

UNITED STATES DEPARTMENT OF LABOR

FRANCES PERKINS, *Secretary*

BUREAU OF LABOR STATISTICS

ISADOR LUBIN, *Commissioner*

BULLETIN OF THE UNITED STATES }
BUREAU OF LABOR STATISTICS } **No. 609**

MISCELLANEOUS SERIES

**DISCUSSIONS OF LABOR LAWS
AND THEIR ADMINISTRATION**

AT THE

**1933 CONVENTION OF THE ASSOCIATION OF
GOVERNMENTAL OFFICIALS IN INDUSTRY
OF THE UNITED STATES AND CANADA
CHICAGO, ILL.**



UNITED STATES
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OFFICERS, 1932-33

President.—E. B. Patton, New York, N.Y.
First vice president.—T. E. Whitaker, Atlanta, Ga.
Second vice president.—A. W. Crawford, Toronto, Ontario.
Third vice president.—Edward F. Seiller, Louisville, Ky.
Fourth vice president.—(Vacancy.)
Fifth vice president.—Gerard Tremblay, Quebec.
Secretary-treasurer.—Maud Swett, Milwaukee, Wis.

CONSTITUTION

Adopted at Chicago, Ill., May 20, 1924; amended August 15, 1925; June 3, 1927;
May 24, 1928; May 23, 1930; September 15, 1933.

ARTICLE I

SECTION 1. *Name.*—This organization shall be known as the International Association of Governmental Labor Officials.

ARTICLE II

SECTION 1. *Objects.*—To encourage the cooperation of all branches of Federal, State, and Provincial Governments who are charged with the administration of laws and regulations for the protection of women and children, and the safety and welfare of all workers in industry; to maintain and promote the best possible standards of law enforcement and administrative method; to act as a medium for the interchange of information for and by the members of the association in all matters pertaining to the general welfare of men, women, and young workers in industry; to aid in securing the best possible education for minors which will enable them to adequately meet the constantly changing industrial and social changes; to promote the enactment of legislation that conforms to and deals with the ever-recurring changes that take place in industry, and in rendering more harmonious relations in industry between employers and employees; to assist in providing greater and better safeguards to life and limb of industrial workers, and to cooperate with other agencies in making the best and safest use of property devoted to industrial purposes; to secure by means of educational methods a greater degree of interstate and interprovincial uniformity in the enforcement of labor laws and regulations; to assist in the establishment of standards of industrial safety that will give adequate protection to workers; to encourage Federal, State, and provincial labor departments to cooperate in compiling and disseminating statistics dealing with employment, unemployment, earnings, hours of labor, and other matters of interest to industrial workers and of importance to the welfare of women and children; to collaborate and cooperate with associations of employers and associations of employees in order that all of these matters may be given the most adequate consideration; and to promote national prosperity and international good will by correlating as far as possible the activities of the members of this association.

ARTICLE III

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

(a) Members of the United States Department of Labor, United States Bureau of Mines, and the Department of Labor of the Dominion of Canada;

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such representatives of the bureaus or departments of the United States or Canada being restricted by law from paying dues into this association may be members with all privileges.

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

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

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

SEC. 3. *Associate membership.*—Any individual, organization, or corporation interested in and working along the lines of the object of this association may become an associate member of this association by the unanimous vote of the executive board.

ARTICLE IV

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

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

SEC. 3. The officers shall be elected from representatives of the active membership of the association.

ARTICLE V

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

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

SEC. 3. The secretary-treasurer shall have charge of all books, papers, records, and other documents of the association; shall receive and have charge of all dues and other moneys; shall keep a full and complete record of all receipts and disbursements; shall keep the minutes of all meetings of the association and the executive board; shall conduct all correspondence pertaining to the office; shall compile statistics and other data as may be required for the use of the members of the association; and shall perform such other duties as may be directed by the convention or the executive board. The secretary-treasurer shall present a detailed written report of receipts and expenditures to the convention; shall pay out no money until a voucher has been issued and signed by the president. The secretary-treasurer shall publish the proceedings of the convention as promptly as possible, the issue to consist of such numbers of copies as the executive board may direct. The secretary-treasurer shall receive such salary as the executive board may decide, but not less than \$300 per year.

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

ARTICLE VI

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

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

SEC. 2. The annual fee of individual associate members shall be \$2.

ARTICLE VII

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

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

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

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

ARTICLE VIII

SECTION 1. *Meetings.*—The association shall meet at least once annually at such time and place as the executive board may decide unless otherwise ordered by the convention.

ARTICLE IX

SECTION 1. *Program.*—The program committee shall consist of the president, the secretary-treasurer, and the head of the department of the State or Province within which the convention is to be held, and they shall prepare and publish the convention programs of the association as far in advance of the meeting as possible.

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

ARTICLE X

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

ARTICLE XI

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

ARTICLE XII

SECTION 1. *Order of business*—

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

DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY ¹

ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR

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

INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS

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

¹ Known as Association of Governmental Labor Officials, 1914-27.

**JOINT MEETING OF THE ASSOCIATION OF CHIEFS AND OFFICIALS OF
BUREAU OF LABOR AND INTERNATIONAL ASSOCIATION OF FACTORY
INSPECTORS**

No.	Date	Convention held at—	President	Secretary-treasurer
24	August 1910.....	Hendersonville, N.C., and Columbia, S.C.	J. Ellery Hudson.....	E. J. Watson.
25	September 1911.....	Lincoln, Nebr.....	Louis Guyon.....	W. W. Williams.
26	September 1912.....	Washington, D.C.....	Edgar T. Davies.....	Do.
27	May 1913.....	Chicago, Ill.....	A. L. Garrett.....	W. L. Mitchell.

ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY ¹

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

No.	Date	Convention held at—	President	Secretary-treasurer
1	June 1914.....	Nashville, Tenn.....	Barney Cohen.....	W. L. Mitchell.
2	June-July 1915.....	Detroit, Mich.....	do.....	John T. Fitzpatrick.
3	July 1916.....	Buffalo, N. Y.....	James V. Cunningham.....	Do.
4	September 1917.....	Asheville, N. C.....	Oscar Nelson.....	Do.
5	June 1918.....	Des Moines, Iowa.....	Edwin Mulready.....	Linna E. Bresette.
6	June 1919.....	Madison, Wis.....	C. H. Younger.....	Do.
7	July 1920.....	Seattle, Wash.....	Geo. P. Hambrecht.....	Do.
8	May 1921.....	New Orleans, La.....	Frank E. Hoffman.....	Do.
9	May 1922.....	Harrisburg, Pa.....	Frank E. Wood.....	Do.
10	May 1923.....	Richmond, Va.....	C. B. Connelley.....	Louise E. Schutz.
11	May 1924.....	Chicago, Ill.....	John Hopkins Hall, Jr.....	Do.
12	August 1925.....	Salt Lake City, Utah.....	George B. Arnold.....	Do.
13	June 1926.....	Columbus, Ohio.....	H. R. Witter.....	Do.
14	May-June 1927.....	Paterson, N. J.....	John S. B. Davie.....	Do.
15	May 1928.....	New Orleans, La.....	{ H. M. Stanley ² Andrew F. McBride ³ }	Do.
16	June 1929.....	Toronto, Canada.....	{ Andrew F. McBride ³ Maud Swett }	Do.
17	May 1930.....	Louisville, Ky.....	Maud Swett.....	
18	May 1931.....	Boston, Mass.....	{ John H. H. Ballantyne ⁴ W. A. Rooksbery }	Do.
19	September 1933 ⁵	Chicago, Ill.....	E. B. Patton.....	Maud Swett.

¹ Known as Association of Governmental Labor Officials, 1914-27.

² Mr. Stanley resigned in March 1928.

³ Doctor McBride resigned in March 1929.

⁴ Mr. Ballantyne resigned in January 1931.

⁵ No convention was held in 1932, but a meeting of the executive committee and other members was held in Buffalo in June 1932 to discuss matters of interest to the association. See p. 2.

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PROCEEDINGS OF THE NINETEENTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUS- TRY OF THE UNITED STATES AND CANADA, CHICAGO, ILL., SEPTEMBER 14 AND 15, 1933

THURSDAY, SEPTEMBER 14—MORNING SESSION

Chairman, **E. B. Patton**, president Association of Governmental Officials in Industry

BUSINESS SESSION

The nineteenth annual convention of the Association of Governmental Officials in Industry of the United States and Canada opened Thursday morning, September 14, 1933, at the Congress Hotel, Chicago, and was called to order by the president.

The following committees were appointed by the president:

Committee on officers' reports.—E. F. Seiller, of Kentucky, chairman; Martin Durkin, of Illinois; Miss Helen Wood, of Connecticut; and C. F. Sharkey, of Washington, D.C.

Committee on resolutions.—A. W. Crawford, of Ontario, chairman; T. E. Whitaker, of Georgia; Mrs. Mabel Kinney, of California; Miss Frieda S. Miller, of New York; and Miss Ethel Johnson, of New Hampshire.

Committee on constitution and bylaws.—Lelfur Magnusson, Washington, D.C., chairman; Hal M. Stanley, of Georgia; and Gerard Tremblay, of Quebec.

The report of the secretary-treasurer was then read.

REPORT OF SECRETARY-TREASURER

On October 14, 1931, Miss Louise Schutz, director of the division of women and children of the Industrial Commission of Minnesota, resigned as secretary-treasurer of the association as she was no longer with the Industrial Commission in Minnesota. However, she continued to perform the duties of secretary-treasurer until Miss Maud Swett, field director woman and child labor, Industrial Commission of Wisconsin, was chosen to fill her place by the executive board.

On December 1, Gen. E. Leroy Sweetser resigned as commissioner of labor of Massachusetts and, as provided by the constitution, Dr. E. B. Patton, director division of statistics and information, Department of Labor of New York, automatically succeeded to the presidency. This left a vacancy on the executive board, which was filled by the board unanimously choosing Mr. Gerard Tremblay, deputy minister Department of Labor of Quebec, fifth vice president.

Letters were sent to the various members of the association on February 21, 1932, enclosing statements regarding dues to the association for the year ending June 30, 1932.

On April 14, 1932, letters were sent out announcing that the 1932 convention would be held in Buffalo, N.Y., June 6-9, inclusive. On account of the prevailing financial depression becoming more serious the executive board deemed it unwise to hold a regular session for 1932, but decided that it would be worth while for the members of the executive board and such other members as could meet with them to assemble on June 3, 1932, to consider problems confronting the A.G.O.I.

Letters were sent out on May 20 informing the members of this decision of the executive board and suggesting topics for consideration at the meeting on June 3. A copy of the minutes of that meeting is included in this report. At this meeting a draft memorandum prepared by Mr. Leifur Magnusson, International Labor Organization, was presented and discussed and adopted by those present after some revision. A copy of this memorandum is attached to this report.

Through the kindness of the United States Bureau of Labor Statistics the memorandum was published in its Monthly Labor Review in February 1933. It was also published by the bureau as a reprint so that copies might be distributed to the members of the association.

Letters were sent out again in 1933 to the members of the association and others interested announcing that the 1933 convention would be held in Chicago, September 14-16, and requesting dues to the association for the year ending June 30, 1933.

On account of limited budgets some States have not been able to meet dues as formerly, while on the other hand some States have paid dues this year which have not paid for a number of years.

On August 16 letters were sent to the members of the association calling attention again to the dates of the convention and giving information in regard to the subjects covered by the program.

On account of unavoidable delays in arranging the program it was not possible to get it printed and mailed before September 9.

Respectfully submitted,

MAUD SWETT, *Secretary-Treasurer.*

MINUTES OF MEETING OF EXECUTIVE BOARD AND OTHER MEMBERS OF THE A.G.O.I.,
BUFFALO, N.Y., JUNE 3, 1932

The following officers and members of the association were present :

E. B. Patton, director division of statistics and information, Department of Labor of New York, president.

A. W. Crawford, deputy minister of labor, Ontario, second vice president.

Edward F. Seiller, chief labor inspector, Department of Agriculture and Labor of Kentucky, third vice president.

Mrs. Isabelle Summers, director bureau of women and children, Department of Labor of New Jersey, fourth vice president.

Miss Maud Swett, field director woman and child labor, Wisconsin Industrial Commission.

H. C. Hudson, general superintendent Ontario Government Employment Offices.

Miss Mary Anderson, director Women's Bureau, United States Department of Labor.

Mrs. Clara M. Beyer, director industrial division United States Children's Bureau.

Joseph M. Tone, commissioner of labor, Connecticut.

Leifur Magnusson, representative International Labor Office.

E. B. Patton, president Association of Governmental Officials in Industry, presided.

Dr. Patton stated the purposes of the meeting and the reasons for postponing the 1932 convention.

There was a discussion led by Mr. Hudson and Mr. Seiller on the advisability of the amalgamation of the Association of Governmental Officials in Industry with the International Association of Public Employment Services. The discussion brought out that amalgamation of the two associations might not be desirable, but that in lieu of the amalgamation it might strengthen both associations and make for better programs if the two associations met at the same place but not simultaneously; instead, have one convention follow promptly after the other, with one day, or part of the day, given over to a joint program.

A motion was made by Mr. Seiller that the 1933 convention of the Association of Governmental Officials in Industry meet at a time and place to be designated by the executive board. Motion carried.

As the constitution provides that a vacancy on the executive board may be filled by the executive board, the question of filling the vacancy in the office of fifth vice president was considered. Mr. Crawford stated that Canada would like to have another representative on the board. As Quebec has shown considerable interest in the affairs of the association, even though it has not always been possible for a representative from Quebec to attend the meetings, Mr. Crawford was requested to send the name of the new deputy minister of labor to the president of the association. After receipt of this name the secretary was instructed to put the matter to a vote, by correspondence, of the members of the executive board.

A motion was made that Miss Louise Schutz who had served as secretary-treasurer of the association from 1923 to 1932, be elected as an honorary life member of the association. The motion was carried unanimously.

Dr. Patton presented the request of Mr. W. H. Cameron, managing director of the National Safety Council, for an indication of opinion as to a permanent section to be known as "Government Relations" in the National Safety Council, and also whether such permanent section in the council would conflict with the Association of Governmental Officials in Industry. After a discussion of Mr. Cameron's request, Dr. Patton was directed to reply that such permanent section in the council will not conflict with the Association of Governmental Officials in Industry activities, but that the Association of Governmental Officials in Industry does not care to advise the council in the matter.

Mr. Magnusson had prepared a draft memorandum summarizing the principles, policies, etc., of the Association of Governmental Officials in Industry, with some recommendations for future policies and actions. The summary was carefully considered and discussed and, with some revisions, was approved by those present, and this memorandum is to be sent by the secretary to the members of the association. The memorandum provided for a number of committees whose purpose will be to further the interests of the association. These committees are as follows:

1. Committee for conference with the Departments of Labor of the United States and Canada on the question of bringing about a closer contact of the association with the Federal Departments of Labor. Mr. Crawford and Mr. Magnusson were appointed to serve on this committee, Mr. Magnusson to confer with the United States Department of Labor, and Mr. Crawford to confer with the Federal Department of Labor of Canada.

2. Committee to arrange for the meeting of the Association of Governmental Officials in Industry in cooperation with the International Association of Public Employment Services and/or the International Association of Industrial Accident Boards and Commissions. Mr. Hudson, of Ontario, and Dr. Patton, of New York, were appointed to serve on this committee.

3. Committee to enlarge membership of the Association of Governmental Officials in Industry. The following persons were designated to serve on this committee: Mr. Seiller, Mr. Rooksbery, Mrs. Summers, Mrs. Beyer, Miss Anderson. The president requested that the names of other persons who would be of service to this committee be submitted to him.

4. Uniform labor laws. The president to designate the members to serve on the following committees: Child labor; unemployment insurance; minimum wage; old-age pensions; and women in industry.

It was suggested that, as Mr. Crawford was more familiar with the personnel of the various departments of labor in Canada, he name the Canadian members to serve on committees 3 and committee 4.

On motion, the meeting adjourned.

COMMITTEES APPOINTED FOLLOWING BUFFALO MEETING, JUNE 3, 1932

Committee on Conference with Federal Departments of Labor of United States and Canada

Purpose.—To bring about a closer contact of the A.G.O.I. with the Federal departments.

Members.—A. W. Crawford, deputy minister, Department of Labor of Ontario; Leifur Magnusson, representative International Labor Office, Washington, D.C.

Committee on Meeting of A.G.O.I. with I.A.P.E.S. and/or I.A.I.A.B.C.

Purpose.—To arrange for meeting in cooperation with above association.

Members.—H. C. Hudson, general superintendent of employment services, Ontario; E. B. Patton, director division of statistics and information, Department of Labor of New York.

Committee on Membership

Purpose.—To enlarge the membership of the association.

Members.—Frank J. Plant, chief labor intelligence branch, Department of Labor of Canada; ¹H. C. Hudson, general superintendent of employment services, Ontario; E. W. Seiller, chief labor inspector, Department of Labor of Kentucky; W. A. Rooksbery, commissioner Bureau of Labor and Statistics of Arkansas; Mrs. Isabelle M. Summers, director of bureau of women and children, Department of Labor of New Jersey; Miss Mary Anderson, Director of Women's Bureau, United States Department of Labor; Mrs. Clara M. Beyer, Children's Bureau, United States Department of Labor.

Committees on Uniform Labor Laws

Child labor.—Mrs. Clara M. Beyer, Children's Bureau, United States Department of Labor, chairman; Miss Margaret MacIntosh, Department of Labor of Canada; Miss Beatrice McConnell, director bureau of women and children, Department of Labor and Industry of Pennsylvania; Miss Ella Ketchin, chief labor inspector Child Welfare Department of Alabama; Leifur Magnusson, representative International Labor Office, Washington, D.C.; Joseph M. Tone, commissioner of labor of Connecticut; Miss Maud Swett, field director woman and child labor, Industrial Commission of Wisconsin.

Women in industry.—Miss Mary Anderson, Director Women's Bureau, United States Department of Labor, chairman; Miss Frieda S. Miller, director division of women in industry, Department of Labor of New York; Mrs. Isabelle M. Summers, director bureau of women and children, Department of Labor of New Jersey; Miss Florence A. Burton, director bureau of women and children, Industrial Commission of Minnesota; Miss Margaret MacIntosh, Department of Labor of Canada; Miss Mary E. Meehan, assistant commissioner Department of Labor and Industries of Massachusetts.

Old-age pensions.—Alphonse Lessard, director Provincial Bureau of Health, Quebec; Adam Bell, deputy minister of labor of British Columbia.

Unemployment insurance.—A. J. Altmeyer, secretary Industrial Commission of Wisconsin; Gerald Brown, Assistant Deputy Minister of Labor of Canada; Gerard Tremblay, deputy minister of labor of Quebec.

Minimum wage.—E. S. Smith, commissioner of labor of Massachusetts, chairman; Miss Florence A. Burton, director bureau of women and children, Industrial Commission of Minnesota; H. G. Fester, Minimum Wage Board of Ontario; Dr. Eveline M. Burns, Columbia University; Miss Helen Wood, industrial investigator Department of Labor and Factory Inspection of Connecticut; Mrs. Mabel E. Kinney, chief division of industrial welfare, Department of Industrial Relations of California.

¹ Deceased.

DRAFT MEMORANDUM RE ASSOCIATION OF GOVERNMENTAL OFFICIALS IN INDUSTRY OF THE UNITED STATES AND CANADA

To the Members of the Association of Governmental Officials in Industry of the United States and Canada:

Believing that the preservation and strengthening of the Association of Governmental Officials in Industry of the United States and Canada is a worthwhile project necessitated by reason of the social and economic situation in the United States and Canada, the executive board of that body, and such other members whose signatures appear below, have united in drafting the following statement of principles and motivation for the more effective functioning of that body. The existence of this body since 1883 is evidence of need of an organization of this kind. There has been, however, a lack of coherent programs and of well-considered motivation of purposes. It is believed that insufficient understanding of the association and its principles accounts for a lack of interest on the part of many State and Provincial labor administrations, and that a restatement of principles and purposes, and the formulation of new methods of organization and practical operation, may help toward a better and necessary understanding of the aims of the association.

I. Principles and Policies

Acting in the interests of the wage earners and producers in the different States and Provinces the association sets as its practical objective for every State and Province what the most progressive and enlightened States and Provinces set as the standard for wage earners and producers. It believes that labor should enjoy fair and humane conditions of work, that the workers should be protected in their right to combine and associate for all lawful purposes, and should be consulted on measures affecting their welfare. The association believes that these principles should motivate the labor policies of all States and Provinces and are basic to the objects of the association as set forth in article II of its constitution, namely, the protection of women and children in industry, the safety and welfare of workers, the best possible education to meet industrial and social changes, and the maintenance of harmonious relations between employers and employees.

II. Methods

The method by which the association seeks to attain these objectives is set forth in article II of its constitution. In general, the method is to encourage the cooperation of all branches of Federal, State, and Provincial governments charged with the administration of the laws protecting wage earners in industry. The association acts as a clearing house of information in its field, undertakes to promote the enactment of beneficial legislation, sets standards for such legislation, and encourages cooperation among the States and Provinces in compiling and disseminating statistics and information having reference to industrial problems. More particularly, the association seeks to cooperate with associations of both employers and employees on the general principle that those who are affected should be consulted.

III. Motivation

There are special reasons for the continued and strengthened cooperation of all States and Provinces in the work of the A.G.O.I. First and most important, there is the free-trade character of our extensive domestic markets in which labor in one State or Province competes for jobs with labor in other jurisdictions. With the free mobility of labor provided by the extraordinary facility of communication, this competition is active and intensified. With the slackening of industrial activity and lessening possibilities of rapid and dynamic growth, this competition is likely to become more severe. By way of illustration, reference need only be made to the present situation and the vast numbers of unemployed migratory workers crowding into our cities or drifting back to the farms. It is in such a situation as this that the maintenance of uniform minimum standards becomes a matter of the economic life or death of industry within those States and Provinces which maintain more nearly adequate standards of wages, hours, and working conditions.

This same intensification of our social problem is being increasingly manifested in the changing character of some types of social legislation and in the methods of attaining uniformity of standards. Here reference need only be made to the recent conferences on uniform minimum standards for labor legislation and on uniform minimum standards for social legislation. The movement for old-age pension legislation may be cited to show the need of more uniform action among the States and Provinces. Thus, as time goes on, unequal standards of social legislation are increasingly becoming, as has been said, the most vicious form of "social dumping" that can be practiced by any State or Province.

It is only through uniformly adequate legislation that the various States and Provinces can maintain improved standards of living within their borders. Unless standards are raised in the more backward States and Provinces it is difficult to maintain and improve standards in the more advanced States and Provinces. In short, the States and Provinces have a joint responsibility for the social welfare of both Nations, and it is only by working together that they can promote a harmonious development of social welfare within their borders.

IV. Recommendations

With these considerations in mind, the executive board and undersigned members of the A.G.O.I. meeting at Buffalo, N.Y., June 3, 1932, make the following suggestions and recommendations for furthering the interests of the association in the coming years:

(1) In view of the broad interests to be conserved by the association, it is believed that close contact with the Federal Departments of Labor should be maintained. For the furtherance of this recommendation, it is suggested that a special committee of the association be appointed for conference with the departments of labor on this question and for arranging such an understanding between the association and the departments of labor.

(2) In view of the close relationship and purpose between the associations mentioned below, it is suggested that the A.G.O.I. hold its annual meeting at the same place and in cooperation with the International Association of Public Employment Services and/or the International Association of Industrial Accident Boards and Commissions. For the purpose of making this arrangement, the appointment of a special committee of the A.G.O.I. is suggested.

(3) To increase the vitality of and interest in the association it is recommended that a special committee be appointed to enlarge the membership and secure the support of nonmember States and Provinces.

(4) In view of the far-reaching effects of labor legislation, it is recommended that special committees on uniform labor laws be set up. These committees would function in the different States of labor legislation and present for consideration of the association drafts of model laws in their respective fields.

Dr. E. B. PATTON,
President, New York,

A. W. CRAWFORD,
Second Vice President, Ontario,

EDWARD F. SEILLER,
Third Vice President, Kentucky,

MRS. ISABELLE SUMMERS,
Fourth Vice President, New Jersey,

MAUD SWETT,
Secretary-Treasurer, Wisconsin,

Members of the Executive Board.

MARY ANDERSON,
Director Women's Bureau, U.S. Department of Labor.

CLARA M. BEYER,
Director Industrial Division, Children's Bureau, U.S. Department of Labor.

LEIFUR MAGNUSSON,
International Labor Office, Washington, D.C.

FINANCIAL STATEMENT OF SECRETARY-TREASURER NOV. 24, 1931, TO
SEPT. 11, 1933

RECEIPTS

Nov. 24, 1931. Amount transferred by Secretary-Treasurer Louise Schutz..... \$60. 61
 Receipts for remainder of fiscal year ending June 30, 1932 (interest and dues):

1932
 Feb. 12 Canada—Federal Department (dues \$25, exchange \$3)..... \$22. 00
 15 Alberta, Canada (dues \$10, exchange \$1.35)..... 8. 65
 27 International Labor Office..... 10. 00
 29 Virginia..... 15. 00
 Mar. 1 New Hampshire..... 10. 00
 4 Ontario, Canada (dues \$15, exchange \$1.80)..... 13. 20
 13 Nova Scotia..... 10. 00
 25 New Jersey..... 25. 00
 Apr. 13 Georgia..... 25. 00
 15 Washington..... 25. 00
 30 Maryland..... 10. 00
 May 8 New York..... 50. 00
 28 Pennsylvania..... 50. 00
 June 10 Massachusetts..... 50. 00
 Interest to June 1, 1932..... . 56
 July 21 Wisconsin (dues to June 30, 1932)..... 50. 00
 ----- \$374. 41

Receipts for fiscal year ending June 30, 1933 (interest and dues):

1932
 Sept. 12 Oklahoma..... 10. 00
 1933
 June 16 Connecticut..... 10. 00
 16 Virginia..... 15. 00
 July 6 Canada—Federal Department (partial dues)..... 15. 00
 6 Nova Scotia..... 10. 00
 8 New Hampshire..... 10. 00
 15 Washington..... 25. 00
 24 Wisconsin..... 50. 00
 25 Quebec..... 15. 00
 27 New York..... 50. 00
 29 Massachusetts..... 50. 00
 Aug. 10 Pennsylvania..... 50. 00
 15 California..... 15. 00
 23 Canada—Federal Department (remainder of dues)..... 10. 00
 Interest..... 2. 52
 ----- 337. 52

Total..... 772. 54

1932

DISBURSEMENTS

Jan. 9 Weber Printing Co..... \$11. 50
 21 Christine Miller, stenographic service..... 3. 00
 21 Stamps..... . 48
 Feb. 13 Do..... 1. 02
 14 Louise Schutz, stamps..... 2. 05
 19 Rose Case, stenographic service..... 8. 00
 19 Stamps..... 3. 00
 Apr. 13 Envelops..... . 45
 15 Stamps..... 1. 15
 18 Cook's Copy Shop, letters stamped and mailed (notice of convention dates)..... 4. 00
 22 Rose Case, stenographic service..... 7. 50

May	5	Rose Case, stenographic service	\$3. 00
	5	Stamps	. 50
	20	Cook's Copy Shop, letters stamped and mailed (notices of postponement of convention)	6. 00
	20	Stamps	3. 50
	20	Envelops	. 45
June	1	Stamps	. 26
	1	Partial honorarium, Maud Swett, secretary-treasurer (Buffalo)	75. 00
July	23	Partial honorarium, Maud Swett, secretary-treasurer	50. 00
Nov.	22	Stamps	1. 06
	23	Continental Letter Service, letterheads and envelops	11. 95
Dec.	8	Partial honorarium (Washington, D.C.)	125. 00
	21	Rose Case, stenographic service	9. 50
	27	Air-mail stamps	. 14
1933			
Feb.	21	Rose Case, stenographic service	5. 00
Mar.	1	Do	4. 75
May	18	Partial honorarium, Maud Swett, secretary-treasurer	50. 00
	29	Rose Case, stenographic service	4. 50
June	1	Paper for carbon copies	1. 00
	9	Stamps	. 63
	16	Rose Case, stenographic service	6. 75
July	14	Stamps	6. 00
Aug.	9	Telegram to San Francisco, Mrs. Kinney	. 90
	9	Rose Case, stenographic service	11. 08
	9	Rose Case, stamps used	. 30
	15	Telegram to Washington, Mary Anderson	. 63
	17	Telegram to New York, Dr. Patton	. 63
	31	Rose Case, stenographic service	10. 00
Sept.	6	Telegram to New York, Dr. Patton	. 63
	7	Stamps	. 61
	7	Envelops	. 15
	7	Telegram to Louisville, E. F. Seiler	. 50
	11	Telegram to Chicago, Mrs. Kinney	. 32
	12	Schwab Stamp & Seal Co., 100 badges	15. 00
	12	Continental Letter Service	18. 75
	12	Rose Case, stenographic service	5. 63
	12	Partial honorarium, Maud Swett, secretary-treasurer	50. 00
Total disbursements			522. 27
Balance on hand, September 12, 1933, savings account			250. 27
Total			772. 54

[The president announced that owing to the retirement from the New York Department of Labor of T. C. Einer, who was the A.G.O.I. representative on the American Standards Association committee on Safety Code for Amusement Parks, Robert McA. Keown, engineer of the Wisconsin Industrial Commission, was substituted as A.G.O.I. representative on such committee.

President PATTON. Mr. Magnusson, Washington representative of the International Labor Office is here, and as he made such an effective report last year and in other years on foreign labor legislation, we have asked him to give us a report on new foreign labor legislation.

REPORT OF NEW FOREIGN LABOR LEGISLATION

By LEIFUR MAGNUSSON, *Washington Representative, International Labor Office*

I have a few notes here, of a somewhat sketchy character, that comprise, first of all, a progress report of ratification of International Labor Organization

treaties, and secondly, a recital or examination of one or two principal pieces of legislation attempted in a few of the European countries. The ratifications of the International Labor Organization are offered as a sort of barometer of the progress of social legislation in the different countries. It is borne out, I think, that when a country ratifies, it follows that up with legislation making the treaty effective. At least that is the presumption with respect to sovereign States. In any case, follow-up reports are required every year subsequent to ratification, and thus far that has occasioned no difficulty. Countries have been reporting faithfully exactly what they are doing to put the treaties into effect, once they have ratified them.

As to progress then, in the year 1932 it was, of course, decidedly halting and hesitating; only 42 ratifications of the labor treaties were registered by the Secretary General of the League of Nations during that year. The normal progress since the beginning of ratification, about 1921, has been more nearly 50 ratifications every year. As the number of labor treaties has increased from a half dozen in 1919, as the result of the first conference, to a recorded list at present of 32, presumably the number of ratifications should increase proportionately, but that has not exactly been the case. As I say, 1932 was admittedly a laggard year with respect to progress in social legislation of a general character, but beginning with 1933 the number of ratifications began to pick up considerably, so that by the end of the year 87 ratifications had been deposited.

Of the progress of 1932, I think it is worth while reporting that Spain was the outstanding country, ratifying 14 treaties and marking thereby a sort of consolidation of her social revolution which has been taking place during the last 2 or 3 years. By the end of 1933 Spain had ratified 30 treaties out of 33 then in force. (It is interesting to note that the Minister of Labor used to be her official delegate to the international labor conferences and was for a time the representative of the International Labor Office at Madrid, and a former associate of the director, Albert Thomas, as editor of a labor paper in France, the *L'Humanite*.)

The interesting thing on the other hand—the darker phase—is that Great Britain and Germany deposited no ratification of labor treaties during the year 1932. Germany deposited one ratification in 1933, but Great Britain again deposited none.

There has been some progress in the middle eastern countries, Bulgaria having ratified 2 and Albania 4 treaties. Portugal registered 3, Norway 2, and all the other countries registered only about 1 treaty ratification during the year 1932.

The conference of 1932, another point to be considered, was a large one, 49 countries being represented. It agreed on the final draft of a treaty for the prohibition of the employment of children under 14 years in nonindustrial pursuits, having already put the limit of 14 in industry and agriculture, and a little higher in seafaring and in all mining operations.

In 1932 there was initiated the discussion and formulation of treaties on old-age insurance and invalidity, and survivors' pensions. Another point of progress was the beginning of a treaty on the elimination of fee-charging employment agencies. Both subjects were concluded in 1933 by the drafting of final treaties—the subject of old-age pensions being split up into six separate treaties covering the three branches of insurance, old-age, invalidity, and survivors, applicable, first, to commerce and industry, professional and domestic service, and second, to agriculture. Unemployment insurance and the 40-hour week were also opened up before the 1933 conference, to be consummated in 1934.

The interesting feature of the 1933 conference was the presence for the first time of American observers, at the head of which was Miss Mary Anderson. The presence of the American observers, of course, greatly increased the interest in this whole problem of unemployment insurance, and more particularly the shorter workday. It is regrettable that the conference did not make greater progress, but the ways of international life seem to move slowly. When a diplomat says, "Ah, ———", and pauses a moment, it creates quite a disturbance in the world, and it has to be given very careful consideration for another year, this "Ah,———."

However, the 1933 conference did get, as I say, a treaty for the abolition of fee-charging employment agencies, which will mean the abolition of these after a period of 3 years in the countries ratifying. This abolition does not include the prohibition of taking of fees by private cooperative agencies which work exclusively for their members, or exclusively for employers or trade-unions, services for which fees are charged, but not for purposes of profit. Nor does it include newspapers that take employment advertisements and serve both the employer and the trade unions.

A special technical placing conference was also convened, to which one of the American observers was also a delegate. This was mainly a conference dealing with the problem of foreign workers, and their admission to the different countries. It heralds the increasing interest in migration problems under a regime of some sort of restraint and regulation by bilateral treaties. The days of liberalism in the movement of populations are apparently over, and now the problem is to deal with the matter by international regulation of some sort. For instance, we are in great danger of tightening up our borders so much that learners and apprentices and people coming in for education will find it difficult to learn the ways of the different countries, to educate themselves in the industry of those countries, and to take back such information for their own improvement and that of their own country.

In 1933 a big advance in ratifications was achieved, but more significantly a much greater interest was manifested on the part of the South American countries. Uruguay ratified 30 out of the 33 treaties offered, and Colombia 14. This is interesting in view of the forthcoming Pan American Conference at Montevideo, which has on its program the question of a Pan American labor bureau, and the creation of some sort of committee or commission to interest itself within the Western Hemisphere with the same problems the Labor Organization deals with for the world as a whole and its 55 member countries.

The 1933 conference was significant because it came at a time when international labor officials were reporting for the first time that unemployment was actually on the decline. The Labor Office frankly reports that this mystical "corner" we have been talking about may be about to be turned by the world as a whole. I do not want to say that that is coming too fast or too rapidly, but there are some indications that an economic recovery throughout the world is taking place. And as that occurs, I think the most important thing that we ought to felicitate ourselves upon is that social legislation and standards have been maintained fairly successfully, and that further progress is bound to be made gradually as that industrial recovery takes place.

DISCUSSION

President PARRON. As you know, Mr. Magnusson is the American representative of the International Labor Office. The International

Labor Office is conducted under the auspices of the League of Nations. The United States is not a member of the League of Nations, but it does cooperate with the International Labor Office.

I was interested in Mr. Magnusson's remark that, viewing the world as a whole and not through too rose-colored spectacles, there is, and I agree with him, evidence that perhaps (although we may not like to use that expression) the industrial corner is in process of being rounded—I will not say turned. To me there is, and has been for a considerable number of months, evidence in that direction. It may be that the wish is father to the thought, but that is and has been my feeling for some time.

Is there anyone who would like to question Mr. Magnusson about the International Labor Office, about the function which the United States plays in cooperation with it, what Mr. Magnusson does, and particularly, what information you may expect to get from Mr. Magnusson, if you wish to find out something next month or next winter, or at any time? In other words, I wonder if we are all familiar with the International Labor Office and what service we may severally or individually get from it. If there is any such doubt or question in the mind of anyone, now would be a good time to extract such information from Mr. Magnusson.

Miss JOHNSON (New Hampshire). I should like to ask Mr. Magnusson which of the major powers have ratified the hours convention.

Mr. MAGNUSSON. The 8-hour convention? There are 16 countries which have done so. I am not sure that I can name all of them offhand, but you are, I know, interested more in the negative ones. Germany and France have ratified only on condition that the others ratify, and Great Britain has not ratified in any way, shape, or manner. The most important industrial countries that have ratified are probably Belgium, Czechoslovakia, and Poland. Italy has ratified by reservation; namely, if Austria and others ratify. Austria has ratified only on the condition that Germany, Italy, and Switzerland ratify. The other countries ratifying are the lesser industrial countries and not the larger ones.

France for all practical purposes has the 8-hour day, and the same with Great Britain. The stumbling block in Great Britain is a minor feature in the agreement of the railway men, which, it is said, would have to be modified seriously if the treaty is ratified. For all practical purposes the treaty is in effect in those countries. Cuba, some of the South American countries, some of the middle-eastern European states, such as Latvia, Estonia, Poland, Czechoslovakia, and Bulgaria, and the "corridor" between Russia and western Europe, have ratified. Of Mexico I am not sure; I will have to check on that. (Mexico sent in a few ratifications this year, after she became a member. Mexico was represented at the last international conference for the first time, as she became a member only a year ago.) Now, of course, these countries have moved on from the 8-hour day and are considering a 40-hour week as the remedy. They are having the same difficulty as there is here with regard to the connection between hours of labor and unemployment, which you know is a much-discussed question among economists.

Miss JOHNSON. What does the 40-hour week mean?

Mr. MAGNUSSON. It means 8 hours a day, 5 days a week. The countries were amazed when in January of last year there was introduced in the United States Senate a 30-hour-week bill. They are very much interested and are watching with bated breath progress under the industrial codes.

President PATTON. In case of the ratification by the United States of the 8-hour day, that ratification as I understand it, would bind the United States Government only. Would each of our individual States still have to take steps to make it effective?

Mr. MAGNUSSON. That is the age-old constitutional question. Without expressing any opinion on it, I shall have to point out the two sides of the issue. There are those who hold that a treaty ratification by the Congress of the United States overrides legislation by the States, on the ground that a treaty becomes the law of the land once it is ratified. They cite in support of that the migratory-bird treaty, which was made between the United States and Canada. Under the old dispensation the various States had charge of the preservation of game. Naturally their regulations affected the normal movement of migratory birds into Canada, who complained she was being discriminated against by the laws of certain States. Congress ratified a treaty on the subject with Canada, thus regulating that movement by treaty. The State of Missouri questioned it, and said it had complete control over its wild life, and if it wanted to shoot all the ducks that were headed north into Canadian waters, before they got there, it had that right. Congress said that this was a subject which could not be handled by State legislation. The birds had no sense of boundaries; they did not know of any boundary between Canada and Missouri, or any other place. It was clearly a problem that had to be handled by Congress, with sovereign power in the premises resting elsewhere. For if it was not handled by Congress, the States must, but actually could not, handle it, creating a thoroughly ridiculous situation. Obviously, therefore, the power lay in the Federal Government, as power must reside somewhere.

International competition obviously is a problem with which a State cannot deal, and if the 8-hour day in the United States or in other countries affects the competitive position of industries in the United States in a certain way, New York certainly cannot deal with it. But sovereign power rests somewhere—ergo, the Federal Congress can ratify a treaty that covers the situation to be dealt with.

On the other hand, there is a good line of argument that says that you are trying to do indirectly what you cannot do directly. As shown in the child-labor legislation of 1916, I believe, we tried both the commerce clause and the taxing clause. The Supreme Court thereupon ruled that the States have the sole power to do this, and we social reformers are just trying to find a device to get around the right of the States. The substance of the problem is the thing, not the form or the method. We cannot let you, the Supreme Court said, do indirectly what the Constitution forbids you to do directly and openly; therefore a treaty or law dealing with labor matters of a national character is *ultra vires*, so far as the Constitution is concerned.

President PATTON. Suppose, Mr. Crawford, that the Dominion of Canada should ratify the 8-hour day, what effect would that have on the various Provinces of Canada? Would the ratification by the Dominion apply to the various Provinces?

Mr. CRAWFORD (Ontario). You are asking a question I cannot answer. There is no danger of the Dominion ratifying that treaty or convention; the Dominion Government has ratified only the conventions which come within its own jurisdiction—employment on the sea, things of that kind. It has always passed on to the Provinces any conventions which have been adopted in Geneva—sent them out for our comments and criticism. The provincial governments deal with them, send back their comments and suggestions, but there has been no ratification to date. We have laws in advance of many of these conventions, but no attempt has yet been made to ratify. If the Dominion Government undertook to ratify any conventions, some of the Provinces would object and say it had no such power, and I think they would be sustained.

The Provinces are saying, I think with some justification, the situation is such that only action by the Dominion Government can deal with it. At the same time they are so tied to that idea of their own powers—provincial rights—that they will not take united action to give the Dominion Government the necessary power to do what they say it ought to do—I imagine you have the same difficulties here—and as a result we just go along in our own way. I do not know whether that answers the question, but that is pretty much the situation there. The Dominion Government has not made an issue of it.

Mr. MAGNUSON. I should have added that there is a clause in the Labor Organization treaty which exempts Federal Governments from ratifying treaties covering matters which are clearly within the province of their constituent Provinces or States. Therefore a treaty which comes to Canada, the United States, or Australia, dealing with problems which constituent States thereof are competent to ratify is merely referred to them and is not likely to be ratified by the National Government. For instance, the United States Government would ratify, it is assumed, the seamen's treaties or the immigration treaty, but other treaties are not on this footing. The only way we can argue Congress into the other treaties is by the analogy of the migratory bird treaty or through some device that social legislation in the United States is a matter of National and not State concern.

On the other hand, it is clear that the world is an economic unit. The obvious reason why trade takes place is the difference in costs of production. If one could equalize costs of production there would be no international trade; that is the essence of international trade. But there are differences in costs of production. If the determining factor in the difference in cost of production is the long hours of labor, the sweated wages, that we are talking about under our codes, then we are going to have a code on minimum wages or on child labor. Why? On the ground that it is unfair competition between the North and the South that one section of the country should permit work to children from 10 to 12 years of age and the other limit it to children from 14 to 16 years old, or whatever the

standard may be. There are only two ways one can deal with that on an international scale. One can deal with it, as far as imports are concerned, through the tariff, by raising the tariff so high that nothing can get in—entirely conceivable, but the tariff will not help our exports which compete in the world's markets. Or one can get the countries to agree that competition shall be on a certain plane of decency—on the plane of the labor standards of the International Labor Organization, let us say, a plane which can be achieved by the progressive ratification of treaties covering the points at issue.

President PATTON. The best we can say, then, at present, is that the matter is one of those things that will have to be decided by drift.

Concerning Mr. Magnusson's report, it is decidedly a question as to what extent the ratifications made by the various Governments will be effective. Perhaps we will have to draw a rule-of-thumb line and simply say that such ratifications are to be effective only in cases where the National Governments clearly have authority. If you do that, then you strike out, of course, many of the possibilities of the International Labor Office provisions. If, on the other hand, these constitutional objections are to be sustained, as one side argues for them, then you have taken away very largely from the powers and possibilities of the International Labor Office. Are there any other questions?

Mr. CRAWFORD. There is one thing we are considering in Canada. The Dominion Government appoints the representatives to Geneva for the International Labor Office and for the main body, the Governing Body, but the Provinces have occasionally been asked to send visitors.

The suggestion has been made, and I think it is probably worth considering, that if the Provincial governments in some way were asked to send official delegates to the International Labor Office so that they would become thoroughly familiar with the work and take an active part, it would be a much simpler matter to work out the question of jurisdiction as to ratification, because then the representative of the Provincial government would go there and represent the whole Dominion. After awhile when a number of them have gone there, you would find the desire for action and ratification and keen interest in the work itself. At the present time it is left that way. The Dominion Government is finding it very difficult to interest the Provinces in the whole matter.

