort of clearing house on all labor questions. The Bureau of Social Affairs, under the Minister of Home Affairs, first undertook to prepare drafts for the revision of existing factory legislation and to assist the Government as a central organ or labor authority for its administration. It has served as a leader in many reforms necessary to bring Japanese legislation into harmony with international labor standards. It has played an important part in support of legislation providing for the abolition of night work, the shortening of working hours, maternity protection, and compensation for accidents and other measures which are mentioned in chapter 1. Thus much of the protective legislation has been stimulated by the Government through special agencies like the Bureau of Social Affairs in order to follow world public opinion, to conform to the standards of the international labor conventions, to improve industrial conditions, and to increase the welfare of the working classes.

There is a very real traditional feeling on the part of the whole people, who regard the Emperor with great reverence and respect as the "National Father." This sentiment still plays an important rôle in dealing with modern social problems in Japan, and the paternalism of the Government, particularly in social and welfare projects, is the best illustration. Many modern social service institutions are foreshadowed in acts of the Emperors of Japan as ancient as those of Empress Komyo in the eighth century. A document entitled "The request of one hundred pounds of cinnamon for the dispensary," from the Imperial Repository, dated 751 A. D., is still kept intact. The fact that reform has been undertaken along governmental lines

rather than along those of individual or class initiative only shows that Japan is effecting social reform in a way that is consistent with her historical methods of procedure and which she has maintained unbroken in the 2,500 years of her history and civilization.

Future of Protective Labor Legislation in Japan

With regard to the future of Japanese protective labor legislation, the first task which confronts the country is the perfecting of present legislation and bringing it into conformity with international standards. The following changes are necessary and desirable:

1. As to the application of factory legislation, protection of workers should not be confined to any class of factories but should be extended to include all factories. In short, there must be no distinction between "regulated" and "unregulated" factories. All factories should be regulated. Some of the most difficult tasks of the factory inspectors, who each year complain bitterly of them, are imposed by the fact that there are so many unregulated factories in proportion to the regulated factories, particularly in the weaving industry. A study made by the prefectural governments shows that there are more than twenty times as many unregulated as regulated factories in existence to-day.¹ This creates great difficulties in enforcing factory legislation in the case of the regulated factories themselves. Long working hours, night work, poor food, small pay, and unsanitary conditions prevail among unregulated factories, and to bring these under control is the most urgent obligation that faces the Government, in order that it may extend the application of protective legislation to all factories. Further, due protection should be given women other than factory workers, i. e., those in business and merchandising.

2. Working hours should be further curtailed, and a weekly rest day should be enforced.

3. Child labor in factories should be totally abolished, particularly in occupations which are dangerous or injurious to health. Some provision must be made—at present there is none—for children in commercial, business, and other nonindustrial occupations.

If the Government is not able to abolish child labor entirely, some means must be found to support children until they are able to finish their elementary education, and no child should be obliged to avail himself of that provision in the compulsory education ordinances which exempts him from attending school or allows him to postpone his schooling on account of poverty.

4. Present provisions for workmen's compensation for industrial accidents and occupational diseases should be made more adequate. At present a worker totally and permanently disabled receives wages for only 540 days, or about a year and a half, whereas he should receive some kind of provision for the rest of his life. Industrial accidents show an annual increase in spite of the efforts that are made for safety and for safety equipment. If workmen's compensation can not be expanded to take care of this situation, then Japan must find other means or new forms of social insurance. National health insurance

¹ *Kyocho-Kai*. Social Reform, March, 1930. (Article by J. Kitaoka.)

now takes care of disabled workers to an extent not attained in the present workmen's compensation law.

Nevertheless, the fact that the Government takes the lead does not mean that public opinion is not in accord with the Government. The charter oath which the Emperor took when he resumed the throne in 1868 stated: "All governmental affairs shall be decided by public discussion," and touched the question of paternalism closely in the next sentence, "Both rulers and ruled shall be united for the advancement of the national interest." The Government of Japan does express the will of the people of Japan, and whether initiative in legislation comes from one side or the other is of less moment than it might be in an occidental country.

5. The International Labor Conferences, meeting annually since 1919, have so influenced the Japanese Government that after the sixth conference labor unions were fully recognized by the Government as representative of labor, but there must be some adequate labor-union bill enacted by the Government which will aid in the normal development of labor unions. The development of protective unions among woman workers is necessary and should be encouraged in every way.

6. Because Japan's social and economic situation is in many respects unique or "special," she must continue to develop protective measures for her labor and industrial population through legislation adapted to her own conditions. Such measures should be more, rather than less, protective for Japanese women and children, because of their greater need, than the standards of Japanese international commitments require or the legislation and practice of her strongest foreign competitors suggest.

Responsibility rests largely in women's hands for the improvement of the less fortunate class of women and children. There are more than a score of women's organizations in Japan which seek to improve the social position and influence of women. The movement for the emancipation of women from century-old traditions has swept the Island Empire for more than a score of years. Yet surprisingly little progress has been made in some directions and the goal is still far from being reached. However hard women may work, without the support of public opinion and the consequent changed attitude of individual men and women toward the social position of women in general, the result in a matter like protective-labor legislation will be slow in realization and perhaps discouraging at best.

Japanese women will come more and more to know the cost in patient and persistent effort which the success of their sisters in western countries has entailed, and the more paternalistic Government of Japan will sooner or later recognize the necessity of the cooperation of women in all its important tasks of social amelioration.

Public opinion must be aroused and informed systematically and continuously by the various organizations of educated and "privileged" women if protective labor legislation is to succeed in safeguarding the greatest asset of Japanese industry, which is the health and welfare of Japanese women and children. It is also the greatest asset of the nation and of its future culture and civilization.

Appendixes

Appendix A.—Amended Factory Act ¹

ACT NO. 46 OF MARCH 28, 1911, AS AMENDED MARCH 29, 1923, BY ACT NO. 33, AND MARCH 27, 1929, BY ACT NO. 21

ARTICLE 1. This act shall apply to factories:

1. Where 10 or more workers are regularly employed.
2. Where the work is of a dangerous nature or injurious to health.

Factories to which it seems unnecessary for this act to apply may be exempted by imperial decree.

ART. 2. [Repealed.]

ART. 3. The occupier of a factory shall not employ young persons under 16 years of age or women for more than 11 hours a day.

The minister concerned may extend by not more than 2 hours the daily period of employment contemplated in the preceding paragraph, according to the nature of the work in each instance, for a term of not more than 15 years after the coming into force of this act.

Where any person is employed in different factories, the period of employment shall be reckoned as a whole for the purpose of applying the provisions of the two preceding paragraphs.

ART. 4. The occupier of a factory shall not employ a young person under 16 years of age or a woman between the hours of 10 p. m. and 5 p. m., provided that such persons may be employed until 11 p. m. with the sanction of the administrative authorities.

ART. 5. [Repealed.]

ART. 6. [Repealed.]

ART. 7. The occupier of a factory shall grant at least 2 rest days a month, and a break of not less than 30 minutes during the period of employment if the said period exceeds 6 hours a day, or not less than 1 hour if the period of employment exceeds 10 hours a day, to persons under 16 years of age and women.

The break mentioned in the preceding paragraph shall be granted to all the workers at the same time, except where any other arrangement is sanctioned by the administrative authorities.

If a break of more than one hour is granted in summer, the occupier of a factory, with the sanction of the administrative authorities, may prolong the period of employment by the excess of the break over one hour, provided that the prolongation of the period of employment shall not exceed one hour.

ART. 8. In emergencies resulting from a natural calamity, actual or threatening, the minister concerned may suspend the application of the provisions of articles 3 and 4 and of the preceding article, in respect of the processes and districts specified by him.

In exceptional cases resulting from unavoidable circumstances, the occupier of a factory, with the sanction of the administrative authorities, may extend the period of employment during a specified period irrespective of the provisions of article 3, employ women over 16 years of age irrespective of the provisions of article 4, or suspend the rest days prescribed in the preceding article, provided that in emergencies, in order to prevent the loss of raw

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 1. See also International Labor Office, Legislative Series, 1923, Jap. 1, and Legislative Series, 1929, Jap. 1, Geneva; United States Bureau of Labor Statistics, Monthly Labor Review, August, 1923, p. 187 (translation of act from United States consular report of May 12, 1923).

materials or substances liable to decompose or deteriorate rapidly, the sanction of the administrative authorities shall not be necessary for a period not exceeding four consecutive days or seven days in one month.

To deal with exceptional cases of pressure of work, the occupier of a factory may extend the period of employment for not more than seven days in a month by not more than two hours a day, if he in advance informs the administrative authorities of this overtime on each occasion.

In the case of industries involving a pressure of work in special seasons, the occupier of a factory may extend the hours of work for a specified period by not more than one hour, provided that he has procured an authorization in advance from the administrative authority for the said period; nevertheless, overtime shall not be worked on more than a proportionate number of days of the 120 days in a year for the said period. In such cases the provisions of the preceding paragraph shall not apply during the term for which this authorization has been granted to the occupier.

ART. 9. The occupier of a factory shall not allow persons under 16 years of age and women to clean, oil, examine, or repair the dangerous parts of any machinery or transmission apparatus in motion, or to put on or take off the driving belts or ropes of any machinery or transmission apparatus in motion, nor to perform any other dangerous work.

ART. 10. The occupier of a factory shall not employ young persons under 16 years of age in work involving the handling of poisons, powerful drugs, or other injurious substances, or explosive, inflammable or combustible substances, nor in work in places where dust or powder or injurious gas is generated in considerable quantities, nor in any other work in dangerous or unhealthy places.

ART. 11. The minister concerned shall specify in detail the processes to which the two preceding articles shall apply.

The provisions of the preceding article may be extended to women of not less than 16 years of age, under the conditions laid down by the minister concerned.

ART. 12. The minister concerned may issue regulations restricting or prohibiting the employment of sick persons, or of women before and after childbirth or while they are nursing their children.

ART. 13. If the administrative authorities hold that a factory, its annexes, or equipment thereof, is likely to prove dangerous or detrimental to health, morality, or other public interests, they may order the occupier of such factory, in accordance with regulations to be issued by order, to take such measures as may be necessary to prevent or reduce the dangers in question, and, if necessary, they may also prohibit entirely or in part the use of the factory, annexes, or equipment in question.

In the case specified in the preceding paragraph, the administrative authorities may issue the necessary order to workers and apprentices concerning the measures to be taken by the occupier of a factory.

ART. 14. The competent official may inspect a factory or its annexes, or medically examine any worker or apprentice suspected of a disease which entails prohibition of employment or is infectious; in such cases he shall carry official credentials.

ART. 15. Where any worker is injured, falls ill, or dies, in connection with his employment, the occupier of a factory shall pay compensation to him or his family or any person dependent upon his income at the time of his death, in accordance with the regulations to be issued by imperial decree.

ART. 16. Workers and apprentices or persons intending to be employed as such, and occupiers of factories, or their legal representatives or factory managers, may procure certificates free of charge from the person in charge of census registration or his substitute, concerning the registration of the workers, apprentices, or persons wishing to be employed.

ART. 17. Matters respecting the engagement and dismissal of workers, the supervision of employment agencies, and apprenticeship, shall be regulated by imperial decree.