I imagine you have the same difficulty. If you were a member of the League and the Federal Government were to send over three or four men to represent the United States, and they were all appointed by the Federal Government, some of the State governments would say, "Well, this isn't a matter for us; we don't know much about it. What are we going to do?" You would have a much more difficult problem than we have, because we have but 9 Provinces, and you have so many States that you would have to have a large delegation and it would take a long time to get around. If we, with 9 Provinces, could solve the problem, we might have some suggestions as to how you might go about it, but so far we have not been able to do anything.

President PATTON. It might be regarded in this country as the opportunity to provide 48 junketing expeditions for the 48 States. As was said a while ago, it seems to me to be one of those problems that cannot be solved clearly offhand; it will probably be left to be settled by drift. In the meantime, though, Mr. Magnusson, has there been a minimum-wage agreement submitted at any time?

Mr. MAGNUSSON. No. The Labor Office has not touched the question of the minimum wage as such. It has merely drafted a treaty which provides for the setting up of machinery for the determination of wages—machinery that will supplement the trade unions in the organized trades. The Labor Office utilizes the trade unions in the organized trades and the employers' associations in fixing its standards; they are represented at the conference, on the Governing Body, and on committees. On this question of the minimum wage the Labor Office recognized that there are a great many industries that are not organized and for those it suggested that boards should be set up in every country. But the International Labor Office has not taken up the question of what constitutes a minimum wage in each country. That is a vast question.

President PATTON. We are giving more attention than usual to this question because all of us recognize, as Mr. Magnusson has pointed out, that the internal situation both in the United States and in countries abroad has forced to the front the necessity for deeper consideration, on an international scale, of problems that we have hitherto considered as being national only in their character. We are not in position yet, it would seem, to see our way clearly, but it is a situation which all of us ought to bear constantly in mind.

Usually, at this stage of an Association of Governmental Officials in Industry meeting, we have on our program the roll call of the States and reports of State legislation. This year, owing to the fact that our regular session last year was omitted, and that we made what may or may not turn out to be a successful effort to have a joint meeting with the I.A.I.A.B.C., we have not as large a number of States represented here as we usually have in our own separate convention. The secretary will call the roll of the States and Provinces and ask each of you to respond briefly as to the high spots in your State legislation of the year.

REPORTS ON NEW LABOR LEGISLATION

United States (by Charles F. Sharkey)

Since the eighteenth annual convention of this association held in Boston, Mass., in 1931, two sessions of the Seventy-second Congress and a special session of the Seventy-third Congress have been held. At the first session of the Seventy-second Congress, which convened in December 1931 and adjourned in July 1932, the following laws of interest to labor in some respect were passed:

Chapter 8. Creates the Reconstruction Finance Corporation. (P. 5.)

Chapter 47. Provides for the registration of trade marks of trade unions in the District of Columbia. (P. 50.)

Chapter 78. A joint resolution which authorized the Interstate Commerce Commission to investigate the feasibility of a 6-hour day for railroad employees. (P. 65.) In compliance with this resolution a hearing was held during the sum-

mer of 1932 and a report of the findings were made to the Congress in December of that year.

Chapter 90. This act is popularly referred to as the Norris-LaGuardia Act. It concerns the use of injunctions in labor disputes. (P. 70.)

Chapter 272. Establishes a credit-union law for the District of Columbia. (P. 326.)

Chapter 441. Provides for the protection of wages of employees of contractors in the District of Columbia. (P. 608.)

Chapter 476. Provides for the licensing of plumbers in the District of Columbia. (P. 659.)

Chapter 520. The Federal Relief Act. (P. 709.)

Chapter 522. The Federal Home Loan Bank Act. (P. 725.)

Chapter 524. Repeals the National Trades Union Act of 1886. (P. 741.)

At the second session of the Seventy-second Congress the following act was passed:

Chapter 6. Requires the closing of barber shops in the District of Columbia 1 day in every 7.

(The above acts are contained in 47 U.S. Stat.L.)

At the special session of the Seventy-third Congress held this year many laws were passed by the Congress either directly or indirectly affecting labor.

Chapter 1. Emergency bank law. (P. 1.)

Chapter 3. Economy Act. Includes legislation in regard to veterans and employees of the Government. (P. 8.)

Chapter 17. Reforestation law—formation of Civilian Conservation Corps. (P. 22.)

Chapter 25. Agricultural Adjustment Act. (P. 31.)

Chapter 30. Emergency Relief Act (Costigan-La Follette bill). (P. 55.)

Chapter 32. Muscle Shoals Act. In this law the following provisions of interest to labor were incorporated—prevailing wage rate; workmen's compensation; invention by an employee is the exclusive property of the corporation; and the appointment, selection, and promotion of employees under the act are to be on merit and efficiency. (P. 58.)

Chapter 49. National Employment System. (Wagner-Peyser Act.) (P. 113.)

Chapter 64. Home Owners' Loan Act of 1933. (P. 128.)

Chapter 90. National Industrial Recovery Act. (P. 195.) Under the provisions of this law the following concerned labor in particular: Employees have a right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference of employers of labor in the designation of representatives. No employee shall be required, as a condition of employment, to join any company union or to refrain from joining a labor organization of his own choosing. Employers must comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved by the President.

Employers and employees are given the opportunity to establish by mutual agreement maximum standard hours, minimum rates of pay, and such other conditions of employment as may be necessary in such trade to effectuate the policy of the act. However, where no such mutual agreement has been approved by the President, he is authorized to investigate the labor practices, etc., and conditions of employment and is authorized, upon such investigation, to prescribe a limited code of fair competition by which maximum hours of labor, minimum rates of pay, and other conditions of employment are fixed.

Title II of the National Industrial Recovery Act pertains to public works. It is specifically provided in this section of the law that all contracts must contain provisions establishing minimum rates of wages to be predetermined by the State highway department. Other provisions are the prohibition of convict labor, a limitation of 30 hours per week, employees must be paid a just and reasonable wage, and preferences must be given to qualified ex-Service men with dependents. Preferences are then given to citizens of the United States and aliens who have declared their intention of becoming citizens who are bona fide residents of the political subdivision and county in which the work is to be performed, and thereafter to such citizens and aliens who are bona fide residents of the State, territory, or district in which the work is to be performed. The law specifically provides that these preferences shall apply only where such work is available and the persons are qualified to perform the work to which

the employment relates. The law also provides that the maximum of human labor shall be used in lieu of machinery wherever practicable.

Chapter 91. Emergency Railroad Transportation Act of 1933. (P. 211.)

(The above acts are contained in 48 U.S. Stat.L.)

California (by Mrs. Mabel Kinney)

Our department is one of seven divisions. We watched carefully during the two sessions of our legislature (for we had an adjourned session), in an endeavor to strengthen the department wherever possible. My hardest work was in trying to save the department, for it was up for abolishment. It was saved but we had to promise to exist with a 38 percent cut in our budget. The minimum wage law in California, however, is still on the statute books and is being enforced.

The following is a summary of the labor legislation enacted in California in 1933:

Chapter 41. Amends credit-union law.

Chapter 50. Provides that penalties withheld for violation of labor provisions in a public contract shall, at the end of 90 days, be transferred to the State treasurer. The time for action by the contractor for the recovery of said penalties shall be limited to the said 90-day period.

Chapter 87. Adds a new section (1¼) to the law in regard to employee's bonds. Investments and the sale of stock or an interest in a business in connection with securing a position are made illegal.

Chapter 154. Amends sec. 653d, Pen. Code, making more forceful the law which prohibits the rebating of wages on public works.

Chapter 161. Requires persons engaged in mining, but not having title to the fee of the property being worked, to have on hand cash or its equivalent in readily salable securities, sufficient to pay the wages of every person employed.

Chapter 174. Adds to Pen. Code, sec. 653g, stating that no employment fee shall be charged applicants for employment on public works.

Chapter 175. Amends sec. 1204, Code of Civ. Proc. giving preference to wage claimants under receiverships.

Chapter 226. Gives preference to local labor and domestic material in public works.

Chapter 353. Amends prior law on housing conditions.

Chapter 409. Provides for protection and registration of trade-union emblems.

Chapter 543. Requires the former employer of a minor to notify the person who issued the work permit that the minor has left his employ.

Chapter 548. Gives wage claims a preference in the administration of estates of minors or incompetents.

Chapter 566. Declares antiunion contracts illegal.

Chapter 632. Adds to Pen. Code, sec. 653c-1, limiting the hours of labor on public works to 30 per calendar week during the economic emergency. An exception is made of persons employed on maintenance or repair work by the State, or any municipal corporation or political subdivision thereof, who may work a maximum of 44 hours per week or 8 hours per day.

Chapter 636. Takes advantage of Hawes-Cooper Act and regulates sale, etc., of prison-made goods.

Chapter 761. Law passed to aid indigent residents not eligible for assistance under the State old-age pension law.

Chapter 801. Amends law in regard to hours of motor-bus drivers.

Chapter 840. Amends old-age pension law in regard to investigation of applicants.

Chapter 888. Provides for use of convicts in construction, etc., of highways.

Two resolutions (A.C.R. no. 45 and S.C.R. no. 38) request that free employment agencies be established in the section of Oakland west of Market Street and south to Twentieth Street and in Bakersfield.

S.C.Res. no. 14, chapter 95, creates commission to investigate advisability of establishing a State hospital for persons injured in the course of their employment in the mining industry.

Amendments and additions to the workmen's compensation were enacted as follows:

Chapter 274. Outlines basis for compensation to employees engaged on unemployment relief work and provides that compensation shall be based upon monthly or anticipated earnings of worker, but excludes persons working merely for aid or sustenance from benefits of act.

Chapter 335. Amends the law so as to provide for special classifications in mining employments to allow rating based on hazards or loss experience.

Chapter 379. Empowers industrial commission to direct the manner, etc., of payments in cases of default where surety becomes liable. Such surety is given same preference as is given to those to whom payments were made.

Chapter 517. Provides that if an injury is caused by a third party, the employer shall be entitled to recover from such person all moneys paid to the injured employee, during the period of his disability or to dependents, as wages, salary, pension, or other emolument.

Chapter 522. Provides that in the future in computing the award earnings are to be based on a 5-day, 30-hour week, rather than a year of 260 working days, and adds a new provision covering injuries to employees working for 2 or more employers at the time of the accident.

Chapter 864. Directs that proceedings before commission or referee must be taken down in shorthand by a competent reporter.

Chapter 1022. Enlarges coverage to include volunteer firemen.

Connecticut (by Miss Helen Wood)

The most important legislation Connecticut passed, I think, is the minimum-wage law, which is the standard National Consumer's League bill. The second most important was a law which requires the registration of all factories with the commissioner of labor and that a factory cannot open or change its location until 5 days after mailing such registration to the commissioner.

All factory regulations respecting hours of labor and sanitary conditions were extended to home workers.

The hours of labor of women and children in stores, restaurants, etc., were reduced from 58 to 52 for women and 48 for minors. That is probably the most important other legislation. The hours of truck drivers were limited to 14 per day.

The prevailing rate of wages on the construction of public buildings was ordered paid. Failure to pay wages is now punishable by a fine of \$50 and 1 and/or 30 days in jail.

A number of minor bills were passed which strengthen the present labor laws, mainly by adding heavier penalties and jail sentences.

That the unemployment and old-age pension bills passed the senate, though not the house, was, we think, somewhat of a victory. This year the labor department sponsored all the labor legislation and called in other groups, which was an innovation in Connecticut.

Georgia (by T. E. Whitaker)

One amendment to the workmen's compensation law successfully passed the legislature; it provides that where an insurance company writes premiums on insurance, it shall be estopped from pleading nonjurisdiction because the treaties are not covered by the act.

We introduced many other amendments to that law, such as one increasing the maximum, and it looked very much as if that was going through this year. It passed the senate along with many others, but, due to controversial matters, failed to reach the house. We are hopeful that at the next session of the legislature we will be able to get other social legislation.

Another bill was passed which I think may be of some importance to many here—the barber bill, which was substantially improved this year, the main

purpose being to include all beauty shops and hair-dressing parlors, which had not theretofore been included.

Illinois (by Martin Durkin)

The only legislation passed in Illinois of any great importance was a minimum wage law for women in industry. The committee has not been completed as yet—I received my appointment on the first day of September. The reason given by the former director of labor was that, because of the N.R.A. adopting the minimum wage in their codes, he thought it would be a good thing to wait until that was done so that the same minimum wage could be adopted in Illinois.

Kentucky (by Edward F. Seiller)

The only legislation of importance was a bill regulating the work of barbers and beauticians. Another created a public employment service. However, the public employment service in Kentucky has not been organized, due to the fact that no appropriation was made for the service. The act was passed in anticipation of the passing of the Wagner-Peyser bill, and I am hopeful that our act will work in with that bill when an appropriation is made next January.

Massachusetts

The Massachusetts Legislature of 1932 extended the jurisdiction of several labor laws. Most of these concerned the statutes regulating the employment of women and children. Outstanding in this new legislation is the requirement that "every person hiring, employing, or contracting with a member of a family to make, alter, repair, ornament, finish, or adapt for sale by labor to be performed in a room or apartment in a tenement or dwelling house, any article except wearing apparel or any part thereof or material supplied by said person, shall at such times as the commissioner may require, furnish to the department the names and addresses of the workers so hired, employed, or contracted with and of all women and minors dwelling in said room or apartment, and of girls under 21 and boys under 18, their ages." The exception of "wearing apparel" made in this case is due to the fact that in another statute it is already covered.

In homes where work of this type is being done, children have been known to work in violation of the statutes regulating child employment in this State. At present when a violation of this kind comes to the attention of the department, the concern is immediately notified of its responsibility in this connection even though such employment is not in its plant. The Massachusetts statutes provide that no person shall employ a minor under 14 or permit him to work in or about or in connection with any establishment engaged in the manufacture or sale of these goods. Furthermore, the Massachusetts law requires that such persons shall not employ a child between 14 and 16 or "permit him to work" in or about or in connection with his establishment unless an employment certificate is issued to such child.

Another side to this problem appears in relation to the 48-hour law for women employed in labor in certain types of establishments. If work is taken from the place of employment to be done in the home, then the home is used for industrial purposes. The statutes define industrial establishments to include "* * * factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement house workrooms, all other buildings or parts thereof where manufacturing is carried on * * *." Manufacturing establishments are defined to be "any premises, room, or place used for the pur-

pose of making, altering, repairing, ornamenting, or adapting for sale any articles or part thereof." An employee who takes work from the shop and does it at home brings the home within the scope of "a place used for the purpose of making, altering, repairing, ornamenting, or adapting for sale any articles or part thereof", and therefore becomes, for the purpose of the statute, a manufacturing establishment. The advantage under the new law consists of requiring manufacturers to furnish the department with a list containing the names and addresses of the workers so hired, and of all women and minors dwelling in the room or apartment, and also in the case of girls under 21 and boys under 18, their ages. This will enable the department to maintain supervision of such places and strengthen the laws relating to women and children.

Another important addition to the labor laws of the State was made by the legislature in amending the statutes providing for the weekly payment of wages to employees. Difficulty was experienced in securing the imposition of the penalty for violation of these provisions in the case of a corporation. The new provision enacted is that in case a corporation violates the section, any officer thereof responsible for a criminal act of this kind may be punished by a fine of not less than \$10, nor more than \$50, or by imprisonment in the house of correction for not more than 2 months, or both. Furthermore, the new law provides that at a trial for the violation of the weekly payment law a loan made by an employee to his employer of wages which are payable weekly under the law, whether made directly to the employer or to another person or persons on his behalf, shall not be valid as a defense unless such loan shall have been made with the approval of the department. It is expected that the new amendment will be helpful in curbing a vicious procedure.

Other laws adopted by the legislature for the protection of women and children require that the employer shall "keep posted in such manner as the commissioner may require the time notices containing the schedule of hours for women and children."

Measures concerning social welfare passed by the legislature of 1932 include an act relative to agents to carry on the provisions of the workmen's compensation law respecting public employees; permitting certain pupils of dancing schools to participate in dancing exhibitions at graduation exercises by a school furnishing them instruction; relative to vacations for municipal laborers; relative to the fact or certain agreements of periods in workmen's compensation cases on the finality of certain findings of the industrial accident board; relative to the county wherein certain proceedings under the workmen's compensation law in the superior court may be heard and determined; authorizing the payment of small amounts of wages or salaries, not in excess of \$100 due an employee who dies intestate, to the surviving husband or wife or adult child, to the surviving father or mother of such employee; continuing and extending the existing preference in the qualified labor service to persons with dependents; bids and contracts requiring the 44-hour week for State printing and binding and furnishing office supplies.

The department of labor and industries was also directed by the legislature to make special study into the provisions of the law relating to 1 day's rest in 7 for certain employees now excepted by the statute; and another requiring investigation as to the advisability of including laborers in the prevailing rate of wages law in the construction, addition to, or alteration of public works.

New Hampshire (by Ethel M. Johnson)

A number of important labor measures were enacted in New Hampshire during the biennial session of the legislature which was prorogued this year.

These include amendments to the general labor laws to provide for 1 day's rest in 7 for employees in industrial establishments, with the usual exceptions with respect to those engaged in continuous processes and in work considered essential to the public welfare.

The measure carries with it provision for posting names of employees required to work on Sunday and for reporting such work to the State labor department. There is also an amendment applying to manufacturing and mechanical establishments which prohibits requiring employees to work beyond the legal limit of hours in order to make up time lost by reason of a holiday.

There were three amendments to the workmen's compensation law enacted, liberalizing the provisions of that legislature. One of these provides that reasonable medical and hospital care, when needed, shall be furnished by the employer, free of charge, to injured employees during the first 30 days after an industrial injury; and that such aid shall not reduce the compensation benefits to which the employee is entitled. The second measure provides, in the case of total or partial incapacity for work extending beyond 1 week, that compensation shall date from the time of the injury; that benefits shall be paid weekly; and that the amount of such benefits shall not be less than \$7 a week nor more than 50 percent of the average weekly earnings of the employee.

The third amendment concerns child labor and specifies that, in the case of minors under 18 years of age suffering industrial injury double compensation shall be paid where there are violation of certain provisions of the labor laws. The measures in question include those regarding certification and employment of minors, hours of labor, night work, posting hours, and employment at times other than posted.

One of the outstanding labor measures enacted this year is the minimum fair-wage act. The New Hampshire law follows, in general, the provisions of the model measure sponsored by the National Consumers' League. It provides that employers shall not pay their women and minor employees an unfair or oppressive wage. Such a wage is defined as one that is both less than a fair and reasonable return for the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

Wage orders are at first recommendatory; later they may be made mandatory. It is in this respect that there is the chief difference from the model bill. Under that measure a directory wage order may be made mandatory after 9 months. Under the New Hampshire law such a change may be made after an order has been in effect for 5 months. The arrangements as to court proceedings are also more detailed in the New Hampshire act.

New Hampshire was one of the nine States to ratify the child labor amendment this year. Another measure of interest is the 48-hour bill which passed the house but failed of passage in the senate by a narrow margin.

A measure which becomes effective in January 1934 prohibits the use of prison labor or the products of such labor by any except State institutions or departments, or political subdivisions of the State.

The legislature took no action to make effective in the State the Wagner-Peyser Act for the development of the public employment service. Governor Winant, however, in behalf of the State accepted the provisions of the act and arranged for transfer of the necessary funds from the emergency appropriation. A State coordinator for the public employment service has been appointed and arrangements have been made for the development of the service. Reemployment offices have been opened in all of the counties of the State.

This record of progressive legislation and action is due to the fact that New Hampshire has a chief executive who possesses social vision and who has a keen interest in labor and social welfare legislation.

New York (by E. B. Patton)

Legislation affecting labor passed by the New York Legislature in 1933 included the following:

Full intrastate application in New York of all business codes and agreements for fair competition under the National Industrial Recovery Act was provided for (ch. 781, extra session), and the use of State and local officers and employees by the Federal Government in the administration of the national recovery program was authorized (ch. 783, extra session).

The industrial commissioner was made the agent of the State for cooperation with the United States Employment Service (ch. 812, extra session).

A separate division of minimum wage in the department of labor to administer the law requiring a minimum wage for women and minors in industry was created and its powers and duties prescribed (ch. 584). A division of bedding, for the regulation of the manufacture and sale of bedding to protect the buying public against disease and fraud, was also created in the department of labor (ch. 408). The addition of these two divisions increases the number of divisions in the department to 13.

The duty of determining wage schedules as the basis for contracts for public works outside cities (ch. 731) and of designating minimum hourly wage rates as part of all public highway contract specifications (ch. 733) is imposed upon the department of labor.

A minimum wage law (ch. 584) applying to women and minors was passed. It includes pieceworkers but excludes domestic servants and farm laborers.

The mechanic's lien law was amended in certain particulars (chs. 164, 695-699).

The daily tour of town policemen in Westchester County was limited to 8 consecutive hours daily (ch. 724).

The subject of workmen's compensation received legislative attention as follows:

The time limit upon reclassification of disability was eliminated (ch. 384). In reclassification of cases 7 years old, however, the employer and carrier are granted a review by the entire industrial board, approval by at least three of the five members of the board being required for any action it may take. Open cases pending before the board on April 24, 1933, and closed cases in which application for reopening was received before such date are excluded (ch. 774, extra session). A special fund is provided to relieve the employer and carrier from liability for compensation in two classes of cases involving difficulty of evidence because of lapse of time (ch. 384).

A carrier seeking review of a referee's decision by the industrial board and losing the case must pay an assessment of \$10. Any other party so losing must pay a \$5 assessment if so decreed by the board (ch. 393).

Jurisdiction was conferred on the court of claims to hear and determine work accidents to inmates of State prisons, hospitals, and reformatories by 17 chapters of the Laws of 1933.

Ohio

The Legislature of Ohio at its last session adopted a number of bills which were designed to benefit the workers of the State, and which might be classed as labor legislation. Among them were the barbers' license law; the Waldvogel bill, which is a uniform bond act; the prison labor bill, which does away with

shipping of prison-made goods from other States into Ohio; the garnishee and attachment of wages bill; the agreed workmen's compensation bill; the Cassidy-Wolf bill, regulating the amount of printing to be done in the Ohio penitentiary; and the Fleger bill, regulating the inspection of elevators.

The Ohio Legislature also voted in favor of the Federal Child Labor Amendment.

Outstanding among the bills passed was the minimum wage law, relative to the establishment of minimum fair wage standards for women and minors. This bill was first introduced by a Republican representative and was finally adopted as a bipartisan measure, known as the "O'Neil-Pringle bill." It was adopted unanimously by both branches of the Ohio Legislature.

Puerto Rico (by Prudencio Rivera Martinez)

Acts affecting labor were passed in 1932 as follows:

The wage-payment law was amended as to procedure in case of wage claims.

In order to carry out the purposes of the vocational education act, provision was made for the expenses of equipment, buildings, etc.

A division of economic and social research and investigation in the department of labor was created by Joint Resolution No. 45. The establishment of this division resulted from a survey conducted in pursuance of a resolution (No. 16), July 19, 1929, to determine the causes producing industrial, etc., uneasiness and restlessness giving rise to unemployment in the Island. The mediation and conciliation law was amended (Act No. 16) to conform to the act of 1931 which separated the departments of agriculture and labor. The chairman of the Mediation and Conciliation Commission is required by Act No. 37 to devote his entire time to the office, at an annual salary of \$3,000.

In 1933 the following labor and social welfare legislation was passed:

A Homestead Division was created in the Department of Labor (J.R. No. 47) to purchase land for the construction and leasing of houses for workmen and for farms to be leased to farm laborers, and provision was made for financing the same (Acts Nos. 42, 43, and 52).

A law providing for mothers' pensions and for a pension board to administer them, and appropriating therefor was enacted (No. 17, special session).

Wisconsin (by Edwin E. Witte)

While the total volume of the new labor legislation enacted in 1933 was not as great as in some previous years, several very important measures were enacted.

Exemptions from garnishment.—The measure likely to affect the largest number of workmen was chapter 69, which revised the law governing exemption of wages from garnishment. This was an administration measure, recommended specifically by the governor in his first message to the legislature. Under this new law married wage earners will hereafter have an exemption of 60 percent of their wages but not less than \$60 nor more than \$100 per month. Wage earners with children under 16 years of age will have an additional exemption of \$10 per month. Under the prior law married wage earners had an exemption of 60 percent of their wages, with the same additions for dependent children as in the present statute. As the great majority of the wage earners of the State were getting less than \$100 per month, most of the wage earners under the old law had an actual exemption of less than \$60 per month and, because the exemption was expressed entirely upon a percentage basis, no wage earners were altogether exempt from garnishment. Under the new law no part of the wages of workmen who receive less than \$60 per month can be garnished. This protects the weakest and poorest of

wage earners and will be of incalculable benefit to workmen who have accumulated debts during the period of unemployment. Under the law as it now stands, the great majority of these workmen cannot be harassed by creditors through garnishment proceedings as soon as they get back to work—to which they were exposed under the old law. This same act, further, for the first time extended the exemption from garnishment to farmers. Heretofore farmers have had no exemption whatsoever. The new law provides that milk checks and other income of farmers shall be on the same plane as salary checks of employees. Farmers with families, like wage earners, now have an exemption of 60 percent of their monthly income and not less than \$60 nor more than \$100 per month, plus \$10 per month for each child under 16.

Workmen's compensation.—Important changes were made in the workmen's compensation law, all of them measures strengthening this act. The most important new law affecting workmen's compensation was chapter 402. This is a measure intended to expedite the disposition of contested workmen's compensation cases. For years there has been complaint that the industrial commission is far behind in its work. This has been due primarily to the fact that the commission as a body has been required to pass upon all contested compensation cases. As there are in the neighborhood of 3,500 such cases every year, the commission has had great difficulty in keeping up with its work. Compensation cases have been heard by a single commissioner or by an examiner, but under the law as it stood prior to the enactment of chapter 402 the commission as a body had to go over all of the testimony taken and reach a decision. Chapter 402 alters this procedure by providing that the commissioner or examiner who hears the case shall render a decision thereon. Either party may appeal from his decision to the commission as a body and from the commission's decision to the circuit court of Dane County, but experience in other States where this system has been tried has demonstrated that the great majority of cases are disposed of without appeal to the commission as a body. The new system thus is expected greatly to expedite the disposition of compensation cases and will also operate to give the commission more time for its numerous other duties.

Another important new compensation law is chapter 314, which fixes the liability in occupational disease cases. Occupational diseases have been compensable for many years on the same basis as industrial accidents, but there always has been great difficulty in determining the employer responsible where a workman who has contracted an occupational disease during a period of years worked for more than one employer during such period. In consequence, a great many workmen who contracted occupational diseases were unable to recover any compensation. Chapter 314 remedies this situation by providing that where a workman contracts an occupational disease by reason of his employment, the employer who last employed him at work of a kind in which the occupational disease could have been contracted shall be liable therefor.

Other changes made in the workmen's compensation act include the following: Chapter 353 abolished the compensation insurance board and transferred its duties to the commissioner of insurance. The regulation of compensation insurance is not affected by this change, as the commissioner of insurance will have exactly the same control over the compensation insurance companies as the compensation insurance board has had heretofore. In fact, another act (chapter 230) strengthens the regulatory law through providing that compensation insurance rates shall be reasonable as well as adequate. Heretofore the only standard has been that of adequacy; now, employers will have the additional protection that the rates must also be reasonable. Chapter 36 provides that withdrawals in compensation cases shall become effective within 30 days

after notice of withdrawal is given the industrial commission. Chapter 402, besides making the changes noted above in the disposition of contested cases by the industrial commission, makes a considerable number of other changes in the compensation act, all of which were recommended by the industrial commission. This chapter restored the condition for compensation that the injury must arise out of employment, which the supreme court held was (inadvertently) stricken from the law by a reviser's bill in the 1931 session. It allows copartners and corporation officials to file nonelections under the compensation act. It requires insurance companies to give the industrial commission notice of their intent not to renew particular insurance policies, so that the commission will be in a better position to enforce the law requiring all employers subject to compensation to insure their risks unless exempted by express order of the commission. This chapter also clarifies the law relating to compensation for second serious injuries.

Child labor.—Chapter 143 is the first law enacted in many sessions strengthening the child labor law. This act establishes a 16-year age limit for employment during the hours that the schools are in session. No child under 16 who has not completed the highest course offered in the public schools of the municipality in which he resides may be employed during the period while the schools are in session, but this does not interfere with permits for work during school vacations. Children under 16 who have not completed the most advanced course offered in the schools of their municipality, further are required to attend such schools until they have reached the age of 16. Heretofore the age limit for full-time employment during school hours has been 14 if the child had completed the eight elementary grades, and 15 if he had not done so. Under this law many children could not get permits for full-time employment until they were 15, but there was no requirement for full-time school attendance after the age of 14. Now, children who reside in cities or school districts operating high schools or vocational schools must attend such schools full time until they are 16, but this requirement does not apply to rural districts which have no high schools. In such districts the age of compulsory school attendance remains at 14.

The changes made in the child labor law by this act are in accord with the requirements which the National Recovery Administration is insisting upon in all industrial codes now being formulated. Wisconsin wrote these standards into its statutes several months before the National Recovery Administration insisted that they be observed during the present emergency by all industries throughout the country.

Wage-payment and wage-collection laws.—Chapter 303 amended the semi-monthly wage-payment law by striking out the exemption of sawmills, retaining, however, the exemption of logging operations. Chapter 473 amended the wage collection law, passed in 1931, to make it clearly constitutional and to give the industrial commission an appropriation for its enforcement. Under this law the industrial commission has to assist wage earners in collecting wage claims which the commission upon investigation finds are just. The 1931 act was held unconstitutional in a decision rendered by a circuit judge in Milwaukee County, due to the fact that it imposed criminal penalties for the nonpayment of wages without regard to the ability of the employer to pay. The new law avoids this difficulty by providing that the criminal penalty shall apply only where an employer is able to pay wages he justly owes but refuses to do so. Further, the new law gives the industrial commission an appropriation for enforcement. The commission has done some work in assisting wage earners in the collection of wage claims even prior to this 1933 statute, but is now in much better shape to do so than heretofore.

Chapter 95 makes it the duty of all political subdivisions of the State to determine the minimum wages to be paid all workmen employed by contractors on public works projects of these municipalities. These minimum-wage scales must be incorporated in the contracts and failure to observe them is made a criminal offense for the contractor. Heretofore municipalities have had the right to establish minimum-wage scales, but have not been required to do so. On State work provisions for minimum-wage scales were made in 1931, and this act, during the past week, has been used as the medium for the conclusion of an agreement by all building contractors fixing a minimum-wage scale, not only for public but for private work throughout the State, except in Milwaukee County, with rates ranging from 60 cents to \$1.10 per hour.

Unemployment reserves.—Two laws were enacted amending the unemployment reserves act passed in the special session of 1931-32. Both of these measures were agreed upon unanimously by the representatives of both the employers and employees on the advisory committee created by the industrial commission in connection with this act. Chapter 186 postpones the effective date of the compulsory provisions of the unemployment reserves act until for 3 successive months the index of employment in manufacturing establishments in this State is 20 percent above December 1932, or the index of the pay rolls in such establishments 50 percent above December 1932. In no event, however, are the compulsory provisions of the unemployment reserves act to go into effect until July 1, 1934. With the increase in employment incident to national industrial recovery, it now seems practically certain that the Wisconsin unemployment reserves act will go into effect on July 1, 1934—in fact, employment in July 1933 was already 20 percent above December 1932, so that the unemployment reserves act will take effect in July 1934 if the present level of employment is retained for 3 months. Wisconsin thus is not only the first State to enact an unemployment insurance law but will also be the first State to put such a law into effect.

Chapter 388 made numerous minor changes in the unemployment reserves act, all of which were agreed upon unanimously by the representatives of the employers and employees on the advisory committee. These changes are all intended to make the law more workable when it gets into operation.

Public employment offices.—In chapter 406 this State accepted the provisions of the Wagner-Peyser Act relating to Federal aid for State employment offices. Under this act approximately \$27,000 will be available in the current fiscal year from Federal funds for the expansion of the State employment offices, and above \$60,000 in the fiscal year 1934-35. This law requires the States and their political subdivisions to match dollar for dollar the aid given by the Federal Government for public employment offices. This, however, does not necessitate any additional expenditure on the part of the State, as Wisconsin has been expending in the neighborhood of \$50,000 a year for its public employment offices and the municipalities about \$10,000 more.

Prison labor.—No action was taken by the legislature on the problem of prison labor, which will become an acute one when the Federal Hawes-Cooper act takes effect in January 1934, making prison-made products imported from other States subject to the laws of the State into which they are imported. Instead, the legislature created an interim committee to study the entire problem of prison labor, which committee is to report to the special session or the 1935 regular session.

Antilabor measures.—A large number of bills to repeal or weaken existing labor laws were introduced, but not a single one of these measures became law. The governor in his first message indicated that he would not approve any

legislation weakening the existing labor laws, and he vetoed two measures which he believed had this effect. One of these would have reduced the workmen's compensation payable in cases of silicosis to one-half the normal compensation, and the other permitted appeals in compensation cases to be brought in any circuit court instead of only in Dane County, where the attorney general can represent the injured workmen to whom awards are made. On the silicosis problem an interim legislative committee was created, but the compensation payable for silicosis remains the same as for other industrial diseases and accidents.

Antilabor bills defeated in the legislature without reaching the governor included bills to repeal the unemployment reserves act, the wage-collection law, and the law prohibiting Sunday work in bakeries, a bill to exempt tobacco warehouses from the minimum wage law, and another measure to increase the waiting period and reduce the compensation in all workmen's compensation cases.

Legislation of benefit to labor although not technically labor legislation was passed as follows:

Mortgage foreclosures.—Ten acts were passed during the session to afford relief to property owners who in the present emergency are unable to meet payments of interest and principal on mortgages falling due. Collectively these acts provide that in the foreclosure of mortgage loans made prior to July 1, 1933, except by the Federal Government, the redemption period may in the discretion of the court be extended beyond the statutory 1-year limit for such time and upon such terms and conditions as the court may find equitable, not exceeding a total redemption period of 3 years. By a later act these same provisions relating to the redemption period were made applicable to the foreclosure of land contracts. Another act provides that the court shall not approve any sale of a farm or home after foreclosure unless the sale price fairly measures the value of the property; further, that failure to pay interest or taxes or both shall not be deemed such waste as to justify the appointment of a receiver after foreclosure. Still another act provides for the establishment of county mediation committees to attempt to adjust differences between mortgagors and mortgagees in mortgage cases involving farms or homes. These mediation committees have no compulsory powers but their recommendations are to be taken into consideration by the court before whom foreclosure proceedings are pending or may be brought.

All the above legislation relating to foreclosures is applicable only during the present emergency. It applies only to foreclosure actions begun before July 1, 1935, and, as amended near the close of the session, does not apply to loans discounted by any Federal agencies or to loans made by private parties after July 1, 1933. The purpose of the legislation was to afford a breathing spell to hard-pressed farm and home owners who by reason of unemployment or the low prices of farm products are unable to meet payments at this time. This legislation enacted early in the session had the effect of greatly reducing the number of foreclosure actions and, still more, the number of cases in which deficiency judgments are allowed. This was all that the State could do pending action by the Federal Government to refinance the mortgagors. Upon the passage of such legislation by Congress (in May and June) the foreclosure laws were promptly modified to exempt Federal loans. This was done to secure for the State the advantages of these refinancing acts and such refinancing is now actually in progress.

Not an emergency measure but along related lines is chapter 422, which provides that household furniture sold on conditional sales contracts may be

repossessed by the seller only through legal process. This corrects a grave abuse which has arisen in connection with installment sales. In many instances furniture sold through high-pressure methods has been retaken without any court order, despite the fact that the purchasers had made very substantial payments thereon. Such proceedings will hereafter not be possible, as court proceedings are necessary before any furniture sold on conditional sales contracts may be repossessed.

Relief for delinquent taxpayers.—A number of measures were enacted to afford relief to property owners who have fallen behind in the payment of their taxes. Chapter 244 extends the redemption period after tax sale from 3 to 5 years, this extension applying to all tax certificates sold in 1933 and thereafter. The same act provides that delinquent taxes may be paid in installments of not less than \$10 and in multiples of \$5, with interest applying only to unpaid balances. Chapter 334 permits county boards to fix any rate of interest on tax certificates held by the county. Chapter 288 authorizes counties to remit all or any part of the penalties and interest on taxes of the years 1931 and 1932 which are paid before July 1, 1934. The purpose of this act is to afford an inducement to taxpayers to clear up their delinquent taxes and to give the counties complete freedom in compromising claims for interest and penalties.

Of a fundamentally different character, but likewise beneficial to all property taxpayers, were the repeal by the last legislature upon the governor's recommendation of the State tax on property and the very large reduction in total State appropriations made in the Executive Budget Act. This act reduced the appropriations from the general fund, excluding highway appropriations, from a total of \$57,000,000 to \$42,000,000, which represents a reduction of above 27 percent.

Emergency relief.—The Emergency Relief Act (chapter 363), passed near the close of the session, provides funds for continued State participation in relief for the unemployed. This act imposes an emergency relief tax on the incomes of individuals of the year 1932, which is to be collected in November 1933. This emergency relief tax is very similar to the emergency income tax imposed in the special session of 1931-32, but has higher exemptions and so will not bear quite so heavily on people with but moderate incomes. The same act also imposes an emergency surtax on inheritances and an emergency gift tax. These several taxes are expected to yield in the neighborhood of \$4,500,000, which is believed sufficient to enable the State to get its full share of the funds which have been made available by the Federal Government for relief purposes. Passage of this act insures relief during the next winter for all who are in need of relief.

Several other measures enacted somewhat liberalize the conditions for relief. Chapter 299 provides that the ownership of a home or an insurance policy having a loan value of not to exceed \$500 shall not be a bar to relief where the family is actually in need of relief. Chapter 165 provides that where hospitalization or surgical care is necessary for an indigent the cost of such treatment shall be a proper charge against the municipality of residence. Legislation was also enacted during this session to enable the State to take full advantage of all of the several Federal acts of Congress to permit agricultural and industrial recovery and to insure cooperation by the State with the Federal Government in carrying out these acts. Under this legislation a large number of reforestation and flood control camps, giving employment to several thousand young men, have been established in this State. The State is also cooperating with the Federal Government in securing compliance with the National Recovery Act and the President's Emergency Recovery Agreement.

The State is, further, at this time "lining up" public works projects to be financed with Federal aid and is cooperating in the refinancing of farm and home mortgage indebtedness.

Old-age pensions and other social welfare legislation.—Chapter 375 postpones the compulsory provisions of the old-age pension act for two years until July 1, 1935. Several bills were introduced in the legislature to repeal the old-age pension law. The measure passed was a compromise acceptable to the supporters of old-age pensions. Until the law becomes compulsory, any county may operate under the old-age pension system and, if it does so, it shares in the State aid of \$75,000 per year for this purpose. Chapter 363, the emergency relief act, increased the State aid for mothers' pensions for 1933 from \$30,000 to \$200,000 per year. This is the first time since the mothers' pension law was enacted in 1915 that the State has contributed more than \$30,000 for mothers' pensions.

Prohibition.—The legalization of the manufacture and sale of beer by Congress has been greatly beneficial to Wisconsin. No other State has produced as much beer since this act took effect as has Wisconsin. This has given employment to a very large number of workmen both in Milwaukee and elsewhere in the State. Increased employment has been reflected in a reduction in the number of families on public relief lists. In Milwaukee alone this number has gone down from 33,000 in March of this year to 23,000 last week.

Wisconsin has had no State prohibition law since 1929. Passage of the Federal law legalizing the manufacture and sale of beer, however, necessitated the passage of a regulatory law in this State. This law provides relatively few restrictions and leaves regulation entirely up to the localities, thus observing the democratic principle of home rule. The State, however, imposed a revenue tax of \$1 per barrel on all beer sold, which tax promises to yield not less than \$1,200,000 per year—an amount badly needed in the present condition of the State revenues.

The State also acted very promptly on the proposed repeal of the Eighteenth Amendment, being the second State in the Union to hold an election for a convention and to ratify the proposed Twenty-first Amendment repealing the Eighteenth Amendment. In anticipation that the necessary 36 States will act favorably on this new amendment within the next six months, the legislature also created an interim committee to study the problem of the regulation of the traffic in intoxicating liquors, which is to make its report in the special session, if such a session is held next winter.

Ontario (by A. W. Crawford)

The industrial disputes investigation act, 1932.—The industrial disputes investigation act is a piece of new legislation passed in 1932. It is enabling legislation which makes operative in Ontario the Dominion Industrial Disputes Investigation Act. Under the Federal act no strikes or lockouts may be brought about in connection with public utilities and railways until a board of conciliation and investigation has thoroughly investigated the circumstances and made public its report. If both parties agree, the findings of the board may become binding. Industrial disputes of any nature may be referred to a board when both parties agree, but in a case of public utilities the appointment of a board is compulsory. The Ontario act exempts all commissions the members of which are appointed by the Crown.

This act insures to employees and employers in certain industries a hearing and fair trial before changes may be made in wages or working conditions. Already four boards of conciliation and investigation have been established under the act, all of which have been successful in averting strikes as follows:

(1) In the case of a dispute between the London Street Railway Co. and its employees; (2) in the case of a dispute between the Niagara, St. Catherine & Toronto Railway and certain shop employees; (3) in the case of a dispute between the Niagara, St. Catherine & Toronto Railway and certain passenger-car operators; (4) in the case of a dispute between the Hydro Electric Commission of Hamilton and its employees.

The department of labor act.—By an amendment in 1932 a new section was added as follows:

9. Whenever any inspector appointed under this act or under any of the acts or regulations administered by the department of labor is of the opinion that any work or installation to which any such act or regulations apply or any portion of such work or installation is being carried on or has been installed in such manner as to be dangerous to life or property, he may, by written order to the employer, person, firm, or corporation responsible for such work or installation, or to the contractor for any part thereof, order the immediate cessation of the work or operation of the plant or equipment or any portion thereof, which he considers unsafe.

The section outlining the functions of the government employment office was amended to meet the present scope of these offices, as follows:

(d) Establish and maintain in the various centers of population throughout Ontario, employment offices and similar agencies for obtaining suitable employment for persons both male and female, in any of the trades, occupations, or professions, and for procuring workers for employment in any of the trades, occupations, or professions, and subject to the Employment Agencies Act, to regulate all voluntary, private, or municipal employment bureaus, (formerly "for workingmen").

Certain changes in provision for penalties were also made.

The factory, shop, and office building act.—The factory, shop, and office building act was revised in 1932. A new section was added permitting the employment of female workers and youths in factories on a double-shift system of 8 hours each and between the hours of 6 a.m. and 11 p.m. Another new section provides for regulations for the protection of persons engaged in any industrial process involving the use or manufacture of benzol or any other poison. Among other changes made amending certain sections was that permitting the employment in shops and restaurants of female workers and youths until 11 p.m. providing they are not employed more than 10 hours in any 1 day or 60 hours in any one week.

An amendment in 1933 exempted from annual inspection any boiler used in connection with any hot-water-heating system of the open type.

Operating engineers act.—The stationary and hoisting engineers act was revised in 1932 and the name changed to the operating engineers act, in order to incorporate all its activities. The amendments bring the act into agreement with modern plant practice.

The introduction of internal-combustion engines on hoists called for protective legislative measures. These are now embodied in the operating engineers act, making it compulsory to employ qualified engineers for this class of labor.

In order to facilitate the making of regulations respecting the three different classes of work that came under the original heading of hoisting plant, the act now sets down three divisions, namely, hoisting, traction, and portable.

An unwritten law with present builders of boilers lays down the rule that 15 pounds steam pressure is the dividing line between high and low pressure plants. In accordance with this practice the act has been changed so that

a boiler, the safety valve of which is set to relieve the steam pressure of 15 pounds or under, is designated low pressure and is exempted, unless it is of 200 horsepower or over. In the old act, all boilers irrespective of the horsepower, the safety valves of which were set at a pressure of 10 pounds or less, were considered as low-pressure plants and exempted.

An additional grade of certificate for firemen is now in force. This certificate takes care of night watchmen who require a knowledge of boilers, but not sufficient for an operating engineer's certificate of the fourth grade.