ART. 18. The occupier of a factory may appoint a factory manager who shall have full authority in all the affairs of the factory.

If the occupier of a factory does not live within the area to which this act applies, he shall appoint a factory manager.

The approval of the administrative authority shall be necessary for the appointment of a factory manager; nevertheless, this requirement shall not apply if the director of the body corporate, the managing partner of the company, the member of the firm representing the company, a director or the

managing partner of the firm, or any other person representing the body corporate in question or its director, in accordance with any law or order, is selected as factory manager.

ART. 19. The factory manager contemplated in the preceding article shall represent the occupier of the factory as regards the application of this act and the orders in pursuance thereof. Nevertheless, this provision shall not apply in the case mentioned in article 15.

Where the occupier of a factory is under age or has not full legal responsibility in respect of business, or has been adjudged incompetent, or is a body corporate, and where there is no factory manager, the provisions of the preceding paragraph shall apply to the legal representative of the said occupier of a factory, or to the director or managing partner of the firm, or to the member of the firm representing the company, its director or managing partner, or to any other person representing the body corporate in accordance with any law or order.

ART. 20. The occupier of a factory or his representative under the preceding article shall be liable to a fine not exceeding 1,000 yen if he contravenes the provisions of this act or the orders thereunder, or fails to comply with the instructions issued in pursuance of these provisions.

ART. 21. Any person who without reasonable cause refuses, prevents, or evades inspection by a competent official, or fails to answer questions put to him by such official, or makes false statements or prevents the medical examination of a worker or apprentice, shall be liable to a fine not exceeding 500 yen.

ART. 22. The occupier of a factory or his representative within the meaning of article 19 shall, moreover, be liable for contraventions of this act and the orders in pursuance of the same, or the instructions issued thereunder, which are committed by his representative, the head or a member of his family, a member of his household, salaried employee, or any other person employed by him, even if the contravention was not committed in pursuance of his instructions. Nevertheless, this provision shall not apply if he has taken proper care with regard to the management of his factory.

The occupier of a factory or his representative within the meaning of article 19 shall, moreover, be liable even where he alleges ignorance of the age of a worker; nevertheless, this provision shall not apply if no blame attaches to the occupier of a factory or his representative within the meaning of article 19 or the person concerned with the workers.

ART. 23. Any person who does not assent to the measures taken by the administrative authority in pursuance of this act may appeal against the same; any person who believes that his rights are infringed contrary to law may institute administrative proceedings.

ART. 24. The minister concerned may extend the provisions of articles 3, 4, 7, 8, 9, 11, 13, 14, 16, and from 18 to 23, inclusive, to factories which do not come under article 1 but in which motor power is used, provided that in cases where the provisions of article 3 are applied the daily period of employment prescribed in the same article may be extended by not more than one hour for a period not exceeding two years from the coming into operation of the said provisions.

ART. 25. This act and orders in pursuance thereof shall apply to State and public factories, except as regards the provisions relating to factory managers and penalties.

As regards State factories, the competent authorities shall have the same powers as are granted to the administrative authorities in accordance with this act and the orders in pursuance thereof.

Supplementary provisions to Act No. 33, 1923

The date for the enforcement of this act shall be fixed by imperial decree.² For three years from the enforcement of this act the words "fifteen years" shall be substituted for the words "sixteen years."

The provisions of article 4 shall not apply for three years from the date of the enforcement of this act in places where workers are employed in two or more alternating shifts.

If persons under 15 years of age and women are employed under the provisions of the preceding paragraph, they shall be granted a rest day at least four times a month, and their hours of work shall be changed at least once every 10 days.

²The original act was enforced as from September 1, 1916, and Act No. 33 as from July 1, 1926.

Appendix B.—Ordinances Under Factory Act

Imperial Decree for Enforcement of Factory Act¹

IMPERIAL DECREE NO. 193 OF AUGUST 2, 1916 (AS AMENDED NOVEMBER 1, 1922, BY IMPERIAL DECREE NO. 471; JUNE 5, 1926, BY IMPERIAL DECREE NO. 153; JUNE 26, 1929, BY IMPERIAL DECREE NO. 202)

CHAPTER 1.—*General rules*

ARTICLE 1. Factories which are engaged exclusively in work of the following nature are exempted from the application of the factory act, this rule not applying, however, to factories employing prime movers, specified by the Minister of Home Affairs:

The manufacture of—

1. Agar-agar,² "kooori-konnyaku,"³ "kooori-tofu,"⁴ "yuba,"⁵ "men-rui,"⁶ or of "fu."⁷
2. Basket trunks, hanging bamboo screens, bamboo cages and baskets, ribs of Japanese umbrellas, or of other articles made of wicker, rattan, bamboo, bamboo sheath, wood shavings (chips), vines, stalks, or straw;
3. Chip braids or straw braids;
4. Hats and other articles made of "atan,"⁸ Panama leaf, or other substances of similar nature;
5. Folding fans, flat fans, Japanese umbrellas, or Japanese or Chinese lanterns;
6. Toys, or artificial flowers, made chiefly of paper, thread, cotton, bamboo, or woven tissue;
7. Pattern paper, paper box, "motoyui" or "mizuhiki";⁹
8. Hand-made wearing apparel, "tabi,"¹⁰ or other tailorings;
9. Hand-made cord;
10. Embroidery, lace, batten lace, or drawn work.

ART. 2. Factories which come under the mining law shall be exempted from the application of the factory act.

ART. 3. Factories which engage in work of the following nature shall come within the purview of article 1, paragraph 1, item 2 of the factory act:

1. Manufacture of poisonous medicines or substances.
2. Taxidermy.
3. Manufacture of measuring instruments in which mercury is used.
4. Manufacture of vacuum flasks by means of mercury pump.
5. Manufacture of files where lead is used.
6. Manufacture of enameled iron wares or chemical compound for enameling.
7. Manufacture of paints, pigments, printing ink or colors for water-color or oil painting.
8. Works where sulphur dioxide, chlorine, or hydrogen gas is used.
9. Refining of sulphur.
10. Heat treatment of metals with potassium cyanide or nitrates.
11. Manufacture of factis.¹¹
12. Refining of fatty oils.
13. Manufacture of boiled oils.
14. Manufacture of imitation leather, or water-proofed paper or cloth, where drying oil or inflammable solvent is used.
15. Manufacture of rubber goods where inflammable solvent is used.
16. Cementing of rubber goods using rubber cement or inflammable solvent.
17. Extraction of oils by means of inflammable solvent.

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 9. See also International Labor Office. Legislative Series, 1926, Jap. 1. Geneva.

² Japanese isinglass, made from seaweed.

³ A kind of food made of the root of hydrosome.

⁴ A kind of congealed bean jelly.

⁵ A kind of bean curd.

⁶ Various kinds of wheat or buckwheat vermicelli.

⁷ A kind of baked gluten.

⁸ Formosa grass.

⁹ "Motoyui" is waxed paper string used for women's hair dressing; "mizuhiki" is waxed paper string used for tying up presents.

¹⁰ Japanese socks.

¹¹ Rubber substitute.

18. Manufacture of ethereal oils by means of inflammable solvent.
19. Printing of rice-straw mat (*yaso-yen*).
20. Manufacture of imitation pearls where inflammable solvent is used.
21. Dry cleaning by means of inflammable solvent (except cleaning by merely sponging).
22. Manufacture of gum plasters.
23. Manufacture of tannic acid.
24. Manufacture of compound dyestuffs or their intermediates.
25. Manufacture of celluloid; heat treating or sawing of celluloid goods.
26. Manufacture of nitrocellulose.
27. Manufacture of paper goods with collodion.
28. Manufacture of ether.
29. Manufacture or denaturation of alcohol.
30. Manufacture of viscose.
31. Distilling or refining of turpentine oil.
32. Distilling, refining, or canning of mineral oils.
33. Refining of asphalt.
34. Manufacture of asphaltic felts or papers for building.
35. Manufacture of matches.
36. Manufacture or handling of gunpowder, explosives, fuses, cartridges, fire-works.
37. Smelting or refining of metals.
38. Electric or gas welding or cutting.
39. Manufacture of compressed or liquified gases.
40. Ice making by means of compressed or liquified gases.
41. Woodworking by power-driven sawing machines.
42. Electrical plant (generating station, transformation house, switch station).
43. Manufacture of electric lamps.
44. Manufacture, etching, sand blasting, or powdering of glass.
45. Dry grinding or polishing of metals, bones, horns or shells.
46. Manufacture of metallic powders or foils by power.
47. Powdering of ores, rocks, sands, shells, or bones by power.
48. Manufacture of electric carbons.
49. Manufacture of coal gas or cokes.
50. Manufacture of carbides.
51. Manufacture of lime.
52. Manufacture of felts, or of imitation woolen clothes (*fukitsuke*) by means of blasting.
53. Raising or garneting of woven, knitted woolen or worsted goods.
54. Manufacture of cotton lap.
55. Hackling of hemp, jute, flax, ramie, etc.
56. Sorting of old cotton, cotton scrap, old hemp, waste papers, waste cotton thread, waste wool, and rags.
57. Manufacture of bone or blood charcoal.
58. Fur dressing, tanning, or glue making.
59. Refining of hairs or feathers.
60. Other work specified by the Minister of Home Affairs.

CHAPTER II.—*Compensation to workers or their dependents*

ART. 4. In case a worker is injured or falls ill or dies in connection with his employment, the occupier of a factory shall pay compensation, in pursuance of the provisions of this chapter, provided that in case the person entitled to the compensation is awarded a compensation for the same cause, in virtue of the provisions of the civil code, the occupier may subtract from the compensation he pays such amount as is equivalent to the compensation awarded.

The discharge of the worker shall not alter the obligations of compensation provided by the preceding paragraph, unless it be specially provided otherwise.

ART. 5. When a worker is injured or falls ill, the occupier of a factory shall, at his own expense, cause the operative to be medically treated, or shall bear expenses necessary for medical treatment.

ART. 6. The occupier of a factory shall pay a monetary benefit amounting at least to 60 per cent of the daily wage, during the time the latter receives no wage while absent from work for medical treatment. When such benefit continues for 180 days or more, the occupier may reduce its amount to 40 per cent of the wages.

ART. 7. In case the injury or illness occasions to the worker such permanent physical or mental disability as is prescribed below, the occupier of a factory shall pay to him a lump sum according to the following scale:

1. Helplessly maimed for life—not less than 540 days' wages.
2. Disabled for work for life—not less than 360 days' wages.
3. Disabled for the former work, made hopeless of recovering former health, or disfigured in the features in the case of a woman—not less than 180 days' wages.
4. Irrecoverably maimed but able to engage in the former work—not less than 40 days' wages.

ART. 7 (II). In case the worker is injured or falls ill owing to his serious fault, and this is so acknowledged by the administrative authorities, the occupier of a factory may be exempted from obligation to pay compensation for temporary and permanent disability stipulated in the preceding two articles.

ART. 8. In the case of the death of a worker the occupier of a factory shall pay to the surviving relative or the dependents of the deceased worker an amount equivalent to his wages for not less than 360 days.

ART. 9. In case of the death of a worker, the occupier of a factory shall pay funeral expenses equivalent in amount to at least 30 days' wages of the deceased worker (or not less than 30 yen) to the bereaved family or the dependents of the deceased who take charge of the funeral.

ART. 10. The recipient of allowances to the surviving dependent shall be the spouse of the deceased worker.

In the absence of a spouse, the allowances shall go to the nearest relative in direct consanguinal order, the descendant having the precedence in case the descendant and ascendant are in the same degree of relationship, provided that such recipient was in the same family as the worker at the time of his death.

ART. 11. The precedence of relatives in the same degree of consanguinity, prescribed in paragraph 2 of the preceding article, shall be as follows:

1. The successor to the deceased worker or the head of his family has precedence over all others.
2. A male has precedence over a female.
3. Among males or females in the direct order of descent, the legitimate child has precedence over all others, and among a legitimate child, a registrally recognized illegitimate and unrecognized illegitimate child, the legitimate or registrally recognized illegitimate child, even of the feminine sex, to have precedence over the illegitimate child.
4. Among persons in the same order of precedence in the two preceding paragraphs, the senior in age has precedence over other persons of the same order.

ART. 12. In case there is no person to come under the provisions of article 10, the allowances shall go to one of the following persons, provided that should there be a will left by the deceased worker or a previous notice made by him to the occupier of a factory specifying one of the following persons, such will or notice shall be respected:

1. The successor to the deceased worker or the head of his family.
2. A brother or a sister who was living in the same house with the worker at the time of his death.
3. A person who was subsisting on the earnings of the worker at the time of his death.

ART. 13. The benefit provided for in article 6 shall be paid not less than once a month, the same applying also to payment to the beneficiary according to article 5.

The benefit for the maimed shall be paid soon after the cure, the benefit for the deceased's dependents and funeral benefit shall be paid soon after the death, provided that the benefit for the maimed or that for the deceased's dependents may be paid in separate amounts, with the approval of the administrative authority.

ART. 13 (II). In case the worker receives medical benefit under the health insurance act²² (except in the case of article 48, paragraph 1, item 2), the compensation by article 5 is not obligatory; the same applies also to the compensation by article 6, where the worker receives benefit during the disablement period under the health insurance act.

²² Act of Apr. 22, 1922. International Labor Office. Legislative Series, 1922, Jap. 3. Geneva.

In case the funeral benefit is paid under the health insurance act, the corresponding benefit by this act may not be obligatory.

In case the worker receives no insurance benefit owing to article 62, paragraphs 1 and 2, article 64, or article 65 paragraph 2 of the health insurance act, the corresponding benefit by this act is not obligatory.

ART. 14. In case a worker who receives compensation by article 5, or medical treatment by the health insurance act, fails to recover from the injury or illness in three years from the date of his first medical treatment, the occupier of a factory may discontinue the compensation prescribed in the present chapter, after giving a lump-sum compensation equivalent to the worker's wages for 540 days.

ART. 15. The occupier of a factory may refuse to extend compensation prescribed in the present chapter, under any of the following circumstances:

1. When allowances are claimed after one year of the discharge of the worker. It is provided, however, that this rule does not apply to a claim which is made in consequence of an injury or illness owing to which the worker had formerly been in receipt of compensations or insurance benefits. The same rule also applies in the case of a claim made in consequence of an injury or illness which occasioned a claim for compensation or insurance benefit before or within one year after discharge.

2. When an injury or illness which had healed under medical treatment received by compensation or the health insurance act returns after the worker's discharge.

ART. 16. The amount of wages to form the basis for the calculation of the relief benefits and funeral expenses shall be as specified below:

1. With regard to the worker insured under the health insurance act, the daily amount of the basic remuneration fixed for him in accordance with that act.

2. With regard to the worker not insured under the health insurance act, the quotient obtained by dividing the total amount of his wages for a period of three months (if he has been engaged for less than three months, the period of his engagement) by the number of days during that period—i. e. in case of sickness, for the three months immediately preceding the day on which the sickness began according to the diagnosis, or if the exact day on which the sickness began is not clear, the three months immediately preceding the seven days before the diagnosis; and in case of injury or instant death, the three months immediately preceding the day of such occurrence; (if there is a fixed day for closing the wages account for each given period, the three months taken shall be the period of three months immediately preceding the last day on which the account was closed); provided that the quotient calculated in the manner described above shall not be less than 60 per cent of the total amount of the wages during the period in question divided by the number of days for which the worker received wages.

If the period mentioned in item 2 of the preceding paragraph includes the following period, the days and earning in that period shall be excluded from the days and total earnings above mentioned:

1. Days of rest owing to injury or illness caused in connection with employment.

2. Days of rest before and after childbirth prescribed by the Minister of Home Affairs.

3. Probation period.

4. Unusual rest days given for the employer's convenience.

Among the total earnings mentioned in paragraph 1, item 2, the bonus and unusual allowance stipulated by the Minister of Home Affairs shall not be included.

If it is impossible to calculate the base wage for compensation according to the preceding three paragraphs, the base wage shall be the amount fixed by compensation rules,¹⁴ provided that if the compensation rules have no such provision the administrative authority shall fix it.

ART. 17. In case the occupier of a factory supplies food and other articles, their cost shall be reckoned into the amount to be figured out in accordance with item 1 or 2 of the preceding article, provided that as regards the benefit for temporary disablement, if the employer continues to supply the food and other articles during disablement, the cost shall not be reckoned into the amount.

¹⁴ See article 19.

ART. 18. The local governor may, in exercise of his official powers or in response to a petition, institute inquiries into the cause or causes of a worker's injury, disease or death, or into the extent of physical injury or other matters pertaining to the compensation provided for in article 7, or offer to mediate.

When deemed necessary in the case of the preceding paragraph, a medical diagnosis or post-mortem examination may be ordered.

ART. 19. The occupier of a factory shall draw up rules determining the amount, the procedure, and other necessary matters pertaining to the compensation, and send a copy of the same to the local governor, this applying also to any alteration which is made in the rules.

When deemed necessary the local governor may order an amendment of the rules of compensation.

ART. 20. Separate rules are provided for compensation to workers in Government factories.¹⁴

CHAPTER III.—*Engagement and discharge of workers*

ART. 21. The occupier of a factory shall make and keep a name list of workers in each workshop or factory.

Matters to be entered in the list of workers shall be determined by the Minister of Home Affairs.

ART. 22. The worker's wages shall be paid not less than once a month in the country's currency.

ART. 23. When a lawful claimant makes a claim in the event of the death or discharge of a worker, or under circumstances specified by the Minister of Home Affairs, the employer shall pay the wages without delay.

All savings of the worker, kept in custody in the form of a reserve fund, a trust fund, or under any other name whatsoever, shall, under circumstances provided for in the preceding paragraph, be paid without delay.

ART. 24. In engaging a worker the occupier of a factory shall not make a contract which contravenes the two preceding articles, or fixes in advance either the sum payable to the occupier for breach of contract or the amount of indemnity for damage; provided that this rule shall not apply to cases where the local governor's permission is obtained to a previously drawn up method to carry out the following arrangement:

1. Where the workers are made themselves to lay by their own savings or where a part of their wages is, for their own benefit, paid in other kind.

2. The occupier of a factory may hold back that portion of a worker's savings which is contributed by the occupier, when the worker is dismissed for violating the contract of engagement or in consequence of acts for which the worker is held responsible.

ART. 25. When the occupier of a factory keeps in custody the worker's savings, he shall previously determine a reliable method for the purpose, for which he shall obtain the sanction of the local governor.

ART. 26. [Repealed.]

ART. 27. When a minor or a woman worker is discharged to suit the employer's convenience, or when a worker, who is receiving compensation in pursuance of the provisions of articles 5 or 6, or medical attendance or its cost under the health insurance act in respect of injury or sickness arising out of employment, or who comes under item 1 or 2 of article 7, is discharged, and is to return home within 15 days after his or her discharge, the occupier shall bear for him or her the necessary traveling expenses. The same rule applies to a worker who returns home within 15 days after his or her allowances are stopped in virtue of the provisions of article 14.

The provisions of article 18 apply correspondingly to the traveling expenses in the preceding paragraph.

ART. 27 (II). If the occupier of a factory wants to discharge a worker, he shall give 14 days' previous notice, or an allowance equivalent to 14 days' wages, except when the discharge is carried out because it became impossible to continue business owing to a natural calamity, and when it is unavoidable to discharge the worker for a reason for which he is responsible.

The following period shall not be reckoned in the period of previous notice mentioned in the preceding paragraph:

1. Rest period owing to injury or disease in connection with employment, provided it does not exceed two months.

¹⁴ See ante, p. 77.

2. Rest period before and after childbirth prescribed by the Minister of Home Affairs.

3. Unusual rest days given for the employer's convenience, unless wages are paid during rest days.

The preceding two paragraphs shall not apply to a worker on probation period unless he is employed longer than 14 days (21 days with the approval of the local governor).

Articles 16 and 17 shall be applied correspondingly to the wage of paragraph 1; article 18 shall be applied to paragraph 3.

ART. 27 (III). If the worker, when he is discharged, demands a certificate regarding the period of employment, kind of work, and wage, the occupier of a factory shall give it without delay.

ART. 27 (IV). The occupier of a factory employing more than 50 workers shall draw up rules of employment without delay, and notify the local governor. This shall also apply when any revisions are made.

The rules of employment shall stipulate the following items:

1. Times of commencing and finishing work, rest intervals, rest days, and alteration of shifts if the workers are employed on shifts.

2. Wages, method of their calculation, and date of payment.

3. Cost of food and other expenses to be borne by the worker.

4. Sanctions, if there are any rules relating to such.

5. Discharge.

The local governor may order the amendment of the rules of employment if he deems it necessary.

CHAPTER IV.—*Apprentices*

ART. 28. When an apprentice is taken into a factory he shall be subject to the following conditions:

1. That the aspirant shall take up work with the object of acquiring a knowledge and ability necessary for a definite occupation.

2. That he shall receive a training under the direction and care of a responsible trainer.

3. That he shall always be under definite supervision in regard to his moral culture.

4. That he shall be employed subject to regulations sanctioned by the local governor.

ART. 29. In order to apply for the sanction mentioned in item 4 of the preceding article, the occupier of a factory shall furnish the following particulars:

1. The number of apprentices.

2. The age of apprentices.

3. The qualification of the trainer.

4. The course and period of training.

5. The method and the hours per day of work.

6. Matters pertaining to holidays and rest periods.

7. The method of supervision concerning moral culture.

8. The method of granting allowances.

9. Regulations to be provided in accordance with the provisions of article 30.

10. The terms of apprenticeship contract.

ART. 30. In case the apprentice is a minor or a female, means shall be provided to avoid danger or to prevent injury to health in pursuance of the spirit of the provisions of the factory act pertaining to workers under 16 years of age and female workers.

ART. 31. The local governor may order a necessary corrective measure, when he thinks that the occupier of a factory is failing to observe item 4 of article 28, or is not able to fulfill requirements for the training of apprentices, or he may cancel the sanction provided for item 4 of article 28.

ART. 32. In case the requirements of article 28 are not fully met, the factory act and the present provisions relating to workers shall be applied even though the occupier of a factory may call his workers apprentices. The same rule applies to an apprentice respecting whom the sanction provided for in item 4 of article 28 is canceled.