Further changes in the act involve the separation of refrigerating and air-compressor plants and placing them in two classifications as the same engineering qualifications are not necessary for both plants.

The steam-boiler act.—The amendment of the steam boiler act in 1932 fixes a penalty of from \$50 to \$300 for any contravention of the act or regulations which endangers the safety of persons or for failure to comply with any order given under the act. New regulations have been drafted this year governing the installation of hot-water-heating systems, particularly those of the closed type.

The apprenticeship act.—In 1932 changes were made in the apprenticeship act and regulations, in order to give all concerned equal opportunity for sharing in the work of developing apprenticeship along lines acceptable to the industry.

The advisory Provincial apprenticeship committee was replaced by a board of three members, one representing employers, one representing employees, and the third the Provincial department of education. This board is entrusted with administrative responsibilities, subject to the approval of the lieutenant-governor in council and acts under the immediate direction of the minister of labor.

It was also provided that employers or employees may at all times petition the board in connection with any suggested changes in the legislation or regulations, and that the trade affected must be thoroughly canvassed before changes are put into effect.

The minimum wage act.—The minimum wage act was amended in 1932, requiring employers to keep certain records setting forth the names, addresses, rates of wages, hours of labor, actual earnings, and actual time spent in work of all their female employees, and the ages of those employees under 18 years. The definition of wages was changed to include remuneration other than money payment, such as board and lodging. Certain changes were made regarding penalties.

An amendment in 1933 reduced the membership of the minimum wage board from 5 to 3 persons, of whom 1 must be a woman.

Mothers' allowances act.—Amendments to the mothers' allowances act were made in 1932 and 1933 but these were of minor importance.

Old-age pensions act.—In 1931 the Dominion Old-Age Pensions Act was amended to provide for the payment to the Provinces of 75 percent of the cost of pensions. The Old-Age Pensions Act of Ontario was therefore amended in 1932 in accordance with this change in the Federal act, and the percentage collectible by the Province from the municipalities was reduced from 20 percent to 10 percent of the pension. In 1933 a new section was added to the act dealing with the registering of pensioners' lands.

The workmen's compensation act.—Certain changes were made to this act in 1932 in order to carry out recommendations made by Mr. Justice Middleton, who was appointed in 1931 as the commissioner to inquire into the subject of workmen's compensation in the Province. By these amendments dental treat-

ment has been included in medical aid; certain changes have been made in the system of merit rating and additions made to the schedule of industrial diseases, as follows: Infected blisters, bursitis, dermatitis, and cancer arising from the manufacture of pitch and tar. A new section made provision for compensation where a minor is unlawfully employed and a claim is made for injuries to such minor. In 1933 new provisions were made in connection with silicosis.

Quebec (by Gerard Tremblay)

One of the most interesting events in the Province of Quebec was the creation of a separate department of labor 2 years ago—before 1930 the department of labor was united with the public works department—and in 1931 Hon. C. J. Arcand was nominated minister and myself deputy minister.

Various legislation has been adopted in the course of the last 2 years. First, we decided to abolish all private fee-paying employment bureaus for 2 years. At the same time we reorganized our public employment service, and we have felt that many good things have come out of that. We have also revised our pressure boilers act. This legislation had been in the factory act, but on account of technical progress it was decided that we should have special legislation on this subject.

We have also amended our minimum wage legislation for women, extending it to girls and women working in commerce.

Last year we adopted legislation for the reduction of hours of labor. This legislation authorizes the ministry of labor to limit the hours of labor in all industries which are not exposed to international competition or competition from the other Provinces. Of course, in practice this legislation is limited to the building industries and some kinds of local transportation. We have adopted, in execution of this legislation, an order in council limiting the hours of labor in the building industries to 40 per week, and in all the buildings being financed by public bodies we have decided to establish double shifts with 36 hours per week.

Two years ago we had a social insurance commission, which investigated the various laws concerning assistance, insurance, and hygiene in industry. The members of that commission visited Geneva, Germany, France, England, and Czechoslovakia to acquire the best data on all social insurance matters. We have its report, and I will be glad to send copies to the association.

We amended our compensation act this year. On account of the crisis and a deficit of nearly \$1,000,000, we are to reduce the compensation about 15 or 20 percent. Of course, this is only for the time of the crisis, and we hope that next year or within 2 years we will be able to reestablish the minimum we had before.

We also enforced the enabling act in the Province of Quebec, as Ontario did, to give jurisdiction to Federal legislation on all matters which are subject, from the constitutional point of view, to Provincial jurisdiction.

We have a special registration for electricians. All the employers, all the workers and apprentices, in the electrical trade are obliged to register now and to have a license. This year we amended the law so as to have registration of apprentices, and our offices will follow an apprentice from the beginning to the last period of his apprenticeship. In, say, 4 years he will pass an examination, and if he is all right he will have his license.

[Meeting adjourned.]

THURSDAY, SEPTEMBER 14—MORNING SESSION

Joint Session of A.G.O.I. and I.A.I.A.B.C.

Chairman, Thomas P. Kearns, *superintendent Division of Safety and Hygiene, Department of Industrial Relations of Ohio*

Opening Address

By EUGENE B. PATTON, *Director Division of Statistics and Information of New York and President A.G.O.I.*

As most of you know, there are three organizations of labor departments which meet annually. The one with which we are most familiar is what Mr. Stewart terms the alphabet society, the I.A.I.A.B.C., which, being interpreted, is the International Association of Industrial Accident Boards and Commissions. There is another organization known as the A.G.O.I., or the Association of Governmental Officials in Industry of the United States and Canada. It is the joint session of these two bodies which is now beginning.

There is also a third organization of labor department officials known as the International Association of Public Employment Services, which is directly and particularly concerned with the operation of public employment offices. There probably are other organizations, but these are the three which I have in mind.

We have a very short time and a crowded program; therefore my presidential address is to consist simply of a recommendation which probably will not meet with the approval of more than a few of you; yet it is a recommendation which personally I strongly favor and believe to be for the best interests of all concerned.

That recommendation is that henceforth there be one annual meeting of labor department officials. In the term "labor department" I include various titles, such as industrial accident commissions, departments of industrial relations, or whatever they may be. I mean to include that group of people in a State or Province which is concerned with labor problems.

My recommendation is that there be one annual meeting of such officials, at which meeting there be one section devoted particularly to workmen's compensation problems, one section to public employment office problems, and one section to the general problems of labor-law administration and enforcement with which the A.G.O.I. concerns itself. In other words, it is to have something somewhat analogous to the National Safety Council, which deals with the general problem of safety and has separate sections to which those interested in any particular phase of the safety problem are directed and in which they may meet.

I realize quite well that there are reasons rooted in tradition against this, but the present depression has taught us, I think, that it is wellnigh impossible (in many cases it has been proved to be so) to get anything like an adequate representation from each of the Provinces and States for each of these separate conventions. It

takes time, money, and effort, and expense of one kind or another is involved. In many cases the same people from a given Province or a given department who would go to one of these meetings are also expected to go to another. I can see no reason why it would not be more desirable, from the standpoint of stimulation of interest, increase in attendance, and decrease in expense, to have one common, general meeting of labor department interests. I see no reason why any particular interest, such as workmen's compensation, public employment offices, administration of labor laws, and so forth, could not be as well cared for as it is at present. I feel quite sure that there would be a larger attendance and a greater interest manifested by so doing.

This I realize will require changes in the constitutions of each of these organizations. I will take occasion to point out such steps as I could take unofficially and without having any authority entrusted to me in this direction. The A.G.O.I. was to have met in Buffalo in May 1932. Because of the prevailing depression the meeting was postponed for 1 year. We had no session in 1932 and waited until 1933. At a meeting of the executive committee in Buffalo a committee was appointed to prepare for the 1933 session. I made an effort to secure in 1933 a meeting in the same city and at approximately the same time—that is to say, within the same week—of all three of these bodies. The public employment officials were quite eager for it and were going to meet with us, until late in the summer, when they decided that on account of the reorganization of the Federal Employment Service it would be essential that they meet in Washington this year.

The I.A.I.A.B.C. went so far as to agree to this joint session which was at first planned for only a half day; then because of the full program, it was extended to something more than a half day.

That is my recommendation. I realize how much may be said against it; nevertheless I am convinced of its value.

Another thing particularly concerns the A.G.O.I. only. If we do go on as we are, I recommend a constitutional change which will lodge the office of the secretary in the United States Bureau of Labor Statistics, on the ground that it has the organization and the facilities for conducting such work and that it will provide a greater continuity in the management of the program. Even if that is not done, I recommend that some one person, either the secretary or the president, be given full power to draft the program for the coming year. The A.G.O.I. does not have funds for an annual meeting of its executive committee to formulate a program, and therefore it is necessary to correspond with the States and Provinces. I believe that, whoever may be our secretary, if either the secretary or the president is given such power it will save time and effort, and a better program will result, than under the present plan which involves conference by mail.

Mr. Kearns, superintendent of the Division of Safety and Hygiene of Ohio, is to preside at this joint meeting on safety, and he is responsible for a large part of the program. The first two addresses were arranged for by the A.G.O.I., and from then on the speakers have been secured by Mr. Kearns, perhaps acting in conjunction with Mr. Baldwin. Before turning the meeting over to Mr. Kearns, I wish to ask that

in your minds and in your conversation with each other you will at least give the recommendation I have made your serious consideration.

Chairman KEARNS. It is indeed a happy privilege to preside at this joint session this morning, because of my past connection with the Association of Governmental Officials in Industry and my present connection with the I.A.I.A.B.C.

I think it a splendid idea to hold a joint session of these two associations for the purpose of discussing the subject of safety, one of the most humanitarian problems confronting us today, and one which is engaging the attention of the entire world because of the terrific toll of life and limb being taken by accidents, not only in industry but also in the home and on the public highways.

While a great deal has been accomplished in the prevention of accidents in recent years through the enforcement of safety laws and regulations and the promotion of educational safety work in industry (and that is the phase of safety work in which both organizations are primarily interested), the roster of those killed and injured in accidents in industry is still unnecessarily large. When we think of 15,000 being killed and 1,215,000 being seriously injured in industrial mishaps in 1 year in this country alone, we get some idea of the magnitude of the job that lies ahead and of the grave responsibility resting on the shoulders of those of us who are charged with the duty of bringing about the enforcement of safety regulations and promoting industrial safety work.

This responsibility is, I think, greater today than it has ever been. Industry is passing through the most momentous crisis in its history, but the tide seems to be turning, and as it turns and normal conditions once more prevail, safety work and safety workers are almost certain to face a crucial test. Long periods of idleness have softened workers, slowed up the skill acquired by long practice, forced readjustments, placing men on unaccustomed jobs, impaired the efficiency of safety organizations, and put both employer and employee in a frame of mind not conducive to optimism. The mental hazards of industrial jobs have been greatly accentuated in these times, and the readjustment of mental attitudes will be one of our biggest problems.

The future of safety depends largely upon the success attending our efforts to effect a transition from the reckless to the careful age, and the degree of success attained will depend largely on the amount of effort put into the work by those who bear the responsibility. I am as optimistic as any man regarding the future of safety. While the time will probably never come when there will be no industrial accidents, I think the day will come when all preventable accidents will be prevented, when safety consciousness will have taken such root in the hearts and minds of employers and workers that the laxity which permits the occurrence of a preventable accident will be viewed with shame, and when a man's attitude toward safety will have equal weight with his ability and integrity. It may mean years of persistent effort to bring this about, but my prediction is that this goal will ultimately be reached if we all do our part.

So I repeat that it is fitting and appropriate that these two organizations which have so many things in common in connection with this great problem of safety should get together for discussion of the topic, so that we can give each other the benefit of our views and

experiences and do what we can to be mutually helpful in working out a solution of these problems.

In arranging for the program for today, we have endeavored not only to select subjects that would be of vital interest to all safety advocates and workers but also to select speakers who from training and experience could speak with authority on the subject of accident prevention. I believe that every one of the speakers will have a real message on safety for this audience today. The first item on the program is the "Status of Industrial Safety Codes and Regulations in the Various States", by Charles E. Baldwin, Assistant Commissioner of Labor Statistics.

Status of Industrial Safety Codes and Regulations in the Various States

By CHARLES E. BALDWIN, *United States Assistant Commissioner of Labor Statistics*

During the period of domestic and handicraft employment, before the application of steam and electric power, workers were exposed to few hazards, and the question of safety in industrial life was principally a matter of individual caution. Introduction of machinery changed conditions completely. Accident hazards were multiplied, and the safety of the worker depended not only on his own judgment and caution, but also on the judgment and caution of his fellow workers, as well as on the amount of protection afforded by the employer or by the manufacturers of the mechanical devices against the hazards incident to machine operation.

It did, however, take considerable time before it was realized that an accident to a worker is evidence that something has gone wrong, and that a repetition of a particular kind of accident is evidence that something is habitually wrong and should be corrected. The mounting toll of industrial accidents causing physical and mental suffering as well as financial loss to the workers, and the increased cost of production to the employers, finally resulted in enactment of State regulations to safeguard workers from preventable accidents.

Massachusetts took the lead in 1877 with the first American law requiring factory safeguards, providing that all transmission machinery and all machinery having movable parts in factories and workshops, or mechanical and mercantile establishments, should be securely guarded as far as practicable, if so placed as to be dangerous to employees while engaged in their ordinary duties. Factory inspectors were appointed 10 years earlier, and a permanent bureau for the investigation of labor conditions was established in 1869.

The example of Massachusetts was followed by New York, Wisconsin, and other States, many of which adopted blanket codes or regulations of similar character. It was, however, found that under blanket provisions the standard was very indefinite and vague, and that the constant changes in industries and methods required specific and detailed regulations. As a result, a number of special safety codes, rules, or regulations for industrial activities covering either specific important industries, certain mechanical processes, or special

hazards have been developed in the leading industrial States and in others that have considered accident prevention important.

Safety codes or regulations are adopted and enforced for the purpose of preventing accidents. The enactment of workmen's compensation laws and the compilation of accident statistics have played very prominent parts in the accident-prevention movement and have pointed out the necessity for safety regulations. Industry was forced, through workmen's compensation acts, to pay the bills for all accidents. Through such payments the employers began to realize the frightful toll of indifference and, sometimes, criminal negligence. Statistics disclosed that it was cheaper to prevent accidents than to pay for them, and investigation showed that a large majority of accidents could be prevented. The experience of some large firms, which had applied rules of their own, proved both points.

Safety regulations in some States are still statutory, with certain agencies designated for enforcement. In other States it has been found advisable to authorize the enforcing agency (industrial commission, department of labor, utilities commissions, etc.) to formulate reasonable rules, regulations, or orders for the prevention of industrial injuries. In such case the rules are sometimes promulgated by the enforcing agency itself, but the principal industrial States have adopted the method of forming advisory committees for assistance in the drafting of safety codes or orders. Such advisory committees are composed of the various groups interested: Employers; employees; and insurance, medical, legal, or technical experts with special knowledge of the particular problems involved. In some States public hearings are also held before the codes become effective.

Since the previous report to this association an inquiry has been made, through the United States Bureau of Labor Statistics, concerning the specific safety regulations in effect at the present time in the individual States and the District of Columbia. Information has been received from practically all, and is shown in the appendix, by States. Previous information, supplemented by data obtained through careful research, is given for the States from which definite information was not obtained.

In some instances the safety regulations shown in the appendix are authorized specifically by statute, while in others they are promulgated under authority of the industrial commission, the department of labor, or other regulatory agency to carry out the general provisions of law which authorize safety measures, without definite specifications. Safety provisions covering mines and mining operations are indicated under a general classification "Mines", and are not given in detail, as that subject is ordinarily covered by the United States Bureau of Mines.

Two of the States, Alabama and New Mexico, have no safety regulations of any kind, and Florida has only regulations covering employment of children under 16. Other States show considerable variation. Some of them have safety provisions covering all dangerous practices, while others have regulations for a few specific subjects only.

Some revisions and changes were made during the past year in the existing regulations in several States and some new safety codes

were adopted. Notable among the latter were the laws and regulations for the use of nonshatterable glass in motor vehicles, adopted by California, Massachusetts, Michigan, Nebraska, and New York. Bills on this subject have also been introduced in the legislatures of Illinois, New Jersey, and Ohio, and in the United States Congress.

In California a new code was adopted for work in compressed air. In Maryland the existing list of approved safety codes was enlarged by the adoption of codes on compressed-air work; floor and wall openings, railings, and toeboards; and protection against lighting; making a total of 32 separate safety codes approved by that State. In North Carolina regulations were issued covering spray painting and quarries.

In Ohio a new code has been adopted, covering pressure piping and mechanical-refrigeration systems and equipment, while two of the previous codes have been completely revised, bringing regulations up to date for elevators and for fabricating machinery.

Appendix A.—Safety Regulations for Industrial Workers, by States, 1933

Safety codes, rules, or regulations for the protection of industrial workers have been adopted by all of the States except Alabama and New Mexico, and by the District of Columbia. Considerable difference exists, however, in the number of subjects covered in the various jurisdictions, partly due to differences in industrial development.

A compilation is here presented of the specific subjects covered in each of the States, either by statutory enactment or by orders of the enforcing governmental agency authorized through the laws to develop and issue regulations, according to information received by September 1, 1933, from the various States and from research of reports and laws.

The classification may not be complete, as some States have blanket regulations covering health and safety of industrial workers in all industries located in the jurisdiction, but it is assumed that all subjects are listed that are covered by specific rules and practically all that are covered by the general rules. Brief explanatory notes are included.

Alabama.—No industrial safety laws have been adopted, and no governmental agency has authority to formulate rules or regulations. Suggestions furnished to industrial establishments, when requested, are usually based on regulations advocated by the various engineering societies or the National Safety Council.

Alaska.—Statutory regulations cover health and safety of workers in mines, and sanitary conditions in factories, canneries, or other establishments where labor is employed, but failure of securing appropriation for necessary expenses has prevented enforcement of the sanitary provisions for nearly a decade.

Arizona.—Safety measures are provided to a certain extent through the industrial commission by variation in the cost of insurance in the State compensation fund. Statutory provisions cover the following subjects: Abrasive wheels, construction work, electrical installation, and power-transmission apparatus.

Arkansas.—Statutory provisions cover boilers, mines, public-safety corporations, and industrial sanitation for female employees, and prohibit employment of children under 16 in dangerous occupations. Some proprietors of laundries, woodworking plants, printing plants, etc., provide safety appliances in conformity with recommendations of companies manufacturing such appliances, but such measures are voluntary.

California.—Safety orders of the industrial accident commission apply to all places of employment in the State, and the commission has power to require that all unsafe conditions be removed, whether that condition is or is not covered by a special order. The safety orders cover the following subjects:

Abrasive wheels
 Aeronautics
 Air-pressure tanks
 Amusement parks
 Automobile brakes and brake testing
 Automobile headlighting
 Bakeries
 Boilers
 Brewing and bottling
 Canneries
 Ceramics
 Chemicals
 Colors for traffic signals
 Compressed-air machinery (in part)
 Compressed-air work
 Construction work
 Conveyors and conveying machinery
 (in part)
 Cranes, derricks, and hoists
 Dredges
 Drycleaning and dyeing
 Dust explosions, prevention of
 Electrical installations
 Elevators and escalators
 Engines
 Exhaust systems
 Explosives
 Floor and wall openings, railings, and
 toeboards
 Forging and hot-metal stamping
 Foundries, protection of workers in
 Gas installations
 Grandstands
 Ladders
 Laundry machinery and operation
 Lighting factories, mills, etc.
 Logging and sawmill machinery

Machine tools
 Metal working
 Milling industry
 Mines
 Motorboats
 Oil drilling
 Painting
 Paper and pulp mills
 Plant railways
 Plate- and sheet-metal working
 Plumbing
 Potteries
 Power control, electrical
 Power control, mechanical
 Power-transmission apparatus
 Printing
 Protection from fire and panic
 Quarries
 Refrigeration, mechanical
 Rubber machinery
 Safety glass
 Sanitation, industrial
 Scaffolds and staging
 Shipbuilding
 Steam shovels
 Steel mills
 Stevedoring operations
 Sugar factories
 Tanneries
 Textiles
 Tunnels
 Ventilation
 Walkway surfaces (in part)
 Welding
 Window washing
 Woodworking plants

Colorado.—Safety regulations, based on broad statutory provisions, are now enforced by the inspection department of the industrial commission, with the exception of mining regulations which come under the coal-mine inspection department or the State bureau of mines, respectively. The following subjects are covered:

Abrasive wheels
 Boilers
 Compressed-air machinery
 Construction work
 Conveyors and conveying machinery
 Drycleaning and dyeing
 Dust explosions, prevention of
 Elevators and escalators
 Exits, building
 Floor and wall openings, railings, and
 toeboards
 Foundries, protection of workers in
 Ladders
 Laundry machinery and operation
 Lighting factories, mills, etc.

Lighting of school buildings
 Machine tools
 Mines
 Paper and pulp mills
 Plate- and sheet-metal working
 Power presses, and foot and hand
 presses
 Rubber machinery
 Sanitation, industrial
 Scaffolds and staging
 Spray painting
 Sugar factories
 Ventilation
 Walkway surfaces
 Woodworking plants

Connecticut.—Statutory provisions cover the following subjects:

Automobile brakes and brake testing
 Automobile headlighting
 Boilers
 Construction work
 Electrical installations
 Elevators and escalators
 Exhaust systems

Exits, building
 Laundry machinery and operation
 Lighting factories, mills, etc.
 Power-transmission apparatus
 Sanitation, industrial
 Scaffolds and staging
 Ventilation

Delaware.—Statutory provisions cover the following subjects: Aeronautics; automobile brakes and brake testing; automobile headlighting; boilers; canneries; exits, building; and explosives. Local safety provisions for the city of Wilmington cover drycleaning and dyeing, gas installations, plumbing, and protection from fire and panic.

District of Columbia.—Safety regulations, adopted by the Commissioners of the District under authority enacted by Congress of the United States, cover the following subjects:

Air-pressure tanks	Grandstands
Automobile brakes and brake testing	Plumbing
Automobile headlighting	Power control, electrical
Boilers	Power-transmission apparatus
Compressed-air machinery	Pressure piping
Drycleaning and dyeing	Pressure vessels
Electrical installations	Protection from fire and panic
Elevators and escalators	Refrigeration, mechanical
Engines	Sanitation, industrial
Exits, building	Steam shovels

Florida.—The only safety regulations in the State are the statutory provisions of the child-labor law, which include safety and sanitary provisions for children under 16.

Georgia.—Statutory provisions cover building exits and child labor only. None of the governmental agencies are authorized to promulgate safety codes.

Hawaii.—Statutory provisions cover aeronautics, and explosives (under supervision of the Territorial superintendent of public works), while sanitary regulations are promulgated and enforced by the Territorial board of health.

The workmen's compensation law has no provision for safety regulations, but the industrial accident boards cooperate with local insurance carriers and employers to minimize industrial accidents, and ordinances of the city and county of Honolulu regulate several industrial conditions. Including the items mentioned previously, the subjects covered by the various regulations are:

Aeronautics	Ladders
Automobile brakes and brake testing	Laundry machinery and operation
Automobile headlighting	Lighting factories, mills, etc.
Construction work	Lighting of school buildings
Electrical installations	Lightning, protection against
Exits, building	Plumbing
Explosives	Protection from fire and panic
Floor and wall openings, railings, and toeboards	Safety glass
Grandstands	Sanitation, industrial
	Scaffolds and staging

Idaho.—Safety regulations issued by the industrial accident board, which is empowered by statute to protect workers, cover the following subjects:

Elevators and escalators	Printing
Exits, building	Protection from fire and panic
Laundry machinery and operation	Woodworking plants
Power-transmission apparatus	

Illinois.—Statutory provisions, administered by the department of labor through the division of factory inspection, cover the following subjects:

Abrasive wheels	Laundry machinery and operation
Construction work (structural iron)	Lighting factories, mills, etc.
Cranes, derricks, and hoists (limited)	Power control, electrical
Electrical installations	Power control, mechanical
Exhaust systems	Power-transmission apparatus
Exits, building	Sanitation, industrial
Floor and wall openings, railings, and toeboards	Scaffolds and staging
Foundries, protection of workers in	Spray painting
Gas installations	Ventilation
Ladders (in part)	Woodworking plants

Indiana.—Statutory provisions of the factory act, the boiler inspection act, and items under the State safety department, cover the following subjects:

Abrasive wheels	Laundry machinery and operation
Aeronautics	Lighting factories, mills, etc.
Air-pressure tanks	Lighting of school buildings
Amusement parks	Logging and sawmill machinery
Automobile brakes and brake testing	Machine tools
Automobile headlighting	Metal working
Bakeries	Milling industry
Boilers	Mines
Brewing and bottling	Paper and pulp mills
Canneries	Plate- and sheet-metal working
Ceramics	Plumbing
Chemicals	Potteries
Compressed-air machinery	Power control, electrical
Compressed-air work	Power control, mechanical
Construction work	Power presses, and foot and hand presses
Conveyors and conveying machinery	Power-transmission apparatus
Cranes, derricks, and hoists	Quarries
Dredges	Refrigeration, mechanical
Drycleaning and dyeing	Sanitation, industrial
Dust explosions, prevention of	Scaffolds and staging
Elevators and escalators	Shipbuilding
Exhaust systems	Spray painting
Exits, building	Steam shovels
Explosives	Steel mills
Felt-hatting industry	Sugar factories
Floor and wall openings, railings, and toeboards	Tanneries
Forging and hot-metal stamping	Textiles
Foundries, protection of workers in	Ventilation
Grandstands	Welding
Heads and eyes, protection of	Woodworking plants
Ladders	

Iowa.—Blanket regulations, covering specified health and safety conditions in all workshops or other industrial establishments, except mines or in agricultural work, authorize orders by the State bureau of labor for proper observance of the law. Regulations for mine safety are under the jurisdiction of the State bureau of mines. Special industrial subjects covered include the following:

Abrasive wheels	Laundry machinery and operation
Boilers	Mines
Dust explosions, prevention of	Paper and pulp mills
Electrical installations	Plumbing
Elevators and escalators	Power presses, and foot and hand presses
Exhaust systems	Power-transmission apparatus
Exits, building	Printing
Forging and hot-metal stamping	Rubber machinery
Foundries, protection of workers in	Sanitation, industrial
Heads and eyes, protection of	Woodworking plants
Ladders	

Kansas.—No specific codes for special subjects, but statutory blanket regulations for all industrial establishments authorize orders from inspectors for necessary changes according to individual judgment. In a general way the following subjects are covered:

Abrasive wheels	Dust explosions, prevention of
Aeronautics (in part)	Electrical installations
Amusement parks	Elevators and escalators
Automobile brakes and brake testing	Exits, building
Automobile headlighting	Explosives
Bakeries	Floor and wall openings, railings, and toeboards
Boilers (in part)	Foundries, protection of workers in
Canneries	Gas installations
Colors for traffic signals	Gas-mask canisters, colors for
Construction work	Heads and eyes, protection of (in part)
Conveyors and conveying machinery	Ladders
Cranes, derricks, and hoists	Laundry machinery and operation
Drycleaning and dyeing	

Lighting factories, mills, etc.	Printing
Machine tools	Protection from fire and panic
Milling industry	Quarries
Mines	Refrigeration, mechanical (in part)
Oil drilling	Sanitation, industrial
Power control, electrical	Scaffolds and staging
Power control, mechanical	Sugar factories
Power presses, and foot and hand presses	Ventilation
Power-transmission apparatus	Walkway surfaces
	Woodworking plants

Kentucky.—Statutory regulations cover only industrial sanitation (under the State board of health), fire prevention (under the State department of fire prevention and rates), coal mines (under the State department of mines), safety provisions for miners and dust removal for polishing or grinding machinery (under the department of agriculture, labor, and statistics). The latter is authorized to inspect industrial establishments and suggest corrections of hazards. Some safety codes have been adopted by the department for the guidance of inspectors in making recommendations.

Louisiana.—Some statutory regulations exist, but the only inspection is in the parish of Orleans by an inspector specifically provided by the law to enforce the child-labor act. The following subjects are covered:

Construction work	Printing
Elevators and escalators	Protection from fire and panic
Exhaust systems	Sanitation, industrial
Exits, building	Scaffolds and staging
Ladders	

Maine.—No codes have been adopted. The department of labor and industry is permitted by law to order changes in ways, works, and machinery, where same are deemed necessary. Safety provisions cover the following subjects:

Automobile headlighting	Plumbing
Boilers (in part)	Power-transmission apparatus
Compressed-air work	Sanitation, industrial
Exits, building	Tunnels

Maryland.—American Standards Association safety codes have been adopted by the State industrial accident commission as minimum specific requirements for safety and have the force of law. The following subjects are covered:

Abrasive wheels	Laundry machinery and operation
Compressed-air machinery	Lighting factories, mills, etc.
Dust explosions, prevention of	Lightning, protection against
Electrical installations	Logging and sawmill machinery
Elevators and escalators	Mines
Exits, building	Paper and pulp mills
Floor and wall openings, railings, and toeboards	Power presses, and foot and hand presses
Forging and hot-metal stamping	Power-transmission apparatus
Foundries, protection of workers in	Refrigeration, mechanical
Gas installations	Rubber machinery
Gas-mask canisters, colors for	Textiles
Heads and eyes, protection of	Woodworking plants
Ladders	

Massachusetts.—Under authority conferred by statute the State departments of labor and industries, of public safety, and of public works have adopted a number of health and safety codes covering the following subjects:

Abrasive wheels	Ceramics
Aeronautics	Compressed-air machinery
Air-pressure tanks	Construction work
Automobile brakes and brake testing	Conveyors and conveying machinery
Automobile headlighting	Cranes, derricks, and hoists
Bakeries	Drycleaning and dyeing
Boilers	Electrical installations
Brewing and bottling	Elevators and escalators
Canneries	Exhaust systems

Exits, building	Power control, electrical
Explosives	Power control, mechanical
Felt-hatting industry	Power presses, and foot and hand presses
Floor and wall openings, railings, and toeboards	Power-transmission apparatus
Foundries, protection of workers in	Protection from fire and panic
Gas installations	Quarries
Heads and eyes, protection of	Refrigeration, mechanical
Ladders	Rubber machinery
Laundry machinery and operation	Safety glass
Lighting factories, mills, etc.	Sanitation, industrial
Lighting of school buildings	Scaffolds and staging
Lightning, protection against	Spray painting
Logging and sawmill machinery	Steel mills
Metal working	Sugar factories
Painting	Tanneries
Paper and pulp mills	Textiles
Plate- and sheet-metal working	Ventilation
Potteries	Woodworking plants

Michigan.—In addition to statutory legislation, the department of labor and industry has adopted rules and regulations for safety in industrial establishments, some of them as a result of conferences with those interested. The laws and regulations cover the following subjects:

Abrasive wheels	Heads and eyes, protection of
Automobile brakes and brake testing	Ladders
Automobile headlighting	Laundry machinery and operation
Boilers	Lighting factories, mills, etc.
Canneries	Lighting of school buildings
Colors for traffic signals	Paper and pulp mills
Construction work	Power control, electrical
Conveyors and conveying machinery	Power control, mechanical
Dust explosions, prevention of	Power presses, and foot and hand presses
Electrical installations	Power-transmission apparatus
Elevators and escalators	Rubber machinery
Exhaust systems	Sanitation, industrial
Exits, building	Spray painting
Floor and wall openings, railings, and toeboards	Textiles
Forging and hot-metal stamping	Ventilation
Foundries, protection of workers in	Welding
Gas installations	Woodworking plants

Minnesota.—The statutes relating to industrial safety are very general in their application and authorize the industrial commission to promulgate specific rules and regulations. With the exception of regulations for plumbing, which are under the jurisdiction of the health department, these cover the following subjects:

Abrasive wheels	Heads and eyes, protection of
Automobile brakes and brake testing	Laundry machinery and operation
Boilers	Logging and sawmill machinery
Brewing and bottling	Paper and pulp mills
Canneries	Plumbing
Construction work	Power control, mechanical
Conveyors and conveying machinery	Power presses, and foot and hand presses
Drycleaning and dyeing	Power-transmission apparatus
Dust explosions, prevention of	Quarries
Electrical installations	Refrigeration, mechanical
Elevators and escalators	Sanitation, industrial
Exhaust systems	Scaffolds and staging
Exits, building	Ventilation
Floor and wall openings, railings, and toeboards	Window washing
Forging and hot-metal stamping	Woodworking plants
Foundries, protection of workers in	

Mississippi.—No special safety codes have been adopted, but statutory provisions cover the following subjects:

Exits, building	Lighting of school buildings
Floor and wall openings, railings, and toeboards	Power transmission
Guarding of all machinery	Sanitation, industrial
Lighting factories, mills, etc.	Ventilation

Missouri.—The labor laws of the State contain general provisions for the protection of industrial workers, with specific reference to several subjects but details left to the judgment of the State department of labor and industrial inspection, and the only specific rules formulated by the department pertain to boilers. Including this code, and the regulations for mines which are under the jurisdiction of the State bureau of mines, the following subjects are covered:

Abrasive wheels	Foundries, protection of workers in (in part)
Automobile headlighting	Gas installations
Bakeries	Heads and eyes, protection of
Boilers	Mines
Colors for traffic signals	Plant railways
Floor and wall openings, railings, and toeboards	Power control, mechanical
Construction work	Protection from fire and panic
Dust explosions, prevention of	Sanitation, industrial
Elevators and escalators	Scaffolds and staging
Exits, building	Ventilation
Explosives	Woodworking plants

Montana.—Statutory provisions cover boilers and steam machinery, electrical installations, and mines.

Nebraska.—The safety codes approved by the American Standards Association have been adopted as minimum requirements for safety. The following subjects are covered:

Abrasive wheels	Laundry machinery and operation
Air-pressure tanks	Metal working
Bakeries	Paper and pulp mills.
Boilers	Power control, electrical
Construction work	Power control, mechanical
Conveyors and conveying machinery	Power-transmission apparatus
Cranes, derricks, and hoists	Pressure vessels
Drycleaning and dyeing	Rubber machinery
Exhaust systems	Safety glass
Exits, building	Sanitation, industrial
Heads and eyes, protection of	Scaffolds and staging
Ladders	Ventilation
Floor and wall openings, railings, and toeboards	Window washing
	Woodworking plants

Nevada.—Statutory provisions cover the following subjects:

Abrasive wheels	Ladders
Electrical installations	Mines
Exits, building	Power-transmission apparatus
Floor and wall openings, railings, and toeboards	Tunnels

New Hampshire.—The factory-inspection law permits the bureau of labor to issue orders covering any condition that is dangerous to the life and limb of workers. Regulations issued cover the following subjects:

Abrasive wheels	Floor and wall openings, railings, and toeboards (in part)
Automobile brakes and brake testing	Foundries, protection of workers in
Automobile headlighting	Heads and eyes, protection of
Boilers	Ladders
Compressed-air machinery	Laundry machinery and operation
Elevators and escalators	Lighting factories, mills, etc.
Exhaust systems	Logging and sawmill machinery
Exits, building (in part)	

Machine tools
 Paper and pulp mills
 Power presses, and foot and hand presses
 Power-transmission apparatus
 Refrigeration, mechanical

Sanitation, industrial
 Tanneries
 Textiles
 Ventilation
 Walkway surfaces
 Woodworking plants

New Jersey.—Statutory provisions and safety regulations cover the following subjects:

Abrasive wheels
 Boilers
 Ceramics
 Chemicals
 Construction work
 Cranes, derricks, and hoists
 Dust explosions, prevention of
 Electrical installations
 Elevators and escalators
 Exhaust systems
 Exits, building
 Explosives
 Felt-hatting industry
 Floor and wall openings, railings, and toeboards
 Forging and hot-metal stamping
 Foundries, protection of workers in

Heads and eyes, protection of
 Ladders
 Laundry machinery and operation
 Lighting factories, mills, etc.
 Potteries
 Power control, electrical
 Power control, mechanical
 Power presses, and foot and hand presses
 Printing
 Refrigeration, mechanical
 Rubber machinery
 Sanitation, industrial
 Scaffolds and staging
 Ventilation
 Window washing
 Woodworking plants

New Mexico.—No safety regulations exist. Some safety practices have been applied in coal mines through cooperation of inspectors and employers, but strictly voluntary, as there are no State laws for enforcement.

New York.—The State department of labor is authorized to formulate and adopt codes or rules which have the same force and effect as statutes enacted by the legislature. Such codes are supplementary to the labor law, which in some sections is specific, but in others broad and general. They are developed with the aid of an advisory committee, and public hearings are mandatory before final adoption. The existing codes cover the following subjects:

Abrasive wheels
 Bakeries
 Boilers
 Brewing and bottling
 Canneries
 Compressed-air work
 Construction work
 Conveyors and conveying machinery
 Cranes, derricks, and hoists
 Drycleaning and dyeing
 Dust explosions, prevention of (in part)
 Elevators and escalators
 Engines
 Exhaust systems
 Exits, building
 Explosives
 Floor and wall openings, railings, and toeboards
 Forging and hot-metal stamping
 Foundries, protection of workers in
 Hand tools
 Heads and eyes, protection of
 Ladders
 Laundry machinery and operation
 Lighting factories, mills, etc.

Machine tools
 Metal working
 Milling industry
 Mines
 Paper and pulp mills
 Plate- and sheet-metal working
 Plumbing
 Potteries
 Power control, mechanical
 Power presses, and foot and hand presses
 Power-transmission apparatus
 Printing
 Protection from fire and panic
 Quarries
 Rubber machinery
 Sanitation, industrial
 Scaffolds and staging
 Tanneries
 Textiles
 Tunnels
 Ventilation
 Walkway surfaces
 Welding
 Window washing
 Woodworking plants

North Carolina.—Rules and suggestions promulgated by the State department of labor covering the following subjects:

Abrasive wheels	Lighting, factories, mills, etc.
Automobile brakes and brake testing	Lighting of school buildings
Automobile headlighting	Lightning, protection against
Bakeries	Mines
Chemicals	Painting
Colors for traffic signals	Plant railways
Cranes, derricks, and hoists	Plumbing
Electrical installations	Power control, electrical
Elevators and escalators	Power-transmission apparatus
Exits, building	Protection from fire and panic
Explosives	Quarries
Floor and wall openings, railings, and toeboards	Sanitation, industrial
Hand tools	Spray painting
Heads and eyes, protection of	Textiles
Ladders	Ventilation
	Woodworking plants

North Dakota.—Safety regulations of the State department of agriculture and labor cover the following subjects:

Boilers	Engines
Construction work	Exits, building
Conveyors and conveying machinery	Mines
Cranes, derricks, and hoists	Scaffolds and staging
Electrical installations	

Ohio.—Safety codes prepared under statutory authorization by the industrial commission, with the assistance of representatives of employers and employees, have the force and effect of statutory regulations. The following subjects are covered:

Abrasive wheels	Metal working
Air-pressure tanks	Painting
Bakeries	Plate- and sheet-metal working
Boilers	Plumbing
Ceramics	Potteries
Compressed-air work	Power presses, and foot and hand presses
Construction work	Power-transmission apparatus
Cranes, derricks, and hoists	Pressure piping
Drycleaning and dyeing	Pressure vessels
Elevators and escalators	Protection from fire and panic
Exhaust systems	Quarries
Exits, building	Refrigeration, mechanical
Explosives	Rubber machinery
Floor and wall openings, railings, and toeboards	Scaffolds and staging
Forging and hot-metal stamping	Spray painting
Foundries, protection of workers in	Steel mills
Hand tools	Tunnels
Ladders	Ventilation
Laundry machinery and operation	Welding
Lighting factories, mills, etc.	Window washing
Lighting of school buildings	Woodworking plants
Machine tools	

Oklahoma.—Statutory regulations, or safety provisions issued by the State department of labor to give effect to the laws, cover the following subjects:

Abrasive wheels	Dust explosions, prevention of
Bakeries	Elevators and escalators
Boilers	Engines
Brewing and bottling	Exhaust systems
Canneries	Exits, building
Compressed-air machinery	Explosives (in part)
Construction work	Floor and wall openings, railings, and toeboards
Conveyors and conveying machinery	Foundries, protection of workers in
Cranes, derricks, and hoists	Heads and eyes, protection of
Drycleaning and dyeing	

Ladders (in part)	Power-transmission apparatus
Laundry machinery and operation	Pressure vessels
Lighting factories, mills, etc.	Printing
Logging and sawmill machinery	Safety glass
Machine tools	Sanitation, industrial
Metal working	Scaffolds and staging
Milling industry	Steam shovels
Oil drilling	Steel mills
Plate- and sheet-metal working	Tanneries
Potteries	Textiles
Power control, electrical	Ventilation
Power control, mechanical	Walkway surfaces
Power presses, and foot and hand presses	Woodworking plants

Oregon.—Statutory provisions, or safety standards, promulgated by the industrial accident commission and having the effect of legislative action, cover the following subjects:

Abrasive wheels	Lighting factories, mills, etc.
Air-pressure tanks	Logging and sawmill machinery
Boilers	Paper and pulp mills
Canneries	Plumbing
Compressed-air machinery	Power control, electrical
Construction work	Power control, mechanical
Conveyors and conveying machinery	Power presses, and foot and hand presses
Cranes, derricks, and hoists	Power-transmission apparatus
Electrical installations	Pressure piping
Elevators and escalators	Pressure vessels
Exhaust systems	Printing
Exits, building	Sanitation, industrial
Floor and wall openings, railings, and toeboards (limited)	Scaffolds and staging
Foundries, protection of workers in	Walkway surfaces
Ladders	Window washing
Laundry machinery and operation	Woodworking plants

Pennsylvania.—Safety codes, developed under statutory authorization by the State department of labor and industry, assisted by employer and employee representatives of the respective industries, and submitted to public hearings before adoption, cover the following subjects:

Abrasive wheels	Lighting factories, mills, etc.
Automobile brakes and brake testing	Lighting of school buildings
Automobile headlighting	Logging and sawmill machinery
Bakeries	Machine tools
Boilers	Milling industry
Brewing and bottling	Mines
Canneries	Paper and pulp mills
Chemicals	Plant railways
Compressed-air machinery	Power control, electrical
Compressed-air work	Power control, mechanical
Construction work	Power presses, and foot and hand presses
Drycleaning and dyeing	Power-transmission apparatus
Electrical installations	Printing
Elevators and escalators	Protection from fire and panic
Engines	Quarries
Exhaust systems	Safety glass
Exits, building	Sanitation, industrial
Explosives	Scaffolds and staging
Floor and wall openings, railings, and toeboards	Spray painting
Forging and hot-metal stamping	Tanneries (in part)
Foundries, protection of workers in	Textiles
Gas installations	Tunnels
Heads and eyes, protection of	Window washing
Ladders	Woodworking plants
Laundry machinery and operation	

Rhode Island.—Statutory provisions of the factory-inspection law and the boiler-inspection law cover the following subjects:

Abrasive wheels	Floor and wall openings, railings, and toeboards
Aeronautics	Foundries, protection of workers in
Automobile brakes and brake testing	Laundry machinery and operation
Automobile headlighting	Lighting factories, mills, etc.
Bakeries	Sanitation, industrial
Boilers	Scaffolds and staging
Colors for traffic signals	Textiles
Construction work (cities)	Ventilation
Explosives	

South Carolina.—Statutory regulations pertaining to industrial establishments prohibit children under 14 from cleaning machinery while in motion and require seats for female employees in mercantile establishments and sanitary drinking receptacles, the only industrial safety regulations in the State.

South Dakota.—Statutory regulations cover automobile brakes and brake testing, automobile headlighting, boilers, lighting of school buildings, and industrial sanitation where women or children are employed. They also cover building exits (under the jurisdiction of the State fire marshal), as well as mines, quarries, and the removal of gases, fumes, or dust in smelters or reduction works (all under the jurisdiction of the State mine inspector).