CHAPTER V.—*Penalties*

ART. 33. Any person who causes the occupier of a factory unjustifiably to escape in whole or in part the obligation of compensation, payment of wages, returning savings, or the obligation provided in article 27, paragraph 1, or who

causes the discharge of a worker in contravention of article 27 (II), shall be liable to a fine not exceeding 200 yen; provided that this rule shall not apply when the occupier of a factory or a person who takes his place is punishable in accordance with the provisions of article 22 of the factory act.

Arts. 34-36. [Repealed.]

Supplementary provision

This decree shall come into force on and after June 1, 1929.¹⁵

Departmental Regulation for Enforcement of Factory Act¹⁶

REGULATION NO. 19 OF DEPARTMENT OF AGRICULTURE AND COMMERCE, OF AUGUST 3, 1916 (AS AMENDED BY REGULATION NO. 13 OF DEPARTMENT OF HOME AFFAIRS, OF JULY 7, 1926, AND REGULATION NO. 16 OF MAY 18, 1929)

ARTICLE 1. Prime movers coming under article 1 of the decree for the enforcement of the factory act¹⁷ include the steam engine, steam turbine, gas engine, oil engine, water turbine, Pelton wheel and electric motor.

ART. 2. The application for permission according to articles 4 and 7 of the factory act shall be made to the local governor, the same applying also to the application for the permission or the approval, or the report according to article 8 of the same act.

ART. 3. With regard to silk flatures using machines, spinning factories and silk weaving for exportation, where specified by the announcement of the local governor, the occupier of a factory may extend the day's work for persons under 16 years of age or for women to 12 hours, until August 31, 1931. This provision does not apply when the workers are employed by shifts.

ART. 4. When the occupier of a factory prolongs the period of employment, or employs women over 16 years of age, or abolishes rest days without the sanction of the administrative authority under the proviso of article 8 paragraph 2 of the factory act, he shall report to the local governor without delay.

ART. 5. The kinds of work covered by article 9 of the factory act shall be as follows:

1. The work of cleaning, oiling, examining, or repairing the flywheel, crank, connecting rod, cross head, piston rod of prime movers, electric and other machinery, or of the power-transmission equipment, the commutator of electric generators, roller, the sharp cutters, toothed wheel, pulley shaft, couplings or like dangerous parts while in motion.

2. The work of putting the belts or ropes on or off the machines or the power-transmission equipment in motion by a dangerous method.

3. The work of stoking the boiler or of opening or shutting the feed water valve or the stop valve or of handling the safety valve.

4. The work of handling the electric generator, motor, transformer, or rheostat of the generator, or of switching the high-pressure lines.

5. The work of feeding the sewing machine.

6. Work to be executed near a dangerous toothed-wheel, pulley, flywheel, belts or ropes, which are not protected by a fence or any other contrivances to prevent dangers, or any other things of like nature.

7. Work to be executed on shaft way or scaffold with no fencing around or not otherwise protected, or any place of like nature.

ART. 6. The kinds of work covered by article 10 of the factory act shall be as follows:

1. The work of handling arsenic, mercury, or their compounds, white phosphorus, phosphorus sulphide, hydrocyanic acid, kalium cyanide, hydrofluoric acid, sulphuric acid, nitric acid, hydrochloric acid, caustic soda, carboric acid, and other like poisonous and dangerous substances.

2. The work of handling metallic kalium or natrium, natrium peroxide, ether, petroleum benzene, alcohol, carbon bisulphide, or other like ignitable or inflammable substances.

¹⁵ The original decree came into effect as from September 1, 1916, and Decree No. 153 as from July 1, 1926.

¹⁶ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 26.

¹⁷ See ante, p. 76.

3. The work of handling compressed or liquified gases.
4. Work at a place where gunpowder, explosives, fuses, cartridges or fireworks are handled.
5. Work at a place which is charged considerably with dusts and particles of metals, ores, earth, stones, bones, horns, rags, animal wool or hair, cotton, hemp, straw, etc.
6. Work at a place which is charged with the dusts, vapors, or gases of arsenic, mercury, white phosphorus, lead, hydrocyanic acid, fluor, aniline, chrome, chlorine, or their compounds, or other like noxious substances, or with acid gases.
7. The work of handling large quantities of substances at a high temperature, or work in a place at a high temperature where metals, ores, earth, stones, etc., are smelted, melted or roasted, or work in a drying chamber of high temperature or in any other like places.

ART. 7. The provisions of article 10 of the factory act are applicable to female persons of 16 or more years of age in connection with work covered by items 5 and 6 of the preceding article.

ART. 8. The occupier of a factory shall not employ persons who are afflicted with the following diseases, provided that this rule shall not apply when preventive measures against the infection are taken for persons afflicted with diseases enumerated in item 4 or 5:

1. Insanity.
2. Leprosy, tuberculosis, laryngeal tuberculosis.
3. Erysipelas, recurrent fever, measles, epidemical cerebrospinal meningitis, and other like acute feverous diseases.
4. Syphilis, itch, and other infectious skin diseases.
5. Conjunctivitis, blennorrhœa, trachoma (of a strongly infectious type), and other like infectious eye diseases.

The occupier of a factory shall not employ persons who are afflicted with pleurisy, heart disease, beri-beri, arthritis, tendovaginitis, acute disease of urogenital organ or other illness, of which there is a fear of its being aggravated by work.

The occupier of a factory shall not employ persons who have undergone an epidemic or a serious illness and do not recover former health, even after the disappearance of symptoms of the disease, it being provided, however, that this rule does not apply to persons who are put to work of a nature which the doctor pronounces to be harmless.

ART. 9. The occupier of a factory shall not employ a woman for four weeks before childbirth if she requests rest days during that period.

The occupier of a factory shall not employ a woman within six weeks after childbirth, it being provided that this rule does not apply to cases in which, four weeks after childbirth, the woman, upon her request, is put to work of a nature which the doctor pronounces to be harmless.

ART. 9 (II). The woman who is nursing her child within one year after its birth may request nursing time, twice a day, each within the limit of 30 minutes, during the working hours. In this case the occupier of a factory shall not employ her during the nursing time.

ART. 10. The local governor may order the occupier of a factory to restrict or prohibit the work of a sick person or a woman after childbirth under circumstances other than those which are provided for in the preceding two articles.

ART. 11. The official credential provided for in article 14 of the factory act shall be in accordance with Form No. 1.

ART. 12. The occupier of a factory shall take proper measures to make known among the workers the rule of employment.

The occupier of a factory shall put up, at a place easily seen in the workshop, particulars pertaining to the opening and closing hours of work, rest periods, and rest days.

ART. 12 (II). The occupier of a factory shall stipulate the rate and method of calculation of wages to workers, previous to work.

ART. 13. The occupier of a factory shall state in writing, in easy terms, the main points of compensation to be extended to workers, and cause them to be generally known among the workers.

ART. 14. When any worker, in the course of work, or in a workshop or in an accessory building, gets injured, falls ill, or dies, the occupier of a factory shall, without delay, cause the case to be diagnosed or examined by a physician.

ART. 14 (II). In accordance with the provisions of paragraph 2 of article 16 of the decree for the enforcement of the factory act the following items shall not be included in the total amount of wages under paragraph 1 item 2 of that article:

1. Bonus for the period longer than three months.
2. Bonus or allowance for invention, good conduct, and other special act.

ART. 15. In case there is no contract or usage in regard to figuring out the amount mentioned in paragraph 1 of article 16 of the decree for the enforcement of the factory act, or to calculating the allowances of article 17 of the same decree, one day's wage or allowance shall be obtained by dividing the sum into 360 equal parts where the agreement is by the year, or into 30 equal parts where the agreement is by the month.

ART. 16. Entries in the workers' name list shall be in accordance with Form No. 2.

ART. 17. The papers used for the workers' name list shall be preserved for five years after the death or discharge of the worker.

ART. 18. When the occupier of a factory transfers a worker from one workshop into another or from a workshop to outside of it, thus effecting a change of his post, such change shall be regarded as a case of engagement or discharge in making entries in the workers' name list.

ART. 19. Papers relating to the engagement, discharge, and compensation of workers shall be kept in each workshop.

The papers in the preceding paragraph shall be preserved in the case of those relating to engagement or discharge, for three years after the discharge or death of the worker, and in the case of those relating to compensation for three years after the termination of the compensation.

ART. 20. The circumstances in which the occupier of a factory is to pay wages or to return the worker's savings, in accordance with the provisions of article 23 of the decree for the enforcement of the factory act shall be as follows:

1. When the worker goes home for a continuous period of over one month.
2. When the worker requires money for the service of a marriage or a funeral.

3. When the local governor determines by specific order.

ART. 21. When the occupier of a factory applies for the approval of a factory manager he has appointed, he shall present an application paper to the local governor together with a curriculum vitae of the appointed.

ART. 22. The occupier of a factory shall without delay notify the local governor each time the following event takes place:

1. When he has appointed a factory manager in accordance with the proviso of article 18 paragraph 3 of the factory act.
2. When the factory manager dies or is discharged.
3. When papers to be preserved in accordance with article 17, or paragraph 2 of article 19, are destroyed or damaged.

ART. 23. [Repealed.]

ART. 24. The occupier of a factory which regularly employs 50 or more workers shall compile a bulletin every month, in accordance with Form No. 3, and present it to the local governor by the twentieth of the following month, covering all cases of illness, injury, or death of workers.

ART. 25. When a worker, in the course of employment, or in a factory or its annexes, gets injured, suffocated, or acutely poisoned, and dies, or it is anticipated it will be necessary for him to be absent for treatment at least three days, the occupier of a factory shall without delay notify the case to the local governor by Form No. 4. The same rule applies with regard to a worker who was absent for three days or more although it was anticipated he would be cured in less than three days.

ART. 26. When the following accidents happen in a factory or its annexes, the occupier shall notify the case to the local governor, without delay, by Form No. 5:

1. Fire or explosion.
2. Explosion of engine or any high-pressure case.
3. Explosion of flywheel or high-speed machine.
4. Breaking of chains or rope of crane or elevator, or beam or pillar of crane.
5. Falling down of factory, its annexes, chimney, or elevated vats.
6. Other accidents causing injury to five or more men.

ART. 27. The provisions of articles 3, 4, 7, 8, 14, and from 18 to 23, inclusive, of the factory act, and articles 2, 4, 11, paragraph 2 of article 12, articles 21 and 22 of the present regulations, shall apply to factories not coming under article 1 of the factory act but which are engaged in weaving or the manufacture of yarn by the use of power-driven machinery.

The occupier of the factory mentioned in the preceding paragraph shall compile a register containing the names, addresses, dates of birth of workers of 16 years of age or over employed therein, and keep it in the factory, provided that such register may be combined with the register required under article 3 of the minimum age for industrial employment act.

Supplementary provisions to Regulation No. 16, 1929

This regulation shall come into force on September 1, 1929.¹⁸

The occupier of a factory specified in paragraph 1 of article 27 may prolong the daily working hours of persons under 16 years of age and women to 12 hours for two years from date of coming into force of this regulation.

[Forms Nos. 1-5, appearing in the original, are not included here.]

ORDINANCE FOR RELIEF OF STATE WORKERS¹⁹ (AS AMENDED BY IMPERIAL ORDINANCE NO. 239, OF JUNE 30, 1926)

1. If a worker, a miner or any other employed person is injured, falls ill, or is killed in the performance of his or her work, the Government shall grant monetary relief (*Fujo-Kin*) in accordance with the provisions of this ordinance.

If the party entitled to the monetary relief is awarded damages for the same cause in virtue of the provisions of another law, an amount equal to the damages awarded shall be subtracted from the amount of the monetary relief.

The dismissal of the worker shall not affect [the obligation of the Government in respect of] the payment of the monetary relief.

2. Monetary relief shall be divided into six classes, viz, the medical treatment allowance (*Ryōji-ryō*), absence allowance (*Kyūgyō-fujoryō*), disablement allowance (*Shōgai-fujoryō*), final allowance (*Uchikiri-fujoryō*), survivors' allowance (*Izoku-fujoryō*) and funeral allowance (*Sōsai-ryō*). The allowances shall be granted as specified in the appendix, according to the following classification:

(i) The medical treatment allowance shall be granted to those who are injured or taken ill and need medical treatment but do not receive medical treatment at the expense of the Government.

(ii) The absence allowance shall be granted to those who are unable to work on account of medical treatment and consequently unable to earn wages.

(iii) The disablement allowance shall be granted to those who are left with physical disability after recovery from their sickness or injury.

(iv) The final allowance shall be granted to those who fail to recover from the injury or sickness in three years from the beginning of the medical treatment.

(v) The survivors' allowance shall be granted to the surviving family of the deceased person or to any other person who was maintained by the earnings of the worker at the time of his or her death.

(vi) The funeral allowance shall be granted to the surviving family of the deceased person who conducts the funeral, or to any other person who was maintained by the earnings of the worker at the time of his or her death and who conducts the funeral service. In default of a surviving member of the household to conduct the funeral service, the allowance may be granted to the person who conducts it.

(vii) The absence or disablement allowance shall not be granted in case of injury or sickness resulting from a serious fault of the worker.

If a final allowance is granted, no other monetary relief in accordance with this ordinance shall be given thereafter.

¹⁸ The original regulation was in force as from September 1, 1916, and Regulation No. 18 as from July 1, 1926.

¹⁹ The original ordinance for the relief of State workers was promulgated in November, 1918, and put into operation on January 1, 1919. The term "State workers" is used for "Yo-nin" which literally means "employed man." This free rendering is used because this ordinance applies solely to the workers employed in the State-owned factories and mines, having been issued in accordance with the provision of section 20 of the imperial decree for the administration of the factory act (see ante, p. 77).

3. The amounts of the disablement allowance, the final allowance, the survivors' allowance and the funeral allowance shall be fixed within the limit of the amounts specified in the appendix, taking into consideration the cause of the injury or death, the extent of the physical disability, the duration of the worker's service and other circumstances.

4. The medical treatment or disablement allowance shall be paid at least once a month.

The disablement allowance shall be granted without delay on the recovery of the worker from the sickness or injury, and the survivors' allowance and the funeral allowance without delay on the death of the worker.

5. In case of the aggravation of the physical disability owing to the recurrence of the sickness or injury, the amount of the disablement allowance shall be reassessed, and the sum already paid as the disablement allowance shall be subtracted from the amount thereof.

6. The provisions of sections 10-12 of the ordinance for the administration of the factory act shall apply in respect of the recipient of the survivors' allowance, *mutatis mutandis*.

When the worker is entitled to receive medical attendance or the cost of the same in virtue of the provisions of the health insurance act²⁰ (except the provision of No. (2) of the first paragraph of section 48) the medical treatment allowance shall not be granted during this period. The same rule shall apply to the absence allowance when the worker is entitled to receive sick benefit or accident benefit in virtue of the health insurance act.

If either funeral benefit or the expense of the funeral is to be granted for the death of a worker in virtue of the health insurance act, the funeral allowance shall not be granted. Nevertheless, this shall not apply to any excess of the amount of the funeral allowance over that of either the funeral benefit or the expense of the funeral.

If insurance benefit is withheld in accordance with the provisions of the first paragraph of section 62 (except No. (2)) or the second paragraph thereof, section 64 or section 65 (second paragraph), the medical treatment, absence or funeral allowance shall not be granted, in accordance with the rule laid down in the two preceding paragraphs.

7. In case of recurrence of an old injury or sickness after the person has been dismissed, monetary relief shall not be granted.

8. Monetary relief in accordance with this ordinance shall not be claimed after the lapse of one year from the dismissal of the worker. Nevertheless, this rule shall not apply to a claim for monetary relief in respect of an injury or sickness on account of which a claim for the grant of insurance benefit in accordance with the health insurance act or for relief was made before dismissal or within one year thereafter.

9. The provisions of section 16, paragraphs 1-3 of the ordinance for the administration of the factory act²¹ shall apply, *mutatis mutandis*, to the method of ascertaining the amount of the wages which is to be taken as the basis for the calculation of the monetary relief.

If it is found difficult to calculate the amount according to the preceding paragraph, the competent Government authority shall decide the amount.

10. This ordinance shall not apply to workers who are members of mutual relief associations which receive allowances from the Government.

Additional provisions

This ordinance shall come into operation on July 1, 1926. As regards the relief of a person who has been injured or fallen ill during the performance of work and is receiving medical treatment at the expense of the Government, or who is receiving monetary relief in accordance with the former provisions, and who continues to receive either medical treatment at the expense of the Government or monetary relief, this ordinance shall apply from the date of its coming into operation. The same rule shall apply to the relief of a person who receives monetary relief on account of the recurrence, after this ordinance comes into operation, of an injury or sickness which had disappeared during receipt of monetary relief or medical treatment at the expense of the Government before the coming into operation of this ordinance.

²⁰ International Labor Office. Legislative Series, 1922 (Jap. 8). Geneva.

²¹ See ante, p. 79.

APPENDIX.—*Relief allowance (new scale)*

Kind	Amount
Allowance for medical treatment.....	Actual cost thereof.
Absence allowance for inability to work:	
Less than 180 days.....	60 per cent of daily wages.
180 days or more.....	40 per cent of daily wages.
Disablement allowance:	
Helpless for life.....	Not less than 540 nor more than 700 days' wages.
Disabled for life.....	Not less than 360 nor more than 500 days' wages.
Disabled for former work, if there is no hope of recovering former health, or, in the case of a woman, if her features are disfigured.	Not less than 180 nor more than 300 days' wages.
Irremediably maimed, but able to engage in former work....	Not less than 40 nor more than 150 days' wages.
Final allowance.....	Not less than 540 nor more than 700 days' wages.
Survivors' allowance.....	Not less than 360 nor more than 600 days' wages.
Funeral allowance.....	Not less than 20 nor more than 40 days' wages (minimum 20 yen).

Appendix C.—Minimum Age for Industrial Employment Act ¹

ACT NO. 34 OF MARCH 29, 1923

ARTICLE 1. The term "industry" for the purposes of this act shall include the following undertakings:

1. Mining work, alluvial mining work, quarrying work, or any other work for the extraction of minerals from the earth.

2. Undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed (including shipbuilding and the generation or transformation and transmission of electricity or motive power of any kind).

3. Construction and building work, or any other work in the erection, maintenance, repair, alteration, or demolition of buildings, as well as preparation for any such work or structure or laying the foundations thereof.

4. The transportation of passengers or goods by road, railway, tramway, or inland waterway, excluding such transportation as is mainly done by man power.

5. The handling of goods at docks, quays, wharves, or warehouses.

ART. 2. Persons under 14 years of age shall not be employed in industry, provided that this provision shall not apply to persons over 12 years of age who have finished the course at an elementary school.

The provision of the preceding paragraph shall not apply to undertakings where only members of the same family are employed, or to the employment of children in industrial schools (technical schools) with the approval of the administrative authorities.

ART. 3. In cases where children under 16 years of age are employed in industry, the employer shall compile a register containing their names, addresses, dates of birth and details of school career, and keep it at the work place, provided that this provision shall not apply in cases where such registers are provided according to the regulations under the factory act,² or according to the mining act.

ART. 4. Any competent official may inspect the work place or its annexes, for which purpose he shall be provided with official credentials.

ART. 5. Any person engaged in industry or intending to engage therein, or any employer, may request the person in charge of the census registration or his substitute to supply a certificate respecting the registration of any person engaged in industry or intending to engage therein.

ART. 6. Any person who contravenes the provisions of article 2 shall be liable to a fine not exceeding 1,000 yen.

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 64. See also International Labor Office. Legislative Series, 1923, Jap. 2. Geneva.

² See ante, p. 85.

ART. 7. Any person who contravenes the provisions of article 3, or without reasonable cause refuses, prevents, or evades inspection by a competent official, or fails to answer his questions or makes false statements, shall be liable to a fine not exceeding 500 yen.

ART. 8. In cases where the employer is a minor not possessing the same legal capacity as an adult in respect of his business, incompetent to act, or a body corporate, the penal provisions which would apply to the employer shall apply to the legal agents of such persons or the person who represents the body corporate according to the relevant act and orders.

ART. 9. If a contravention of the provisions of this act is committed by the employer's agent, the head or a member of his family, a person living in his household, one of his employees, or any other person engaged in his business, the employer shall not be exempt from penalty on the ground that the contravention was not committed by his order.

ART. 10. The provisions relating to the employer under this act shall apply to the occupier of the factory, or to the manager if appointed, in the case of factories coming under the factory act, and to the mine owner, or the mine manager if appointed, in the case of mining undertakings.

ART. 11. This act with the exception of the penal provisions, shall also apply in cases where State, a Prefecture, a city, town, or village, or any similar body, is the employer.

Supplementary provisions

The date of the coming into force of this act shall be determined by imperial order. [It was fixed on July 1, 1926.]

In cases where persons over 12 years of age at the time of the coming into force of the present act continue in employment, the provisions of article 2 shall not apply to them.

Appendix D.—Departmental Regulation on Accident Prevention and Hygiene in Factories¹

REGULATION NO. 24 OF DEPARTMENT OF HOME AFFAIRS, DATED JUNE 20, 1929

ARTICLE 1. This regulation shall apply to factories coming under article 1 of the factory act.

ART. 2. Dangerous parts of a prime mover or a power transmission apparatus shall be adequately fenced or covered.

ART. 3. No outside projecting metal fittings shall be used in the fastening of the belts of power transmission apparatus, provided that this rule shall not apply to those metal fasteners the exposed surface of which forms an arc and which are not dangerous.

The provision of the preceding paragraph shall not apply to belts which are not liable to cause contact with workers on account of being adequately fenced or covered or because of their position, and which are not touched by hands, or to belts which by reason of their weak motive power or slow motion do not constitute a danger to workers.

ART. 4. Heads of set screws, bolts, nuts, keys, and the like, attached to the revolving parts of a coupling, collar, clutch, pulley, and the like, used for power transmission, shall not be protruding, provided that this rule shall not apply to those parts the exposed surface of which forms an arc and which are not dangerous, to those parts which are adequately covered, or to those parts which while in motion are not liable to cause contact with workers performing their duties (including cleaning, oiling, inspecting, repairing, etc.) or with persons passing near them.