Tennessee.—Safety standards adopted by the factory-inspection division of the State department of labor and published for the use of inspectors or the industries cover the following subjects:

Abrasive wheels	Metal working
Amusement parks	Paper and pulp mills
Compressed-air machinery	Plate- and sheet-metal working
Conveyors and conveying machinery	Power control, electrical
Cranes, derricks, and hoists	Power control, mechanical
Drycleaning and dyeing	Power presses, and foot and hand presses
Elevators and escalators	Printing
Engines	Protection from fire and panic
Exhaust systems	Quarries
Exits, building	Refrigeration, mechanical
Floor and wall openings, railings, and toeboards	Sanitation, industrial
Foundries, protection of workers in	Spray painting
Gas-mask canisters, colors for	Tanneries
Ladders	Textiles
Laundry machinery and operation	Ventilation
Lighting factories, mills, etc.	Walkway surfaces
Logging and sawmill machinery	Woodworking plants
Machine tools	

Texas.—The health, comfort, and safety law, the law for female employees, and the child-labor law permit a broad field for safety rules in factories, mills, workshops, and mercantile establishments. Specific requirements include exits, handrailings, and industrial sanitation, but the State bureau of labor statistics includes the following subjects as covered:

Amusement parks	Logging and sawmill machinery
Automobile brakes and brake testing	Milling industry
Automobile headlighting	Mines
Colors for traffic signals	Plant railways
Construction work	Plumbing
Dust explosions, prevention of	Power presses, and foot and hand presses
Electrical installations (local)	Power-transmission apparatus
Elevators and escalators	Printing
Exhaust systems	Protection from fire and panic
Exits, building	Quarries
Explosives	Sanitation, industrial
Floor and wall openings, railings, and toeboards (in part)	Scaffolds and staging
Gas installations	Stevedoring operations
Hand tools	Sugar factories
Ladders	Textiles
Laundry machinery and operation	Tunnels
Lighting factories, mills, etc.	Ventilation
Lighting of school buildings	Woodworking plants

Utah.—The industrial commission is authorized to promulgate and adopt safety codes, rules, and regulations. A number of standards have been adopted as a result of conferences with employers and employees. The following subjects are covered:

Abrasive wheels	Lighting of school buildings
Air-pressure tanks	Logging and sawmill machinery (in part)
Amusement parks	Machine tools
Automobile brakes and brake testing (in part)	Metal working
Automobile headlighting (in part)	Milling industry
Bakeries	Mines
Boilers	Oil drilling
Brewing and bottling	Painting
Canneries	Plant railways
Ceramics	Plate- and sheet-metal working
Chemicals	Plumbing
Colors for traffic signals	Potteries
Compressed-air machinery	Power control, electrical
Compressed-air work	Power control, mechanical
Construction work	Power presses, and foot and hand presses (in part)
Conveyors and conveying machinery	Power-transmission apparatus
Cranes, derricks, and hoists	Pressure piping
Drycleaning and dyeing	Pressure vessels
Dust explosions, prevention of	Printing
Electrical installations	Quarries
Elevators and escalators	Refrigeration, mechanical
Engines	Safety glass
Exhaust systems	Sanitation, industrial
Exits, building	Scaffolds and staging
Explosives	Spray painting
Floor and wall openings, railings, and toeboards	Steam shovels
Forging and hot-metal stamping	Steel mills
Foundries, protection of workers in (in part)	Sugar factories
Gas-mask canisters, colors for	Tanneries
Grandstands	Textiles
Hand tools	Tunnels
Heads and eyes, protection of (in part)	Ventilation
Ladders (in part)	Walkway surfaces
Laundry machinery and operation	Welding
Lighting factories, mills, etc. (in part)	Window washing
	Woodworking plants

Vermont.—No specific safety codes have been adopted. The statutes are indefinite but broad so far as the jurisdiction of the State commissioner of industries is concerned and the activities of that office cover the following subjects:

Abrasive wheels	Lighting factories, mills, etc.
Compressed-air machinery	Logging and sawmill machinery
Construction work	Paper and pulp mills
Conveyors and conveying machinery	Power-transmission apparatus
Cranes, derricks, and hoists	Quarries
Elevators, and escalators	Sanitation, industrial
Exits, building	Scaffolds and staging
Floor and wall openings, railings, and toeboards	Tanneries
Foundries, protection of workers in	Textiles
Heads and eyes, protection of	Ventilation
Laundry machinery and operation	Walkway surfaces
	Woodworking plants

Virginia.—Statutory regulations give the State department of labor discretionary powers in the regulation of safety appliances and sanitary conditions in industrial establishments, but does not provide for the establishment of safety codes. In 1930 the legislature appointed a committee to study the advisability of adopting a safety code for employers and employees. A report of this committee has been submitted to the legislature, recommending

promulgation of safety codes by the industrial commission, with enforcement in the department of labor and industry. Specific statutory provisions cover the following subjects:

Abrasive wheels Elevators Exits, building Explosives	Mines Power-transmission apparatus Quarries
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Washington.—Under statutory regulations the State department of labor and industries has promulgated general safety standards, adopted after conferences with employers and employees and holding of public hearings. These standards have the status of legislative action, and carry penalties for noncompliance. Much of the safety work is covered by city ordinances, such as building exits, elevator operation, etc., and motor-vehicle subjects are under the jurisdiction of the highway patrol. The following subjects are covered:

Abrasive wheels Amusement parks Automobile brakes and brake testing Automobile headlighting Boilers Brewing and bottling Canneries Chemicals Construction work Conveyors and conveying machinery Cranes, derricks, and hoists Dredges Dry cleaning and dyeing Electrical installations Elevators and escalators Engines Exhaust systems Exits, building Explosives Floor and wall openings, railings, and toeboards Foundries, protection of workers in Hand tools Heads and eyes, protection of Ladders Laundry machinery and operation Lighting factories, mills, etc. Logging and sawmill machinery Metal working Milling industry	Mines Oil drilling Painting Paper and pulp mills Plant railways Plate- and sheet-metal working Plumbing Potteries Power control, electrical Power control, mechanical Power presses, and foot and hand presses Power-transmission apparatus Pressure vessels Printing Quarries Refrigeration, mechanical Sanitation, industrial Scaffolds and staging Shipbuilding Steam shovels Steel mills Textiles Tunnels Ventilation Walkway surfaces Welding Window washing Woodworking plants
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West Virginia.—No special rules have been issued, but statutory provisions cover the following subjects:

Abrasive wheels Boilers Elevators and escalators Exits, building Laundry machinery and operation Mines	Power control, electrical Power control, mechanical Power-transmission apparatus Sanitation, industrial Ventilation Woodworking plants
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Wisconsin.—The industrial commission is charged with the duty of fixing standards of safety in all places of public employment, and has promulgated a number of safety codes or general orders, with the assistance of advisory committees, and public hearings. Including the provisions for plumbing, which are under the jurisdiction of the State board of health, the following subjects are covered:

Abrasive wheels Aeronautics Automobile brakes and brake testing Automobile headlighting Bakeries	Boilers Colors for traffic signals Compressed-air work Construction work Cranes, derricks, and hoists
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Dredges	Paper and pulp mills
Dry cleaning and dyeing	Plumbing
Electrical installations	Power control, electrical
Elevators and escalators	Power control, mechanical
Engines	Power presses, and foot and hand presses
Exhaust systems	Power-transmission apparatus
Exits, building	Pressure vessels
Explosives	Printing
Floor and wall openings, railings, and toeboards (in part)	Quarries
Forging and hot-metal stamping	Refrigeration, mechanical
Foundries, protection of workers in	Rubber machinery (in part)
Flammable liquids	Sanitation, industrial
Heads and eyes, protection of	Scaffolds and staging
Ladders	Spray painting
Laundry machinery and operation	Tanneries (in part)
Lighting factories, mills, etc.	Textiles
Lighting of school buildings	Tunnels
Logging and sawmill machinery (in part)	Ventilation
Machine tools	Window washing
Mines	Woodworking plants

Wyoming.—Under the authority of the act creating the State department of labor and statistics, the commissioner issues safety orders for industrial establishments, while under statutory mining regulations the safety orders for mining are issued by the coal-mine inspection department. The following subjects are covered:

Abrasive wheels	Logging and sawmill machinery
Aeronautics	Machine tools
Automobile brakes and brake testing	Mines
Automobile headlighting	Paper and pulp mills
Colors for traffic signals	Plate- and sheet-metal working
Compressed-air machinery	Power control, electrical
Construction work	Power control, mechanical
Conveyors and conveying machinery	Power presses, and foot and hand presses
Cranes, derricks, and hoists	Power-transmission apparatus
Dust explosions, prevention of	Refrigeration, mechanical
Elevators and escalators	Rubber machinery
Exhaust systems	Sanitation, industrial
Exits, building	Tanneries
Floor and wall openings, railings, and toeboards	Textiles
Forging and hot-metal stamping	Ventilation
Foundries, protection of workers in	Walkway surfaces
Ladders	Window washing
Laundry machinery and operation	Woodworking plants
Lighting factories, mills, etc.	

Chairman KEARNS. The next number on the program is a report on National Safety Codes Progress, by Mr. P. G. Agnew, secretary of the American Standards Association.

National Safety Codes Progress

By P. G. AGNEW, *Secretary American Standards Association*

There have been many developments in the national safety-code program which are of special importance to governmental agencies, and rather than go into the details of the progress of work on all safety-code projects, which I understand will be printed in the proceedings, I will limit my discussion to some of the high spots of the safety-code activities.

First, you will be interested to know what new projects have been undertaken. Two have been initiated during the past year, covering work in compressed air and specifications and methods of test for safety glass. The first-named project is under the sponsorship of the I.A.I.A.B.C. and was initiated as the result of a request received from that organization. At the present time the States of New York, New Jersey, Massachusetts, and Pennsylvania have safety codes on this subject. A code for the State of California is in the course of preparation. The increased use of compressed air in tunnel, bridging, and building construction necessitating the use of caissons has made this group of regulations of importance. As most of this work is done by special contractors operating throughout the entire United States, it is important that a national group of regulations with which these contractors are familiar should be developed and put into use. The sectional committee for this project has been appointed and work will be undertaken during the coming winter.

The project on safety glass was initiated following a request received from the National Bureau of Casualty and Surety Underwriters, which organization, together with the Bureau of Standards, is sponsoring this project. The scope of the code will cover all kinds of safety glass used in motor vehicles, airplanes, boats, bullet-proof glass for armored cars and partitions, and safety glass for use in goggles. The specifications, as far as goggles are concerned, will supplement and tie in directly with the specifications now contained in the head and eye code.

While the number of new projects which have been undertaken is not very large, a successful effort has been made to revive some of the other projects which have been lying dormant for a number of years. Of particular interest is the safety code for ventilation and the safety code for exhaust systems. The first code is still sponsored by the American Society of Heating and Ventilating Engineers, but a complete new sectional committee has been appointed and work will be started this fall. In addition to all of the material previously collected for use by the old sectional committee, the new committee will have available the ventilation code requirements prepared by the sponsor organization. It is expected that the new committee will be able to make considerable progress in a short period of time, inasmuch as many of the conflicting points of view of different technical organizations have been brought into closer harmony during the past 2 or 3 years.

The safety code for exhaust systems is now being sponsored by the I.A.I.A.B.C., and the new technical committee for this code has been appointed and will shortly proceed with the work. The scope for this project remains as originally approved.

The industrial sanitation code, sponsored by the United States Public Health Service, is now being actively developed by a sectional committee as reorganized during the past year. The committee has held one meeting, considering a tentative draft of the code prepared by the sponsor. Plans have been made for the development of other codes following the completion of the standard now being prepared on industrial sanitation in manufacturing establishments. Other codes will be developed covering labor camps and mercantile establishments.

Among the projects now under revision that are of outstanding importance is the safety code for the protection of the heads and eyes of industrial workers. The sponsor, the United States Bureau of Standards, has submitted a new scope in order to permit the project to contain specifications for respirators. This new section will be of extreme importance to all regulatory bodies in view of the emphasis that is being placed these days on occupational diseases resulting from dust hazards. Any regulatory bodies having special points of view should send their comments to the representatives of the I.A.I.A.B.C. and the A.G.O.I. so that they will be able to present such comments to the sectional committee. Additional comments on the experience of regulatory bodies in applying the provisions of the national head and eye code would also be of considerable value to the sectional committee.

The use of the national safety codes by regulatory bodies is constantly increasing, and there is one point in this connection which has been brought forward and should be emphasized at this time. Many of the States feel that it is not possible for them to use safety codes, inasmuch as they have not been accorded any regulatory authority by their respective legislatures. That such States can use safety codes in their inspection work is exemplified by the way in which the State of New Jersey has found it possible either to develop its own codes or to use the national codes without having specific authority to do so.

The factory laws administered by labor departments prescribe that certain hazards must be eliminated without specifically stating the methods. In such cases inspectors, when issuing orders for the elimination of hazards and when requested for information as to the methods which should be followed, can refer to the safety codes as the standards which are being followed by the department and in this way put across the proper safety-code program. Of course, the plant manager would be in position to follow his own method of removing a particular hazard if he so desired, but he would have to furnish ample evidence that his own method was the equal of that set forth in the standards of the Department of Labor.

The A.S.A. will be very glad to go into this situation further with any regulatory body which would like to proceed with the development of a code program and has been unable to get the necessary legal authority from its legislature.

National Safety Codes—Progress Report

A9 (1929).—Building-exits code

A.G.O.I. representative, John Campbell, Pennsylvania Department of Labor and Industry.

I.A.I.A.B.C. representative, James L. Gernon, New York State Department of Labor.

At the annual meeting of the National Fire Protection Association in May 1933, the proposed report of the building-exits code committee, which includes certain revisions harmonizing this code and the building code of the United States Department of Commerce was approved. It is expected that the revised tentative draft will soon be printed and circulated to the members of the committee and other interested groups for comment and criticism.

A10.—American standards for safety in the construction industry

The organization meeting of this sectional committee was held in September 1930, at which time arrangements were made for the appointment of six sub-committees with individual chairmen, to carry on the work of the various sections

of the code. These subcommittees are now at work on the preparation of drafts of the various sections and it is probable that a meeting of the sectional committee will be held in connection with the National Safety Congress in Chicago in October of this year.

A11 (1930).—Code of lighting: Factories, mills, and other work places

A.G.O.I. representative, C. H. Weeks, New Jersey Department of Labor.

I.A.I.A.B.C. representative, T. C. Eipper.

The revision of this code, which gives recommended values and minimum requirements for illumination of various classes of industrial buildings and work places has been widely used since its approval in 1930. The code has also been recommended in a study on the Lighting of Work Places, published by the Women's Bureau of the United States Department of Labor.

A12 (1932).—Safety code for floor and wall openings, railings, and toe boards

A.G.O.I. representative, E. J. Pierce, New York Department of Labor.

I.A.I.A.B.C. representatives, J. L. Gernon, New York Department of Labor; C. H. Weeks, New Jersey Department of Labor.

This code is the result of several years' work of a broadly representative technical committee and is perhaps one of the most important of the safety codes developed during the last 10 years. It contains definitions and regulations applying to all places where there is a hazard of persons or materials falling through floor and wall openings, or from stairways or runways. Copies of the code were distributed to regulatory bodies, building inspectors and other interested groups at the time of its approval.

A14.—Safety code for the construction, care, and use of ladders

I.A.I.A.B.C. representatives, R. J. Cullen and J. L. Gernon, New York Department of Labor; R. McA. Keown, Industrial Commission of Ohio; J. P. Meade, Massachusetts Department of Labor and Industries.

On the basis of comments and criticisms received following the distribution of the last draft of this code, a final draft is now being prepared by the chairman of the committee, and it is expected that it will be put to letter ballot of the sectional committee within a few weeks and then submitted to the American Standards Association for approval.

A17 (1931).—Safety code for elevators, dumbwaiters, and escalators

A.G.O.I. representative, J. P. Meade, Massachusetts Department of Labor and Industries.

I.A.I.A.B.C. representatives, M. H. Christopherson, New York State Insurance Fund; C. H. Weeks, New Jersey Department of Labor.

The technical committee in charge of this code is a permanent one and an annual meeting is held. At the meeting held in March of this year various revisions were given consideration which will bring the code into line with the latest engineering practice. The handbook for inspectors which will supplement the National code has not yet been submitted for approval, but when it is completed this standard will be of value as a means of giving additional information concerning the application of the provisions of the code.

A22.—Safety code for walkway surfaces

A.G.O.I. representatives, John Campbell, Pennsylvania Department of Labor and Industry; H. E. Mackenzie, Connecticut Department of Labor.

I.A.I.A.B.C. representative, T. C. Eipper.

The code drafting committee is still making every effort to prepare a draft for submission to the sectional committee. Following the last meeting of the code drafting committee, held on February 14, 1933, a questionnaire was sent out to members of the committee asking for fundamental information from the field to determine the type of material to be included in a draft code. A report is then to be prepared for transmission to the full sectional committee summarizing the work of the subcommittee and requesting that the members use the questionnaire as a means of obtaining further practical information from industry.

A23 (1932).—Code for lighting of school buildings

This standard was prepared under the joint sponsorship of the Illuminating Engineering Society and the American Institute of Architects, and the last revision was approved as an American standard in September 1932.

A39.—Safety code for window cleaning

I.A.I.A.B.C. representatives, T. C. Eipper; C. A. Pense, Illinois Department of Labor.

The final draft of this code has been approved by the sectional committee and by the sponsor, the National Safety Council. It is now before the executive com-

mittee of the safety code correlating committee and will be submitted for formal approval to the Standards Council within a few weeks.

B7 (1930).—Safety code for the use, care, and protection of abrasive wheels

I.A.I.A.B.C. representatives, John Campbell, Pennsylvania Department of Labor and Industry; H. G. Ehret, Industrial Commission of Ohio; R. McA. Keown, Wisconsin Industrial Commission; J. P. Meade, Massachusetts Department of Labor and Industries; John Roach, New Jersey Department of Labor.

The latest revision of this code was approved in June 1930. The code is continuously under revision and the committee is now considering changes in certain provisions of the code regarding allowable speeds for coping wheels. The permanent sectional committee also acts as a committee on interpretation of technical questions arising in the application of the code. The code has been almost universally adopted throughout the grinding-wheel industry and as a basis of requirements for State regulatory bodies and insurance inspectors.

B8 (1932).—Safety code for the protection of industrial workers in foundries

A.G.O.I. representative, E. J. Pierce, New York State Department of Labor.

The revision of this code which was originally approved in 1922 was developed under the joint sponsorship of the American Foundrymen's Association and the National Founders' Association. Probably the outstanding provision of the revised code is the requirement which applies to charging buggies (new equipment only) calling for the use of small size automatic couplers. The revised code was approved as American standard in April 1932.

B9 (1933).—Safety code for mechanical refrigeration

A.G.O.I. representative, M. H. Christopherson, New York State Insurance Fund.

I.A.I.A.B.C representative, J. F. Scott, New Jersey Department of Labor.

A revision of this code covering the refrigerant methyl formate was approved in January 1933. The code is still under revision and a list of amendments to the present requirements has been prepared by the subcommittee on interpretations and exceptions for consideration by the entire sectional committee. These amendments cover the small office-household type of air conditioning unit which was not included in the original code.

B11 (1926).—Safety code for power presses and foot and hand presses

This project was originally undertaken in 1920 and approved as American tentative standard in 1922. The work of the committee was continued and in December 1924 the code was advanced to the status of American standard. The last revision was approved in 1926.

B15 (1927).—Safety code for mechanical power transmission apparatus

I.A.I.A.B.C. representatives, John Campbell, Pennsylvania Department of Labor and Industry; S. Kjaer, United States Bureau of Labor Statistics; R. McA. Keown, Industrial Commission of Wisconsin; J. P. Meade, Massachusetts Department of Labor and Industries; John Roach, New Jersey Department of Labor.

A new section to this code, on mechanical power control, has been before a special subcommittee for some time, but no progress has been made during the last year owing to the difficulty of securing attendance at committee meetings under present business conditions.

B19.—Safety code for compressed-air machinery

I.A.I.A.B.C. representative, J. F. Scott, New Jersey Department of Labor.

This committee has been inactive for several years and no meetings have been held.

B20.—Safety code for conveyors and conveying machinery

A.G.O.I. representative, J. P. Meade, Massachusetts Department of Labor and Industries.

I.A.I.A.B.C. representatives, M. H. Christopherson, New York State Insurance Fund; R. McA. Keown, Industrial Commission of Wisconsin; J. F. Scott, New Jersey Department of Labor.

This project is being developed under the sponsorship of the American Society of Mechanical Engineers and the National Bureau of Casualty and Surety Underwriters. The work has been divided into several sections and subcommittees are now at work preparing drafts which will be considered at a later date by the entire sectional committee.

B24 (1927).—Safety code for forging and hot-metal stamping

A.G.O.I. representatives, J. P. Meade, Massachusetts Department of Labor and Industries; John Roach, New Jersey Department of Labor.

I.A.I.A.B.C. representatives, R. McA. Keown, Industrial Commission of Wisconsin; S. Kjaer, United States Bureau of Labor Statistics.

This code was initiated in 1923 and approved as American recommended practice in April 1927. No revision has been undertaken.

B28.—Safety code for rubber machinery

A.G.O.I. representative, E. L. Sweetser, Massachusetts Department of Labor.

I.A.I.A.B.C. representatives, S. Kjaer, United States Bureau of Labor Statistics; John Roach, New Jersey Department of Labor; R. E. Lee, Ohio Department of Industrial Relations.

A subproject, B28a, safety code for rubber mills and calenders, was completed by the technical committee in charge of this code and approved as American recommended practice in March 1927. The committee is at present inactive.

B30.—Safety code for cranes, derricks, and hoists

A.G.O.I. representative, E. B. Patton, New York Department of Labor.

I.A.I.A.B.C. representative, S. Kjaer, United States Bureau of Labor Statistics.

A completed draft of this code was submitted to the members of the sectional committee in July 1932. Various comments and suggestions were received as the result of the circulation of this draft, and they are still being considered by the sectional committee.

B31.—Code for pressure piping

I.A.I.A.B.C. representative, A. L. Wilhoit, Youngstown Sheet & Tube Co., Youngstown, Ohio.

No drafts of this standard have been completed or submitted for final approval. The sponsor for the project, the American Society of Mechanical Engineers is now preparing revised drafts which have been reviewed by the editorial committee.

C2 (1927).—National electrical safety code, parts I and III

I.A.I.A.B.C. representative, S. Kjaer, United States Bureau of Labor Statistics.

This project was approved in 1927 as American standard. While no revisions have been undertaken during the past year, one of the rules of the code provides that when new values for the ultimate fiber stresses of wood poles shall have been formulated by the sectional committee on wood poles-05, the values given in the national electrical safety code shall be proportionately adjusted. New values for these fiber stresses were approved as American standard in November 1930 and have therefore been incorporated in the electrical safety code.

D1 (1925).—Aeronautic safety code

This project was developed under the joint sponsorship of the Society of Automotive Engineers and the Bureau of Standards and approved as an American tentative standard in 1925. The Bureau of Standards later resigned from its sponsorship, leaving the Society of Automotive Engineers as sole sponsor. In January 1933 a request was received from the American Society of Mechanical Engineers for a revision of this code. The sponsor was notified of this request, but the American Standards Association has not as yet been advised as to whether or not such a revision will be undertaken. The present code is completely obsolete, necessitating its either being revised or dropped from the status of American standard.

D2 (1922).—Safety code for automobile headlighting—laboratory tests for approval of electric headlighting devices for motor vehicles

This code was submitted for approval as an existing standard by the Illuminating Engineering Society in 1921, and was given formal approval as American tentative standard in November 1922. The Illuminating Engineering Society and the Society of Automotive Engineers were then designated as cosponsors to undertake a revision of the code. Extensive research was carried on and in January 1928 a proposed revision was issued by the Illuminating Engineering Society for trial, comment, and criticism. In October 1932 the National Bureau of Casualty and Surety Underwriters requested the early completion of this revision as being of vital interest both from a humanitarian and from a commercial point of view. An informal conference was held composed of members of the sponsor organizations, the National Bureau and the American Standards Association staff. It was agreed by the meeting that a sectional committee should immediately be formed to undertake the development of a comprehensive group of national specifications covering not only the technical points in the construction of headlights but also standards of service and usage.

D3 (1927).—Colors for traffic signals

This code was developed under the sponsorship of the American Association of State Highway Officials, the Bureau of Standards, and the National Safety Council, and was approved as American standard in November 1927. It represents the only group of national standards which have been developed on this subject. No revision is at present being undertaken.

D4 (1927).—Safety code for brakes and brake testing

The American Automobile Association and the Bureau of Standards acted as joint sponsors for this project, which was approved as American tentative standard in 1927. A revision has been under way for several years and considerable research work has been done, but owing to the lack of funds it has been impossible to complete the research work necessary. Obtaining new funds will probably have to await improvement in business conditions.

D5.—Manual on street-traffic signs, signals, and markings

The American Engineering Council, sponsor for this project, has requested that action by the American Standards Association be delayed, due to the formation of a joint committee of the American Association of State Highway Officials and the National Conference on Street and Highway Safety to bring about the coordination of the codes of the organizations. The joint committee has made very definite progress in the development of a manual following considerable research conducted by the Bureau of Standards. It is expected that the committee will complete its work by the end of the year.

K2 (1927).—Gas safety code

This code was developed under the sponsorship of the American Gas Association and the Bureau of Standards and was approved as an American standard in December 1927.

K13 (1930).—Safety code for the identification of gas-mask canisters

A.G.O.I. representative, John Roach, New Jersey Department of Labor.

I.A.I.A.B.C. representative, C. A. Pense, Illinois Industrial Commission.

Under the sponsorship of the National Safety Council this code was approved as American recommended practice in January 1930. As a result of a suggestion of the German national standardizing body that this code be correlated with other national codes on the same subject, the International Standards Association was requested to appoint a committee to consider the correlation of the work of the several national standardizing bodies. No action has as yet been taken.

L1 (1929).—Safety code for textiles

A.G.O.I. representative, John Campbell, Pennsylvania Department of Labor and Industry.

I.A.I.A.B.C. representatives, J. P. Meade, Massachusetts Department of Labor and Industries; H. M. Stanley, Georgia Industrial Commission.

Work on this code was undertaken in 1925 and was approved as American tentative standard in March 1929.

O1 (1930).—Safety code for woodworking plants

I.A.I.A.B.C. representatives, R. McA. Keown, Industrial Commission of Wisconsin; S. Kjaer, United States Bureau of Labor Statistics; J. P. Meade, Massachusetts Department of Labor and Industries.

This code became an American tentative standard in 1924 under the sponsorship of the National Bureau of Casualty and Surety Underwriters and the I.A.I.A.B.C. A revision was approved as American standard in March 1930. The sectional committee is now considering the question of dust explosions as related to woodworking establishments, but no drafts have as yet been submitted to the American Standards Association for approval.

O2 (1924).—Logging and sawmill safety code

See p. 174.

P1 (1925).—Safety code for paper and pulp mills

I.A.I.A.B.C. representatives, John Campbell, Pennsylvania Department of Labor; J. P. Meade, Massachusetts Department of Labor; H. Schreiber, Wisconsin Industrial Commission.

This code was developed under the sponsorship of the National Safety Council and approved as American tentative standard in January 1925. This code is now under revision and several additions have been made to the personnel of the sectional committee. A revised draft of the code was circulated to members of the sectional committee under date of January 24, 1933, and a meeting of the committee has been held to consider this draft.

Z2 (1922).—National safety code for the protection of the heads and eyes of industrial workers

A.G.O.I. representative, J. P. Meade, Massachusetts Department of Labor and Industries.

I.A.I.A.B.C. representative, C. W. Roberts, M.D., Atlanta, Ga.

This project was sponsored by the Bureau of Standards and approved as American recommended practice in 1921. It was advanced to the status of American standard in October 1922. A revision was undertaken in 1928 and the scope found not to be broad enough to include gas masks and respirators. The sponsor was asked to submit a restatement of scope for approval to cover these subjects. This statement has now been received and referred to the committee on scope for recommendation. A draft was submitted to the committee under date of May 26, 1933, and on June 8 further material was forwarded to the committee supplementing the draft. It is probable that some reorganization of the technical committee will be undertaken to insure that all interested groups are afforded representation.

Z4.—Safety code for industrial sanitation

A.G.O.I. representative, T. C. Eipper.

I.A.I.A.B.C. representatives, John Campbell, Pennsylvania Department of Labor; S. Kjaer, United States Bureau of Labor Statistics; John Roach, New Jersey Department of Labor.

A second draft of this code was forwarded to the sectional committee under date of June 13, and the first meeting of the reorganized committee held on July 12. Various changes in the draft were considered by this meeting and the proposed revisions have been circulated to the entire committee. It is expected that another meeting will be held in the early fall for the purpose of completing the section of the code now under consideration, the safety code for industrial sanitation in manufacturing establishments.

Z5.—Ventilation code (proposed committee)

A.G.O.I. representative, John Vogt, New York State Department of Labor.

I.A.I.A.B.C. representative, John Vogt.

The sectional committee being formed by the sponsor, the American Society of Heating and Ventilating Engineers is now practically completed and it is expected that work will be begun on the project in the early fall.

Z8 (1924).—Safety code for laundry machinery and operations

This code was developed under the sponsorship of the A.G.O.I., the Laundry-owners National Association, and the National Association of Mutual Casualty Cos. It was approved as American tentative standard in June 1924.

Z9.—Safety code for exhaust systems

A.G.O.I. representative, John Roach, New Jersey Department of Labor.

I.A.I.A.B.C. representatives, John Campbell, Pennsylvania Department of Labor and Industry; T. P. Kearns, Industrial Commission of Ohio.

The sponsorship for this project has been reassigned to the I.A.I.A.B.C. and the sectional committee is now about completed. An organization meeting will probably be called some time in the near future and work actively begun.

Z12.—Safety codes for the prevention of dust explosions

A.G.O.I. representative, W. J. Burk, New York State Department of Labor.

I.A.I.A.B.C. representative, John Roach, New Jersey Department of Labor.

Under the joint sponsorship of the National Fire Protection Association and the United States Department of Agriculture, nine standards have already been approved under this general heading. This is a permanent committee, and other standards having to do with the prevention of dust explosions will be submitted from time to time.

Z13.—Safety code for amusement parks

A.G.O.I. representative, T. C. Eipper.

I.A.I.A.B.C. representative, S. W. Homan, Pennsylvania Department of Labor and Industry.

Various sections of this code are being developed by subcommittees and several drafts have been submitted to the American Standards Association for correlating and editing. The work is being carried on under the sponsorship of the National Association of Amusement Parks and the National Bureau of Casualty and Surety Underwriters, but owing to business conditions during the past 2 years very little progress has been made.

Z16.—Standardization of methods of recording and compiling accident statistics

A.G.O.I. representative, J. H. Hall, Jr., Virginia Bureau of Labor and Industry. I.A.I.A.B.C. representatives, Evan I. Evans, Industrial Commission of Ohio; A. O. Fried, Industrial Commission of Wisconsin; L. W. Hatch, New York State Department of Labor; W. J. Maguire, Pennsylvania Department of Labor and Industry.

This code is being sponsored by the I.A.I.A.B.C., the National Council on Compensation Insurance, and the National Safety Council. A final draft of part I on definitions and rates has been submitted to the sectional committee for letter ballot but no action has as yet been taken.

Z20.—Safety code for grandstands

A.G.O.I. representative, E. F. Seiller, Kentucky Department of Labor.

A final draft of the subcommittee on portable steel and wood grandstands has been completed and is now being put to letter ballot of the subcommittee. It will then be submitted to the sectional committee and later to the American Standards Association as a separate standard under the general heading of the grandstand code.

Z26.—Specifications and methods of test for safety glass

This project was initiated in March 1933, and the National Bureau of Casualty and Surety Underwriters and the Bureau of Standards appointed as cosponsors. The following scope has been approved:

“Specifications and methods of test for safety glass (glass designed to lessen or prevent injuries resulting from accident) as used for all purposes, including windshields and windows of motor vehicles, motorboats, and aircraft; goggles; and bullet-proof windows and partitions.”

The sponsors are now completing the personnel of the sectional committee and it is expected that the work will go forward early in the fall.

Z28.—Safety code for work in compressed air

The initiation of this project and the assignment of sponsorship to the I.A.I.A.B.C. was approved in January 1933. The sectional committee is now being formed and work will probably be started within a very short time.

The approved scope of the project under which the committee will carry on its work is as follows:

“Construction and operating rules for work in caissons, tunnels, or wherever workers are subjected to air under pressure higher than atmospheric; including protection from mechanical hazards, the use of necessary instruments and apparatus, provision of locks, methods of lighting, communication and decompression, the keeping of records, medical attendance, periodic inspection and air analysis, rest rooms, hours of labor, sanitation, ventilation, fire prevention, fire protection, temperature control, and other conditions of work.”

B13 (1924).—Logging and sawmill safety code (revision to be called 01)

This code was developed under the sponsorship of the Bureau of Standards and was approved as American tentative standard in January 1924. The National Safety Council is now collecting material to be placed before the sectional committee in connection with a revision which will advance the code to a full American standard. The sectional committee is now considering, in cooperation with the committee on dust explosions, Z12, the question of dust explosions as related to logging and sawmill operations.

DISCUSSION

Chairman KEARNS. Are there any questions that anyone would like to ask at this time about this report, or about the progress of codes?

Mr. KEEFER (Illinois). The National Safety Council has been very much interested, of course, in the safety-code work of the American Standards Association. We have had a representative in Washington, D.C., for several months in conferences with officials of the N.R.A. I should like to ask Dr. Agnew, if I may, what chance there is, in the first place, of securing recognition of the A.S.A codes in the N.R.A. codes that are coming up for approval from time to time.

Dr. AGNEW. We have made no formal representation to the N.R.A. about that. Some organizations have made inquiries as to why we should not have the safety codes written into General Johnson's general industrial codes. Our reply to those inquiries has been that while we believe that the proposal would be an extremely valuable one, we have not felt quite free to press for it. The American Standards Association has been very jealous of not becoming known in any way as a lobby organization. So we have responded to this proposal that we think that either the State bodies or perhaps the Industrial Advisory Board or the Labor Advisory Board might be the proper bodies to bring this up. I have transmitted copies of that correspondence with a little memorandum to the Secretary of Labor. I think perhaps Dr. Lloyd might add something on that extremely important point.

Dr. LLOYD (Washington, D.C.). As it actually works out in practice, it is not the Industrial Advisory Board nor the Labor Advisory Board which has taken the initiative in this matter, but the Consumers' Advisory Board. It is now definitely proposing to the Administration that something should be said in the codes along two lines. One involves the quality of the product, which is essentially a consumer consideration, making it a matter of fair practice properly to represent quality, and to maintain, as far as possible, good quality. The Consumers' Advisory Board considers it is also a matter of concern to the consumer to prevent industrial accidents, because we all know that accidents are costly. We know that the cost is far greater than the mere compensation which is paid to the worker, it having been estimated that industry pays four times that amount. We also know that such increased costs of production are going to be reflected in the price to the consumer. The Consumers' Advisory Board has consequently considered it appropriate to its field to make some move toward writing into these codes some element of accident prevention by making it a matter of fair competition between the producers to keep their accidents down as far as possible.

An effort is being made to have the matter of safety standards and quality standards brought into some of these codes and to put all manufacturers on the same basis in respect to those matters. At some of the public hearings it has been proposed that a number of these safety codes should be written into the industrial codes. I recall particularly the hearing on the code for the soft-coal industry, which has not yet been finally promulgated. The representative of the American Association for Labor Legislation made a pronounced request that since there are so many deaths of coal miners due to explosions in mines, since these can easily be prevented by rock dusting, and since there is an American standard code for rock dusting of soft-coal mines, that that should be put into the industrial code. It is not yet known whether that will be done. That is a very striking instance of accidents that are very expensive and that can very easily be prevented. One of our American standard codes is available to tell just how it should be done.

Miss JOHNSON (Massachusetts). I understand that the American Standards Association has encouraged regional agreements applying to States on the adoption of uniform safety codes. I should like to ask Dr. Agnew how that is progressing and whether any action

is being taken by the association in connection with the movement for interstate compacts. I do not know whether any other State has enacted such legislation, but this year Massachusetts passed a resolve providing for the appointment of a commission to take up with competing States, or States in the vicinity, the question of uniform labor legislation compacts, or agreements between the States for uniform labor laws. Although that resolve mentioned specifically hours of labor and wages, it is broad enough to include specific questions in the matter of safety and industrial hazard. I am wondering if the American Standards Association was planning any action in connection with that commission.

Dr. AGNEW. The Safety Code Correlating Committee, of which you are a member, has through a subcommittee developed a model safety law. Our board of directors has felt (there has not been any official action) that that work really lies beyond the scope of the association. Consequently, I have informally conferred with the Secretary of Labor in reference to that and have given the Secretary copies of the developments up to date. It was my understanding that it was the intention of Miss Perkins and her colleagues to discuss that point with the joint bodies now in session. I do not know what the plans are, but I should think that is a point which might well come up for discussion and action by this joint body here today. It seems to me that these two bodies are the bodies which should handle such questions.

Chairman KEARNS. The next speaker on the program is Mr. W. Dean Keefer, who has been connected with the National Safety Council for a period of about 15 years, first as business manager and later as director of the industrial division. The National Safety Council, through this industrial division under the direction of the speaker, has done a splendid job in accident-prevention work in industry, in the home, and in public safety. There is no one in America to whom I would rather go for counsel and advice on industrial safety work than to Mr. Keefer.

The New Deal and Safety

By W. DEAN KEEFER, *Director Industrial Division, National Safety Council*

The subject that your chairman assigned to me, The New Deal and Safety, seems to carry with it the implication that in the past 20 years the safety men in industries have done a pretty good job of it. But perhaps we are now entering a new era when it is about time to cast aside some of our old methods, some of our old activities, and look for something new, something with which we might combat new problems.

Some of the industrialists with whom I have spoken in recent weeks have expressed the fear that accident rates are going to go up, because they see in the future or in the next month or two, thousands of workers coming back to the job, perhaps with reduced skill, perhaps with reduced stamina. They call attention to the fact that the mental hazards of these jobs are going to be increased because the men have been worried by idleness, they have financial obligations which are pressing, and maybe sickness in the home.

Unquestionably these factors are big factors which we must consider if we are to attempt to keep our accident rates down to the low levels which have been established in 1930, 1931, and 1932. Undoubtedly the fears that have been expressed by State labor department officials and by industrialists are justified. This is the first point I want to discuss briefly: Do we want to cast aside all of the plans, all of the activities, all of the methods which have proved to be so satisfactory and so successful during recent years, and look around for something brand new just in the hope that it may work miracles for us?

Before I discuss that point in detail I want to review hurriedly the success that has attended the accident preventionists in industry during the past 20 years, and see if we can draw from the success that has met the efforts of these men anything that will interest us concerning the activities which they have followed in bringing about this success. Perhaps the most comprehensive accident data or accident statistics which we have available now have come to us through the National Safety Council, which has estimated that there were 19,000 industrial fatalities in 1928, 20,000 in 1929, 19,000 in 1930, 17,000 in 1931, and 15,000 in 1932. There were no satisfactory estimates prior to 1928, so far as we can make out. From the period of about 1920 to 1928 the figure usually quoted was 23,000, without much change from year to year. Prior to 1920 the figure usually quoted was anywhere between 23,000 and 35,000. However, in spite of the fact that we do not have more convincing data, I think we can rest assured that the safety men in industry have done a pretty good job; success has fairly well attended their efforts. How far can we rely on such figures? Certainly we cannot take them at their face value, because they do not take into consideration the important factor of exposure.

Here again I think we can turn to some of the records of the National Safety Council, the individual reports of individual industrial concerns. There were 4,000 individual industrial concerns reporting to the council in 1932, and from the tabulated records of these various individual concerns we have figured the frequency rates and the severity rates. From 1926 to 1931 the indexes for frequency rates declined 60 percent and for severity rates declined 36 percent.

It is on the basis of this downward trend that I feel rather optimistic about the plans, methods, and activities which we have been using in the past, and I wonder if we can afford to discard all of the things which have been worked out and have proved to be fairly successful.

As I see it, the average State department of labor, industrial board, or industrial compensation board has its safety activities pretty well divided into three general classifications: (1) Formulation and enforcement of safety laws, rules, and regulations; (2) encouragement of backward employers to organize as their forward-looking competitors have done; and (3) helping backward employers, once any interest on their part has been secured.

The first activity I think needs little consideration. Let me make one point, however. In all this work of formulating and enforcing safety laws, rules, and regulations the work has gradually been on the decline, and I think justifiably so, because there are literally thousands of employers throughout the United States who are vitally interested in safety work. Not only have these employers complied with the

laws and rules and regulations of the States under which they work, but many of them have gone way beyond that, not only doing the minimum required by the State enactments, but actually doing the maximum for the protection of their workers.

If I may be permitted to criticize any of the States in the United States, I think that criticism should be leveled against those States which have devoted too much time and attention to the enforcement part of their programs.

The second function of State departments, that of encouraging employers to take an interest in accident prevention, is certainly an old job. I wonder if we want entirely to abandon encouraging the backward employers to take an interest in safety work—to organize safety work as they have organized sales, or as they have organized production and accounting. Until all groups combine in selling safety to these backward employers we are certainly not going to attain the millenium which was mentioned by one of our former speakers. Even though this may be an old job, we cannot afford to throw it aside and look for something brand new with which to combat a supposedly new problem.

The third point, that of helping employers once a fraction of interest has been attained, from a safety point of view is perhaps the most important function of a State department. The problem which confronts you in this respect is quite similar to the problem which confronts the National Safety Council along the same line. We know that every year a few of the companies which become members of the National Safety Council sign their names on the dotted line, pay \$50 average annual dues, put up a few posters, and then expect that the millenium has come and that accidents will naturally drop to zero. They do not realize, sometimes, that the best the National Safety Council can do for them under such circumstances is to give to them the accumulated experience of thousands of other employers to give them posters, pamphlets, leaflets, etc., which they can use; but, if they are to be effective and accomplish anything they must be studied, adapted, and applied. By whom? By the council? By the State department? No; by the employer himself. He has to be taught, led by the hand, if you please, into what he considers an easy job, that of preventing industrial accidents. In that respect, it seems to me, your work is very similar to the work of the National Safety Council.

The council or the State or any other organization cannot alone prevent accidents. The work must be done by the employer.

A short time ago I had an opportunity to talk to a State official in one of the States, who told me of the criticism that had been leveled against him and his associates because a catastrophe had occurred in his State whereby some 12 workers were killed. This critic, I think falsely, accused the State department of neglecting to enforce safety laws, rules, and regulations in that State, and practically laid the entire blame for that catastrophe upon the shoulders of the State department. In my humble opinion, this commissioner in replying to this criticism prepared a masterpiece, bringing out, among other things, the very important fact that safety can never be legislated and enforced into industry. Safety must be sold and taught into industry. I wonder if all of us realize the importance and the truth of such a statement.

The New Deal certainly brings new problems, but let me repeat my question: Does the New Deal make it necessary for us to cast aside all of the plans and all of the activities which have proved successful, and does that New Deal require us to look for new plans and new ideas which we hope will bring success?

The second point I want to discuss briefly is this: If we are convinced in any way, shape, or form that we can not afford to throw away all of our old ideas and plans, then what is there that we can pick up from the old regime? What plans should we consider at this time? What old things should we still work on in carrying out the selling and teaching program that we have laid out for ourselves?

What is new in safety? That question is a very hard one to answer. There is not very much that is new, certainly not from a day-to-day standpoint, and what may be new to me may be awfully old to 99 out of 100 others. Perhaps it is partly due to my difficulty in answering that question that I feel somewhat conservative on this matter. Is there very much that is new? Has very much that is new come to your attention, either through your own efforts or through the efforts of the safety men who are working in your State?

Accidents are still occurring in much the same way as in the past decade, aren't they, and aren't most accidents the result of unsafe conditions and unsafe practices? Isn't it still the job of the employer to safeguard his machinery and equipment and to teach his men the safest way to do their jobs? Those are the fundamentals, it seems to me, of the accident-prevention program in industry.

I wonder if there are not many safety men, many State officials in the United States, who in these trying times are just sitting back waiting for the heavens to open and some new discovery to come out that will create a royal road to success and relieve them of the responsibility of fighting for results.