ART. 5. In case a loose pulley is used, a belt-shifting apparatus shall be provided, except in cases where the nature of the work does not permit of this being done or where, on account of the nature of the work, accidents are not liable to be caused without a belt-shifting apparatus.

The belt-shifting apparatus mentioned in the preceding paragraph shall be fitted with appliances in such a manner as to prevent the accidental shifting of a belt to the fixed pulley.

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 46. See also International Labor Office. Legislative Series, 1929, Jap. 4. Geneva.

ART. 6. In case where the distance between a pulley and an adjacent wheel, or between a pulley and a bearing, coupling, and the like, is so narrow that it is liable to cause danger when a transmission belt falls into this narrow space, or in case where a belt must occasionally be thrown off a pulley while the shafts are in motion, a suitable belt perch shall be provided.

ART. 7. If a power-transmission apparatus is dangerous to approach for oiling, a safe lubricating device must be used.

ART. 8. Appliances shall be provided in all workrooms so that a prime mover or power-transmission apparatus can be stopped quickly in case of emergency, provided that this rule shall not apply in cases where the prime-mover room is directly accessible from the workroom or where an emergency signal is provided which communicates with the prime-mover room which is constantly watched.

ART. 9. When a prime mover or a power-transmission apparatus is set in motion, a signal shall be given to all workers concerned (this always includes apprentices) in a manner previously agreed upon.

If a prime mover, a power-transmission apparatus, or other machinery is liable to cause danger by being started by persons other than those engaged in cleaning, oiling, inspecting, repairing, or any other similar duties, while the motion of the machine is suspended for the performance of such duties, a suitable appliance or arrangement shall be provided to prevent such danger.

ART. 10. Dangerous parts of machinery driven by motive power shall be protected by fencing or covering or other appliance to prevent the possibility of accidents, unless conditions do not permit of this being done.

ART. 11. Each of the following parts of machines shall be so arranged that they can not be opened unless their motion is suspended:

(1) In the case of cotton-spinning machines, the fan doors of exhaust openers, beater covers, and dust doors of scutchers, front plates of the cylinders of carding machines (except when vacuum cleaners are used) and the gear cover of the head stock of a drawing machine or of the speed frame.

(2) In the case of silk-spinning machines, the cylinder cover of filling machines.

(3) Any other parts similar in nature to those mentioned in the two preceding paragraphs.

ART. 12. All machinery driven by motive power shall be fitted in each case with a device by which it can be stopped quickly, provided that this rule shall not apply to group-driven machinery provided with a common shut-off contrivance, or to machinery not liable to constitute a danger.

ART. 13. Rollers which are used for kneading adhesive substances and which are liable to cause accidents, shall be equipped with a device enabling the person affected by the accident to stop the motion of the roller in case of emergency.

ART. 14. Persons who, on account of handling the moving prime mover, power-transmission apparatus, or any other machinery driven by motive power, or who on account of performing duties in the vicinity of such machinery, is exposed to the risk of accident by having hair or clothing caught by the machinery, shall be obliged to be provided with a head covering or working suit which will effectively prevent such accident.

Persons, while performing their duties, shall be required to put on or wear a head covering or working suit, as prescribed in the preceding paragraph.

ART. 15. The opening, reservoir, shaftway, staircase, or any other place into which persons are liable to fall and meet with accidents, shall be guarded with a fence, railing, covering, or any other appliance to prevent effectively the possibility of accident, unless the nature of the work does not permit this to be done.

ART. 16. Portable ladders used in work shall be safely footed to prevent the possibility of slipping or turning sideways, provided that this rule shall not apply in cases where they are not likely to constitute a source of accident on account of the condition of the floor or for some other reason.

ART. 17. Gangways between machines, and between machines and other equipment, shall be at least 2.6 shaku² wide, excepting those which were in existence prior to the coming into operation of this regulation, provided that this rule shall not apply in cases where, if the conditions do not permit of this being done, other arrangements are sanctioned by the local governor (in the

*1 shaku=0.994194 foot.

case of the Tokyo Prefecture the local governor shall always be the inspector-general of the metropolitan police).

ART. 18. Proper signs shall be put up in dangerous places.

ART. 19. No worker shall remove or render ineffective, without due cause, any safety devices.

ART. 20. The local governor may issue any necessary orders concerning measures to be taken for the prevention of accidents in respect of workrooms in which explosive, combustible, or inflammable substances are manufactured or handled, or in respect of warehouses, store yards, reservoirs, and other containers, in which these substances are stored.

ART. 21. In places where explosive, combustible, or inflammable substances are manufactured, handled, or stored, places where gas, vapor, or dust is generated and is liable to cause explosions, or any other places where exists a serious danger of fire, no fire or naked lights must be used, except in cases where it is indispensable for the performance of work, provided that this rule shall not apply to the use of safety lamps, incandescent electric lamps, or any other apparatus which is not dangerous.

In such places as are mentioned in the preceding paragraph, signs shall be posted to indicate the prohibition of smoking or the use of naked lights or fire other than that which is indispensable for the performance of work in those places.

ART. 22. Rags, waste paper, and the like, which have absorbed or have been soiled with oil, printing ink, or any substances of a like nature, shall be placed in fireproof containers provided for the purpose, or shall be disposed of in other suitable ways.

ART. 23. The workrooms in which explosive, combustible, or inflammable substances are manufactured or handled, or those in which 50 or more persons are regularly employed, shall be provided with two or more suitable exits to ensure that in the event of fire or other emergency the persons employed therein may have easy access to safe places.

In case where 10 or more persons are regularly employed on the first or higher floors, two or more staircases properly distributed and leading clearly to a safe place outside of the building shall be provided on each floor.

In case where 50 or more persons are regularly employed on the first or higher floors, the staircases mentioned in the preceding paragraph shall be required to fulfill the following conditions:

(1) The width of a stair shall be 7 sun* or more, and the rise shall be less than 7 sun.

(2) The staircase must be placed at an angle of less than 40 degrees from the floor.

(3) The staircase, in case it exceeds 12 shaku in height, shall be provided with a landing for every 12 shaku or less.

(4) The inside width of the stairs shall be at least 3.5 shaku.

(5) No circular turns shall be used in the stairway.

(6) Railings of a height at least 2.7 shaku shall be provided along the sides of the staircase.

(7) There shall be no obstacle lower than 5.7 shaku from each step.

The provisions mentioned in the three preceding paragraphs shall not apply in cases where they are unnecessary on account of the nature of the work, construction, equipment, etc., of the building, or in cases where regarding a building which was constructed before the coming into operation of this regulation, the conditions do not permit of their being done, provided that this is sanctioned by the local governor.

ART. 24. The local governor may issue any necessary order regarding the arrangement or construction of gangways, staircases, and exits of a workroom, to prepare for fire or other emergencies.

ART. 25. Exits provided under article 23, and those provided by order under the preceding article, and the gangways and staircases leading to these exits, which are not habitually used, shall be suitably indicated as such and shall be kept clear so as to enable persons to escape by them at any time.

ART. 26. In places in which gas, vapor, or dust is generated and causes harm to health or danger of explosion, its exhaustion, confinement, or some other suitable arrangement shall be provided to avoid such danger or harm.

* 1 sun = 1.196 inches.

ART. 27. Admittance except on business shall be prohibited to the following places, and notices to that effect shall be posted thereto:

(1) Places in which explosive, combustible, or inflammable substances are manufactured, handled, or stored.

(2) Places in which poisonous medicines or substances, or any other injurious substances are manufactured or handled.

(3) Places in which gas, vapor, or dust is generated and is injurious to health.

(4) Places in which substances of high temperature are handled in large quantities.

No person shall enter without permission the places to which admittance is prohibited under the preceding paragraph.

In respect of work carried on in places mentioned in the first paragraph of this article, the local governor may prohibit the undertaking of any other kind of work, or may order any other necessary measures.

ART. 28. Suitable protective equipment shall be provided for the use of workers engaged in work involving danger of attack from flying objects, such as in the case of grinding metals by machinery, or in the case of bottling beverages containing carbonic acid, in the case of the manufacture or handling of substances of high temperature, or poisonous medicines or substances, in work exposing them to harmful rays, in work in places where large quantities of dust, or injurious gas, vapor, or dust is generated, and in any other work which is dangerous or harmful to health.

Any worker employed in these works shall be required to use the protective equipment mentioned in the preceding paragraph.

ART. 29. In factories where gas, vapor, or dust which is harmful to health is generated, a proper dining place shall be provided for the use of workers concerned, provided that this rule shall not apply in cases where these workers do not take meals within the factory.

In factories in which poisonous medicines or substances or any other injurious substances are handled, or in which dust is generated in large quantities, or in any other factories in which the nature of the work soils the body, proper washing accommodation with the necessary appliances shall be provided.

In such factories mentioned in the two preceding paragraphs or in those in which substances of high temperature are handled, the local governor, if deemed necessary, may order the supply of drinking water, the establishment of a dining place, cloakrooms, gargling accommodation, or bathrooms.

ART. 30. When thread must be drawn through the shuttle of a weaving machine by suction, mechanical devices for performing this operation shall be provided.

No worker shall suck the threads with the lips through the shuttle.

ART. 31. The local governor, if deemed necessary for the purposes of safety or hygiene, may order the enlargement of the window space or the provision of lighting facilities, or such other arrangements as may be required in a factory or annexes thereof for the purpose of light and ventilation.

ART. 32. First-aid equipment and materials which are necessary for the immediate treatment of injured persons shall be provided in each factory, provided that this rule shall not apply in cases where there is no danger of injury arising from the nature of the work.

The place where first-aid equipment and materials are kept, and the method of their operation, shall be made known thoroughly to all employees.

ART. 33. The dining place, kitchen, and table ware shall be kept always clean.

No persons who are afflicted with the diseases mentioned in the first paragraph of article 8 of the departmental regulation for the enforcement of the factory act, shall be employed in dining places or kitchens.

ART. 34. A cloakroom and bathroom, separate in each case for men and women, shall be provided.

ART. 35. If the local governor holds that a factory, its annexes, or its equipment thereof is liable to be a source of accident or detrimental to health, moral welfare, or other public interests, he may order the occupier of such factory to take measures, other than those prescribed in the preceding sections, as may be necessary to prevent or remove such dangers.

ART. 36. Any person contravening the requirements of article 19 or who smokes or employs naked lights or fire without due cause in the places specified in article 21, shall be liable to a fine.

Appendix

This regulation shall come into operation on September 1, 1929.

The provisions of article 16, the first paragraph of article 28, and article 30, shall not apply for one year from the coming into operation of this regulation; the provisions of article 8, the first, second, and third paragraphs of article 23, the second paragraph of article 29, and article 34, shall not apply for one year from the coming into operation of this regulation to those factories or equipments constructed prior to its coming into force, and the provisions of article 2, the first paragraph of article 3; articles 4, 5, 6, 7, 10, 11, 12, 13, 15, 26, and the first paragraph of article 29, shall not apply for two years from the coming into operation of the regulation to those factories or equipments constructed prior to its coming into force.