This reminds me of the old king in the ancient days who decided that he wanted to learn mathematics. He called in the greatest mathematician of the time and said to him, "I want to be taught all there is to know about mathematics in one lesson." What did the mathematician reply? He said something like this: "In spite of the fact you are the king, you cannot learn mathematics in one lesson. You are going to have to sit down and study, just like every other common ordinary individual. There is no royal road to knowledge, certainly not in mathematics."

I feel pretty strongly that there is no royal road to success in accident-prevention work, and perhaps our seeking for it is going to lead us up some blind alley. In view of that fact, may it not be advisable for us to do a little studying, a little work, a little thinking.

I call to mind a story that was told about Lloyd George some time ago. Lloyd George, in giving advice to a young politician, said this: "If you want to learn anything about a subject and become an expert on it, you have to study first of all. Then after you have studied, to clinch your knowledge, sit down and write a book. If you don't want to write a book, do something, even make a speech. If you can't find an audience before whom to make your speech, go ahead and make that speech to your wife. Maybe you won't teach her an awful lot, but she will certainly teach you a lot."

Another example along this same line comes to us from the experience of Papini, who, you know, started out some years ago to

write a book disproving the divinity of Christ. Some of us recall that the more Papini studied on the subject the more convinced he became that Christ was divine, and finally he wrote one of the best books of its type, the book depicting the life of Christ and absolutely proving His divinity.

I mention these illustrations simply to bring out the point that studying, writing, speaking, and adapting are the things we must do if we are to be successful in our accident-prevention work.

A short time ago I asked one of my friends here in Chicago: "Tom, you have done a lot of safety work in the last 20 years. You have pulled a lot of stunts and I am wondering if you have not thrown away a lot of those stunts, discarded them, called them no good. Suppose your boss came to you and said, 'Tom, look here. I am going to restrict you to one activity now, from now on, just one activity. What will that activity be?'"

Tom reflected a moment and said that if he were restricted to one activity in safety, and only one, he felt that he would carry on pretty much the same activity he had been carrying on for the past 8 or 10 years, that in which the foremen of the plant had a luncheon meeting every day, under the chairmanship of the operating superintendent, to discuss two things, operating problems and safety. But he did not split it into two; he said operating problems, including safety. I asked him to tell me more about it.

First, he told me that his job consisted of passing over to the chairman of the meeting a short list giving a couple of the high points on every accident that had occurred during the 2 or 3 days preceding the meeting. The chairman would get up, start to read the list, and say, "The first accident we have here is to Bill Jones, out in the heat-treating department. Tom, you are foreman in that department. What about that accident?"

My friend, in telling this story, said the first two or three times the chairman pulled this stunt the foreman would get up, scratch his head, and say, "I didn't know that man was hurt. Tell me about it." And the general superintendent did. First of all, he said something like this, "Well, you are the foreman of your department, aren't you?"

"Yes."

"You are supposed to be responsible for the production out there?"

"Yes."

"And you are responsible for the safety of your men?"

"Well, maybe."

"Well, if you are responsible for production and don't know what is happening to your men and don't know what they are doing, how can you get out a good production? If you don't find out and don't keep up to date on what is happening to your men, you are not going to be foreman of that department very long."

As these meetings went on it was not very long before these foremen got the proper cue and got up each time and said, "Yes, that man was hurt. I know how it happened. This is what I have done to prevent its recurrence." Or he would say, "I don't know what to do to prevent recurrence. What can this group suggest?" Then they would have a discussion of that particular accident and they would usually come away with something that Tom considered very

much worth while. That, briefly, is an outline of the method Tom would carry on if all his activities were restricted to one activity.

I had the privilege of asking that same question of a man from another concern. His answer was very different, but I think it is equally interesting. He said: "If I were limited to one activity, and only one, I would continue to hold meetings every morning of the year, meetings at which I get 15 to 20 of our workers and talk to them about safety and fire prevention."

The first 20 or 30 minutes in these meetings were spent in a sort of lecture to these men. They gradually loosened up, got to be more informal, and discussed the problems in their own departments. This man told me that he had learned more from the men themselves than he could ever hope to learn by making inspections of those very departments in which these men worked.

One interesting experience that he told me about in connection with this work was at a meeting he held. He had talked for 20 or 30 minutes when suddenly a tall fellow got up in the back of the room, reached for his hat, and started out. My friend said, "Wait a minute. Why are you going out?"

"Well, listen, Mister, if what you say is true, and I believe it is true, your company can have my job right now. I am done. Do you know what I had to do yesterday? I am a truck driver. I was down at the station and the foreman put on my truck 3 bales of scrap paper, 4 cylinders of nitrogen, 8 cylinders of oxygen, 3 cases of dynamite, and some other stuff, and forced me to drive up the middle of this city to the plant with that kind of load on my truck. If what you say is true, I don't want the job any longer."

Well, the meeting was adjourned immediately. My friend encountered the foreman of that department and asked him if it was true. He brought about some changes that not only made it possible for this man to keep his job but insured that the lives of many of the citizens of that city would not be endangered by equally foolish jobs in the future.

This man, in other words, said, "If I were to be restricted to one activity and one activity only, I would go on with this old plan of conducting these safety and fire-prevention discussions with my men, whereby every man comes into that meeting at least once a year."

I could give numberless illustrations. I should like to tell you about the answer given to me by the Youngstown Sheet & Tube Co. man, something about the plan they formulated for the elimination of unsafe practices. I should like to tell you about the work of Jones & Laughlin Steel Co. in Pittsburgh. Their first answer to that question was, "We would rely upon the safety contest." The answer to that question has been revised, and it now has to do with the safety and foremanship series of booklets that has been gotten out by the National Safety Council and which have been used successfully, not only there, but in many other plants throughout the United States.

I don't want you to misunderstand and get the idea that I am advocating the restriction of all safety activities in any plant to one activity. Certainly that cannot be done. Nor do I say that any of these activities can be transplanted from one plant and pushed down the throats of the management of another plant simply because it worked well in one. That cannot be done, because safety depends so much

upon the attitude of the management and upon the convictions and the ability of the safety man himself. To give you other illustrations would simply lead to this conclusion: Industrial safety men in these troublous times are not looking to any great extent for the heavens to open and bring out some new discovery that will enable them to combat their present problems. They are going back to their old ideas and their old plans, which have worked so successfully. They are taking into consideration new factors, they are speeding up, and they are accepting the challenge brought about by the emphasis of the need in industry; but they are sticking to the old, tried, and true things which have proved successful.

In concluding, I should like to emphasize that one thought, that if we are to continue to make progress and not slip backward, we have to study, we have to write books and articles, we have to make speeches, and we have to teach, sell, and adapt, and perhaps then we may be doing about half of our jobs.

[Meeting adjourned.]

THURSDAY, SEPTEMBER 14—AFTERNOON SESSION

Second Joint Session of A.G.O.I. and I.A.I.A.B.C.

Chairman, Thomas P. Kearns, superintendent Division of Safety and Hygiene, Department of Industrial Relations of Ohio

Chairman KEARNS. The first number on the program this afternoon is an address, Cause Analysis of Accidents Causing Injury and Near Injury, by Mr. C. B. Boulet, safety director of the Public Service Corporation of Milwaukee, Wis. Mr. Boulet is eminently qualified to speak on this subject. He has been with this corporation for approximately 15 years. For 11 of those years he has been in charge of the personnel work of the company, including the safety work. He has given a great deal of personal attention to the problem of accident prevention in this corporation. In speaking about the record of his company, he told me of some very remarkable records it had made. I asked him if he was going to mention that in his address. His reply was no, that they didn't want to live in the past. They were going to live in the future. I think these records are worthy of mention. For 3 of the last 4 years this company has won in the national safety contest for large public utilities conducted by the National Safety Council, as having the best accident record. Mr. Boulet informs me that in the past 11 years, or since he has had charge of this safety work and since the company has been doing organized, intensive safety and accident-prevention work, it has reduced its accident frequency from 42.4 to 1.1. I think that is a remarkable achievement and it is entitled to a lot of credit. I take great pleasure at this time in presenting Mr. Boulet of the Public Service Corporation of Milwaukee, Wis.

Cause Analysis of Accidents Causing Injury and Near Injury

By C. B. BOULET, *Public Service Corporation, Milwaukee, Wis.*

A number of years ago in a small electric utility company the generator suddenly stopped running. The local engineer could find nothing wrong, so a long-distance call brought an expert from the General Electric Co. in Chicago. The expert examined the machine carefully, took a small hammer from his bag and tapped several times at a certain point on the machine. The switch was thrown and the machine operated. Asked for his bill he nonchalantly said, "One hundred five dollars and expenses." "What!" said the owner of the plant, "one hundred five dollars for a few taps with a hammer?" "Yes", said the expert, "five dollars for the taps and one hundred dollars for knowing where to tap."

That is the secret of any curative science, knowing where to tap. But to know where to tap takes years of study, of trial and error, of experimentation, of analysis of causes. Without knowing the cause of the trouble, it is impossible to prescribe the cure. So it is with accidents.

It is altogether possible that the number of accidents in any plant might be reduced by any individual who might simply apply a number of generally accepted principles of accident prevention. He is just as likely to get results as the old grandmother who gave castor oil for every ailment. Minor trouble might be corrected and favorable results shown up to a certain point, but when that point is reached the doctor who understands the symptoms must be called in to restore the patient to perfect health.

And what is the doctor's procedure? To look at the patient and prescribe a cure off-hand? No; not at all. He first of all discovers the facts. All the facts which exist which might have a bearing on the case—the patient's temperature, his pulse, condition of his tongue and his eyes, condition of the blood, his heart, his lungs—all these are mentally tabulated by the doctor as facts, and when they have been discovered a picture is completed which tells him at once the cause of the trouble, and knowing the cause he is in a position to prescribe a remedy.

But first of all he must have all the facts.

In the analysis of accident causes it is likewise necessary that all facts be obtained and tabulated. A part of the difficulty experienced by many engineers in their attempt to analyze accident causes has been failure to go all the way in obtaining facts. Their opinion as to cause has therefore been based on an incomplete record and consequently the cause as determined from the information available has been incorrect.

Let us try to find the reasons for this half-way analysis.

There may be several: (a) Overanxiety on the part of the investigator to reach a conclusion; (b) failure to distinguish between prime and secondary conditions affecting the cause; (c) loss of sight of the object of cause analysis, and consequent distorted facts developed from those involved.

There is a natural tendency on the part of many of us to jump to conclusions following an accident which has caused serious injury. The facts which immediately appear in the foreground are accepted as real causes, while careful scrutiny and further investigation might develop underlying facts which have a far greater bearing on the real cause than those which are so self evident.

I cannot attribute this failure to assemble all facts to laziness, but rather to a desire to find at once the cause of the accident.

Likewise, what often is indicated to be a prime cause of an accident should be classed more correctly as only a secondary or incidental cause.

The third possibility is to me important.

Facts pertaining to accidents are developed usually through personal investigation of conditions and through careful questioning of the injured party and witnesses of the accident. The attitude of those to be questioned must be correct or the true facts will never be obtained. If the employee feels that an effort is being made to place the blame somewhere, you may be sure that his loyalty to his fellow employee will far outweigh his sense of duty to the investigator. It is important, therefore, that he be promptly made to understand that the reason for the investigation is to determine the cause of the accident and that this is necessary if future similar accidents are to be prevented. He must be made to feel that he is being consulted and

his assistance in helping to stop accidents is being sought, if all facts are to be developed.

The investigation of an accident should be confined to determining facts through which to discover the cause. Overtures which make of the investigation a legal affair, and cross-examination of witnesses which tends to arouse their antagonism or suspicions, will prove of no value in determining accident causes.

I appreciate the fact that many reports required by industrial commissions and accident boards require only such information as is relevant to the cause of injury and oftentimes the cause of accident is not divulged.

Take, for instance, a certain report which recently came to my desk. This report supposedly tabulated "causes of accidents." Among other things in the report was a classification "Electricity" or "Electrocution"; a certain number of injuries were classified under this head, some of which were fatal while others were less serious.

From my own experience I know that every single electrical accident I have investigated was brought about by certain underlying fundamental causes, such as protective equipment not used, lack of supervision, lack of instructions, poor mental condition of injured, worry, etc.

Investigation of the causes of each of these accidents has taught a definite lesson and has prevented recurrence of future similar accidents.

Getting back to the industrial commission reports, simply classifying these cases as electrical, I cannot think of a single benefit derived from this knowledge. The reason for this failure to arrive at accident causes is, of course, evident. The prime duty of commissions has in the past been considered to be the supervision and determination of compensation because of disability due to injury. I believe a great service can be rendered by you gentlemen if more thought is given to the determination in each accident of real causes, followed by the broadcasting of information as to how to eliminate these causes of accident and thereby reduce the number of injuries.

I have made these preliminary remarks because, no matter how elaborate a system of accident analysis is developed, it is worth nothing unless the facts on which the analysis is based are correct and complete.

Any accident cause analysis tabulation must have certain characteristics to be of value. First of all, it must be sufficiently complete, so as to permit of proper classification of all accidents. Secondly, it must be sufficiently simple to permit its application to various industries and by engineers, superintendents, etc., who do not claim to be experts in this field. Third, it must be in sufficient detail to permit management and others to understand and derive from it information necessary to apply proper remedies.

Such a classification is not easy to find. I have at hand a number of classifications or tabulations which vary from the simplest form as first used by a number of eastern public utility companies to a very complete form suggested in the forthcoming report of the A.S.A. committee on causes.

The simplest classification breaks down accident causes into three main divisions:

1. Supervisor failure.
2. Employee failure.
3. Causes beyond control of injured.

Under the first of these are seven subdivisions:

1. Class of work beyond experience or physical or mental ability of injured.
2. Use of improper tools or devices.
3. Lack of proper instructions.
4. Protective devices not provided or inadequate in number.
5. Protective devices not used.
6. Lack of proper inspection and maintenance.
7. Insufficient light.

Under the second heading, employee failure, are seven subdivisions:

1. Rules or instructions not followed.
2. Intemperance.
3. Lack of concentration, carelessness.
4. Hurry.
5. Poor judgment.
6. Willfulness.
7. Unfit physical condition of the injured.

Under the third heading are five subdivisions:

1. Particles carried by air currents.
2. Contributory negligence of others.
3. Abnormal weather conditions.
4. Failure of equipment.
5. Nonindustrial.

For the small plant where it is impractical to expect a highly organized safety department, I believe some such classification of accidents can be of inestimable value. Even in larger organizations which have not previously analyzed accident causes, the code can be used as a beginning. It has numerous advantages. It is simple, it covers the main causes of accidents, and can be understood by the foreman, superintendent, and manager. A study of results obtained under this classification will prove helpful in determining the causes and will point to the elimination of future accidents of a similar nature.

Under the more complex tabulation, which will be used by larger industries, by national associations, and by industrial commissions in an effort more easily to locate all factors contributing to accidents, several contributory factors are tabulated.

For instance, a suggested code, now under consideration, requires a 7-column field of a tabulating card. Accident causation under this code is identified by such contributory factors as internal agencies, broken down into 14 heads such as machines, pumps, prime movers, elevators, conveyors, boilers, tools, chemicals, electrical apparatus, etc. Each accident is classified under one of these heads.

A further break-down of any one of these material agencies in order to tabulate the exact part of the agent causing the accident can also be made, for instance, "gears and pulleys" of machines, "belts" of pumps, "tubes" of boilers, etc.

Third, the manner of contact is analyzed and classified under one or more of 11 headings such as falls of persons on level, falls of persons from one level to another, slips—not falls, struck against, drowning, caught in or between, shock, burns, etc.

The accident cause is again classified according to performance of person injured. Under this head is tabulated such conditions or causes as operating or working at unsafe speed, using defective tools, overloading, nonuse of safety devices, etc. Each of these items can

again be broken down into specific causes; for instance, under operating or working at unsafe speed, the exact cause might be given as running, feeding too rapidly, driving too rapidly, throwing material instead of carrying or passing it, driving too slowly, etc.

Lastly, the accident may be classified according to proximate causes, and this classification broken down into physical causes and supervisory causes.

Under the first will fall such items as improperly guarded hazards, defective equipment, unsafe dress or apparel, etc.

Under the second such causes as improper instruction and willful disregard of instructions should be listed.

The National Safety Council in its Safe Practice Pamphlet No. 21 suggests a modified code covering cause analysis that is neither as simple as the first which I have discussed nor as complicated as the second.

This code segregates and classifies causes under five heads as follows:

1. Machine or other agency involved in accident.
 - a. Mechanical.
 - b. Nonmechanical.
2. Manner of performing work or job.
3. Method of contact.
 - a. Inhalation, absorbing, burning, poisoning, etc. (acute).
 - b. Inhalation, absorbing, burning, poisoning, etc. (slow).
 - c. Falls of persons (on level).
 - d. Falls of persons (to different levels).
 - e. Slips.
 - f. Falling or flying objects.
 - g. Caught in or between.
 - h. Struck against.
 - i. Drowning.
 - j. Shock (electrical).
 - k. Burning (electrical).
4. Mechanical causes.
5. Personal causes.

It will be noted that the code suggested by the N.S.C. follows to some degree the code suggested by the committee on causes, but is somewhat more elaborate. Personally, I lean toward the established code as suggested in Safe Practice Pamphlet No. 21.

So much for methods used in classifying accident causes.

You, I am sure, would have little faith in a doctor who tabulated your temperature, pulse, lung action, and blood analysis and then took a good look at the tabulation, picked up his medicine case, and walked out on you—perhaps to go to the golf course and play the customary 19 holes.

That, however, is the chief difficulty with many agencies gathering information on accident causes. They forget the objective which they started out to attain. After all, the analysis of accident causes is not an end in itself, but is rather a means to an end. What we seek through this analysis is remedies to apply in order to prevent future accidents of similar nature. The interpretation of statistics compiled through the analysis is the final measure of its value.

I have seen many tabulations prepared by national trade associations, accident-prevention organizations, and industrial commissions

that simply tabulate and leave the patient as is. The doctor who would not even suggest a cure or at least prescribe a sedative would certainly not merit his pay.

The job of you men, the most important job, is to interpret these statistics and suggest remedies for the conditions indicated by the facts presented.

The job of accident prevention, of selling employees on a new code, a suggested practice or a change in method has been made immeasurably simpler in my own organization whenever we have been able to show by careful analysis that a certain practice or procedure was the underlying cause of an accident or near accident and should be discontinued.

Experience continues to be the best teacher and it is our job, yours and mine, to select from experience those lessons which will, if taught by us to the men in the field, stop accidents.

What is true of the employees in my company is true of the employers of labor over whom you exercise a certain jurisdiction. If you can show them, by illustration, that a large percentage of actual accidents have been due to a certain cause, if you can cite cases proving your contention, and if you can then point out a definite way to stop these accidents in the future, then your efforts at cause analysis will be of some value. To continue simply to present statistics and sit complacently by while accidents continue to happen and statistics continue to accumulate, is worthless to the employer of men and will have no effect in the elimination of national economic waste.

Summarizing, I think the responsibilities of a forward-looking commission or accident board can be set forth as follows:

1. Determination of all the facts pertaining to every compensable accident.
2. Analysis of these facts to determine:
 - a. Accident cause.
 - b. Compensation liability.
3. Publication of a description of these accidents, setting out:
 - a. Facts pertaining to causes.
 - b. Causes.
 - c. Remedies.

Again, I say it is your job to teach the lesson that your analysis of information collected indicates must be taught if accidents are to be stopped.

DISCUSSION

Chairman KEARNS. I am sure that all of you feel that there is food for thought in the suggestions made by Mr. Boulet, and some of you may want to ask him questions about some of the points he made regarding the cause analysis of accidents. Is there any question you would like to ask Mr. Boulet?

Mr. STEWART (Washington, D.C.). I think we all agree that that was about the best analysis of accidents from the objective point of view, so far as objective things can be recorded, that we have had. The longer I live the more I feel that there is a principal cause of accidents that is not covered by our guarding of machinery or any objective things that can be done. The superintendent of public safety in Buffalo a number of years ago, when the automobile accident

rate began to rise so rapidly, said, "There is but one adequate remedy for the increasing automobile accident rate and that is starting 5 minutes sooner." We put off starting until we must go at a break-neck speed to get there on time. Instead of taking the advice of that superintendent in Buffalo, we have been increasing our speed rate, setting back 5 minutes each week or month or so the time when we start.

The speed rate which the speaker referred to in the factory is not always set by the worker, and the individual is not always the cause of the accidents listed. When you reduce the piece rate you increase the speed rate, and your accident as a result of the increased speed is not the fault of the individual, who is under a necessity that neither he nor she can control, but is caused by your change in the piece rate. That is an illustration of the mental cause that you cannot get any X-ray picture of at all. Another thing that you cannot get an X-ray picture of is the mental state of the employee caused, not always but sometimes, by the attitude of the foreman or the straw boss. I remember walking through a factory once with the manager or superintendent. We were talking about the cause of accidents at the time. I saw a girl at her machine crying. The tears were rolling down her cheeks. I said to this fellow, "You are going to have an accident over there the first thing you know."

He said, "Why?"

I said, "Not because that girl is crying, but because there is something the matter with her that makes her cry."

He looked around and said, "I don't know. Her boss reported her yesterday."

"Maybe that is why she is crying and if you have an accident maybe the boss will be the cause of the accident."

In the extreme tension of industry, anything that throws off the guard of the individual will have its effect.

A commissioner to whom I was talking this morning said, that during the years she had been on that commission, very few of the cases she had heard (practically none of them, I think her expression was) had been caused otherwise than by the foolishness of somebody. After years of experience with the labor question, I once made the statement that I had never investigated a strike nor attempted to settle a strike where the final, ultimate, or end cause of the strike was not that somebody had forgotten to be a gentleman, and such forgetfulness on the two sides of the conflict is about 50-50. I wonder how many accidents are caused by somebody who forgot to be kind, somebody who forgot to be human, or somebody who forgot to know what was going on.

The foreman ought to know the physical condition of the persons working for him. So far as the mental condition is concerned, the mental conditions produced in a factory by the unkind word, the inhumane treatment, ought to be checked up. We ought to know who in the establishment is responsible for it. Of course, you can carry that too far too, but after all it must not be ignored.

One foreman said to me that whenever he had an accident he always asked the fellow if he had had a row with his wife that morning or the night before. Once when he asked a fellow that question, the fellow thought the foreman was a fool as he was not married at all.

Suppose you do miss fire once in a while. There are other things that affect the mental condition which we safety men have not yet discovered as a cause of accidents. Kindness in the factory, square dealing, seeing eye-to-eye between men and men, and men and women—in other words, the subjective cause of accident—I trust will be your next field of study.

Chairman KEARNS. Is there any further comment on that?

Mr. PATTON (New York). I want to congratulate Mr. Boulet on his paper, but I want to point out to him that he must not criticize industrial commissions or labor departments altogether for the lack of information as to causes of accidents as distinguished from causes of injuries. You are all familiar, I guess, with the study of H. W. Heinrich of the Travelers Insurance Co. It has been out for some years. In his study he indicates that 98 percent of all industrial accidents are preventable. In other words, nearly all accidents are due to some lack of supervision on the part of the employer. He made a recommendation, you know, and our association committee on statistics and costs has been wrestling with it for a long time, calling on all States to get the facts on the causes of accidents as distinct from the causes of injuries. Without waiting for the final report of that committee and its adoption, we have been experimenting with this idea in New York, and a number of other people have been experimenting with it.

Mr. Boulet would like, and so would I, accident reports to indicate whether the accident was caused by supervisor failure or by employee failure. But do you think that the foreman who makes out that report, knowing that the accident may become the subject of a compensation hearing, is going to say that the accident was due to supervisor failure?

At a meeting of claims representatives of insurance carriers a year ago, I asked, "What would be your objection, if any, if the New York reporting form was amended", so as to call for not merely what Mr. Boulet does in his paper but that still more complex form of which he speaks. They almost hooted me out of the room. "We are not going to have our policyholders report to the Department of Labor of New York that this accident was caused by the fact that their foreman gave improper instructions, or failed to issue instructions, or that the machine was improperly guarded." I said, "In New York and in many other States liability for payment of compensation has no relation whatever to negligence on the part of employer or employee. You would have to pay no more even though you do report you are at fault." These representatives said, "That is all right, but we are not going to require policyholders to report facts indicating that they are at fault."

I have made a serious effort to get this sort of information in a supplementary form. So far the results have been disappointing. Before the depression close to 500,000 accidents a year were reported to the New York State commission. How would it be possible ever to get sufficient appropriations from the legislature to make the kind of investigation of each of these accidents that Mr. Boulet says we ought to have and which I think we ought to have? It is one of those things that appear now to be beyond the bounds of practicality. On the other hand, the present accident causes tabulations which we print do not stop merely with "electrocution." The present

standard cause code recommended by the association and in general use in the country has between eight and nine hundred different classifications. Electrocution accidents are subdivided into quite an imposing list.

The figures indicate that over a period of years falls of persons have been one of the most serious types of accidents. Furthermore we have those falls subdivided into some 40 or 50 kinds of falls. If the safety man is provided with that information, it is up to him as safety man to discover what hazards exist which help to bring about falls. When the report comes in that a man slipped, that is all the foreman says and that is all the compensation referee wants to know—all he wants to know is the fact necessary in deciding whether an award is to be made or not. We know that the floor may have been slippery or the light poor, etc., or he may have had a sudden shock or fright—all those things help to bring about falls.

Can anyone tell me how any State legislature can be expected to provide sufficient funds for the kind of subjective analysis and fact finding that theoretically we ought to have? I see no practical way out of it. In New York whenever a hazardous condition is found to exist that is causing accidents, we isolate a certain number of incoming accidents of that sort, and send out agents to investigate them on the spot, while the accident is fresh. From that sample of accidents we learn what is the best thing to be done in the matter of accident prevention. As yet I do not see any more practical way of handling it. I am willing to admit that theoretically all the 500,000 accidents should be investigated and that 10 or 20 times that many near accidents were never reported. As has been pointed out, a near accident is just as much a warning or indication to a safety man, or ought to be, as an accident, but we have to limit ourselves to our possibilities. What we can do must be considered as well as what we ought to do. I cannot agree with the statement that merely because in New York we have 100,000 tabulated accident causes broken down into more than 800 different subdivisions, that that tabulation is not of service as a guidepost and as an indication to any safety man who is seeking to prevent accidents in his plant.

Mr. BOULET. I fully appreciate the difficulties that have been mentioned. I should like to quote this: "Nothing will ever be accomplished if first all objections must be overcome." I appreciate there are difficulties. We know that well. We have our troubles; the commissions have theirs. There are problems that I know nothing about so far as the commissions are concerned. I simply tried to bring to you something that would be of value to me. It is probably selfish, but I believe that ultimately something must be worked out. If we are to stop accidents there must be some practical way worked out and that way should be found.

Chairman KEARNS. I quite agree with Mr. Boulet that a good deal more care and attention should be given to cause analysis, and insofar as it is possible to do it, the industrial commissioners should, after a careful study, give out information as to the causes that would be helpful in the prevention of such accidents. In many cases, and I know from our own experience in Ohio, you seldom get sufficient information on the accident report itself to make the detailed study that Mr. Boulet refers to; yet I think it is a wonderful thing for governmental labor officials, factory inspectors, men and women charged

with the enforcement of safety regulations, and particularly those making investigations of accidents, to keep in mind those different things that should be investigated in order to determine the cause of the accident as well as the cause of the injury. I do not believe that any of us who are engaged in safety work at the present time are giving sufficient attention or attaching sufficient importance to the matter of investigating the cause of the accident, where that is possible, rather than the cause of the injury. I think the records show that there are perhaps 300 accidents occurring to one accident resulting in injury.

I think it an excellent idea to investigate all of our minor injuries, to make a thorough investigation, because after all each of them is potentially a major accident, and according to the law of averages sooner or later those minor injuries are going to result in major injuries. The same thing is true of accidents that cause no injury. The accident may not cause an injury today, tomorrow, or the next day, but sooner or later if such accidents continue to occur they will cause an injury and it may be a very serious one.

So I think it might be a good thing for us to give considerable thought to that subject of investigating causes of accidents that do not cause injury, as well as those that do cause injury, and find a remedy to prevent the recurrence of these accidents also.

Mr. KJAER (Washington, D.C.). The United States Bureau of Labor Statistics gets quite a few copies of the accident reports in the iron and steel industry made to the different States. I have noticed that a good deal of the necessary information is lacking on some of them that should really be in the report. There is no one to blame for that except the employer who sends out the report. The industrial commissioners cannot be blamed; they cannot compile the facts when they do not get them. I think the fault lies directly with the employer in that case.

Chairman KEARNS. Perhaps that is true; yet I think, on the other hand, it might be said that in many instances the industrial commissions and accidents boards do not make use of some of the information they do get. To be perfectly candid about it, I think a good deal more attention should be given to the general question of accident prevention by all of the industrial commissions and accident boards throughout the country. I realize that they do not always get this information, but certainly they get some information that could be used to advantage among the employers and safety men of the State in the matter of promoting accident-prevention work.

Mr. ELMER F. ANDREWS (New York). Mr. Patton has described our system. One of the things that might be of interest is that we photograph every first report of accident. That goes to a unit where a card index is kept to show the accident experience of each factory in the State. Furthermore, a second photostatic copy goes to our inspection division. We have inspectors traveling in the districts where accidents occur, and we have inspections of every major plant in New York. Our factory inspectors are advised immediately after an accident is reported. Then the inspector in that district takes it up personally with the management of the factory on his next visit. So far, we think that does a great deal of good. We are getting very fine reactions from the employers.

Mr. BEASOR (Ohio). I should like to bring out something that I think they should know here. We send out to our field men each month a record of the serious and near-serious accidents. Those men go into the plants, with all the information they have, and talk the thing over with the particular employer, not to criticize but to help. We have found in Ohio, as Mr. Patton has in New York, that these people are not going to incriminate themselves by saying that it was the foreman's fault or the supervisor's fault. With the idea of teaching the employers to keep that record, we are suggesting to them the keeping of that data in such a manner that the manager or person in charge of the plant will know exactly the person who is responsible for the injury or the accident. It is being suggested to them that they not only keep such records of injuries but also keep a record of their accidents.

Our field men are reporting that it has been taking very well with a number of employers and they are following out the scheme, so much so that for some time a certain group of employers, such as the electric-industry men, have their safety men attend round-table meetings about once a month. Of course this information goes to nobody else but those men in the meeting. They lay the record of each plant right on the table and are able to make a cooperative effort to help each other. I think some of those plants even extend into another State, but since it is similar work, they are getting these other fellows in, perhaps to help them.

Standardization of Codes and Mechanical Guarding at Point of Manufacture

By ROBERT MCA. KEOWN, *Engineer Industrial Commission of Wisconsin*

[Read by Mr. Wise, Industrial Commission of Wisconsin]

When accident-prevention work was first undertaken by some of the States more than 20 years ago, the lack of standards to guide the inspection personnel was soon apparent. Without standards it was impossible to secure uniform compliance where more than one inspector was assigned to the work.

The first regulations, adopted either by legislative act as in some States, or by the board or commission having supervision of the work as in others, appear in the light of present-day experience as rather crude, but they served their purpose at least to a degree, and as time went on and more experience was gained these regulations were revised and new ones adopted as new methods and processes in industry introduced new accident hazards.

With many of the States and some cities adopting regulations for the safety of employees and the public, and many insurance companies having their own standards, the need for some central organization to undertake standardization of regulations on a national scale became almost a necessity. With this object in mind the United States Bureau of Standards called a conference in Washington in January 1919 for the purpose of considering methods to be used for the promulgation of a set of national safety standards. At this conference there were approximately 150 representatives of the Federal Government, State boards and commissions, and engineering associations. More than 50 safety codes were discussed with the idea of developing

national standards that would supplant the large number of individual State regulations on each subject.

The American Engineering Standards Committee, now the American Standards Association, had already been organized (1918) by five major engineering societies for the purpose of carrying on standardization work, and as a result of two Washington conferences arrangements were made to have safety standards included within the scope of their activities. Since then the safety code work has been made a part of the American Standards Association program.

In order that standards finally approved by the American Standards Association may in fact be American standards, the association has outlined definite methods of procedure for the guidance of any organization wishing to have standards approved. These methods are outlined in the American Standards Association method of procedure from which the following statements are taken:

The association recognizes four such methods: (1) Sectional committee method; (2) existing standards method; (3) proprietary standards method; (4) general acceptance method.

Of these four ways for the development of standards, the sectional-committee method is the one most generally used. According to the association, the name of the committee is so called because of the fact that its personnel represents a true cross-section of the industries and organizations concerned with the development of any standard.

The rules of the association require that for safety codes sectional committee memberships shall be made up as follows: (a) Manufacturers (makers of equipment); (b) employers (users of equipment); (c) employees; (d) governmental bodies having regulatory power or influence over the field in question; (e) independent specialists, such as staff representatives of technical societies, consulting experts with no exclusive business affiliation, and educators; (f) insurance interests. It will be recognized that with a committee organized in this manner, the standard finally proposed for approval should be quite generally acceptable.

The existing standards method is, as the name implies, a method for having an existing standard approved by the association, but can only be used where in fact the existing standard is qualified to receive approval.

The proprietary standards method is, according to the association, for those standards that were formulated in the first instance and thereafter revised entirely under the auspices of the sponsor organization, and which are in fact competent to be approved by the association as national standards.

The general acceptance method for procuring national standards is primarily for simple projects and for which the organization of a sectional committee is not deemed advisable. This method consists of a conference of those individuals or groups principally concerned, supplemented by a sufficiently large number of written acceptances of the conference recommendation from all of those substantially concerned with the scope and provisions of the recommendation.

The 1932-33 year book of the American Standards Association lists 44 accident- and fire-prevention codes that have been approved as the American standard and 18 such projects not yet completed.

The American Standard Safety Code on any particular subject may not be as rigid as are the requirements in individual States that

have had regulations for a number of years, and in some instances it might not be desirable to lower the State standard, although it should be borne in mind that where a State has a standard that appears to be more rigid than the balance of the country, if it relates to apparatus that is used country wide, the customers in that State will pay more for such apparatus. As an example of this may be cited the grounding of noncurrent-carrying parts of electrical equipment. Wisconsin for a number of years required the grounding of all such parts for voltages exceeding 100, but when the code was revised in 1930, the majority of the State advisory committee was of the opinion that this requirement should be made to conform to the national standard. The arguments were that State and national standards should be uniform, and that for some kinds of electrical appliances, particularly small equipment, it would be safe only for the manufacturer to make the ground connections as they must almost of necessity be built into the machine. Instances were cited where insulation had been broken down when such work was done by local electricians. This position was taken notwithstanding the fact that many Wisconsin users of electrical equipment had already made the change and although there have been a number of fatalities on noncurrent-carrying parts that had become "alive" due to insulation becoming defective and where the voltage was presumably below 150. This is a matter, it seems to me, that should be given further consideration to determine whether or not manufacturers of this equipment should supply ground connections on all appliances using the ordinary lighting circuit.

Where a State has no regulations in any particular subject, the advantage of having an American standard either to adopt as is or to use as a guide in formulating regulations will be apparent.

In 1923 it was desired to issue a code regarding the use of spray coating in Wisconsin, and as far as could be ascertained no State had any regulations specifically covering this subject. It was therefore necessary for the advisory committee appointed to suggest a set of regulations, to visit plants where this method of painting was carried on, and by a process of elimination frame regulations that would prohibit those conditions which were observed to give unsatisfactory results. This meant days and days of work before the committee was prepared to make its recommendations to the industrial commission. Since the original adoption of the regulations, they have twice been revised because of the use of new materials or for other reasons, and within a short time will be subjected to another revision.

A similar condition existed with reference to the commission's general order on trench guarding. The original order stated that trenches, "* * * must be securely shored up." On a contested case the supreme court ruled that this was not definite enough and that the employer must be told how to shore them. There were not to our knowledge any existing regulations on this subject, so the advisory committee drafted a set of timber requirements for trenches, and after several hearings they were finally accepted as being reasonable and were adopted. The results obtained have been gratifying.

Probably one of the most uniformly adopted codes is that for boilers, known as "A.S.M.E. Boiler Code." As far as we have ascertained there is but one State having boiler regulations that does not accept boilers made in accordance with this code. The adoption

or acceptance of boilers built according to a standard code has many advantages, which may be listed briefly as follows.

(a) The advantage to the boiler manufacturer who does an interstate business. Boilers can be manufactured in quantity in advance, taking advantage of quantity buying of materials and of slack seasons for employment.

(b) The purchaser can get a better price and prompt shipment.

(c) Resale value of standard boilers is higher because of acceptance in a larger field.

(d) Boiler insurance companies operating in many States can give better inspection service due to inspectors becoming familiar with standard construction.

(e) Responsibility centered with manufacturer, over whom State officials can easily exercise control, and as a result the boiler is made uniform and safe at the source.

(f) Prevents dealers from making the State a dumping ground for worn-out and obsolete boilers.

(g) Employees benefit from the greater safety due to concentrating on one set of specifications and develop to the greatest extent safety features that are universally approved.

There have been instances come to our attention, when having shop inspections made of new boilers, that the boiler because of some substandard condition, could not be accepted under the State requirements. Such boilers are not scrapped but are sold elsewhere. Frequently, also, boilers because of age and design are not permitted a working pressure in excess of 15 pounds. These boilers are taken out of service, given an overhauling, and sold elsewhere as second-hand power boilers.

Another example of the value of uniform requirements is to be found in the case of elevators. Elevator manufacturers submitting proposals for elevator installations in various States can more readily satisfy the customer if the requirements of the State are in accordance with national standards.

In discussing this matter with insurance company inspectors, who in Wisconsin are licensed to make elevator inspections that are accepted in lieu of regular State inspections, and who operate in a number of States, the thought is frequently expressed as to the desirability of a standard code and particularly for one that is enforced by the State officials who have jurisdiction. If the insurance inspector is not able to "sell" the assured on the necessity of complying with the standards, the only thing that the insurance company can do, if it does not wish to put up with the conditions, is to cancel the policy. Sometimes, if the insurance inspector is too insistent in securing compliance with the code, the assured will cancel the policy. This is a condition that should not be tolerated, and the owner should be made to comply with the code no matter with what company he carries insurance.

Another case showing the value of national standards is found in building construction and particularly with respect to structural requirements. Some points that might be mentioned are:

(a) Live load requirements for structural design can be uniform.

(b) Allowable unit stresses in any particular type of building material should be the same. Existing building codes at present differ as to allowable working stresses.

(c) Organizations, national in scope, provide standards that can be universally adopted. They are as follows: (1) Steel—American Institute of Steel Construction; (2) concrete—American Concrete Institute; (3) wood—National Committee on Wood Utilization; (4) masonry, solid and hollow—American Society for Testing Materials.

Standards of the above organizations have been adapted to the Wisconsin State building code. If such standards were in general use the buying public would benefit. Without such general standards the responsible designer and manufacturer is always at a loss to know whether his work is in competition with other designs and products. The result is that such designers and manufacturers are forced to meet irresponsible competition, with a consequent lowering of ideals rather than raising them.

Examples are frequently brought to light in Wisconsin, from out-of-State designers who do not have any particular standard to follow, in which variable assumed loadings and working stresses are used.

In manufactured materials the same results are found. Wisconsin has certain requirements on hollow building units. Neighboring States have none, except perhaps in individual cities; consequently, out-of-State manufacturers have difficulty in marketing their products in Wisconsin. This is particularly true in regard to concrete blocks. Another phase of the matter is the opportunity that Wisconsin manufacturers have to dispose of inferior products in other States where there are no regulations. This could be avoided by standard requirements.

By the standardization of allowable working stresses and of building material in general, the buying and building public would benefit and a curb would be placed upon irresponsible designers and manufacturers.

There are instances where State authorities do not wish to adopt national codes because of their length. As an example of this we may cite the power press code. Wisconsin's requirement is contained in a single order, but mention of the national code is made in a footnote, referring to it as a valuable source of information on the subject.

States making new safety regulations or revising existing requirements will assist to a large degree in promoting the national standardization program if they will make free use of the national standards that have already been prepared.

The National Safety Council through its A.S.S.E. engineering section has had for a number of years a standing committee on research, standards, and code, one of the principal functions of which is to promote use of national safety standards.

That the American Standards Association appreciates the cooperation that it is receiving from your organizations is indicated by the following quotation taken from the association's 1929 year book:

The State governments are also actively participating in the work. This cooperation is chiefly through national organizations of State commissions. The most active of these are the International Association of Industrial Accident Boards and Commissions and the International Association of Governmental Officials in Industry, through which the State governments are taking a leading part in the entire safety-code program.

So far in this discussion no mention has been made of mechanical guarding at the point of manufacture, although the bringing about of this condition will undoubtedly be made much easier if uniform safety standards are adopted.

There are a number of reasons why safety of operation of machinery should be taken into consideration by the manufacturer, a few of which are as follows:

1. A more workmanlike and finished job can be done at the factory when the guarding is given consideration while the machine is in process of design than can generally be done by the purchaser.

2. The purchaser dislikes very much to buy a new machine and then have some inspector come along and inform him that he must provide additional guards to make it comply with State requirements.

3. The complete guarding of a machine makes a good selling point for the manufacturer.

4. A machine designed with safety of operation in mind is more efficient than one not so designed.

For a number of years our department has been making use of a small form upon which the inspector reports substandard conditions found on new machines. On this form the inspector gives the following information: Name of maker of the machine; address; name of machine; name of manufacturer using machine; address; suggestions for safeguarding.

Upon receipt of this information from the inspector a letter is written to the machine builder calling attention to the ways in which the machine in question does not comply with safety standards, pointing out to him some of the advantages of guarding before selling and requesting his cooperation. In general the results obtained have been very encouraging. Occasionally, however, a reply is received that leads one to believe that not all manufacturers are alive to the situation. A certain plant purchased a large and expensive woodworking machine upon which there was an unguarded sprocket chain and wheels. A letter to the manufacturer was referred to the legal instead of the engineering department and brought the reply, that since their machines were shipped to all parts of the world it would be impossible to keep up to date on all of the various guarding standards, and therefore they shipped without guards. They completely overlooked the fact that proper guarding of this sprocket chain and wheels would have passed muster in any country regardless of their standards.

Only recently a bulk gasoline storage station employee, while reaching for the clutch lever on a newly installed gasoline pump, missed the lever and lost two fingers in the gears that were only partially enclosed. Correspondence with the pump manufacturer brought a reply enumerating the States where this pump was acceptable as fully complying with safety requirements. Upon being informed, however, that complete enclosure of gears was required, he took steps to replace the guards on all recent installations. The pity of it was that a person had to be permanently injured before this was brought about, and besides his employer was called upon to pay additional compensation because a substandard condition was the cause of the injury.

One frequent source of injuries is that caused by machinery used in highway construction, including quarry and gravel-pit outfits. Most counties and contractors using this class of machinery are not well equipped to do any guarding, particularly during the season when it is used on the job.

For a number of years there has been a large working exhibit of this kind of machinery in Madison during the annual road school conducted by the Wisconsin Highway Commission. Each year it has been our practice to make an inspection of this equipment and to write to the manufacturers, pointing out the respects in which it did not meet the State safety requirements. The cooperation received from these manufacturers has been very fine, and at their request we have sent a man to their plants, even to other States, to discuss with their engineering departments methods of safeguarding. Whether this guarding is in all cases furnished as standard equipment with machines sent to other States we do not know, but the improvement in safety of machines furnished to Wisconsin purchasers has been quite noticeable.

Another way in which buyers of machinery can secure guarding by the manufacturer is to include specifications for safety along with and on a par with other specifications. If such specifications are sent out when asking for bids, all bids will be submitted on the same basis. Safety specifications should be based upon practical and recognized safety standards and should require that all machines furnished must be equipped with properly designed, constructed, and installed guards. In some cases it will be desirable to go into details even more than this and state the guards desired.

The following table, compiled from United States census reports, gives some information on the concentration in the manufacture of a few important classes of machinery:

Proportion of United States total of specified classes of machinery manufactured in States noted as leading producers, 1929¹

Classes of machinery manufacturers	Number of States classified as leading producers	Percent of United States total			States classified as leading producers													
		Number of establishments	Average number of wage earners	Value of products	California	Connecticut	Illinois	Indiana	Iowa	Massachusetts	Michigan	New Hampshire	New Jersey	New York	Ohio	Pennsylvania	Rhode Island	Wisconsin
Agricultural implements.....	7	56.3	83.9	83.4	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Electrical machinery.....	7	66.3	84.2	84.2	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Foundry and machine-shop products, including woodworking and laundry machinery.....	11	72.2	84.2	85.4	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Machine tools.....	7	72.9	70.3	74.6	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Prime movers.....	7	64.8	82.5	81.6	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Textile machinery.....	5	71.5	83.5	84.0	X	X	X	X	X	X	X	X	X	X	X	X	X	X

¹ U.S. Department of Commerce. Manufacturing Market Statistics. (Domestic Commerce Series No. 67.) Washington, 1932.

It will be noticed from this table that 7 States produce in value 83.4 percent of the agricultural implements, 84.2 percent of the electrical machinery, 74.6 percent of the machine tools, and 81.6 percent of the prime movers of the United States. With this concentration in a few States many of which are among the leaders in the safety movement, it would not seem to be an insurmountable task for industrial boards and commissions to make considerable progress in securing cooperation from their respective State manufacturers of equipment.

In closing, I would like to urge upon your organizations the continuing with even greater force of the support that you have given these programs in the past, to the end that the day may soon come when all safety standards will be national in scope and all machines guarded at the point of manufacture.

DISCUSSION

Mr. PATTON. In a meeting of this body at Toronto Mr. Lewis DeBlois read a paper embodying the experience obtained by correspondence with every State in the United States. He wrote to each of the States to get its safety requirements on a long list of prescribed topics. The replies indicated a bewildering array of differences. For instance, why should a guard rail in one State be required to be 36 inches high and a guard rail of precisely the same sort in other States be 42 inches high? There are many such illustrations. Mr. DeBlois was making the point that in order to stimulate the manufacturers to safeguard machinery at its source, it would be very helpful if the States, through their standard practice bodies, should eliminate these minor and nonessential, and in a number of cases perfectly useless, differences that now exist. In other words, it would greatly strengthen the drive for manufacture of machinery which would be safe, if the different States would get together even more than they have done in the past in making safety requirements standard. It is sometimes difficult for the manufacturer in making a machine to have to build it in seven different ways because each of seven different States has a different way of safeguarding it.

Chairman KEARNS. I have always felt that an exposed gear, an exposed set-screw, a shaft end, or any other piece of machinery that is open is just as hazardous in one State as it is in another. If it is strictly and satisfactorily guarded in one State I think the same requirement should be used in the other States for proper protection to the employees.

In Ohio in the last few years we have been endeavoring to make our codes conform as closely as we could to the requirements of the A.S.A. standards. I think all of the States should do that, so far as it is possible. Of course, local conditions make it necessary sometimes to adopt additional requirements or to modify the requirements, or, in some cases, to make them more stringent, but on the whole it seems to me that it would be to the advantage of everybody concerned if these codes were standardized. I think we should all work to that end.

Dr. LLOYD. This is an old question that is brought up here today. I think it was 10 years ago that I addressed this association on somewhat similar lines, pointing out the advantages of uniform requirements in the different States. This paper brings out something that I think is perhaps a new idea to some of us, the part the State authorities can play in obtaining better practice among the manufacturers. It is true that there are varying requirements in the different States, but in the case of the guard rail, a man who builds his guard rail 42 inches high meets the requirements of both the 42-inch State and the 36-inch State. When it comes to the guarding of gears, I do not think there is any such differentiation that we can point out. A gear is either enclosed or it is not enclosed. When enclosed it is safe,

Mr. Keown describes the practice that has been followed in Wisconsin, and apparently it is getting results. I think we can get a great deal more in the way of results if that practice were copied in other States. I think most State authorities are content to point out to the owner of the establishment the ways in which his installation fails to comply with the regulations, but Wisconsin is going farther than that. It finds out who is the manufacturer of that equipment and calls his attention to the defects and urges him to supply machinery that will meet the requirements. If the manufacturers received such requests as that from a great many of the States, I think it would be much more effective in getting machinery guarded at the point of manufacture, where it can be done much better than by trying to apply the guard after installation. We would thus get a more general supply of equipment that is thoroughly protected by the manufacturer. Putting a guard on a machine after it is installed is usually to some extent a patchwork job. If the manufacturers would all build the guard into the machine it would give us much better results. We would get them at less expense, because, taking it all around, it is less expensive to do the thing right at the start. It is perhaps not possible to sell the guarded machine at as low a price as the unguarded machine, and there is not the incentive to the manufacturer to put on something to increase its cost. If, however, the customer realizes that sooner or later he will have to pay that expense the manufacturer undoubtedly can sell the guarded machine in the first place and it will be better guarded and better designed.

It seems to me that State officials can do quite a lot to bring that about if they will follow Wisconsin's practice of going to the manufacturer of the machinery in case anything is not sufficiently guarded. Many manufacturers are already doing a good job on that. You see over here at A Century of Progress and in other exhibits of machinery numerous examples of machinery that are completely guarded by the manufacturer. An effort is needed to bring the slipshod manufacturers into line to do the same thing, and a little pressure from all sides might accomplish more in that direction.

Chairman KEARNS. Have you any idea, Dr. Lloyd, as to how many States have a statutory requirement that machinery and equipment shall be guarded in accordance with the requirements of the code of the State before it is shipped into the State?

Dr. LLOYD. I do not know of any State that has such definite requirements. I suppose it might be possible to enforce that. On second thought, I think that has been done in one or two States, but I am not sure. I think possibly Minnesota has such a requirement.

Mr. KJAER. I believe several laws cover the point that new machinery installed must be guarded in a certain way.

Dr. LLOYD. Is it illegal to bring it into the State without the guards? I think some State has started a movement in that direction, but I am not positive of it. A requirement of that kind might be very effective in getting results.

Mr. ELMER F. ANDREWS. I think the Federal Department of Labor is very much interested in this subject. I know the American Standards Association is. Perhaps there is a clearing house in Washington for information for all of the States so that there may be standardization in guarding machinery and in enabling legislation. It

would be fine if those interested would communicate with Miss Perkins. I am sure she would be glad to hear of any suggestions and whether the idea is thought to be a good one by the various States and their representatives.

Mr. JOHN B. ANDREWS (New York). I recall that more than 20 years ago when industrial codes and the machinery-guarding proposition were advanced, one of the strongest arguments raised in favor of the code was its elasticity. In a State the representatives of the different interests would serve on the code committee. They would draw up the safety code through an educational process, and then as conditions changed in industry from month to month it would be unnecessary to wait for the next session of the legislature in order to make desirable modifications in the code. With the advance of the American Standards Association code, I am wondering what has happened to elasticity on a national basis. Can anyone throw any light upon how many of these codes, when once established by the A.S.A., have been modified by the same educational procedure after they have once been adopted? Are we losing something of that educational effect in the development of codes by the representative process within the State, with the State's expert assistance, or are these A.S.A. codes, as uniformly adopted, being modified with the changes in industry? I have been impressed with this a little in making a study of the advance of this very important branch of labor legislation in the last 20 years. I find that some States which have been rather inactive in the development of safety codes have suddenly, within 1 year, adopted as many as 20 codes in a single State. I should like to know how many of the A.S.A. codes have been frequently modified to meet new conditions.

Mr. STEWART. So far as the codes that have been sponsored by this organization are concerned, there have been, I think, a number of changes in every code with which I have had anything to do in the past. Take the abrasive wheel code. There have been at least two changes, and the association has just approved a third. I think that is true of all the codes. Of course, in the nature of the thing, these codes are looked after by the manufacturers' associations—the manufacturers producing the machinery. If there is any proposed improvement in the machinery that necessitates a change in the code, they see that a request is made that the code provides for that new machinery. The sectional committees of the A.S.A. take up suggested changes and perfect the code. I know especially that that one code has been changed three times since it was adopted.

Mr. KJAER. Two of the States—Nebraska and Maryland—have adopted the A.S.A. codes verbatim. I think they are the only two that have done so. Nebraska specifies the A.S.A. codes where the matter is not covered by other requirements of the State, and Maryland has adopted a number of them. Outside of that, not a single code has been adopted that conforms exactly to the A.S.A. code. There have been changes in the A.S.A. codes, some by amendment. On the whole, the majority of the codes conform to the A.S.A. codes. Some of the States use these codes only as a guide for their inspectors instead of adopting them exactly. In these States the feeling is that the codes are to be used to advise the employer instead of demanding that he conform to the standard.

Dr. LLOYD. Dr. Andrews brought up a point that perhaps needs further consideration, that is whether the adoption of the ready-made

code involves a loss in the educational process of the people who have to live with that code within the State. I do not think the two things are incompatible. In most of the States it is required by law that a public hearing be had before the regulations are adopted. Frequently there are local committees to draw up a code or at least to consider it before it can be brought before a public hearing. It is my view that full use can be made of these codes prepared on a national basis without losing the advantage of the local discussion. If the national codes are brought to the attention of the local committee, if they are used as a basis for the local committee's work, after full discussion in a public hearing, if we could get into operation some machinery by which the local committee would always get the benefit of the enormous amount of work done on the subject before the national code has been promulgated, it would be very helpful. It would be extremely helpful, when such committees are working in the several States and when these public hearings are being held, if someone who has been intimately connected with the development of the national codes could be present to explain why some of these requirements are in the code—requirements to which perhaps some local objection is made. Experience can be related justifying those requirements and the necessity of them pointed out.

Then we would have in practice a code that is locally prepared and adapted; yet it would be substantially identical with the national code, because the local committee would have the same reasons for adopting the national code as the national committee had. In many cases I know that codes or preliminary drafts of codes have been altered by local committees or State committees, due to objections raised in public hearings, because there was nobody present who could explain why certain requirements were in the national code. They are usually there for a good reason. It is the experience in other States that justifies the requirement, and if, by hearing such experience, the local committee could be satisfied that the requirement is a good one, we would not have so many of these local variations.

I hope the American Standards Association will sometime be in position to pay the necessary expenses of sending to any State that is developing a code, or having a local hearing, a man who can explain why the national code is a good one and why it is to the advantage of that State to adopt it verbatim or without making serious changes in it. Usually there is a good reason for everything in it, but the local people do not always know what that reason is.

Mr. KJAER. That is just the reason the American Standards Association codes were adopted in Nebraska. There was a member of the staff of the American Standards Association in Nebraska. He interviewed those people and showed them the desirability of the national codes. Consequently the codes were adopted verbatim.

Miss JOHNSON (Massachusetts). When we were adopting the lighting code the Federal Bureau of Standards sent Dr. Lloyd to speak at the public hearing on the code. While the code adopted was not identical with that of the American Standards Association, it was a lot more like it than otherwise would have been the case.

Chairman KEARNS. We are all agreed, I think, that standardization is a good thing and that we should all do what we can to bring it about. I think also that we feel it advisable, where it can be done, to have all machinery and equipment guarded in accordance with the require-

ments of the State regulations before it is shipped into the State. We do not have such a law in Ohio, but we are attempting to overcome that by contacting the employers of the State and asking them to write into their purchase orders a proviso that the machinery or equipment must conform to the requirements of the Ohio law. As a result, we have had frequent requests from manufacturers of machine-tool equipment in a number of States throughout the Union. Many of our employers are carrying out that idea.

[The following resolution, which was drafted for consideration and possible action by both the I.A.I.A.B.C. and the A.G.O.I., was read by Mr. Patton:]

Resolved, by the I.A.I.A.B.C. and the A.G.O.I. in joint convention, that it be recommended to the National Recovery Administration that some such clause as the following be included in each of the industrial codes:

Every employer coming under the jurisdiction of this code shall comply with all safety and health laws and regulations of the State in which the work place is located. In all occupations in which workmen are not protected by State laws or regulations the employer shall comply with provisions of any standard safety code approved by the American Standards Association which provides protection against any hazard encountered in such occupation.

Resolved, That a copy of this resolution be transmitted to General Hugh S. Johnson, Administrator of the National Industrial Recovery Act.

MR. PATTON. There has been a great deal of discussion as to the safety provisions, or lack of safety provisions, in the N.R.A. codes, and this resolution is put forward for consideration as to whether or not it is the opinion of these two bodies that all such codes should include the statement that the State safety and health laws and regulations should be observed, and that insofar as there was no State safety law in effect the employers should comply with the safety code approved by the American Standards Association.

[A motion to adopt the resolution was made and seconded. There was considerable discussion as to the propriety of such a resolution from the joint session of the I.A.I.A.B.C. and the A.G.O.I. before the motion was put to a vote and carried.]

[The method of transmitting the resolution to General Johnson was discussed, followed by a motion, duly seconded, instructing the secretaries of the two organizations to act jointly in sending the resolution. The question of including the Consumers' Advisory Board in the resolution was also discussed, after which the motion was put to a vote and carried.]

[Meeting adjourned.]

FRIDAY SEPTEMBER 15—MORNING SESSION

Chairman, A. W. Crawford, deputy minister Department of Labor of Ontario

Chairman CRAWFORD. Before calling on the first speaker it might be well to lay before you briefly a few of the facts concerning minimum-wage laws in Canada.

Eight of the nine Provinces in the Dominion have minimum-wage laws for female workers, although the act of New Brunswick has not yet been proclaimed. In only one Province, namely, British Columbia, is there a male minimum-wage act. When this law was first enacted only two orders were issued, covering male employees in the catering and the lumbering industries. Almost immediately trouble arose in connection with the lumbering industry and the law had to be changed. A new act was passed in 1929 under which one order, affecting stationary engineers, has been issued. In two Provinces amendments to legislation make certain provisions for male workers. The Minimum-Wage Act of Manitoba covers boys under 18 years of age in certain occupations.

Representatives from the Province of Quebec are with us, and I expect they will speak for themselves. Owing to recent conditions, most of the Provinces have felt it necessary to reduce slightly the rates for women and girls. In British Columbia a 10 percent reduction was put into effect in certain trades, including the fruit and vegetable canning industry. In Alberta an order for a 10 percent reduction was passed, but was later rescinded because it was thought conditions were improving. In Saskatchewan a temporary reduction of 10 percent was authorized in March 1932. In the Province of Nova Scotia the minimum-wage board, rather than issue any special order, notified employees that in the opinion of the board it would be advisable to work for slightly lower than the minimum required by law rather than to find themselves out of employment, or to inflict what might be considered an undue hardship on certain employers, but no order was issued.

In the Provinces of Quebec and Ontario, after consultation between the boards, it was agreed that if at all possible they would maintain the minimum rates established during normal times, or what may be termed normal times. In these two Provinces a very earnest effort is being made to maintain wage rates for girls and women which would give a decent standard of living or at least a minimum standard of living during ordinary times, and I believe it is safe to say that a fair measure of success is being attained in both Provinces. There are exceptions. Speaking for the Province of Ontario, I can say without fear of contradiction that in most of the industries the minimum-wage rates are being voluntarily maintained by employers without any undue pressure from the board. In some industries, however, where there is keen competition, where the price of the goods manufactured has been greatly reduced, and

where the industry is not well organized, it is becoming increasingly difficult to maintain the wage rates. For example, all branches of the needle trades are finding it very difficult at the present time to maintain decent wage rates for their female employees. Of course, many excuses are offered, but I believe that the chief reason for this condition is lack of organization in the industry itself and lack of confidence on the part of the employers in their competitors.

It is unnecessary to go into detail regarding the laws. If any of you have questions regarding the nature of the legislation, the amount of the wages, or any matter of that kind, I shall be very glad to answer them if I can. Would you care to say anything, Mr. Tremblay, regarding the Province of Quebec?

DISCUSSION

Mr. TREMBLAY (Quebec). You have covered the ground, Mr. Crawford.

In the Province of Quebec, as in Ontario, we feel it is very hard, especially in the needle trades, to enforce our regulations and orders, but we have decided to sue the employers who did not comply with the orders. I think that, on account of this policy, which has been advanced by the Hon. Mr. Arcand, our orders are not too badly respected now.

Our orders actually cover 14 or 15 general industries. The restaurants are not yet covered, and though our legislation entitles us to cover the girl and woman employees in commerce, because of the crisis, no orders have been adopted by the commission. We feel that it was a very good thing to have a meeting between the Ontario commission and the Quebec commission, and to decide not to decrease the rates of wages for girls and women. We hope that the crisis is nearly over and that it will not be necessary to lower the rate of wages, which is not so high as to permit any important reduction.

Our statistics reveal that 40,000 girls are actually protected by our different orders, and that the average wages for girls in most of the industries is about \$13—between \$12 and \$13—and that it is a little bit higher than the minimum.

Miss JOHNSON (New Hampshire). I should like to ask if there is any tendency toward the inclusion of men under the wage orders in other Provinces, besides British Columbia?

Chairman CRAWFORD. I meant to mention that. In the Province of Alberta the matter was given careful consideration, and in 1926 its law was amended to eliminate exploitation of men and boys when replacing girls or women. The law now provides that in any industry where an order has been issued governing the wage rates of female employees, and the employer undertakes to replace female workers by males, either men or boys, the wage rate must not be less than that formerly paid to the female employees. That amendment is being considered now by some of the other Provinces, because it has been found that there is a tendency on the part of certain employers—in restaurants, etc.—to take in men and boys and pay them less than the minimum rate required for girls. Alberta, however, is the only Province which has actually taken steps to prevent such exploitation.

Miss JOHNSON. I wonder if the depression brought men's wages down in some industries so that such action was needed in the interest of protecting them.

Chairman CRAWFORD. That is rather a difficult question to answer. The policy of both organized labor and organized employers until the present time has been against any government regulation of wages. The unions have always felt that they could control their wages much better than the Government, because there is a tendency for the Government minimum to become the maximum or the standard rate. Now, I would say, there is a different feeling, and if organized labor could be assured that it would be a temporary measure only, it might be possible for the governments to enact such legislation. I feel that the sentiment in Canada is not yet sufficiently favorable to warrant any government in passing legislation covering all male employees. Those who are affected feel that they should be protected. Every day men come into my office wanting to know why the Government does not protect the wages of men and boys. On the other hand, if we announced that we were going to introduce such legislation I am quite sure we would have large deputations protesting against it. Those who feel that the depression is about over are not now ready to give up their former rights.

Miss JOHNSON. There is no question of constitutionality involved with you, as there might be in the United States, on including men in the minimum-wage provision?

Chairman CRAWFORD. No question of constitutionality that I know of.

Miss SWETT (Wisconsin). You have no constitution to go against, have you?

Chairman CRAWFORD. Oh, yes, we have. The British North America Act is our constitution. We have as much difficulty on constitutional grounds between the Provincial and the Dominion Governments as you have between your State and Federal Governments.

Mr. TREMBLAY. I might add also that in the Province of Quebec we receive a great number of demands from individuals to establish minimum wages for men, but the government is afraid of entering this ground because our minimum-wage commission for women finds that, especially in depression time, it is very hard to enforce all the orders in a satisfactory manner, and if we were to survey all the pay rolls of the employers who employ men, we would have to increase our staff very largely. Even then, I am quite sure that we could not check everybody.

We feel that while men may organize easily, women do so with difficulty. The woman generally enters into industry for a very brief time—for 3 or 4 years—especially in the Province of Quebec, then she gets married. She has not a very large interest in industry. Although men are not in the same situation, they are convinced that they ought to organize industry as to wages, so as to find in their pay sufficient for living. This is the condition which we are facing. In the last few weeks especially we received a very strong and urgent demand from lumberjacks. Rates of wages, in

the wood industry, are actually low, on account of the price of pulp and paper, but we think, after a conference we had with representatives of the big companies, that the rates of wages this fall and winter will be better and that the feeling for a minimum wage for men will disappear as soon as conditions as to wages are better.

Miss JOHNSON. Have new orders covering new occupations been entered to any extent in the Provinces during the period of depression?

Chairman CRAWFORD. Only one order that I know of in the Province of Ontario and that was a rather unusual one covering female bootblacks or shoeshiners. I believe the Province of Quebec has issued orders.

Mr. TREMBLAY. In the food industry—biscuits, chocolates, etc.

Chairman CRAWFORD. I am not sufficiently familiar with the other Provinces to answer.

Dr. PATTON (New York). Are all of the Canadian minimum-wage acts based on the cost of living, or do you also have this additional phrase that has just come into use in the United States within the last year with reference to oppressively low wages, "or fair and reasonable pay for the services rendered"? My impression is that your acts are based on standard of living, aren't they?

Chairman CRAWFORD. That is true, Dr. Patton. The basis is the cost of living; but, speaking for the Province of Ontario only, when the rates were first established a very careful survey was made of the actual cost of living for girls, and the wage rate which should have been established was about \$2.50 higher than that which was actually established after making the survey. Going into the question very carefully, the board met the representatives of the employers and of the employees, and it was agreed that a lower rate was desirable, so that the minimum set varied from \$8 to \$12.50. When the cost of living went down the rate was maintained. When the cost of living began to go up again in 1928 and 1929, it was still maintained, but at that time, to follow the index of the cost of living, it should have been about \$16.

At present, the cost of living is down again, and if we were to follow the index we would be reducing the rate in the Province of Ontario, but the employers have been persuaded that it is better to maintain existing rates for the sake of stability. While the basis of rates is cost of living, in actual practice there is a more or less stable rate which will be amended only at fairly long intervals.

Mr. MAGNUSON (Washington, D.C.). You have no sliding scale cost of living for wages?

Chairman CRAWFORD. No. If there are no other questions we will have our first paper. Dr. E. S. Smith, the chairman of the committee on minimum wages and commissioner of the Department of Labor and Industries of Massachusetts, is unable to be here, but he has asked that a member of the committee present his report. Mrs. Kinney from California, who has had considerable experience in this type of legislation, has kindly consented to present Mr. Smith's report.

REPORT OF COMMITTEE ON MINIMUM-WAGE LAWSBy EDWIN S. SMITH, *Chairman*

(Read by Mrs. Mabel Kinney)

The committee on minimum-wage laws asks that it be continued for another year and that its final report be made to the 1934 convention of the Association of Governmental Labor Officials. The reasons for this request are given briefly below.

Since last year's convention authorizing the appointment of a committee to draft a model minimum wage law to be submitted first to this present convention and later to the States, there have been a number of unexpected and important developments in the field of minimum-wage legislation.

The National Industrial Recovery Act has for the period of its duration made it incumbent upon industries engaged in interstate business to establish minimum wages both for male and female employees. In practice it begins to appear likely that almost every form of industry, including those usually thought of as intrastate, will come under the N.I.R.A. provisions. By this legislation the principle of minimum wages nationally applied has suddenly been transformed from a pious, although seemingly futile, wish to an undoubted reality.

The inclusion of men within the provisions of a national minimum-wage law is a definite assertion of the police authority of government over the wages paid to the members of the sex hitherto commonly regarded as not requiring and not entitled to such protection. Of the greatest significance to the future of activity on behalf of minimum wage is the fact that this national legislation apparently derives less from the principle of society's duty to protect oppressed workers than it does from economic considerations; namely, the desire to equalize competitive conditions between units of the same industry located in different States and recognition of the fact that raising the level of wages increases purchasing power and so may be expected to contribute importantly to industrial recovery.

State legislation on minimum wage has also taken a marked forward spurt in the last year. After a decade of timidity about minimum wage, bred of the 1922 Supreme Court decision, a number of States have decided to risk a constitutional veto by establishing minimum wages within their borders. New York was the first State to adopt the standard bill advocated by the National Consumers' League, a bill which had been designed to overcome the expressed constitutional objections to the ill-fated District of Columbia law. Substantially the same bill was passed by New Hampshire, New Jersey, Connecticut, Ohio, and Illinois, while Utah passed a statute modeled on that of California.

None of these laws has as yet been challenged on constitutional grounds, nor has experience under them been sufficient to judge fairly of their results or to discover possible weak points. Certainly until there has been such experience it would seem unwise to propose still another model law or even to suggest modifications in the New York statute and those patterned on it.

The results of the national legislation on minimum wage should be carefully studied and your committee, when it makes its final report, should be prepared to face frankly two important questions:

1. Is it desirable to include men within the scope of minimum-wage legislation?
2. Should future efforts be directed toward spreading minimum wage by State law, by interstate action, or by the effort to perpetuate some form of Federal control?

DISCUSSION

Mrs. KINNEY (California). If I can answer any questions I shall be very happy to do so.

Dr. PATTON. I should like to ask Mrs. Kinney—maybe this is not quite fair—whether or not she feels that the latest model minimum-wage law is on the whole more desirable or less desirable than the California type of law.

Mrs. KINNEY. Dr. Patton, I feel that there are many phases of the new law that are far ahead of the California law. We hope at the next session of our legislature, if we find the conditions are such that we dare to, to remodel our own law. We hoped to do it this time, but because of the movement for abolishment of the department we felt we had better leave well enough alone and fight to keep what we had. We have found, however, that a great many things about our law are out of the question; they are passe.

I also think there are some things in this new law that probably we all agree are not the best, but it is certainly an improvement.

Dr. PATTON. Is the California law based solely on cost of living?

Mrs. KINNEY. Solely for self-supporting independent women.

Dr. PATTON. What is your present feeling as to the new phrase—I cannot quote it exactly—“fair and reasonable return for services rendered”?

Mrs. KINNEY. We think it has a good many difficulties and is quite complicated. Our attorney general thinks it could be challenged. He would not want us to use that; what he would advise we do not know.

Dr. PATTON. I do not know what that phrase means. How would one go about a determination of a “fair and reasonable return for services rendered”?

Mrs. KINNEY. Our attorney general has said it is subject to a great deal of criticism all the way through. It would be one opinion against another.

Mr. MAGNUSSON. Is that any more complicated than to determine what is a “fair and reasonable monopoly”, as the Supreme Court has said?

Miss SWETT. What did you mean by a “self-supporting independent woman”?

Mrs. KINNEY. We mean by that a woman who is absolutely alone in the world, with no one to help her, and who does not need to help anyone else. We had to take some standard, and that is what we took.

Miss SWETT. Does your law cover home work?

Mrs. KINNEY. We have no home work without a special permit.

Miss SWETT. Suppose the people who wanted to give out home work claimed that the women were doing that just as partial support?

Mrs. KINNEY. We do not have home work to deal with; we have abolished it.

Miss SWETT. Then you are not bothered by it?

Mrs. KINNEY. We were, though.

Miss SWETT. You would be, under that phrasing, I think.

Mrs. KINNEY. We certainly would. That was a difficult problem.

Miss SWETT. That was the kind of a claim they made in our State when we insisted that the home-work rate should be sufficient to yield to the average worker the rate set up in the order for the experienced worker in a factory. That was one of the claims they set up, but we did not listen to it.

Mrs. KINNEY. We have heard that a good many times before.

Miss JOHNSON. Wisconsin is really a pioneer in this fair-wage legislation. I wonder if the secretary would tell us something about Wisconsin's experience. Haven't you been at it since 1925?

Miss SWETT. Yes, but perhaps we have dodged the issue on what is a "fair and reasonable compensation for services rendered."

Dr. PATTON. Is that in your law?

Miss SWETT. The minimum-wage law, which was based on the cost of living, applied to both women and minors. We amended the law so far as it applied to adult women, because one firm had secured an injunction to prevent us from enforcing minimum wages for adult women in its plant. To prevent that going further, and to prevent attacks on the constitutionality of the law, we reworded it and eliminated adult women from the cost-of-living provision of the law, making that provision apply to minors only. So we really have 2 laws, 1 for minors based on the cost of living and 1 for adult women, which says they shall be paid a "reasonable and adequate return for the services rendered" and also takes into account the financial ability of the employer to pay this wage. If an employer's inability to pay the required wage comes from his own inefficient management, then he cannot claim exemption on account of such financial inability.

That looks like an impossible set-up to get anywhere with, but we have said that at least one of the elements in the reasonableness and adequacy of the rate would be that it yield a cost of living. So we have said to the employer: "If you will pay the rates that are prescribed under the living-rate order, then we will not raise the issue as to whether your rates are reasonable and adequate. If you do not, we will have to."

You may think we could not tell about the efficiency of an employer, but it is surprising the number of things that an inspection will reveal. For instance, 2 years ago one of the employers of women to pick chickens insisted that he could not pay the required rate of 25 cents an hour and compete with other establishments in the State which employed women to pick chickens. We checked on all the plants where women were picking chickens, and we found that there were a number of things this employer was not doing in the most efficient way. We found that he did stab the chickens in the eyes so that the pin feathers would be loosened easily, but that he scalded them by a very old-fashioned method, and also that he had each woman picking chickens go to the inspector and wait to have her chicken inspected, instead of putting it on a conveyor. We found that each woman was losing about an hour a day. When you are working on a piece rate, an hour a day doing nothing makes a lot of

difference. We suggested some things that he might do, which did improve his rates, but he insisted that he was entitled to a hearing. We gave him a hearing, and it came out in the hearing that the man who was urging him to say he could not pay the women 25 cents an hour was his landlord. We also found that his landlord was asking him a much higher rent than anybody else in the neighborhood was paying. We said: "Your remedy is not cutting the wages of the women, but getting a lower rental." We did not allow him to pay a lower rate. We said that he was not doing his work in a sufficiently efficient way to have us take cognizance of the fact that he could not pay 25 cents.

Then we had that question come up in the clothing industry—overalls and other kinds of clothing. The employers said: "Our books are open; we will show you how much we lose." The books, however, showed that the president of the concern was getting \$200 for serving as president, but giving no service. The employer said \$10 a week was enough for any woman, and that he would be happy if he got \$10 outright, but the books showed that he was getting \$300 a month. This information was included in the report, and when the commission said, "You are entitled to a hearing, but you may want to give attention to the statements in the report, to be ready to answer questions as to why the president was getting \$200 a month and giving no service, and why you are getting \$300", he did not ask for a hearing.

We really have, I suppose, dodged the issue in that—we have not yet stated what is reasonable and adequate for different industries. That is why I said the other day, in the conference on minimum wages, that we may have to revise our method and not have a wage that applies to all industries alike, except for a variation for size of locality, as we do, but may have to issue orders on the industry basis.

Mrs. KINNEY. I should like to inquire how many States feel that they would prefer more than one wage in the State, or just the one wage for all industries? Mr. Smith has tried his best to get an answer to that question. I think Miss Anderson is qualified to answer that; I wonder if she would like to?

Miss ANDERSON (Washington, D.C.). I do not believe I should answer that; I think the States should answer that.

Mrs. KINNEY. We would like to know how the different States feel about that. Then, too, do you feel that having a different wage for the same industry in different localities is a good idea, or should we have a certain rate for, say, restaurants in all towns of any size in the State. How do you feel about that? Is that discriminating? Our attorney general tells us that in California we can get into a lot of trouble on the line of discrimination. We had one firm we were going to take into court, and had a lot of trouble keeping that issue out of court. Do you feel that is dangerous or what do you feel is dangerous?

Miss SWETT. I suppose that is somewhat dangerous unless you base it on the cost of living; you may have to do that. On the other hand, the canning industry in our State is located almost entirely in the smaller towns—towns of under 5,000; the rate is 2½ cents less in such towns than in towns of over 5,000. In good times you

do not hear any complaints from the other canners, but these last 2 or 3 years we have had complaints from the canners in the towns where they had to pay the higher rate. In good times, they said, they did not mind, but now $2\frac{1}{2}$ cents an hour makes a big difference.

I suppose when the going rate gets above the minimum you do not hear about it, but when the going rate gets down to the minimum then you do, and it might cause trouble.

Mr. MAGNUSON. I wonder if it would be helpful to observe that when the Government establishes the minimum wage, it has the social point of view? If you bring in these other considerations—good going rate, competition—you are entering into the field of private business and the cost of production. But from the point of view of the whole, which brings in the social or ethical aspect, your safest basis, it seems to me, is the cost of living. If you want to make adjustments from time to time, your method is that of the sliding scale, in which you make a change, up or down, whenever the cost of living changes one way or the other—5 percent, 10 percent, or whatever percent seems to you most reasonable. Inasmuch as you know your figures are not very accurate, probably a 10 percent change—certainly not less than a 5 percent change—would justify a change in the scale one way or the other. By the cost-of-living method you avoid most of the arguments with producers about the cost of production, competitors, etc., and say that you are operating on the basis of human needs and necessities.

Miss ANDERSON. May I say, in regard to the question of minimum wages based on localities or the number of people in localities, that is a very dangerous thing. Of course, when you take cost of living into consideration you really have to think of that, but I know in one national code—the cannery code, not the final code but the tentative code—one man called me up and said: "What do you think of this, we are setting a wage of [I think it was 25 cents] in towns over 250,000, and in towns less than 250,000 we are setting wages at 20 cents an hour?" And I said, "Well, that exempts all the canneries. You won't find the canneries in towns of 250,000." He said, "Well, that is so, isn't it?" And I said, "You probably will find them in towns of less than 2,000; in fact, some of them you will find where there are no towns at all."

It is that sort of thing that is very dangerous, I think, because sometimes you eliminate the whole industry by talking about localities. Besides that, I think it is a question of whether or not there should be any differentiation between the North and the South. The cost of living in the cities of the South is just as high as in the cities of the North. When people talk about the South, they are thinking, of course, of the little villages. We have Atlanta, New Orleans, and all kinds of big cities in the South, and this differentiation of \$1 a week or \$2 a week less for the South, it seems to me, should not enter into a minimum wage or into a code at all. If the question is that this shall give purchasing power to the people, so that stability in industry may prevail or shall return, then it seems to me there is no reason at all for any differentiation of that kind. Besides, it is very unfair, because competition again creeps in so far as wages and hours are concerned, and of course this unfair competition has been the big issue in the whole question in the last 3 years.

The minute we begin to talk about differentiations as to localities and differentiations in wages as between men and women—any differentiation along that line in a national code—it seems to me that we are on very dangerous ground, because we are not doing the thing we set out to do, which is to eliminate cut-throat competition. Besides that, the minute we put into a national code these differentiations it is almost impossible to enforce them.

Mr. MAGNUSSON. Have you noticed the methods which the N.R.A. is now adopting on that? It has introduced a time element to avoid the issue of discriminating between North and South, saying the wage shall be so and so, provided it was less or greater than the wage of 1929; thus it accepts the economic structure of the prosperity days and works from that basis, and is not called upon to discriminate between North, South, East, and West, small or large communities, as the case may be.

The second point I wanted to make on the previous discussion is that the whole question of boards and machinery is the most important thing, even more important than the principle upon which you base your wages. I think the trade-union movement is a good illustration of that fact; it is the machinery they have built up that is giving vitality to the codes in those industries where there are well-knit unions. The first step, I should say, to any consideration of the minimum wage is the creation of boards, here, there, in different industries and localities, all along the line. Of course it will be complicated. We cannot avoid complicated machinery; very little simplification is possible. One cannot overstate the difficulty in that respect. That is the first step.

Miss SWETT. Miss Anderson, do you think that if your definition of "employer" is inclusive enough to take in any employer, you would run into that danger of complete exemption in the smaller communities?

Miss ANDERSON. Oh, yes.

Miss SWETT. Well, you see that is what we have. Our definition takes in domestic service.

Mrs. KINNEY. How many States do take in domestic service?

Miss SWETT. I guess ours is the only one.

Miss ANDERSON. You have done it because you included all employers, but not because the law specifically states "domestic service?"

Miss SWETT. The law says "any employer", so where the relation of employer and employee enters in, the minimum-wage law applies and that includes domestic service as well as anything else.

Miss JOHNSON. The minimum fair-wage laws adopted this year include in their scope, in every case, I think, any occupation, trade, or business, with the exception of domestic service in the home of the employer and farm labor.

I was very much interested in what Mr. Magnusson said a little earlier in the session with regard to cost of living being an important foundation in the minimum wage. Of course, the minimum fair-wage laws which have recently been enacted represent a specific attempt to meet the objection raised by Mr. Justice Sutherland in the

District of Columbia case as to the unconstitutionality of mandatory minimum-wage legislation based on the cost of living. It is interesting, I think, that while this law was drafted with the specific attempt to get around that and to avoid having the minimum wage based on the cost of living, it does include cost of living in the definition of the unfair, oppressive wage. It could not eliminate that in defining what is an oppressive wage, as the law states that it is less than a fair and just return, and less than the minimum cost of living necessary. So the cost of living would presumably be a factor in the decision of the administrative body as to whether a substantial number of women and minors in an occupation were receiving an unfair, oppressive wage, and whether a wage law should be established.

Again, in recent determinations the wage board is authorized to take into consideration various factors—what are fair wages being paid by other employers in the locality, and also what factors a judge would take into consideration in a dispute as to what were fair wages, in cases where fair wages were not paid. Presumably, where there is a dispute as to wages, the cost of living is a factor that is considered, so that indirectly, even in case of wage boards, there is the possibility of that being considered, among other factors, in connection with determining what is an unfair and oppressive wage or what is a minimum fair wage.

Again, too, if, in the statute which authorizes the board if it sees fit to provide separate rates for different locations, such differentiation were made, it would have to be on the basis of differences in the cost of living in different localities. So although this measure is a specific attempt to avoid reference to the cost of living, it is included, both directly and indirectly.

Mr. MAGNUSSON. Is not consultation with the people a factor in the reasonableness of the wage in the eyes of the Supreme Court?

Miss JOHNSON. I should presume so.

Mr. RAUSHENBUSH (Wisconsin). I should like to have comments both by Mr. Magnusson and Miss Anderson on the differences in localities. The idea I have in mind is this: there may be genuine differences in the cost of living, and if a uniform wage rate is fixed for large and for small localities you do not in fact have a correct representation of social cost of living in those different localities, and are encouraging, rather than discouraging, the centralization of industry.

I should like to know how both those folks would comment on that point, realizing the dangers and differences in the South, and so on. Isn't there some case for differentiation in rates between localities?

Miss ANDERSON. If you are going to take the definition in the law passed by Congress, it is to eliminate the competition, and certainly we have had no more severe competition than that between the North and the South. A great many firms have located in the South because of the cheap labor and because no tax is to be paid for 5 years. After that they usually control the tax situation so that they pay very little at any time, and the cheap labor and the long hours they thought very helpful to them. That centralization of industries had gone on long before the National Recovery Act. Firms had gone into the so-called more or less rural communities

in order to escape the trade unions and the high wages and shorter hours. Sometimes they claimed that they had left a State because that State had passed laws that would prohibit them from operating in the State in competition with their competitors.

The National Recovery Act was established to rectify that, among many other things, and it seems to me that if we begin in the codes to discriminate, to recognize these differences that the employers have claimed, and to set wages a little lower in southern localities and a little higher in other localities, we are perpetuating that cut-throat competition we have had, instead of remedying it. It would probably not be as severe as it had been, but still it would be there, and when the Recovery Act is out of existence we would have this hangover. The National Government has recognized these differences, and it seems to me that it is a dangerous precedent that is being established.

There may be some differences in the cost of living there, though there certainly is not much difference in the larger cities either North or South, but it seems to me that we are also recognizing that there is a lower standard of living in the mill villages of the South, which are entirely dependent upon the company stores. They control the cost of living of the workers of the South, because they carry only the things that the worker's envelop can buy. It is usually this cheaper food that causes pellagra and such things down there. We may say that they live cheaper in the mill villages—of course they do—but there again we are saying that we believe in that system. Besides that, we certainly ought to help the mill villages to come up to a better standard of living than they have today.

After all, the minimum does not go much over \$15 or \$16 a week, and it is usually \$12, \$13, or \$14. It seems to me that nobody—at least no skilled labor—ought to be paid less than that minimum wage. It is set that low so that any employer in competition with another can pay that wage. So it seems to me that there is really no reason for these differentials, either as to locality or any other.

Mr. MAGNUSON. I do not know why Mr. Raushenbush wanted to raise these metaphysical questions. I was trying to dodge them all.

Mr. RAUSHENBUSH. They are practical questions.

Mr. MAGNUSON. Then, making them practical, I have to simplify them. I should say that the principle you ought to operate on in any locality or in any industry is that of improvement of the standard of living of the given class of workers with whom you are dealing. You are going to improve their status—make that your criterion point. Now, if you can argue with the employer or the community by rationalization of that issue, all right. Cost of production, competition with other trades, cost of living, competition with another community—use all of those practical measurements as a means of doing it. But what you want to put across is to maintain or improve the standard of living of the workers. Nobody will deny you that principle; it is a fundamental ethical concept I think everyone will concede. Because of that general principle it would seem to me that the machinery was the most important thing to get going, for the trade, for the locality. Bring in your consultation of workers and employers. In short, it seems to me that the great inadequacy at the

present time in making headway toward the realization of the minimum wage is the lack of machinery.

If 50 or 60 percent of our workers were organized, as in some of the European countries, instead of 10 percent, it would be a different problem, and much easier; but you have to build up these organizations of the workers, and your community must have an interest in that. Always proceed on the general assumption that you are going to maintain and advance standards of living, whatever they are at a given time or place. Therefore I should say the N.R.A. is moving in the right direction when it introduces the element of time as the starting point. Why not set the period of the greatest prosperity? That is your standard—maintain that and change on that basis; then you allow this play of competition, which may be highly desirable, but you want to add to it, in all your dealings with it, the word “unfair.” Competition per se you probably want to maintain, but you want to strike out “unfair” competition.

Mr. CRAWFORD. It seems to me there were two direct questions in Mr. Smith's report.

Mrs. KINNEY. Yes; should we include men as well as women and minors? I was going to ask if someone would kindly express an opinion on that.

Mr. MAGNUSON. I believe in maintaining the standards of both. Why not?

Chairman CRAWFORD. I assume the reference there is to State legislation only.

Mrs. KINNEY. Yes; and for a model national minimum-wage law if such were drafted. That is what we were instructed to do, draft one.

Chairman CRAWFORD. May we have an expression of opinion as to whether we should include male and female employees or restrict the law to females?

Mrs. KINNEY. Is there any objection to having both?

Mr. MAGNUSON. Is not that the question after all, that we believe in maintaining the standards of living of both, that we are striving for the best standard that the constitutional machinery of the country will give us in practice. I do not know that I can answer the question. I should not want to answer the question in the usual academic way, and say, “that depends.”

Mrs. KINNEY. Should future efforts be directed toward spreading the minimum-wage idea by State law, by interstate action, or by an effort to perpetuate some form of Federal control? That is the thing that is before us right now.

Miss ANDERSON. I doubt very much whether that question could be answered just now. Whether or not that can be put into effect depends a great deal upon the next 2 years' program. I think the first question depends upon that too, because, having included men under a national minimum-wage program, as we now have, that may be the basis of what we may do in the States later on. I do not believe either question can be answered at this time. If this program goes through and is successful, I doubt very much that it can be given up 2 years hence, unless the States have advanced very

materially in the meantime, to hold what we have gained. It seems to me that those questions hinge upon what will happen in the next 2 years.

Miss WOOD (Connecticut). If I understand my correspondence with Mr. Smith correctly (I am on this committee), I think there is a tendency to do nothing about introducing new minimum-wage bills until we see how this N.R.A. program works out. I feel very strongly that if any of the legislatures are meeting we ought to emphasize the fact that State laws should be introduced. Maybe I am wrong on that, but I do feel that just because the committee decided not to bring in another model bill at this time, we should not just leave it the way it is and wait. We ought to present legislation in all the States until this question can be answered. I have a feeling that that is not the feeling of the committee; perhaps I am wrong.

Mrs. KINNEY. So far as I am concerned, I am for everything that the States can do at this time. We will not have another opportunity in California to do anything this year. Our legislature meets far hence. However, if we had an opportunity we would try to better our law, and I think every State should do the same. We are going to ask our sister States if they won't cooperate and do the same thing. I can, of course, speak only for my own State. We are very anxious to help the others.

At this time I want to express our appreciation in California for the wonderful work Miss Anderson is doing in having these special meetings. I believe we have had two now. I was not privileged to attend the first, but the one we had Wednesday, over which she presided, was not only to help the States that have just established this new law, but to help the rest of us who have had this law for many years, and need so much assistance. We are most grateful to her for this wonderful work, and I think much will come from the future meetings with Miss Anderson. I think her office is going to be a clearing house, so to speak, for all the rest of us, and to help each one of us.