Persons desirous of receiving permission as specified in the fourth paragraph of article 23 regarding factories established prior to the coming into operation of this regulation, shall apply for such permission within four months after the coming into operation of this regulation.

Appendix E.—Ordinance on Recruiting of Workers ¹REGULATION NO. 36 OF DEPARTMENT OF HOME AFFAIRS, DATED
DECEMBER 29, 1924

ARTICLE 1. "Recruiting employer" (*boshū-shu*) in this ordinance shall mean the person who will be the employer of the recruited worker, and "recruiting agent" (*boshū-jūjisha*) the person who undertakes the recruiting of workers either on account of the recruiting employer or in order to employ them on his own account.

ART. 2. This ordinance shall apply to the recruiting of factory operatives, miners, or navvies (*dokō-fu*) and other laborers, except in the following cases:

(i) When the person recruited does not need to change his residence in order to perform the work.

(ii) When recruits are procured simply by advertisement and the recruiting is conducted only at the place where the work is to be performed.

(iii) When the recruiting is conducted in accordance with the emigrant protection act.

ART. 3. The recruiting employer, prior to commencing the recruiting, shall submit to the local governor having jurisdiction over the place where the persons recruited are to perform work a particulars card (*shūgyō-annai*) or the draft contract of employment containing the following information:

(i) The name and address of the recruiting employer; in the case of a body corporate, its title, the address of its headquarters and the name of its representative.

(ii) The name and address of the place where the persons recruited are to perform work.

(iii) In the case of an undertaking of short duration, the date of the commencement and termination of the work.

(iv) The kind of work to be performed by the persons recruited.

(v) Particulars of working hours, rest periods, holidays, and night work.

(vi) Particulars of wages.

(vii) Particulars of sleeping quarters, boarding expenses, traveling expenses, etc.

(viii) Particulars of penalties (if any).

(ix) Particulars of the period of engagement and notice to leave.

(x) Particulars of compensation and relief in case of accident, sickness, or death.

If the recruiting employer has, in addition to the particulars card or draft contract of employment mentioned in the preceding paragraph, any other document for distribution in connection with the recruiting, it shall be submitted, and the provisions of the preceding paragraph shall apply, *mutatis mutandis*.

When any alteration is made in the particulars card or draft contract of employment or any other document submitted in accordance with the provisions of the two preceding paragraphs, it shall be reported without delay.

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 67. See also International Labor Office. Legislative Series, 1924, Jap. 3. Geneva.

ART. 4. A person who intends to undertake the recruiting of workers shall procure a permit from the local governor having jurisdiction over the place where he resides; for this purpose he shall submit the following information, together with two copies of his photograph and the signature of the recruiting employer in addition to his own:

(i) The name and address of the recruiting employer; in the case of a body corporate, its title, the address of its headquarters, and the name of its representative.

(ii) The domicile, residence, name, profession or trade, and date of birth of the recruiting agent.

(iii) Curriculum vitæ of the recruiting agent.

(iv) The recruiting period.

(v) The recruiting territory.

(vi) The name and address of the place where the persons recruited are to perform work, and the nature of the undertaking.

The recruiting period shall not be more than three years.

When a person who has received a permit in accordance with the provisions of the first paragraph intends to undertake recruiting on behalf of an additional recruiting employer, he shall apply for a permit in accordance with the provisions of the first paragraph; for this purpose he shall attach to the application an affidavit of the consent of the original recruiting employer.

ART. 5. When the governor has granted a permit in accordance with the provisions of the preceding article, he shall issue a recruiting agent's license in accordance with Form No. 1 [appended to original text].

When a recruiting agent destroys, loses, or damages his license, he shall apply for another.

When any change occurs in the particulars entered on the recruiting agent's license, the recruiting agent shall apply for the correction of such particulars without delay.

The applications mentioned in the two preceding paragraphs shall be made to the governor by whom the permit was granted, and two photographs of the recruiting agent shall be attached to the application.

ART. 6. The recruiting agent shall show his license when requested to do so either by the person recruited or by the applicant for engagement, or by the guardian of such persons.

ART. 7. In the following cases the recruiting employer shall without delay notify the governor by whom the permit mentioned in article 4 was granted:

(i) When the recruiting employer has given up his undertaking.

(ii) When the recruiting employer has relieved his recruiting agent of the commission for recruiting.

ART. 8. In the following cases the recruiting agent shall return his license without delay to the governor by whom the permit was granted:

(i) When he has ceased to undertake recruiting.

(ii) When the recruiting period has terminated.

(iii) When his permit has been canceled.

(iv) In any of the cases mentioned in the preceding article.

When a recruiting agent dies, the person required to make the report in virtue of article 117 of the census register act (*Koseki-Hô*) shall without delay submit a report to that effect to the governor by whom the permit was granted, attaching thereto the recruiting agent's license.

ART. 9. When the recruiting agent intends to commence the recruiting, he shall report the following particulars to the police authority within whose jurisdiction the place of recruiting is situated, attaching thereto the particulars card, draft contract of employment, and other documents to be distributed in connection with the recruiting, as provided in article 3:

(i) The name and address of the recruiting agent.

(ii) His place of residence during the recruiting and the address of his office (if any).

(iii) The recruiting period within the jurisdiction of the police authority concerned.

(iv) The number of workers of each sex whom it is intended to recruit within the jurisdiction of the police authority concerned.

(v) The assembling place of the persons recruited (if any).

If any alteration is made in any of the above items or in the documents attached to the report in accordance with the provisions of the preceding paragraph, it shall be reported without delay.

ART. 10. The recruiting agent shall give the particulars card, or the draft contract of employment mentioned in article 3, to every applicant for engagement, and shall courteously explain to him the import of it.

ART. 11. The recruiting agent shall make a list of the names of the persons recruited, in accordance with Form No. 2, and shall either carry it about during the recruiting or keep it at his residence or office as reported in accordance with the provisions of article 9.

ART. 12. The recruiting agent shall not:

(i) Cede or lend his license to others, or commission others to undertake recruiting.

(ii) Conceal facts, make exaggerated or false statements, or resort to illegal measures in connection with recruiting.

(iii) Force engagement upon any person.

(iv) Commit acts which are prejudicial to morality against any woman who is recruited or is a candidate for engagement.

(v) Entice or cause to become intoxicated any person who is recruited or is a candidate for engagement.

(vi) Unreasonably prevent any person who is recruited from going out or communicating with or seeing other people, or otherwise restrict the liberty of a recruited person or maltreat him.

(vii) Unreasonably demand custody of the property of a recruited person, or refuse to return his property after having had custody of it.

(viii) Refer a recruited person to any other employer than the recruiting employer mentioned in the recruiting agent's license.

(ix) Receive money or goods on any pretext whatever, as fees, recompense, etc., from a recruited person or a person in charge of a recruited person.

(x) Conceal the whereabouts of a recruited person or make a false statement concerning the same when questioned by any official concerned, or by the person in charge of the said recruited person.

ART. 13. A recruiting agent shall not recruit a minor, a person adjudged incompetent or a quasi-incompetent person without the consent of his legal representative, guardian or trustee, nor a wife without the consent of her husband. Nevertheless, if such consent can not be obtained owing to unavoidable circumstances, this rule shall not apply when the consent of the person in charge of the person concerned has been obtained.

ART. 14. When a recruiting agent intends to depart, taking with him the recruited persons, he shall submit a report containing the following information to the police authority within whose jurisdiction the recruiting place is located, at least three days prior to his departure:

(i) The names, addresses, and dates of birth of the recruited persons.

(ii) A schedule of the journey from the time of departure to that of arrival at the place where the work is to be performed.

If any change in the preceding particulars takes place, it shall be reported without delay.

ART. 15. When a recruiting agent intends to spend the night with recruited persons elsewhere than on a train, steamer or other means of transportation, he shall give notice in advance of the following particulars to the police authority within whose jurisdiction the place of overnight sojourn is situated:

(i) The place of overnight sojourn.

(ii) The number of recruited persons of each sex.

(iii) The day and hour of arrival at and departure from the place of overnight sojourn.

ART. 16. In any of the following cases, when the recruited person so requests, the necessary measures for returning him to his home shall be taken, by the recruiting agent if the request is made before the arrival of the recruited person at the place where work is to be performed and by the recruiting employer if it is made after his arrival:

(i) When the facts differ considerably from the entries either on the particulars card or in the draft contract of employment.

(ii) When either the recruiting employer, the recruiting agent, or the superintendent of the place where the work is performed has maltreated or insulted the recruited person.

(iii) When the recruited person is refused engagement after a test or a physical examination or for the convenience of the recruiting employer.

(iv) When it has become necessary for the recruited person to return home owing to reasons beyond his own control.

ART. 17. Any official concerned may order a recruiting agent to produce his license, the list of names of recruited persons, and other documents in connection with the recruiting.

ART. 18. When the governor who has granted the permit considers the recruiting agent unsuitable, he may cancel the permit granted to him.

When the governor within whose jurisdiction the recruiting is taking place considers the recruiting agent unsuitable, he may order him to cease recruiting.

ART. 19. The recruiting employer shall make a report concerning the recruiting of workers, in accordance with Form No. 3, covering the period from January 1 to December 31, inclusive, to the local governor having jurisdiction over the place where the persons recruited are to perform work, not later than February 15 of the following year.

ART. 20. A recruiting employer or recruiting agent shall be punished either by detention or by a fine if he commits any of the following actions:

(i) If he enters false particulars on the particulars card or in the draft contract of employment or other documents for distribution in connection with recruiting which are submitted in accordance with the provisions of article 3.

(ii) If he distributes in connection with recruiting a particulars card, draft contract of employment or any other document which has not been submitted in accordance with the provisions of article 3.

(iii) If he contravenes the provisions of article 3, paragraph 3 of article 5, or articles 7, 9-16, or 19.

(iv) If he fails to make the requisite entries in the register of recruited persons or records false information in it.

(v) If he disobeys the order mentioned in article 17.

(vi) If he conducts recruiting during the suspension of recruiting prescribed in paragraph 2 of article 18.

ART. 21. A person who conducts or causes others to conduct the recruiting of workers without procuring the permit mentioned in article 7, or beyond the scope of the entries on the recruiting agent's license, shall be punished by detention or a fine.

ART. 22. For the purposes of this ordinance, the factory manager mentioned in article 18 of the factory act,² or the mining agent (*Kōgyō-Dairi-Nin*) mentioned in article 54 of the detailed regulations for the administration of the mining act, shall be deemed to be the recruiting employer. Nevertheless, this shall not apply to the entry of the particulars mentioned in paragraph 1, item 1, of article 3, paragraph 1 of article 4 and Form No. 1.

ART. 23. If the recruiting employer is either a minor or a person adjudged incompetent, without the same legal capacity as an adult in respect of the conduct of the business, or if the recruiting employer is a body corporate, the penalties provided in this ordinance shall apply to the legally appointed agent or to the representative of the body corporate as the case may be.

ART. 24. If a contravention of the provisions of this ordinance respecting the recruiting employer is committed by such employer's agent, the head of his household, a member of his family, an inmate of his household, one of his employees or any other person engaged in his business, the recruiting employer shall not be exempt from the penalty on the ground that the contravention was not committed by his order.

Supplementary provisions

ART. 25. This ordinance shall come into operation on March 1, 1925.