Mr. SHARKEY (Washington, D.C.). Is it not true that there is a time limitation in the Illinois minimum-wage law? I wonder whether the philosophy of that is that it was enacted in the guise of an emergency measure?

Miss DIECKMAN (Illinois). As a member of the committee which sponsored that legislation, perhaps I can answer that. It was an accident. Nobody knows how that particular clause got into the bill. The legislative drafting bureau said it copied the New York law exactly. When it was pointed out that it was not in the New York law the bureau had no come-back. It was a governor's measure, and he did not know how it got there. So there was no philosophy about it.

Miss WILSON (Illinois). I talked to the person in the house who sponsored the bill. He said he felt it was the only way of getting it through; that if they put it through for 2 years they would be able to reenact it, which we all very much doubted.

Miss JOHNSON. I should like to endorse the position stated by Miss Wood. It seems to me this is, above all, the important time to work for the enactment of State minimum wage and other protec-

tive labor laws. That has a twofold bearing: (1) To enable the States to assist effectively in the enforcement of the national codes during the period the codes are in effect, and (2) to build up permanent State legislation.

Of course, we do not know what is going to come out of the codes. As Miss Anderson suggested, there is a possibility that they may be permanent; there is also the possibility that they may be temporary. The Emergency Act was passed for a 2-year period, or for a shorter time if the President or Congress should terminate it. That is a definite possibility, and unless the States enact legislation to insure the benefits that are temporarily being established under the codes being made permanent, there is the possibility that there may be a return to the unregulated conditions that existed before the N.R.A.

During the period of the war, when the War Labor Board was in operation, regulations were established setting up improved labor conditions, but after the War Labor Board ceased to function those protections were withdrawn. So it would seem that this, above all, is an important time for the States to work for permanent labor legislation.

Dr. PATTON. I would suggest that the resolutions committee take into consideration the presentation of a resolution that the States take this matter into consideration.

Chairman CRAWFORD. I should like to introduce to you the Hon. Mr. Arcand, Minister of Labor for the Province of Quebec, who has been listening very attentively to the discussion. I wonder if he will be kind enough to say a word or two to the delegates before we proceed.

Hon. Mr. ARCAND (Quebec.) I have listened to this debate very attentively, and have been greatly interested in this discussion on a subject which is high in interest and a very delicate question at this time—the minimum wage.

I have heard a definite expression and also a definite exposition of the way that it is applied in different parts of the United States. In Quebec the minimum wage is based solely upon the cost of living. This cost of living naturally causes some differential in the scale of wage rates because the cost of living is different in some localities than in others.

There is also taken into consideration, to a certain extent, the service rendered, by reason of the fact that we have different scales for apprenticeship and for skilled hands; that is, apprenticeship is limited to 6 months, and then the employee is entitled to the higher scale set by the commission.

I feel that this is a very delicate question at this time. If I may express to this body the feeling that exists in our government, it is that while this very uncertain time which we are going through seems to necessitate some action on the part of those who have the responsibility of governing our people, it should not be considered to be permanent.

This minimum-wage question is a very delicate question. Whether this minimum should be applied to men is also a very ticklish question, I should say. As a union man for the last 37 years, as a member of the Brotherhood of Railroad Trainmen of North America,

I might explain my hesitation in taking action to apply a minimum wage to men. I feel that when the State takes it upon itself to fix a minimum wage for men, the result will be the end of labor organizations, and I should regret seeing that day. I wonder sometimes if we are not coming to a time when compulsory collective contracts will have to be applied in our country by force or enactment of law.

Other questions regarding labor conditions are the cause of much study at the present time. The position of first minister of labor in our Province, which I have the honor to occupy, has brought a lot of work. Definite legislation in our Province which had been enacted to meet the conditions of the times, had been in existence for a number of years, but this legislation did not meet, perhaps, the needs caused by the evolution of the last 15 or 20 years, so we had to amend quite a number of them to meet present conditions. I may say in passing, without claiming any applause, that Quebec was the first government in the world to abolish the paid employment bureau. The government is now doing all the employment placing in the Province free, and although our employment bureau has been in operation less than a year, it has placed over 21,000 men and women. So we are rendering a service in doing away with this shameful exploitation of all classes of working people by paid employment bureaus.

We have also passed a law—it may be the first, I am not sure, but I am quite sure it is one of the first—recognizing the principle of the limitation of working hours. Our law is so flexible as to apply to industries which are not affected by outside competition; we have it in effect now in the construction industries, and it is bringing results.

We have fixed a 40-hour week and a double shift on all construction where public money is being expended. All this has increased our employment to quite an extent. We are proceeding with the execution of this law. We are bringing employers and employees together and discussing with them just how many men we can absorb in applying this law, and through these conferences, I am pleased to say, this law is going into force with the consent and satisfaction of all concerned.

Coming back to the minimum-wage question, it might become necessary to extend this law, referring to men to the extent that when women or girls are replaced by men, those men should not get less than the women they replace. We cannot bear this in a civilized country, and I think it will become absolutely necessary that we have some kind of legislation to avoid this.

A question was brought up here as to small towns or sections outside of towns, and the conditions existing there. I might say in passing that in our Province we have encouraged for a number of years what we commonly call home industry, but selfish employers have found a way to establish their industries in these small centers, to the abuse of the people there. These employers take advantage of the fact that these people have perhaps never enjoyed a very high salary; they are abusing these people and creating a very unfair competition with the same class of industries in the big centers. This question is now being studied by our commission, which is trying to overcome this new condition.

Permit me to say that I have spent a few days in Chicago; I have attended the various conferences of the congress pertaining to labor

questions such as compensation acts and accident laws, and I was interested to note that the labor question, the welfare of the laboring masses, is growing to a great extent in the preoccupation of our citizens.

Chairman CRAWFORD. Dr. Andrews, who was to appear on the program tomorrow, will speak now before we proceed with the second half of the program, as he will not be here tomorrow.

Administrative Regulations in American Labor Law

By JOHN B. ANDREWS, *Secretary American Association for Labor Legislation*

When your program maker sent out her blanket invitation to people to make suggestions for the program this year, I said that I hoped that at your convention there would be some discussion of the development of the administrative organizations having the enforcement of labor laws. I meant a discussion of the procedure under which the various State departments of labor are developing their administrative orders. I consider it of such great importance, and I am so intensely interested in this very valuable device which we have developed in this country, particularly in the last 22 years, that I am fearful of anything which endangers its future success.

When we take legislation to a State capitol, for the legislature, there is a certain definite procedure by which the people interested have an opportunity to discuss the matter. If a bill is introduced, it is a matter of record. In most States the bill is printed and is available as a document for study and discussion. The bill comes up in each house, usually after some committee hearing with opportunity for discussion, and even after each house has acted upon it, following committee consideration, you have an opportunity to appear before the executive at the hearing, if you request it, usually before the bill is signed and becomes law.

Twenty-two years ago, in the matter of labor legislation, we thought it was going to be very important to get greater elasticity into our labor law, and to provide that the State departments of labor might have this power to legislate. We do not call it delegated legislation as they do in England, although that is what it is.

In delegating legislation we ought to be particularly careful in this country, because of certain constitutional limitations. Partly for that reason, it is presupposed that in the development of labor legislation through an industrial commission a certain procedure will be followed. It is supposed that there will be representation of interests; that there will be investigation; that there will be committee meetings; that when the legislation is formulated in a draft, it will be considered by the groups affected or interested, and that there will be public hearings; that there will be due public notice of those hearings; and that a certain definite time will elapse, which is advertised, before it goes into effect as law. That is important. If the courts are to look upon certain of these regulations as reasonable, it is important that these things be considered, and that there be an adequate record, step by step, of this entire procedure, so that, in case these matters are called into question in court, the record will be available.

I want to point out that the Interstate Commerce Commission is one of the best commissions in this country. The Interstate Commerce Commission is usually pretty careful, but it has had the following experience. One of its regulations, which was prepared through careful investigation, and where every step in the procedure of public hearing and interested representation was carefully observed, when called in question by the court, was thrown out because the Commission in this one instance had failed to make a careful record of the procedure throughout.

This delegated labor legislation, which has now become of such large bulk in the country that merely the titles of these codes fill 25 typewritten pages, is something that we must not endanger.

I assume that in all of your departments you are observing the procedure carefully; I believe you are. In some States, however, they have not adequately observed the procedure—they have not made an adequate record—and there is considerable danger that your work will fail because of the carelessness of someone in these other States, if the courts take the matter up and establish a precedent which will apply to your State as well as to those other States.

Each year in your conventions recently you have had reports upon the general statistics of these codes. Mr. Baldwin presented a splendid brief report yesterday. I have not had an opportunity to read all of the statistical matter that he filed, but just glancing through it this caught my attention: That in one of the important industrial States more than 20 of these very important industrial codes have been adopted, and the comment in a little note is that in some instances the interested groups have been consulted in reference to these codes. You are making a record in the printing of these things, whereas in the preparation, the development, of this delegated labor legislation an ample record is not being made to show that the proper procedure is followed.

In one or two of the States, because of the discovery that even where they had been doing this most carefully it is difficult to know what the labor law is in the State, they are having bills introduced by their Senators calling for the abolition of this authority to develop codes through the labor departments. We want to avoid that, and so I am making at this time an earnest appeal to you, as responsible Government officials who have been given this very great authority—a delicate tool—to consider carefully for your next annual convention, let us say, a thorough discussion of the desirable necessary procedure in the development of your administrative orders or codes having the effect of law.

Without waiting for a blanket letter invitation next year from your program committee, I make this earnest recommendation now for your program next year, that there be a report from July 1 of this year to July 1 of next year upon the work actually done within your State departments in administrative labor legislation, whether in the preparation of new codes or in the revision of old ones, and an interesting discussion of the procedure by which that was done and of the record which has been made for very important possible future use.

This is a very important thing in our labor law of America. We are under restrictions which Great Britain is not under in her great volume of delegated labor legislation, and we cannot afford to endanger this branch of our labor legislation.

DISCUSSION

Chairman CRAWFORD. Does anyone care to make any comments or ask any questions of Dr. Andrews?

Miss JOHNSON. I should like to ask Dr. Andrews if he feels that there is need for more educational work to interest the public, that is in general concerned about labor and social-welfare legislation, in the importance of the code work. I think that in many instances there is very little general knowledge, even among those special groups whose concern it is to work for labor and social-welfare legislation, in regard to this special field of legislation, this delegated legislation of which Dr. Andrews has spoken, so that although the States as a rule are very jealous of their authority, even members of legislatures often do not realize that their State labor departments have this broad power, this extensive grant of power which enables them to enact legislation without any of the protection for the public interest which is included in the enactment of a legislative bill.

There is not only the question of procedure, which is of vital importance, but I think there is also the matter of uniformity in the different States—the fact that some States have this broad grant of power and other States lack it, and that some States have it and do not use it. There should be interest on the part of the public to see that those States that have the authority and are not using it do use it, and also to see that the proper use is made thereof—the proper procedure, as Dr. Andrews pointed out—and that so far as possible there is uniformity in the procedure and in the development of the codes among various States.

Dr. ANDREWS. I agree with Miss Johnson, and that is one of the purposes behind my recommendation.

Dr. PATTON. May I inquire whether any of the Canadian Provinces have what we call the code-making power in the States? That is, do the labor departments in the respective Provinces have the power, after due hearing and proper procedure, to promulgate regulations more minute and more detailed than are in your statutory law, which when so promulgated have the same force and effect as your statutory labor law? Do you have that power in Canada?

Chairman CRAWFORD. Yes, we do in several types of legislation. I may not correctly understand the question, but this will explain the situation: The minimum-wage orders of the board become in effect legislation. The minimum-wage law itself authorizes the board or commission to make orders, but provides a very definite procedure. The board is required to call a conference of the employers and employees concerned to consult carefully, and after such consultation it may make orders. These orders are passed by council and become law; they may be amended or changed from time to time. The same is true of regulations affecting factory inspection, safety code, etc. Is that what you meant?

Dr. PATTON. What I mean is this: You have certain statutory laws regarding safety. In many of our States the State labor department has the power to draw up other safety regulations. They are different from those in the labor law; they are more specific, more detailed, telling precisely how to attain safety—minute detailed regulations. When one of our code-making committees has, after public hearing, reached a determination on a given matter, the regulations so established have the same effect as though our legislature had established a law to that effect. I was wondering whether you have that in Canada.

Chairman CRAWFORD. That is true in Canada. We go even farther than that. For example, in the Province of Ontario the law provides that the chief inspector of boilers may, on his own authority, without consulting any higher authority, make certain orders, which become law; he issues an order and it has the full effect of law.

Dr. PATTON. Applicable to all boilers in the State?

Chairman CRAWFORD. Yes. All our commissions and boards have that power, but of course there is a very definite procedure which they must follow, as was pointed out by Dr. Andrews, and if they do not follow that procedure and proceed to take unto themselves authority which has not been given them by statute, then the order has no effect whatever.

Mr. Douglas will not be with us this morning, and I will call on Mr. Paul Raushenbush, consultant on unemployment compensation of the Industrial Commission of Wisconsin, for his paper on the Wisconsin Reserve Plan.

Unemployment Insurance—Wisconsin Reserve Plan

By PAUL RAUSHENBUSH, *Consultant on Unemployment Compensation Industrial Commission of Wisconsin*

I regret very much that Professor Douglas was unable to be here. Personally, I wanted very much to have a qualified representative of a somewhat opposing view as to the particular type of unemployment reserve plan or unemployment insurance plan which ought to be adopted by our several American States. However, I may, before I get through, try to state the Ohio position which Professor Douglas was to cover.

There is no need with this group, I take it, of urging the desirability of some form of systematic unemployment compensation by law, so I am not going to spend time on that. I think we are all agreed that our present makeshift system of public relief ought to be supplemented by systematic unemployment compensation provided by statute.

Before turning attention to the Wisconsin situation (about which, of course, I know more than I do about that in the rest of the country), I might sketch, very briefly, the changes that have taken place in the movement for unemployment compensation laws within the last couple of years in the United States. For more detailed and up-to-date reports the meeting will rely on the individual members present, so you are going to have your chance to say what

the situation is in your State and to discuss fully the most important issues involved in this type of legislation. I think it is heartening to realize that in the last 2 years real progress has been made in the United States toward legislation of this type, and I know it is under consideration in Canada as well.

Two years ago there was no American State which had ever passed any such bill through either house of its legislature; since that time there has been the enactment in the State of Wisconsin, in January 1932, of the first, and I am sorry to say the only, American law on this subject.

Following in rapid succession we have had a number of other developments. The Interstate Commission on Unemployment Insurance, representing half a dozen of the eastern industrial States, which was organized under Governor Roosevelt's initiative when he was Governor of New York, rendered a unanimous report in favor of legislation along these lines. Governor Roosevelt promptly recommended legislation in New York. The type of legislation recommended is very similar to that which just a few weeks before had been enacted in Wisconsin.

Subsequently there was a rapid succession of endorsements, not only by State commissions in half a dozen or more States, but by United States Senate committees, the League of Women Voters (which does not always rush in where angels fear to tread), and the American Federation of Labor. The American Federation of Labor had hesitated for a long while as to whether to endorse unemployment insurance or compensation legislation for this country, although as a number of State federations and national unions had already done so, it was a foregone conclusion that the federated national body would eventually take the same position and actively support legislation. There was also endorsement by the National Democratic Party Platform of unemployment insurance by State laws. As I said, there was active support in various States by official commissions, and during last spring, the legislative year of 1933, a great variety of bills were introduced on this subject in about 29 of our industrial States, and in some 8 States bills passed in one house.

There are a number of reasons why, under conditions as they prevailed this spring, in what appeared to be the lowest depths of the depression, with banks closing and a great many other distracting influences, it seemed doubtful whether long-run legislation of that type should be enacted then, but at any rate the subject has had increased public attention, which in some States has been pretty well organized. Proposals have been formulated and had careful consideration, and there has been much more success in the legislative field than anyone would have dreamed of 3 or 4 years ago.

It seems to me, therefore, that during the next few years, perhaps in 1935 when most of the State legislatures are in session, we should not only look forward to, but also get behind a movement for, this type of legislation.

I want to turn now from that brief summary of what has happened in the last few years, which indicates that progress is possible, and in fact is being and can be made, to the Wisconsin situation. I do not want to go into all the details either of the statute or of

its enactment. To some of you those details are more or less familiar. I might say that one reason why Wisconsin was able, in January 1932, to break through the legislative inertia or indifference that had generally prevailed in this country on the subject, was that we had been talking and writing about and discussing proposals along this general line for some 10 years. It was not a bolt from the blue to have an unemployment-insurance bill introduced in the Wisconsin Legislature. Considerable discussion and considerable public education had preceded the final enactment of the legislation.

I want to say that, as far as the support of organized groups is concerned, that bill would never have been enacted into law unless the State federation of labor had been actively behind the bill, as it had been for some 10 years previously. It pushed the bill very hard and was the main single influence in securing its enactment. It may interest you to know that in the fall of 1931 the organized farmers of the State also got behind the legislation, not only as property taxpayers whose unemployment relief burdens might be lightened somewhat, though probably not completely done away with, by this type of legislation, but also because the purchasing power of the city workers might be stabilized somewhat for farm products. So that there was a variety of organized groups with considerable political force who were pushing the legislation, and it went through by a rather close vote in January 1932.

Just a word or two about some of the more conspicuous features of the legislation. One or two points I want to come back to. I am not going very much into detail on the Wisconsin law. Obviously, the contributions which could be required by the first State passing legislation and, correspondingly, the benefit schedule which could be financed through those contributions had to be held to a modest level. Nobody is arguing that the benefit scale of the Wisconsin act is ideal or that the contribution is adequate to meet the problem, so let us recognize that the contribution rate and the benefit scale are about the best we could get under the circumstances. Probably when other States come along we will do better.

However, in Wisconsin we were interested—and I say “we” not only because I had a finger in getting the act both drafted and passed, but also in behalf of the State federation of labor—in getting a law which we felt would be sound in principal. We were not so much interested in the immediate cash as in the long-run credit (if I may paraphrase Omar Khayyam). We were interested in getting some legislation even though it did not go quite as far as we wanted it to; we were concerned that it go in the proper direction. So the main emphasis of the Wisconsin law was placed on compensation as a right for those unemployed through no fault of their own, and supplementary emphasis was laid on the maximum possible inducement to regularization of employment.

Perhaps the two main points about the Wisconsin act are, first, that it places the contributions solely upon employers, on industry, on business units, as a legitimate industry cost, and second, that it requires those contributions from each individual business unit. It says to the business unit: You shall have your own unemployment reserve, and be responsible for your own unemployment, and the reserve will therefore be set up by individual company reserve funds.

There is another feature I ought to mention about the Wisconsin act as it was passed. Over a period of some 10 years the employers of the State had finally been maneuvered into a position where they admitted that the principle of unemployment reserves and unemployment compensation was sound. They admitted that some more adequate and more systematic provision should be made by industry than had been true in the past. That was quite a concession, but of course they were not willing to go the whole way; they were not willing to come out in advocacy of legislation. I could count on fewer than the fingers of one hand the number of employers we got to speak for the bill, although labor was fully represented, but the employers had admitted that unemployment reserves were desirable. The only qualification, a mere trifle as you, being a body of labor legislation administrators, will realize, was whether this should be done by volunteer action rather than by compulsory legislation. The employers claimed that they were going to do it. They saw it was imminent and were afraid that legislation would be enacted, so they had a big meeting of the Wisconsin Manufacturers Association and said they were going to do it by volunteer action. The governor picked them up on that and said, "Oh, are you? That is fine; we will pass a compulsory law and say that it will not take effect if you do what you say you are going to do." So the Wisconsin law as enacted has a provision that if enough satisfactory volunteer plans are enacted the compulsory provision will not take effect. That is not the ideal way. It means that if half the employees are covered, the other half will not be, but I will miss my guess if the employers who establish voluntary plans are not going to be among those rooting for compulsory legislation as applied to the others. That situation may be worth watching during the coming 6 months when it may be determined.

To come back to what happened after the passage of the Wisconsin law. It may be of some interest to you to know that the first thing the Wisconsin Industrial Commission, our labor department, did, was to call in representatives of organized labor and representatives of the organized manufacturers of the State, and have them sit down together. It also called in some of the people who had been most prominent in getting the legislation passed, and some of the people who had been most prominent in opposing its passage, including several attorneys who made effective appearances against the bill, and said, "Where do we go from here? You tell us." They finally organized an advisory committee consisting of 3 representatives chosen by the Wisconsin State Federation of Labor and 3 chosen by the Wisconsin Manufacturers' Association. Those three men from each side, as an advisory committee on the law, served without pay other than expenses, and put in a great deal of time, especially during the spring of 1932, shortly after the law was passed. The commission did another thing; it brought in the two attorneys who had chiefly opposed the law and who had helped to put in a few minor amendments, and it made me come in because I had been somewhat conspicuous in urging the law. It had us all sit down together and said, "Now you agree on what the law means, and how we are to proceed under it."

The advisory committee had many sessions, and had a good chance to thresh out the complications of the legislation. In that way the

educational process of which Dr. Andrews spoke was carried forward in connection with this new type of legislation; that is, new to this country at any rate.

That process, of course, has great advantages; and there was a real advantage in the fact that we had, according to the law as it was originally passed, a year and a half before contributions would begin. That gave an opportunity for lots of education and consultation, and for employers to realize that the law was actually on the statute books, and that they might have to do something about it. Well, they did not like to admit it too much, but some of them were beginning to see that they had to reckon with the law. Then, of course, as the depression continued through 1932 and on into the spring of 1933, they began to get quite agitated about the possibility that they would have to start contributions to unemployment reserves in the midst of the depression. The newly elected governor, just by sheer chance, had been a member of the volunteer committee which had urged this legislation, so in his first message to the legislature he came out as unalterably opposed to repeal, but said that he did feel that contributions ought to be postponed somewhat. Nobody could tell what kind of a postponement we would get—there were bills for a 4-year postponement and a 2-year postponement, and even a repeal bill was put in by one of our senators. Here again the advisory committee, labor and employer representatives, came to bat. Mr. Altmeyer, secretary of the commission, was presiding officer of that advisory committee (and I can say in his absence that he has a fine Italian hand in getting along with these groups and in getting them to work together), and the members sat down together and said: "Now, there is going to be postponement. What kind of a postponement shall it be?" After a number of days' sessions over several weeks they finally worked out a bill which both sides could agree to. It involved a minimum postponement of 1 year—until July of 1934—with an alternative possibility of further postponement, depending on index numbers of employment and pay rolls. The index numbers have risen rapidly, so that for practical purposes the contribution date is apt to be July 1, 1934.

You cannot fully appreciate, perhaps, just what that agreement on postponement means unless you have had the background of the whole Wisconsin situation. I think it was a real achievement for both groups to agree on how the postponing should be done. Labor was not anxious to have postponement. Industry was anxious. But the measure, the degree, of postponement was the point in question. That the employers were expecting the law to take effect was evidenced immediately thereafter by the advisory committee working out a bill of agreed amendments, clarifying amendments primarily, which they then recommended to the legislature and which passed both houses of the legislature unanimously at a time when many other types of labor legislation were under pretty severe attack.

That has been in general the procedure that has been followed. The current situation is that this opportunity for volunteer plans to be adopted to keep the compulsory law from becoming effective is to be extended until an official publication by the industrial commission of a given index number. That probably will occur this coming spring, and perhaps Wisconsin will demonstrate to the rest of the country that volunteer action, even with a law already on the statute

books more or less as a sword of Damocles, is not going to achieve the compulsory coverage which is necessary.

Turning from that sketch of developments under the Wisconsin law, I will touch briefly again on the two main principles embodied in the Wisconsin act. As I said before the most distinctive features, perhaps, in the Wisconsin type of plan (which incidentally, as I said, is very close also to the type recommended by the Interstate Commission on Unemployment Insurance in February 1932 and to the bill recommended by the Massachusetts Special Commission on the Stabilization of Employment, and also quite similar to the bill which has been advocated in a number of States by the American Association for Labor Legislation) were, first, contributions from employers only—from business units—rather than from employees or from Government units, or the like, and, second, that the reserve funds are set up as individual company funds.

There are a variety of reasons for those two features, both positive and negative, and perhaps I ought not to present them too fully in order to allow more opportunity for discussion. I want to say briefly that perhaps there are two main reasons for those features. The first I might mention is that there ought to be a proper allocation of cost. Good social cost accounting ought to be used in connection with this type of legislation as with other types of labor legislation. In other words, the cost, the contribution burden, ought to be assessed on those who are properly responsible for it, in the sense that unemployment, through no fault of the worker, when he is ready and willing and able to work, is not a personal hazard—it is an industrial hazard; it is a question of the way our business units are run, the regularity of their operation. If a company has a large reserve army of labor in a given locality which it needs only part of the year, and which the community is asked to carry meanwhile, obviously that industry is being parasitical and letting the rest of the community carry its workers, at least during part of the time. The conception behind almost any of the unemployment insurance or compensation proposals is, I think, that industry is not bearing its fair share of the costs of unemployment at the present time. In Wisconsin we felt that that cost could properly be assigned to each business unit; that it was not a cost that should be shouldered onto the worker by forced contributions. He was not responsible for it; he could not afford to carry it, and the business unit should. It was an industrial cost rather than a personal hazard.

Aside from that element of cost and good cost accounting, which I could elaborate upon at some length but will not, we felt that there was a second reason why the employer should bear the burden, and why it should be borne by individual companies with separate company reserve funds, and that was perhaps the major reason that motivated those who drafted and advocated the Wisconsin Unemployment Reserve and Compensation Act. That was the very strong feeling, that regularization of employment must be promoted, rather than hindered, by this legislation. It would be possible to achieve one worthy object by unemployment-insurance laws while negating or defeating another worthy object. The legislation should be drawn so as to promote regularization of employment as far as possible.

Of course, I do not need to tell you that none of us thought that this would, in some magic fashion or automatically, solve the whole problem of unemployment, or that it was the only measure that would work toward that end, but we did feel that it was a very important part of the program toward more regular employment. Therefore, the burden was put on the employer because he is the agency of hiring and firing, of accepting rush orders or refusing them, of planning the operations of the business. He is the only one who can, as compared to the worker or State, exercise a direct influence on his own business operations, and therefore he was made responsible for his own unemployment, was made to pay for it, and was told: "If you operate more regularly, your contribution burden may decrease, may go down, and meanwhile you will have the assurance that you are paying your own costs of irregular employment, of unemployment, and nobody else's. You are not paying for the other fellow; you are paying for yourself and for your own sins of omission or commission, or neglect." If it is not a matter of sins of omission, if it is just a matter that cannot be avoided, then, of course, the question comes back to who shall bear the cost.

In other words, it is an emphasis upon more regular employment by the individual employer who has some control over that problem—how much we do not know, but he has some, certainly, and probably more than he has yet used. On the other hand, where unemployment is unavoidable—cannot be prevented—the cost should be borne by the business unit to which it is attributable.

We had that combination of reasons. We did not feel that the worker should contribute, as he had no control over his unemployment. This was involuntary unemployment we were dealing with, and we did not feel that the State should contribute to this particular set-up. We wanted to put the emphasis directly upon the responsibility of industry for steady operation, without, as I say, any idea that by some magic that is going to be done. That is a long-run process; that is a process that I think—I speak with hesitation—the N.R.A. has not really tackled. Its job is primarily the emergency job of getting people back to work. Unemployment reserve legislation designed to promote more regular employment is a long-run job of steadying employment, with a view to preventing, at least in some measure, the occurrence of the type of catastrophe we have had during the last 3 or 4 years.

Please do not misunderstand me as saying that if this is done we are going to eliminate depressions at one fell swoop. I think it will make a great difference if all over the country the emphasis is put on employment the year round, year after year; there will be less fluctuation in purchasing power and operation to the extent that that can be achieved. It does not seem to me that there is any easy answer to that problem. It has to be a long-run effort, and it seems to me that the enactment of unemployment reserve legislation, soundly designed, will promote that long-run effort, will furnish the basis of the information which is necessary working with a more adequate system of public employment offices, by saying to an employer: "Here is a 2 percent or a 3 percent item, or whatever it may be, that you can eliminate if you manage to operate steadily, and that is going to mean money." Of course, overhead costs are important still; this 2 percent item that the employer might be able

to cut out by steady operation is going to figure, I believe. So that the Wisconsin act puts its emphasis on unemployment compensation as a matter of right for those unemployed through no fault of their own, and upon the maximum effort toward steadier employment as a long-run proposition.

Without further development of those points, I am going to say frankly that while I do not believe in the Ohio plan, that I much prefer the Wisconsin plan, and that I knew all about the Ohio plan idea before we prepared the Wisconsin plan, yet I am going to give the arguments for the Ohio plan and the major respects in which it differs from the Wisconsin plan.

The Ohio plan, proposed by the Ohio Commission on Unemployment Insurance in a very able first volume report, supplemented by documentary material in the second volume, has attracted a great deal of attention. Its proposal, in brief, is to require contributions both from the employers and the workers. Contributions are required by law from both of those parties, 2 percent (for the first few years) from employers, and 1 percent from employees. You see it differs from the Wisconsin plan on the question of who bears the burden. Then it differs also on how the funds are handled. The Ohio plan sets up all the funds in one big State insurance pool; that is, all contributions are pooled in a single fund. They are not split up by separate companies, or by separate industries, or the like. They are initially pooled in one big State fund in order to give pooled insurance protection.

The Ohio advocates say that the only way you can get real protection and security is by averaging these contributions and giving average security, instead of making the worker's fate dependent upon the fortunes of the particular company by which he is employed. In other words, they propose deliberately that everybody contribute to a fund from which anyone may receive benefits, regardless of his particular affiliations. Of course, the amount of benefit you can receive depends upon your employment by all employers combined.

They have, therefore, with the combination of 2 percent from the employers and 1 percent from workers, a proposed total 3 percent contribution, which is a little misleading. You have to compare the base on which that 2 or 3 percent is figured. But let us leave it at 3 percent, as if it were the same as one and one-half times the Wisconsin law, which it is not. They purpose, with that larger contribution and with a pooled insurance fund, to finance larger and longer benefits than those of the Wisconsin act. They raise the maximum benefit per week 50 percent, to \$15, as against \$10 in the Wisconsin act, and increase the number of weeks from 10 to 16 in a given year; so that they deliberately set out to provide more adequate relief. I think the candid advocates of the Ohio plan are inclined to say that the thing they are mainly interested in is adequate relief, adequate benefits, to the unemployed worker. They have a longer waiting period—that also helps them to pay benefits longer when they do pay them—and they have various other restrictions on seasonal and casual workers which I have not the time to go into fully. So the comparison is not quite as clear-cut as I am perhaps suggesting. However, their main interest is adequate relief.

They do not really care much about prevention, and they do not believe much in the talk of the Wisconsin advocates that regularization may be possible and that the main emphasis should be put on that and worked toward as a long-run proposition. In other words, the Ohio people want to take the cash, and let the credit go; they do not think there is much credit.

On the other hand, since the Wisconsin law was on the statute books and being fairly generally talked about, they did put in a provision which practically said: "Oh, we can do that prevention stunt too." You see, you are not getting a fair presentation of the Ohio plan. I warned you of that to begin with. They said: "We can do that stunt too." I am not entirely misquoting. Three days ago I read an article by one of the main drafters and proponents of the Ohio plan, in which he pretty candidly admits this. He says: "The Wisconsin plan has made such a dent in public thinking that we are going for regularization too. How will we do it? After the first 3 years of contributions at the uniform 2 percent rate from employers and 1 percent from employees we will vary the contribution rates in accordance with the actual experience of different industries and perhaps even of different individual business units. We will grade or scale the contributions of employers between 1 percent, which will always be the contribution of even the most stable or steady employer, and a maximum of 3½ percent."

By a system of experience rating which is still to be worked out, based on the experience of the first 3 years of contributions and the like, they propose to offer this same sort of an inducement. So they offer, first, the same argument that the Wisconsin plan uses as to regularization, taking the point out of it perhaps a little by requiring forced worker contributions, and then the proposition of more adequate relief. The chief way in which they justify employee or worker contributions is to say it provides a larger fund than you can get otherwise. I am not sure that that is true. Several States passed bills with 3 percent employer contributions only through one house of their legislatures. Ohio did no better with the combined 3 percent—2 percent from employers and 1 percent from employees—but, the advocates of the plan say, they can get larger amounts of money and pay more adequate unemployment relief and compensation. They also say that if the worker contributes, he will be more interested in the benefits he is paid and more apt to receive representation on advisory committees, etc.

Personally, I think that argument is fallacious; I do not think it is valid. It seems to me legislation is not going to be passed in any State unless labor is solidly behind it. Labor is not going to receive protection or satisfactory standards of working conditions unless that is definitely specified in the law. It was specified in the Wisconsin law, and organized labor is participating actively in the administration of that law. Ohio cannot do better—no other State can do better—in respect to labor representation and the like.

There is only one other point that I want to raise before I turn the discussion over to you. It has been suggested in some quarters—I noticed it was raised in connection with the minimum-wage discussion this morning—that the N.R.A. is going to take care of this and that and so we ought not to look to State legislation. I have

a couple of observations to make on that. In the first place, none of the N.R.A. codes have yet provided (unless as a sort of pious statement that they might think about it) unemployment reserves of any kind. It does not look as if the N.R.A. codes are going to provide for the long-run protection against unemployment which we must develop along these lines. That is one answer.

The second answer, I think, might be that the Democratic Party National Platform on which the Democrats were elected said "unemployment insurance by State laws"—very specifically, "by State laws"—so that it does not seem to me that we can sit back and wait for Federal action in this field. I do not think we are going to get it.

I am going a step farther than that and say I doubt whether we want it. That is terrible heresy or "reactionaryism", or whatnot, but I do not need to call your attention to the difficulties of administration and enforcement that the N.R.A. is having, though it has one of the ablest groups that could possibly be assembled to administer that law, and the most general, whole-hearted public support of a program that we have probably ever seen in peace time, and those men in Washington and many other parts of the country are working almost night and day. Even with all that, national legislation in this field of labor is awfully hard to administer. You do not need to be told that. We are having current demonstrations of the difficulties. I do not know how that is going to work out; it is a long-run proposition, but I would not be surprised much to see some swing back to reliance on the various States for a good many of our labor laws.

There are certain difficulties of administration that are involved in national labor legislation. I think there is some question whether Congress could readily be persuaded to enact unemployment reserves or insurance legislation of any type. But leaving those questions hanging fire—first, could you get it passed, and, second, would it be desirable administratively and enforceable if you did get it passed—I want to turn to a third point.

Several professors—I say that deliberately—of law schools, who have made some study of constitutional law, have a very definite, clear-cut, emphatic opinion that Federal legislation in this field would not be held constitutional by the courts. Why not? Because it exceeds police power? No, not on that ground, but because of the question of Federal and State jurisdiction. Our Constitution is fairly clear-cut on the subject of division of State and national powers. Some of you may have forgotten that in the last year or two but perhaps the courts have not fully forgotten it. The emergency may justify the Federal Government—I am speaking from a legal point of view, remember, not as a lawyer, but laymen do occasionally express opinions in this field and I am more or less quoting people who do know—in extending its powers far beyond the ordinary lines of its authority into the States as it is doing under the N.R.A. Direct Federal legislation with a long-run program, however, such as the accumulation of unemployment reserve funds, the long-run regularization of employment, or unemployment insurance (you may say you are interested only in benefits and are not interested in stabilization—although I do not believe that is

possible—still it is a long-run program, not an emergency measure), from all I have been able to gather from law-school professors and some others, is probably unconstitutional. That does not, however, mean that the Federal Government can do nothing in this field. It has already taken one step of some importance and it should take a further step. The first step it has already taken, as you all know, is the stimulation of public employment offices. That, after all, is administratively a backbone element of any unemployment reserve or insurance system, and insofar as Federal funds are helping to finance and set up more adequate public improvement offices, that is a real help. In Wisconsin, with the law on the statute books, we are appreciating that. The other thing the Federal Government can do is to give special allowances and deductions, credits, and information under the Federal income tax, where an employer contributes under a compulsory State law. Senator Wagner of New York has a bill in Congress to that effect, and I think intends to push it in the next session. That would make a substantial difference. That is the sort of thing the Federal Government can do; it can, through a device of that sort, by giving special preference in calculation of income taxes, actually stimulate the passage of State laws by States which would otherwise sit back and say: "Let the other fellow do it." That is the best thing I can see to meet the argument of interstate competition and the like which we always meet in connection with any State labor legislation. The hopeful aspect is that those States which have advanced labor laws are gaining somewhat by the raising of standards nationally; even though it be temporary, it will have an educational advantage in the long run, I am sure.

DISCUSSION

Chairman CRAWFORD. We have had a very complete presentation of the Wisconsin plan, and, under the circumstances, a very fair, presentation of the view of Ohio. It is evident to me that the speaker favors setting up reserves rather than unemployment insurance. In Canada the whole talk is about insurance, and insurance, of course, has nothing whatever to do with the Wisconsin plan, but it is not my purpose to mention anything about unemployment insurance or unemployment reserves in the Provinces of Canada.

Miss JOHNSON. I should like to ask the speaker if the Wisconsin plan provides for voluntary pooling of the reserves of employers in the same industry?

Mr. RAUSHENBUSH. Yes; it does permit voluntary pooling.

Miss JOHNSON. That would provide for greater opportunity to regularize employment in industries where the individual employer could not himself bring about regularization.

Mr. RAUSHENBUSH. That raises a further question. We feel that if you give each employer a clear-cut inducement to cut down his irregularity, and then provide public employment offices and more adequate information by districts and for the State at large, and organize advisory committees which will be considering this problem, based on more adequate information than we have now, you will have an inducement for the different plants in the same industry to work together toward stabilization. Of course, industries cut

State lines to such an extent that that may not be quite as productive as concentrating on the individual business unit which keeps its books, hires its workers, etc., and on the territory in which each firm is located. It may be possible to do more territorially in a given State than can be done industrially, but of course anything that is done on a national scale to get industries to adopt policies which will stabilize employment will supplement and assist the efforts we are trying to make.

Mr. WHITAKER. May I ask who has control of the reserve funds in a given industry? The employer sets it up in prosperous times, as I understand it. What guaranty has the potentially unemployed man that this fund will be actually available for distribution, or what protection has he from the unscrupulous employer who might see that a business depression is coming and automatically discharge these employees and keep the funds himself?

Mr. RAUSHENBUSH. The general scheme of the compulsory law is that each employer deposit the contributions with the State treasurer, who acts as custodian of the fund. The fund is invested as a unit, although it is kept separate by individual companies. That is the general scheme.

As to voluntary plans, which the law does permit to be set up a little differently and some of their provisions to vary, the general rule is that if an employer sets up his own fund outside of this deposit with the State treasurer, he may deposit it with a trust company under a definite trust agreement. The trust company or trustee must be approved by the commission. The trust agreement must be approved, must meet certain standards as to the type of securities in which it shall be invested, which are much more rigid than ordinary trust or life insurance investments or the like. Under that system you have complete control. That is a trust. In case of bankruptcy or insolvency, you cannot use it for any other purpose. That is covered by the law. The employer has to be out of business for a half year or so before he can touch the money. Meanwhile, if he is closed down, it may be paid out to the workers. There is one further possibility which may cause trouble, namely the possibility of a bookkeeping reserve being set up which will be similar to self-insurance under the workmen's compensation law.

Of course, most of you can see that whereas in the field of accident compensation only a very large employer might be allowed to be a self-insurer, because if a small company had a fatal accident it might be ruined, as it might not have adequate funds, and the worker might not receive his compensation benefits. That does not apply equally in this field. Smaller companies are, by and large, somewhat more stable in their employment than large-scale, mass production companies. To come back to the question of bookkeeping reserve, we are going to be pretty strict on who can set up that kind of a reserve. The commission at any time may increase the requirements as to the security supporting such reserve, may require surety bonds or specific deposit of certain securities. Under the law the commission, in this exceptional case of bookkeeping reserve, has full power to turn down any applicant therefor, and to make sure that there is security in that field. As to the normal procedure, I have already sketched that.

Mr. WHITAKER. As I understand it, if an employer should go into bankruptcy, say next year, could he seek to discharge his employees right along up to the 6 months, and could he get the fund back?

Mr. RAUSHENBUSH. Discharge under the Wisconsin act is permissible only for misconduct by the employee.

Mr. WHITAKER. Who is the judge?

Mr. RAUSHENBUSH. The judge is an impartial agency. The procedure has not been fully worked out, but the idea is that the commission may send in an examiner, an individual, to find out the facts. There may be an appeal to a local tribunal constituted of one employer, one of the employees, and one representative of the public, perhaps a permanent employee of the commission who will be familiar with the cases through traveling around the State. Then there is an appeal to the industrial commission, which is a 3-man body, and an appeal from that to the courts, but you have public authority coming in to see fair play on that question.

Mr. WHITAKER. One more question in connection with the Ohio law. As I understand it, the fund goes into the State depository all the time. Does it always remain in the Ohio fund, or can the employer at some future date get that fund back?

Mr. RAUSHENBUSH. I do not believe the employer can get any of that back. I may be mistaken about that.

Mr. WHITAKER. Then there is the distinction that this 3 percent, chargeable 2 percent to the employer and 1 percent to the employee in Ohio, is gone forever?

Mr. RAUSHENBUSH. Yes, that is gone.

Mr. WHITAKER. And the cost of the Wisconsin act is chargeable to the employer altogether, but the money contributed remains his fund, eventually.

Mr. RAUSHENBUSH. Yes.

Mr. SWEENEY (Pennsylvania). Mr. Raushenbush, you have stressed the importance of cooperation between the employers and the representatives of employees in working out the details of this plan in Wisconsin. Would you stress the importance of cooperation or of a getting together of those representing the employers' interest and the employees' interest in promoting a plan in States which had no such plan, or in studying the possibilities of a plan, or would you feel that it is more or less essential, in the appointment of committees or in agitating for this work, to propagandize it through the State? Do I make myself clear on that?

Mr. RAUSHENBUSH. I think so. If you have an official commission which is studying or investigating the problem on behalf of the State legislature, or the governor, I think it is clearly desirable to have representation of all the interested groups, I do not think you should expect to get a unanimous report out of that kind of a group, but I think it is desirable to get all the points of view there, and to see what that comes to. When it comes to the work of rolling up your sleeves and trying to get legislation, however, I think it is desirable for those who believe in such legislation and can support given principles involved in the legislation, to get together, to work

together, and not to take on those who are clearly irreconcilably opposed.

Speaking again from Wisconsin experience, we had an interim commission consisting of a labor representative, a prominent employer representative, and several legislators. The final report of the commission was 5 to 2—2 employers against the rest. One of these employers, I think, has rather freely admitted since that he did not think the Wisconsin plan was as bad as some others he had seen. An interesting phase of the whole situation was as regards this chance for volunteer action by employers in Wisconsin. What the industrial commission did was to hire the most prominent employer in the State who had been in favor of volunteer action and against compulsory action. He was told to go out and promote volunteer plans and see what he could do. The advocates of a volunteer plan cannot claim they have not had a fair chance, and if they fail to get the necessary quota of volunteer plans they have no come-back. In pushing for legislation, we had a small working group which was agreed on one essential principal to begin with, which was contributions from employers only; the State federation of labor was represented on that group. That was its cardinal principle. It wanted regularization as well as benefits, and wanted the employer to bear this burden and to be responsible. It was more interested in having that principle written into the law than in the amount of the benefits in the beginning. So those who could agree on that principle went to work and as the interim commission made its report by a 5 to 2 vote, we took the bill it recommended, which was based on that principle.

Mr. SWEENEY. You would say then, that generally, we cannot count very much on so-called liberal-minded employers to push any such plan, or that we cannot educate them into really getting behind it with force?