ART. 26. In Tokyo Prefecture, "governor" for the purposes of this ordinance shall mean the inspector general of the metropolitan police.

In the case of mines and alluvial workings, "the local governor having jurisdiction over the place where the persons recruited are to perform work," as mentioned in articles 3 and 19, shall mean the chief of the mines inspection bureau having jurisdiction over the place where the work is performed.

ART. 27. If the place where the recruited person performs the work or the residence of the recruiting agent is outside the territory where this ordinance is enforceable, the reports to be made in accordance with the provisions of articles 3 and 19 and the application for the permit mentioned in article 4 shall be made to the local governor having the jurisdiction over the main place of recruiting

² See ante, p. 74.

ART. 28. Every person who, at the time when this ordinance comes into operation, has already received a permit to conduct recruiting, in the form of a prefectural order concerning the control of the recruiting of workers, shall be deemed to have received the permit mentioned in article 4 of this ordinance for a period of two months, operative only within the jurisdiction of the governor who has given the said permit.

Appendix

Form No. 1: Recruiting agent's license (art. 5).

Form No. 2: Register of persons recruited (art. 11).

Form No. 3: Recruiting employer's report on recruiting of workers (art. 19)

Appendix F.—Departmental Regulation on Dormitories Attached to Factories ¹

REGULATION NO. 26 OF DEPARTMENT OF HOME AFFAIRS, DATED
APRIL 6, 1927 (AS AMENDED AUGUST 23, 1929, BY REGULATION
NO. 36 OF DEPARTMENT OF HOME AFFAIRS)

ARTICLE 1. This regulation shall apply to dormitories attached to factories coming under article 1 of the factory act.

ART. 2. Sleeping rooms shall be accommodated in a building separated from any of the workshops specified below, in order to avoid danger to health or public safety, provided that this requirement may be exempted by sanction of the local governor (in the case of Tokyo Prefecture the local governor shall always be the inspector general of the metropolitan police) in cases where equipment for removing, preventing, or escaping from danger, is provided:

(1) Workshops where explosives, combustibles, or inflammable substances or large quantities of ignitable substances are handled.

(2) Workshops where cupola furnaces are used.

(3) Workshops where gas, vapor, or dust is generated and is harmful to health.

If the local governor holds that the sleeping rooms mentioned in the preceding paragraph are liable to cause danger to public safety or are detrimental to the health of persons accommodated therein, he may order the provision of equipment for removing, preventing or escaping from such danger, and if necessary, the suspension of the use of the whole or part of such rooms.

ART. 3. No sleeping rooms shall be constructed on the second or higher floors,² except in cases where the exterior walls, floors, roofs, staircases, and pillars of the building are constructed of fireproof material, in conformity with the requirements specified in article 1 of the departmental regulation for the enforcement of the act concerning the construction of buildings in cities, or by the sanction of the local governor in respect of dormitories existing at the time of the coming into force of this regulation.

ART. 3 (II). In cases where 15 or more workers (workers shall always include apprentices) are regularly accommodated on the first or higher floors,³ two or more staircases properly distributed and leading clearly to a safe place outside of the building shall be provided on each floor, except in cases where dormitories in which less than 50 workers are regularly accommodated on the first or higher floors are provided with slopes [inclines] or other suitable safety equipment which have been sanctioned by the local governor.

In cases where 50 or more workers are regularly accommodated on the first or higher floors³ the staircases mentioned in the preceding paragraph shall be required to fulfill the following conditions, provided that the requirement provided in items 5 and 8 shall not apply to staircases constructed on the exterior walls of the building:

(1) The width of a stair shall be 7 sun or more, and the rise shall be less than 7 sun.

(2) The staircase must be placed at an angle of less than 40° from the floor.

(3) The staircase, in case it exceeds 12 shaku in height, shall be provided with a landing for every 12 shaku or less.

¹ Japan. Bureau of Social Affairs. Labor Protection Laws in Japan. Tokyo, 1930, p. 56. See also International Labor Office. Legislative Series, 1923, Jap. 1. Geneva.

² Ground floor is not counted as a story.

- (4) The length of the landing shall be 3.5 shaku or more.
- (5) The staircase shall be boarded at its back.
- (6) No circular turns shall be used in the stairway.
- (7) Railings of a height of at least 2.7 shaku shall be provided along the sides of the staircase.
- (8) The inside width of the stair shall be at least 3.5 shaku.
- (9) There shall be no obstacle lower than 5.7 shaku from each step.

The provisions mentioned in the two preceding paragraphs shall not apply in cases where conditions do not permit of their being carried out regarding a building erected before the coming into operation of this regulation, to which the sanction of the local governor has been given.

ART. 3 (III). Staircases and gangways and exits leading to staircases, which are not habitually used, shall be suitably indicated as such and shall be kept clear so as to enable persons to escape by them at any time.

ART. 4. Doors leading from the corridors of dormitories into the outer air shall either open outwards or be sliding doors.

Dormitories shall be so arranged as to enable persons accommodated therein to pass out easily into safety.

ART. 5. The ceilings of sleeping rooms, dining rooms, sick rooms, and other rooms intended for the accommodation of workers, shall be at least 7 shaku in height, except in respect of dormitories existing at the time of the coming into operation of this regulation, and sanctioned by the local governor.

ART. 6. Ceilings in sleeping rooms and sick rooms shall be so constructed that no framework of the roofs shall be uncovered, except by sanction of the local governor in respect of dormitories in existence at the time of the coming into operation of this regulation and the roof framework of which is uncovered for the purpose of keeping away rats.

ART. 7. The windows of sleeping rooms or sick rooms opening on the outer air shall be furnished at least with wooden sliding doors and paper sliding doors or else glass sliding doors with curtains. The same shall apply to the windows of corridors opening on the outer air in cases where no doors, paper sliding doors, walls or any other partitions of similar nature, separating sleeping rooms or sick rooms from corridors, are furnished.

In cases where only paper sliding doors separating sleeping rooms or sick rooms from corridors are furnished, the windows of the corridors opening on the outer air shall be furnished with either wooden sliding doors or glass sliding doors.

ART. 8. Earth floors (excepting stone paved floors and cement faced floors) shall not be allowed in dining rooms and kitchens.

ART. 9. In any sleeping room an area of at least 0.75 tsubo* (exclusive of the area occupied by wardrobes and alcoves) shall be allowed to each person accommodated therein, except by sanction of the local governor in the case of temporary necessity.

ART. 10. More than 16 persons shall not be accommodated in one sleeping room, except by the sanction of the local governor in respect of dormitories which are in existence at the time of the coming into operation of this regulation, and the construction of which is such as to make it unsuitable to partition off the rooms into smaller ones.

A notice shall be posted at the entrance of the sleeping room, stating the names of persons accommodated therein and the accommodating capacity of the room.

ART. 11. The same sleeping room shall not be shared by two or more groups of workers whose time of retiring differs owing to their employment on shifts, except with the sanction of the local governor in cases where no young persons under 16 years of age and women are accommodated.

ART. 12. Dormitories shall be provided with the necessary bedding for the workers accommodated therein, enabling each person to have the exclusive use of such bedding.

At least the one end of the quilt shall be covered with a white cloth, and sheets shall also be provided.

Bedding shall always be kept clean and shall occasionally be aired in the sun, and the white cloth covering the ends of the quilt and the sheets shall occasionally be washed.

ART. 13. Dining rooms shall be furnished with necessary benches or chairs, except in cases where diners sit on mats to take their meals.

* 1 tsubo=3.95369 square yards.

ART. 14. Tableware used in dormitories shall always be kept clean and shall occasionally be disinfected.

ART. 15. No persons who are afflicted with any of the diseases mentioned in the first paragraph of article 8 of the departmental regulation for the enforcement of the factory act,⁴ shall be employed in dormitories.

ART. 16. Workers accommodated in dormitories and persons employed therein shall undergo medical examination at least twice a year.

The record of the results of the medical examination mentioned in the preceding paragraph shall be kept for three years from the time of such examination.

ART. 17. A proper number of spittoons containing liquid shall be distributed in dormitories.

Used spittoons shall not be emptied until their contents have been disinfected.

No spitting shall be allowed in dormitories except into the spittoons.

ART. 18. No towels for public use shall be provided in dormitories.

No healthy persons shall be allowed to use a washbowl used by persons afflicted with trachoma.

Running water for washing purposes shall be provided in dormitories.

ART. 19. The bedding and other articles used by persons afflicted with the diseases enumerated in items 2, 3, 4, and 5 of the first paragraph of article 8 of the departmental regulation for the enforcement of the factory act (excepting epidemic cerebrospinal meningitis) shall not be allowed to be used by other persons unless disinfected. The same shall apply to sleeping rooms occupied by persons afflicted with the diseases enumerated in item 2 of the first paragraph of the same article.

Disinfection, to be performed in compliance with the requirements provided in the preceding paragraph and in the second paragraph of article 17 of this regulation, shall be performed by methods prescribed in chapter 5⁵ of the departmental regulation for the enforcement of the act concerning the prevention of infectious diseases, provided that a solution of carbonic acid and hydrochloric acid (a solution of carbonic acid prepared for use at the time of the prevention of epidemics 5 per cent, hydrochloric acid 1 per cent, and water 94 per cent) shall be used in cases where medical substances are used for the disinfection of spittoons.

ART. 20. Properly constructed and furnished lavatories and washing basins shall be provided in dormitories in sufficient number in proportion to the number of workers accommodated.

If the local governor considers that the lavatories or washing facilities mentioned in the preceding paragraph are improper or insufficient in number, he may order their alteration or increase in number within a definite period of time specified by him.

ART. 21. If rules have been drawn up concerning the supervision of dormitories, such rules shall without delay be notified to the local governor.

The local governor may, if necessary, order the alteration of the rules mentioned in the preceding paragraph.

ART. 22. This regulation and the rules concerning the supervision of dormitories shall be posted up in a conspicuous place.

ART. 23. The provisions of articles 2, 3, the first paragraph of article 4, articles 5, 6, 8, 10, 11, and 16 of this regulation, shall not apply to dormitories where less than 10 workers are regularly accommodated.

Appendix

This regulation shall come into operation on July 1, 1927.

The provisions of articles 4 and 13 shall not apply for one year; the provisions of articles 2, 7, 8, and 12 shall not apply for two years; and the provisions of articles 6, 9, 10, and 11 shall not apply for three years, from the coming into operation of this regulation.

The application for sanction of the local governor in accordance with articles 3 or 5 shall be made within two months from the date on which this regulation comes into operation.

⁴ See ante, p. 83.

⁵ This section deals with the measures to be taken by the authorities (notices, medical investigations) whenever they become aware of a case of epidemic disease.

Supplementary provisions to Regulation No. 36

This regulation shall come into operation on September 1, 1929.

The provisions of article 3 (II) shall not apply for two years from the coming into operation of this regulation.

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The following are the chief books, reports, and documents (official and unofficial) used in the preparation of this study, with indications, in a few instances, of other source material. These are arranged in two lists: (1) Materials available only in the Japanese language, though sometimes published with English titles as is the case with important articles in the *Kyocho-Kai* monthly (Social Reform); (2) materials available in English translation or only in the English language.

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