Mr. RAUSHENBUSH. I should have made myself clearer. I think one of the reasons why we have had such unusually good cooperation between labor and the employers in Wisconsin is because the Wisconsin bill incorporates the two features which employers and labor care most about. Labor got the thing it cared most about, the emphasis on regularization and on contributions from employers only; and the employers, though they did not know it at the time and did not support the bill, got the thing they cared most about; namely, the assurance that they would not be paying for the other fellow's unemployment; that they would be made responsible only for their own business, over which they had some measure of control, and in Wisconsin they are certainly very strong for that. They opposed, you see, labor on the other provision; they wanted employee contributions also, making it a joint responsibility. It was not a mere matter of expedience that dictated our choice of a bill; I think I can say that frankly and correctly, because I was in on the procedure. We were interested in a principle, and we wrote that principle into the bill, but it worked out rather fortunately that we did not have as strenuous employer opposition to the bill as we would have had, perhaps, to an Ohio plan bill. Ohio's experience, I think, tells the story as to that. Employers are vigorously opposed to that plan. My answer would be this: In every State

you ought to hope to get a few liberal employers who would consider that industry had some responsibility in this field; that industry ought to assume some burden; that there must be legislation—compulsory legislation—and that this is a desirable type. I do not think you will get many employers to support the Ohio bill, because most of them object to pooling. They believe that their own costs should be assessed to them, but not the other fellow's. There is some foreign experience, I think, where there is a pooled fund and one industry carrying the burdens of another industry. That does not seem to me to be good social cost accounting, and good long-run social policy.

Mr. SWEENEY. I have another question on the question of self-insurance. Is there a definite feature of the law that allows for self-insurance of this hazard? It seems to me you have quite a different hazard from that in workmen's compensation, except in the case of a catastrophe, in workmen's compensation the more employees, relatively, the smaller the hazard, because it is spread, whereas in this the more employees the greater the concentration of hazard, and the greater the difficulty, if any, that any individual employer might have. Do I make that clear?

Mr. RAUSHENBUSH. No, frankly, I do not follow you. If I understood you correctly, I was trying to say just the opposite, but I may not have understood you.

My point was this: In the field of accidents, when you have one fatal accident it costs a tremendous amount of money; if you allow a single fund for each company that may bankrupt the small company, whereas the big company may be able to carry that tremendous single expense. Consequently, in the field of accident compensation it does not seem to me that an individual company could set up on a self-insurance basis, or that that is as practicable as applied to small companies as it is in the field of unemployment compensation, because in the field of unemployment compensation the amount of your payroll and the number of your employees more nearly reflect the employment hazard. Your smaller units are relatively more stable in movement, at least on the average. Your figures show that irregularity increases as the size of the unit increases. It may be bad management or other features.

Mr. SWEENEY. But not surplus; the reserve hazard does not increase as the size of the unit increases, does it?

Mr. RAUSHENBUSH. No.

Mr. SWEENEY. We have large corporations with large surpluses and small corporations where a short period of unemployment, if they were self-insurers, would probably wipe out what surplus they had.

Mr. RAUSHENBUSH. The point I was making is that unemployment may occur relatively equally in the large and the small company, but it is pretty much proportional to the number of employees and the size of the pay roll; that is, the numbers that are involved and the contributions that are involved on the basis of percentage of pay roll much more nearly reflect the unemployment hazard of the different companies than their different size. In other words, the factor of a sudden catastrophe hazard, such as a permanent total dis-

ability or a death in the field of industrial accidents is not going to throw your whole picture off in the field of unemployment compensation. It is much more possible to set up individual company reserves in the field of unemployment compensation on a self-insurance basis than it is in the field of accident compensation.

Mr. SWEENEY. I should think you would want to go carefully into the self-insurance experience in compensation of some of the States before you would go very far in that. I understand that in Indiana or Illinois, for instance, they are having trouble; some of the trust agreements they have set up with these self-insurers are getting into a bad condition.

Mr. RAUSHENBUSH. Of course, the difficulty is that where you have a permanent total disability or a permanent partial disability that carries a liability for a period of years, in some States there may be no requirement that the full amount shall be immediately deposited in a special reserve or a trust fund. In other words, you may be hoping that the company will be able to keep on from year to year and meet that liability as it comes due, and if the company does not the employee is out of luck. Here, however, you have a different set-up—your requirement of 2 percent of the pay roll to be paid in and actually put in a separate fund, or if it is still in the funds of the company you have a surety bond against it or a special deposit of securities.

Mr. SWEENEY. Which usually, in times of stress, is not worth the paper it is written on.

Mr. RAUSHENBUSH. I think we will be able to see that what we O.K. will be worth the paper it is written on or we will not O.K. it. In Wisconsin, we have three or more self-insurers, and by a careful scrutiny of their financial condition through fairly detailed reports we have been able to get along without, I think, in most cases, requiring additional specific security, but then we have been rigid about whom we admit to the status of self-insurance under accident compensation. I do not think the problem is as difficult a one in the field of unemployment compensation as it is in that of accidents.

If you build up a given reserve through definite contributions and you know where the definite funds are and have them safe, you have that reserve at any rate, earmarked for this purpose, and can meet claims, though perhaps not on an insurance basis. We do not know whether this is an actuarial proposition, whether we are going to be able to work it out or not, or whether Ohio is going to work it out. I am afraid we are not tearing our hair about it. We say that if you set up some money you will have more money than if you set up none.

Chairman CRAWFORD. It seems to me the question is whether we should have unemployment insurance or unemployment reserve funds. Wisconsin's plan, as I understand it, is the setting up of a fund for certain definite purposes, which I believe is not sufficient. The idea of insurance presupposes the elimination of self-insurance and all individual plant funds. It is much broader, and you will immediately attempt to operate on an actuarial basis, and—

Mr. RAUSHENBUSH (interrupting). Will you let me say one thing more on that? You say insurance is directly counter to separate company reserve funds. That is true on the face of it, but if under an insurance set-up you work out a careful system of experience rating so that you can classify your risks and assess the premium to be paid on the particular risk in accordance with what it really costs, and if you refine that system sufficiently so as to distinguish between the different individual enterprises and assess their costs accurately, you will, by a complicated process of classification and rate making, have done what the Wisconsin act does directly. It says: "We are going to have an automatically up-to-date system of experience rating; we are going to set up separate company reserve funds, and you are to pay a higher or a lower contribution rate in accordance with the actual experience you have with unemployment."

Chairman CRAWFORD. Which is contrary to insurance policy.

Mr. RAUSHENBUSH. All right; but if insurance is coupled with insurance rating and classification of risks, and if you refine it sufficiently, you will get where the Wisconsin plan starts, only we do it directly and simply. If, on the other hand, you do not believe in the experience rating system, do not talk about how you are going to proportion your rates to different risks and how you are going to encourage regularization by differential rates. You cannot eat your cake and have it too. You might as well admit that one industry in going to pay for the costs of another industry in the field of unemployment. If you want to do that, if you are interested in relief and do not care about correct social cost accounting, why not taxation?

Mr. SWEENEY. You have insurance if you have enough spread within the unit. Insurance is merely setting up reserve; if you have enough distribution of risk you have insurance.

Mr. RAUSHENBUSH. Suppose you have a company with 100 employees; not all the 100 employees are going to be unemployed at a given time, if you have 100 employees and you have \$75 reserve per employee you have \$7,500. Suppose 10 percent are unemployed at one time, that would draw \$1,000 out of the \$7,500. Suppose 30 percent are unemployed at one time, that would take \$3,000 out of the \$7,500, but you keep on paying into the reserve. That Wisconsin law and other bills of that type of set-up really provide a cushion, a surplus over and above normal benefit withdrawals, because it is a \$75 reserve per employee after meeting all current benefit costs.

MEMBER. What happens when the reserve is exhausted or brought to a certain minimum, and who pays the cost of administration?

Mr. RAUSHENBUSH. The first question is answered by saying that the benefits have to be reduced. This is not insurance, this is reserves. We do not know how large the contribution rate would have to be to finance certain stated benefits, so we have deliberately said in the Wisconsin law that the benefits will have to be scaled down if the reserve is inadequate. In the back of our mind is the thought that the rate will also have to be scaled up as we find that out. The natural thing to do would be to say that those who cannot meet their

benefit payments in full, who have a reserve which is too low, will have to pay a higher rate than others. So you carry the germ of a classification system of rates a little further, while still keeping your company reserve fund.

The other question you raised was as to cost of administration. We require a contribution from employers in addition to the 2 percent amounting to not more than two-tenths of 1 percent on pay roll, to be paid to the industrial commission for administration, with the provision that the commission may classify different industries and employers, and fix slightly differing rates for cost of administration, depending upon factors to be determined by the commission.

Miss JOHNSON. Does the State contribute anything to the cost of administration—the service of the commission?

Mr. RAUSHENBUSH. Only insofar as the commission's general services are contributed, but not the specific services, including that part of the cost of public employment offices which is not borne by the Federal Government. In other words, the employers are to take over the cost of financing public employment offices, since they will be largely used in this scheme.

Dr. PATTON. Would you consider it improper to refer to the Wisconsin plan as unemployment insurance?

Mr. RAUSHENBUSH. I think it would be much clearer not to. The statute is entitled unemployment reserves and compensation, and we deliberately wanted to point the analogy to accident compensation, saying: Here is an industry cost just like that of industrial accidents, and the employer is required to foot the bill just as he does in accident compensation. That was one analogy we wanted to point by the title "unemployment compensation", to indicate that it was a payment as of right, that it was an industrial hazard, the burden of which the employer should bear.

As to the unemployment reserves, we deliberately abandoned the term "insurance" because we felt that we could not properly call it insurance. We could say we are requiring reserves to be built up on the analogy of depreciation reserves, or of corporate surpluses, or anything of that sort, and that is much more accurate as descriptive of the Wisconsin act than the term "insurance." We do not pretend this is actuarially sound; we say, "Here are the normal benefits that we will be able to pay; if the reserve is inadequate those benefits will have to be scaled down."

Dr. PATTON. I have not definitely made a decision as to whether I prefer the Ohio or the Wisconsin plan. I hear the general observations; that is why I asked this question. It is the first time I have heard a distinct statement made that the Wisconsin plan is definitely not insurance. Until that statement was made, I had always regarded the difference between the terms "unemployment reserves" and "unemployment insurance" as almost entirely a verbal quibble. I agree with what Mr. Sweeney said a while ago that in essentials the Wisconsin plan necessarily has to be what I would call insurance.

My first general observation about which I am perfectly clear is that I am in favor of such social insurance applicable to any field to which the insurance principle may properly apply. I think that insurance principle is one of the greatest social inventions that mankind has ever devised.

The Ohio committee's report—I speak of that particularly, although it has been established elsewhere as well—has to my mind definitely proven the applicability of the insurance principle to the field of unemployment. Taking that as a starting point, I am inclined to say that, by whatever name we call it, whatever system we set up is an insurance plan.

When you come to the matter of pooling (as provided by Ohio) or individual plants (as provided in Wisconsin), I cannot help but recall the workmen's compensation situation. For the most part—I think altogether in the United States—our plans for workmen's compensation definitely fix the responsibility on the individual firm, and I know that for a long time there have been grave doubts and misgivings in the minds of many people in the United States as to whether or not that was wise.

If I understand correctly, in Germany, where workmen's compensation insurance began, and I think practically in Ontario today, the principle of pooling is applied in workmen's compensation. In Ontario, for example, all furniture manufacturers are perforce associated in one group. In the United States we say that every tub should stand upon its own bottom, every employer should pay his own liability, and in order to accomplish that object and at the same time preserve the insurance principle, we force these employers to take out a policy in some definitely organized, properly regulated insurance company, except in those cases where the concern is large enough to apply the principle of self-insurance to that particular firm.

The Wisconsin plan of definite allocation of responsibility to individual employers is more nearly analogous to our present plan of workmen's plan of compensation than is the Ohio plan, but as I say, in my own mind and in the minds of a great many people in this country there are misgivings as to whether or not that principle is the sound one. A second observation, about which I am not quite so clear, is that I am inclined to favor contribution to some extent by the individual worker, as embodied in the Ohio plan and not in the Wisconsin plan. There again the Wisconsin plan is more nearly analogous to our present workmen's compensation than is the Ohio plan. I think Oregon is the only State in the Union which requires contributions from employees for compensation. One cent a day, I think it is, is required from each worker to help build up the compensation insurance fund. Personally, I do not see that it makes much difference in the long run, whether the employer pays it all or the employee pays part; whether paid entirely by the employer or only partly, it is going to come out of the wage bill, is it not?

Mr. SWEENEY: I do not think so.

Dr. PATTON. You do not think so? Well, it has to come from somewhere, and I know that the New York State constitution, in authorizing the enactment of the compensation law, says that it shall be considered a part of the cost of production and passed on to the consumers.

I think workmen's compensation premiums are, like rent, taxes, fire insurance, or anything else, part of the cost of production. In the same way I believe that the Wisconsin unemployment reserve payments will be a part of the employers' cost of production and

somehow or other will have to be incorporated or find their way into the selling price. However, as I say, this is not my particular field; this is merely the result of such consideration as I have been able to give it.

Chairman CRAWFORD. In Canada this question has been given very serious consideration. There is a general feeling that unemployment insurance—it is called insurance over there—should be a Federal matter. It is very difficult to work it out, but at the present time those who have studied the question most are the ones who doubt most the possibility of insuring unemployment, using the word “insurance” in its real sense. Then, of course, there is the question of contributions. We have reserves for the payment of dividends, we have reserves for other purposes, and all that is being required is that the industry shall set up certain reserves for this other contingency, called unemployment. I do not think any of us would call a surplus fund for dividends an insurance scheme, and I can see no more reason for calling the Wisconsin plan insurance.

It is true that anyone who undertook to insure unemployment at the present time would have an impossible task, because we do not know enough about it. We are unable to work out actuarially the necessary calculations; we have neither the data nor the experience. If I may sum up the situation, I would say there is little prospect of immediate action because of that uncertainty.

Mr. SWEENEY. Insurance is like almost any other word. It has all gradations of meaning. We cannot measure the hazard in marine insurance. We allow companies to set themselves up as title insurance companies; there is no measure of the risk in surety bonding; there is no measure of the risk—we have seen that in this country particularly—in bank bonding. So we go through all those gradations of meaning. Just how adequately do we measure the hazard even in life insurance and compensation insurance? I do not think the Ohio plan is any more insurance than the Wisconsin plan; possibly there is a little wider spreading of the risk. If we use that as the determining factor of whether the plan is insurance or not, then we have another question, but as to this question of measuring the hazard, I do not think that is the true test of insurance.

Chairman CRAWFORD. I do not pretend to be competent to discuss it—I am not an actuary, I am not an insurance man—but I have heard it discussed completely and fully—the nature of the contract; the provision for payment; whether it is contributory or not; and the rights. Compensation is not insurance. Insurance is something for which you pay and for which you receive certain benefits in proportion to payment. That is the principle of insurance as I understand it. This other thing is something different from that. However, it is well to bear in mind, as Dr. Patton said, whether it is a matter of quibbling with words or not, that the principle I think we are agreed upon is that the man who is out of employment is entitled to some sort of benefit as a right. Then there is the social aspect. If we wish to maintain purchasing power and all the rest, we must do it by contributing to the unemployed so that they may not become wholly dependent upon charity or State contributions.

Mr. RAUSHENBUSH. May I say further on the point of calling it insurance, that I think the point has been well brought out that the Ohio plan does involve a greater pooling and therefore a wider spreading of risk. That gives it more nearly an insurance character, but I think it is worth noting that even in the Ohio plan the bill of the Ohio commission provides that, if necessary, the benefits may be scaled down or the fund may borrow. The Ohio commission admits in its bill that it cannot be absolutely sure of what are presented as the best actuarial figures available in this country, I think they undoubtedly are the best estimates that have been made, but even so the Ohio commission recognized that they may not be fool-proof, that you cannot foretell conditions sufficiently, so it permits benefits to be scaled down if necessary or for the fund to borrow.

I think probably it is really a matter of degree in terms of spreading the risk. If a company with a thousand employees sets up a fund for the employees, so far as the thousand employees are concerned the risk is spread. Any particular man who happens to be employed or any 20 or 30 or 100 or 200 of them are protected by the pooled fund of that company, which was built up by it but is available for any one or more who may actually need it.

Then of course, as I tried to suggest, the other reason why we deliberately did not want insurance is because of the danger that insurance would discourage the stabilization efforts of individual employers by practically saying: "The funds that you build up will be used to help subsidize the companies which have not made similar efforts, and which continue to operate irregularly." There is a possibility that insurance under some circumstances may really work to discourage long-run constructive effort. You do not need to be quite so thoughtful and quite so active in regularization if that particular hazard is insured, and the other fellow is pretty largely carrying your costs. I think we ought to recognize that we have different types of social problems and industries and personal hazards, and that it is proper to devise specific remedies for each. I know there is a great temptation to say: "Let's have one general scheme which will be uniform all over the country and which will include all the different hazards"; but if my guess from my slight experience is correct, it is that that is not the way you make constructive progress, but rather by specific remedies for specific problems.

Mr. MAGNUSON. I know Mr. Raushenbush leans in the direction of the Wisconsin plan; naturally he would. But would he feel that the Ohio plan is so seriously defective that it ought to be opposed if tried in any State?

Mr. RAUSHENBUSH. I might turn that question on you, but I will answer it.

Mr. MAGNUSON. I favor both of them.

Mr. RAUSHENBUSH. I would not choose to devote my efforts and energies to the Ohio plan because I think the other one is better. On the other hand, I carefully refrained from in any way gumming up the Ohio situation during the past spring; I kept my hands, fingers, nose, and so forth, carefully out of the picture. An able group had decided that they wanted to advocate that plan for Ohio and I wished them luck; but I was not going to help them,

if that answers your question. If I were asked, as I have been asked in some other States, "What kind of legislation should we have?" I would naturally advocate the type of legislation which I believe to be better in the long run.

Mr. MAGNUSON. I would go the other way around; I would go into Wisconsin and help them put through the Wisconsin law, although I think the Ohio law in principle is far superior.

Mr. RAUSHENBUSH. You have more energy than I have. I devote it where I believe the social interest is clearest.

Mr. MAGNUSON. I would help you in Wisconsin if I were there.

Mr. RAUSHENBUSH. We appreciate that.

Dr. PATTON. One of Mr. Raushenbush's arguments appeals to me exactly in reverse. Going back again to workmen's compensation, the situation we now have, where each employer stands on his own merits, it seems to me, clearly and inevitably leads him to take no interest whatsoever in the prevention of accidents except in his own plant. If two furniture manufacturers or two shoe manufacturers in the same city are under our compensation plan, one of them who devotes his efforts to safety work and accident prevention gets a rebate in his compensation premium and does not give one continental about the accident rate in his rival's plant. In other words, there is no incentive for him to try to reduce accidents in the group of industries to which he belongs. If compensation premiums were pooled in that industry, the first man I spoke of would have to pay a given compensation rate, and he would get only such rebate as the experience of his entire group indicated. Then he would have a direct pocket-book incentive to form a mutual accident prevention association, and to say to his competitor, "You are making me pay a bigger compensation rate than I otherwise would pay. You must get busy and bring down the accident rate in your plant." That is the principle on which the Ontario accident compensation works. In this matter of unemployment insurance, I think individual employers can perhaps do something to regularize employment—certainly the larger ones can—but I doubt very much the extent to which the average employer, particularly the small employer, can regularize employment.

If you have this pooling system, where the interests of the whole manufacturing or employing group are directly interested and the premium—the unemployment reserve premium or whatever you want to call it—which an employer pays is affected not only by what he does, but by what his fellow competitor does, it seems to me you are adopting a principle for the prevention of unemployment that you are ignoring when you put each fellow on his own footing.

Mr. RAUSHENBUSH. It seems to me Mr. Patton's remarks were directed primarily to the question of new technical devices for accident prevention, new guards on machinery, or other devices of that type. That is a field that I know very little about. Mr. Patton knows a great deal about it. As I heard him talk, I was trying to divide the accident-prevention methods into two general classes—those which involved specific devices or inventions or the like, and those which involved simple everyday care—day-to-day safety habits on the part of the employees and foremen, and the like.

It seems to me that there can be, through safety conferences and through Government safety inspectors and the like, quite as effective an exchange of new information about safety methods and devices as you can get through a loose industrial organization. After all, you are not going to bring that new information to any individual automatically; somebody has got to take it to him. As to the other factor, as to constantly taking pains to think safely and act safely, that after all is something you cannot bring in from the outside. Each concern has to do that, and it seems to me that our Wisconsin experience—I hesitate to say this because I certainly cannot speak with authority on it—is that our self-insurers are the ones who have made the best safety records in many instances, and that comes, not primarily perhaps from greater safety inventions and devices, but from more persistent safety campaigns.

As to the question whether you are going to induce an exchange of methods by pooling the funds, I am very dubious about that in the field of unemployment and irregularity of employment. I suspect that there is too much difference between individual business units, between operating units for it to be possible to have a carry-over of information within the different units of the same industry. I meant that business problems are somewhat different, and each concern is striving not to be the same as another, but to get something distinctive about its products, its market, or whatnot. I suspect that there is less possibility, perhaps, in the field of unemployment and regular employment for an outsider to come into a given business unit and tell the management what it can do to regularize it. I think that is a problem of business management, which runs from the details of day-to-day work to long-range plans of business policy.

My guess is that if you pool the funds, regularization will become everybody's business and therefore nobody's business; but if you segregate the funds and give each employer a clear-cut incentive he may take thought. I do not mean that you should not have all possible cooperative effort and exchange of information, but it seems to me that that is quite possible by advisory committee set-up by locality and, to the extent that you have an industry in a single State, by industry. For instance, I can see that it is much more in point in your New York situation than it is in some other places to contemplate cooperation on an industry basis. In some cases you have almost the whole industry—I mean within the nation—located and centralized in New York. That is a rather different picture than that in many of the other States. I think there should be an opportunity for industry cooperation there, if the industry wants it. I doubt whether it would be wise to try to compel industry to do it; I do not think you get cooperation effectively that way in things that involve constant attention to detail and planning of individual operations.

[Meeting adjourned.]

FRIDAY, SEPTEMBER 15—AFTERNOON SESSION

Chairman, Edward F. Seiller, third vice president A.G.O.I.

WOMEN IN INDUSTRY

CHAIRMAN SEILLER. We will continue with the reports of the various committees. Our first committee this afternoon is that on women in industry; we will hear the report by Miss Mary Anderson, chairman, who is the Director of the Women's Bureau of the United States Department of Labor.

MISS ANDERSON. This is a report and recommendations of the committee on hours of work, and I will first take up the legislation that was passed last winter, when 43 State legislatures met in session. You will see that the results of their meeting, so far as the shortening of hours of labor is concerned, are very meager.

REPORT OF COMMITTEE ON WOMEN IN INDUSTRY

By MARY ANDERSON, *Chairman*

REPORT AND RECOMMENDATIONS ON HOURS OF WORK, INCLUDING LEGISLATION AFFECTING HOURS OF WOMEN, ENACTED IN THE LAST SESSIONS OF STATE LEGISLATURES

Legislation in regard to maximum hours of work permitted for women was proposed in a number of States in the last session. Connecticut amended its statutes by reducing, from 58 a week to 52 a week and 9 a day, the hours of women employed in mercantile establishments, public restaurants, cafes, dining rooms (except in hotels), barber shops, hair-dressing or manicuring establishments, or photograph galleries.

Minnesota's hour law for women has been revised to provide a State-wide 54-hour week, with no daily limitation of hours. This replaces the old laws of 1909 and 1913 and their amendments, which allowed different hourly and weekly limits according to locality and kind of employment, permitting in some cases 10 hours a day and 58 hours a week. The new law is expected to simplify enforcement problems. Unlike the old law, the new one fails to make specific provision for meal periods.

A new hour law in New Mexico became effective June 15. For women employed in any industrial or mercantile establishment, hotel, restaurant, cafe, eating house, laundry, place of amusement, public utility, or in any office as stenographer, clerk, bookkeeper, or in any other clerical position the maximum hours permitted are 8 a day and 48 in any week of 6 days. The working day must not be divided into more than three shifts. Two hours of overtime are allowed weekly in emergencies if time and a half is paid. Domestic employment, hospitals, sanitariums, registered or practical nurses, and midwives are exempted. This act provides a change in some cases from 56 hours a week (although the old law allowed only 8 hours a day) and a reduction in other industries from maximum hours of 9 a day and 56 a week. Hours in telephone

and telegraph offices, except where five or fewer operators are employed, are regulated also. For a 7-day week the hours of work between 7 a.m. and 10 p.m. must not exceed 8 a day and 48 a week; between 10 p.m. and 7 a.m., 8 a day and 54 a week. Overtime, however, is permitted in case of extreme emergency. Not less than one-half hour for mealtime must be allowed. The act does not apply to persons engaged in interstate commerce, where the hours of labor are governed by an act of Congress.

Maximum hours of 10 a day and 55 a week became effective June 1 in North Carolina for clerks or saleswomen and waitresses and other employees of public eating places. Not more than 6 hours of continuous work are allowed unless the extent of the day's work is not more than 6½ hours. Exemption is made for full-time bookkeepers, cashiers, or office assistants, for establishments employing fewer than 3 persons, and for towns of less than 5,000 inhabitants.

In Texas the law permitting not more than 9 hours a day, 54 hours a week, has been amended to bring beauty shops and roadside drink or food vending establishments under its provisions, and to place cleaning and pressing establishments on the same footing as laundries; that is, a maximum week of 54 hours and a maximum day of 11 hours.

In Wyoming the hour law was amended by reducing hours from 8½ a day and 56 a week to 8 a day and 48 a week for women employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, place of amusement, or restaurant. As in the previous law, overtime in an emergency is permitted if time and a half is paid. Unlike the old law, however, telephone or telegraph establishments or offices or express or transportation companies are not covered.

Indiana amended its night-work law prohibiting the employment of women in manufacturing establishments between 10 p.m. and 6 a.m. to permit factories operating two shifts of not more than 8 hours each and not more than 5 days a week to employ women in any capacity for the purpose of manufacturing until 12 o'clock at night.

Massachusetts, whose law for many years has prohibited the employment of women in textile manufacturing between 6 p.m. and 6 a.m. and in other manufacturing between 10 p.m. and 6 a.m., this year passed an amendment prohibiting work in leather manufacturing also between 6 p.m. and 6 a.m.¹

The committee would suggest to the association that vigorous educational work be done by the association on the necessity for shortening hours of work in the States. The importance of shortening hours of work by legislation has been brought home forcibly during the depression. Standards of employment receded all along the line and no standards could be wholly maintained. Even trade-union standards had to be modified in many cases. In this emergency the greatest help in upholding standards has been the support existing in the State labor laws. That is a very significant fact that should be taken into consideration in all future legislation by the States.

The necessity for quick action in behalf of such legislation by the States is very evident today. The emergency legislation by the Federal Government runs for only 2 years, and unless the States have in the meantime laid a solid foundation for maintaining the shorter workday, we are likely to return to competition for quick and cheap production—a mad competition that will result in lengthening the hours of work so that we may find ourselves back again with

¹ Since July 1, 1933, the Massachusetts Legislature has empowered the commissioner of labor to suspend the 6 o'clock law during the life of the codes effective under authority of the National Industrial Recovery Act.

the 10- to 12-hour day. Such hours in industry have not been uncommon during the depression in States where there has been inadequate labor legislation or no labor legislation at all. Women employees have been the most exploited in this respect, because they have been wholly unable to cope with the situation. In order to live, in order to keep the job at all, they did not dare question the requirements as to hours of work. In fact, the National Industrial Recovery Act was passed because of the terrific exploitation of the workers and the tremendous competition among employers that got beyond control. The Government had to step in and take control for the time being, but the responsibility will rest upon the States again just as soon as the Government emergency program is over.

The committee feels that this association knows so well these facts and the problems confronting the employers and the workers, that the necessity for labor laws and their effective enforcement should engage its immediate attention, so that with the help of the citizens of the State laws may be formulated to protect adequately the workingman and the workingwoman. The N.I.R.A. program, with its basic 40-hour week, points the way for the States to follow. Employers themselves should be the first to help in the inauguration of such State programs. During the depression employers have realized that they as well as the workers suffer from the lack of uniformity in the control of hours of work. The committee would like to emphasize the necessity for a uniform program for hour legislation so that there will be no possibility of employers with good standards being put out of business by those with poor standards, or made to suffer by factories taking advantage of States where they may work practically unlimited hours. This unfair competition among employers should cease, and it can be outlawed by uniformity in State labor legislation.

We hope this association will go forward as a unit representing the various States in formulating a real program for legislation on hours of work, and will then enlist the help of employers and of the citizens who finally translate such movements into law. There is no time to be lost, and we urge that such a program be formulated at this conference so that action may be had immediately.

DISCUSSION

[Miss Anderson moved that this report be referred to the resolutions committee, if accepted, and that a resolution be formulated along the line suggested in the report. A motion was made, seconded, and carried that the report be accepted and a resolution drafted in accordance therewith.]

Chairman SEILLER. I am sure some of you would like to make some remarks on the report of Miss Anderson. We are now open for discussion.

Miss SWETT (Wisconsin). Miss Anderson, do you know anything about what the attitude is going to be toward night work where two 40-hour shifts are permitted, for instance, in the N.R.A. codes?

Miss ANDERSON. The two-shift system, permitted in the cotton-textile code, 40 hours for each shift, of course, permits what we might call, not night work, but evening work. Mr. Stanley, are not those two shifts probably worked between 6 o'clock in the morning and 11 or 12 at night?

Mr. STANLEY (Georgia). Will you repeat the question again?

MISS ANDERSON. I was speaking about the cotton code which permits two shifts, the machinery working 80 hours per week, and the workers working 40 hours per week.

MR. STANLEY. I presume that is so, but I have no information as to that, Miss Anderson. I think that would inevitably be true.

MISS SWETT. Is there anything in the codes themselves that says how late that work shall be? Is there no limitation on when it shall be?

MISS ANDERSON. No; there is no limitation in the code, but naturally employers would not manufacture after 11 or 12 o'clock at night. We all know that output is very much less during the early morning hours than at any other time, so they will take the most productive hours of the 24 to run the mill. I think that would be true in other industries where two shifts are permitted. Nothing has been said about night work in the codes.

MISS JOHNSON (New Hampshire). There is another problem in connection with the two-shift system which has been inaugurated under the codes, and that is definite provision for a lunch period. In some States where the State law has no specific requirement for a definite lunch period, factories are operated on a two-shift basis, 8 hours on each shift, with no time allowed for lunch; that is, no specific time when the workers are released. They bring their luncheons and eat at the machines as they get a chance. There are factories that are operated on a straight 8-hour shift, without time for lunch. It would seem that there should be some provision for that, either in the codes or in the recommendations which are to be made by the resolutions committee. I will ask for Miss Anderson's suggestions on that point.

MISS ANDERSON. Miss Johnson and I have had some correspondence on the subject. My contention has been in that correspondence that a national code covering an industry cannot go into very many details, and that if we put too many details into a national code it will be almost impossible to have it enforced. I feel strongly, and I do not know that I voice anyone's opinion but my own, that that is a question for the States to deal with. There should be, of course, luncheon periods—that is essential. I realize that New Hampshire has no law requiring any time for lunch, and I feel that perhaps the labor department might make such a ruling, until the legislature meets and enacts it into law. It seems to me that that might be permissible as affecting the health and well-being of the employees. I feel strongly that the code cannot cover these details and, after all, the States really ought to have their hand in these details.

DR. PATTON (New York). Yesterday at the joint session of the I.A.I.A.B.C. and the A.G.O.I. a resolution was adopted, to be submitted by the respective secretaries of the two organizations to General Johnson, stating that it was the opinion of both organizations that in all N.R.A. codes the specific safety and health provisions now existing in any State be incorporated in such codes, and that where there are no State laws or regulations, the safety standards approved by the American Standards Association be made a part of such codes. That joint resolution, over the signature of the secre-

tary of each body, has been forwarded to General Johnson. In a way it covers that question. Of course, a State which does not now have any lunch-hour provision would, in adopting the N.R.A. code, fail to include any lunch-hour provision, but I think that joint resolution will go very far toward doing what those two bodies may do in the situation.

Miss WOOD (Connecticut). Also, as far as that particular cotton-textile code is concerned, since the 40 hours do not have to be worked in any specific number of days, a lunch period can be provided each day without making even a second shift work late into the night, because the 40 hours can be stretched over 6 days.

Miss SWETT. Yes, but will they be?

Miss ANDERSON. I think the intent there is to establish a 5-day week.

Miss SWETT. I know the intent is that, but I am wondering if the provision as to two 40-hour shifts is not going to make the States feel that they do not have to pay much attention to night work, and that then they are going to have to have night work.

Miss ANDERSON. You could get them in about 11 o'clock at night.

Miss SWETT. Of course. But you see we have not had night work after 6 p.m., and it means that in a State that does prohibit it after 6 p.m. you are going to have quite a lot of pressure to remove the restriction of no work after 6 p.m.

Miss ANDERSON. The pressure was so heavy in Massachusetts that that was actually done.

Miss JOHNSON. The pressure will be continued in Massachusetts, and in other States where there is that limitation, to have the 10-hour limitation removed, because the period between 6 and 10 does not permit two 8-hour shifts with the lunch period that is required under the Massachusetts law, so that there will be pressure to have the 10-hour limit removed. In fact, a prominent cotton-textile manufacturer with whom I talked not long ago suggested that the limitation should be removed—that the second shift should extend until midnight.

Miss SWETT. Indiana has done that too, has it not?

Miss ANDERSON. Yes; Indiana has done that.

Mrs. KINNEY (California). May I say, for California, that we have a regulation that does provide for a lunch period with working hours from 6 a.m. to 11 p.m.

Chairman SEILLER. There are quite a few States that have a lunch-hour provision, but in our State, as Miss Anderson well knows, we have no provision for the lunch hour at all, and we find that in many instances where we are very strict about the enforcement of our 10-hour law, the employer resorts to the tactics of reducing the lunch hour—that he will make the workers work on through, taking their lunch whenever they can get it.

I am wondering whether we could, with propriety, ask the N.R.A. to draft an order as to lunch-hour allowances—sort of a blanket provision, something like the President's Reemployment Agreement now in the N.R.A. codes. The limitation of work hours is there, but nothing as to the starting or stopping time of the work. We find

in our State, and no doubt it is the practice in other States, that an employee will start at 7 o'clock in the morning, work up to 10, then maybe be off 2 or 3 hours, and come back in the afternoon—work three or four scattered shifts throughout the day. That is being done in restaurants, hotels, and trade establishments. There are many little problems of that kind that are going to creep in. They are not little either, but the employers will inject them, to try to get around a code and to keep from reemploying additional help.

This whole scheme may be explained in this way: Operators of a transfer company which was operating a fleet of trucks out of Louisville came to me with this proposition, saying: "Now, take it for granted we have a \$5,000 a month pay roll, and we want to get our "Blue Eagle", and at the same time reduce our hours and increase the number of employees. We have so many drivers for these trucks. They are working 70 hours a week, and their pay now is around \$27 per week. We want to cut them to 48 hours a week and pay them the limit of the N.R.A. code, but that will actually mean cutting the wage to \$21, something like \$6 a week." They were cutting the hours from 70 to 48, and by so doing they could increase the number on the pay roll, but not actually the pay roll.

So we will have many problems under the code that may have to be straightened out at a later date.

Our next committee report is on child labor. We will hear from Mrs. Clara M. Beyer, the chairman, who is director of the industrial division of the Children's Bureau of the United States Department of Labor.

CHILD LABOR

Mrs. BEYER. You have seen in the press almost every day for the past few months that child labor is a thing of the past; that the curtain was rung down on this ancient evil when the President signed the cotton-textile code.

Let us examine the facts and see what the real situation is with reference to child labor. You all know that the blanket agreement, so-called, provides that no minor under 16 shall be employed at any time in manufacturing or mechanical industries, nor shall any minor between the ages of 14 and 16 be employed in other industries more than 3 hours a day, outside of school hours. That is the temporary code. The permanent codes have different provisions, naturally, and the 17 permanent codes that have been set up to date all provide that no children under 16 shall be employed at any time in that industry. However, a number of codes are pending, and the big child-employing industries have different provisions.

The retail code that was supposed to have been announced sometime this week had a provision, following the President's blanket agreement, that children could be employed in stores for 3 hours a day outside of school hours. Furthermore it set a special rate for junior workers of \$2 less per week than the minimum for the particular area for the first year, and \$1 less per week for the second year. That would apply to workers up to the age of 18, and it was up to 21 in one of the previous drafts of the code.

We have protested vigorously that that provision of lower wages for minor workers will mean that in the 5-and-10-cent stores, and in

other stores where much the same labor policy is followed these children will take the place of adults. The \$2 differential is a sufficiently strong inducement to get these employers to use boys and girls of 16 and 17 in preference to adult workers. We do not know in what shape the code will come out, but a very definite protest has been made by the national organizations as well as by some of the labor departments of the country.

The code for the telegraph and messenger service provides for a minimum rate and weekly hours for the employees as a whole, but it exempts messengers. Now messengers are the big labor force of the telegraph industry, and these children can be paid any wage and work any hours, according to this code that has been submitted by the telegraph companies. They made a plea before the Labor Advisory Committee that they could not pay this rate, that they were already operating in the red, and that if they had to pay their messengers a living wage they would go under. I should like to know what industry is not operating in the red at the present time. The N.R.A. was supposed to take the companies out of the red and it does not seem to me that this would be the way to accomplish it.

The newspapers have also slipped in an exemption for the newsboys and the news carriers. They can be employed at any time, at any age, at any wage—it is all right under the code that has been submitted by the publishers. That hearing is to be held next week. There again considerable protest has been made to the Administration that those who preach should also practice, and that it is time the newspapers, which have been talking so loudly about the abolishing of child labor, abolished one of the worst forms of child labor. We hope that you people here will add your protest to those already lodged in Washington.

So we have to be constantly watching these codes. Child labor is not abolished so far as the codes themselves are concerned.

According to the census of 1930 there were over 650,000 children employed in the industries of the United States. The codes cover the so-called regulated industries—manufacturing, mechanics, stores, etc.—the industries in which our child-labor laws usually apply but the great bulk of the child workers, according to the census, were in the so-called unregulated industries, the industries which we have not been able to touch successfully with legislation. Forty-five thousand children were in domestic service (children under 16 I am talking about now), and the exploitation of these young workers during the depression period is one of the scandals of the age. The New York people can tell you of the difficulties they have been having with the requests coming into their junior employment service for young workers to work in private homes, as to the wages offered, and the conditions under which they work. Miss Lewis has said that she is unable to place these children because the conditions are so bad. Undoubtedly the 45,000 has been greatly increased during the depression period. These children probably will not be covered by any code.

In the street trades we have, according to the census, 23,000 boys. I think that is a mild estimate. I have seen that in some of the big cities there were about 25 newsboys. We know that that is utterly ridiculous; I should estimate at least twice that many and probably

more. If the children are pushed out of these industries covered by the codes they will go into the street trades, and unless they are regulated we will have more street sellers than in the past.

In agriculture 450,000 children were found in 1930; some of these were on the home farm, but a great many were in industrial agriculture. We must remember, of course, that that census was taken in the month of April, when most of the agricultural work that children are engaged in was not being carried on, and that if the census had been taken in July or August or even in June, a great many more children would have been found in agriculture. None of the codes adopted to date apply to this big group of children.

In the regulated industries there has been a decrease of at least 50 percent in the employment of children in the past 3 years, according to the reports of certifying officials which we receive in our office—at least 50 percent, but more nearly 60 percent. Probably it is in these industries, which the codes cover where there has been a decrease, but the industries in which there has been an increase are not going to be touched, in all probability, by the codes. So, roughly, probably 50,000 children will be put into the schools by the N.R.A. codes, and 500,000 at least will be left in industry of one form or another. So I do not think that we can agree that child labor is a thing of the past.

Furthermore, the N.R.A. codes are temporary. A 2-year period has been set for this legislation and no one knows how things will move in the meantime, but at any rate we know now that they are supposed to be temporary. We know that unless the States do this job, probably it will fall by the boards. I think it is more imperative than ever that State standards be brought up so that the States can make this child-labor provision of the N.R.A. codes really effective. It must be supplemented and complemented by State laws in order to get us anywhere.

Let us turn for a moment to see what has happened in our State legislation during the depression period—what the States have done to improve the child-labor situation. You will probably recall that last December the Children's Bureau held a conference in Washington, of all the national organizations interested in child-welfare problems, to try to get together on a common program on the child-labor problem. At that conference it was agreed to press in State legislation for a 16-year minimum, an 18-year minimum in the hazardous occupations, and a 44-hour week for minors. These organizations, working through their State locals, tried to bring up the State standard, and 44 State legislatures were meeting. What was the result? With all the adults who were unemployed, with no need for child labor of any sort, with little opposition from the manufacturers' associations because they were busy with other things, nevertheless only two States raised their minimum age for employment during school hours to 16, and those States were Wisconsin and Utah.

Three States passed double-compensation laws for minors illegally employed—New Hampshire, Indiana, and Utah. Such laws were introduced in other States, but were not passed. Connecticut reduced its hours of work in retail stores from 54 to 52 a week, with a 9-hour day. Seven States, as you know, passed minimum-wage laws which applied to minors as well as to women.

One of the most amazing things that happened was the ratification of the child-labor amendment by 9 States without any pushing. I say without any—there was some. The American Federation of Labor continued to push constantly for the Federal amendment, but other organizations were not doing anything on a national basis in the way they were pushing for the 16-year minimum State legislation. Yet 9 States ratified. Only 6 States had ratified in the 9 years the amendment had been pending, yet 9 States ratified in this 1 year. It is an expression, it seems to me, of recognition that child labor cannot be reached by State laws, at least as far as a minimum standard is concerned; that we need a uniform standard upon which we can build in our State laws, and that unless some buttress is put under that it is difficult for the States to act. In the 48 States there are 7,800 legislators, more or less, who have to be converted to this. We have a large enough group in Congress to convert, but the States have a greater problem, and it seems to me that we might do something at this meeting to encourage the passage of the Federal amendment at this time.

This organization has always been interested in some sort of a uniform standard. At its first meeting, back in 1887, a resolution was passed endorsing the idea of a uniform standard. We have had a uniform standard as you know, for a brief period—I think less than 3 years in all—through our two Federal child-labor laws, both of which were declared unconstitutional, but during the last years we have tried to patch up the State laws with very little success. We can say there is hardly a common policy in child labor today in this country. The map looks like a patchwork quilt; every time we get up a map, we go over and over it to see how we can put all these different standards and ramifications on the map and give anything like a true picture of the situation.

It seems to me there never has been a greater opportunity than the present to build up our State laws and really get the enforcing authority. If the Federal standard is ever adopted, it will have to work through the States, and the State departments of labor will be the ones that will enforce it as they did under the first Federal child-labor law. At that time, you know, the machinery was set up in a very few States by the Federal Government; in the other States it worked through the State departments of labor. It seems to me this is the opportunity for the States to build up their laws and get the same type of standards, if possible, as those that are generally accepted as standards for the employment of children. We all appreciate the need for proper administrative machinery. Take the N.R.A. codes that are being applied to industry at the present time; how do the employers under them know that the children are 16 years of age and over? Under most of our certificating laws no certificates are issued after the age of 16, and all of you who have had experience in certificating children know that there is a great deal of falsifying as to the ages of those children. They say they are 16 and 17 when they are really 13 or 14. The employers take them in good faith if they say they are 16, and find later on, when somebody checks up on them, that they are violating the law. It seems to me that we ought at once to try to amend our laws if it is necessary. Some of you do not need to amend your laws. Begin to certificate

the children between 16 and 17, so that employers can be given an age certificate showing that the child has really passed his sixteenth birthday. I think some of the States have already started to do that without legislation.

Our committee has gotten together some suggested standards for child-labor legislation. These standards are along the lines of the best laws in the States. They provide for the 16-year minimum, the 18-year minimum for hazardous occupations, no night work, certification up to the age of 18, and other administrative provisions. We appreciate, in submitting this suggested draft of legislation to you, that it is merely a guide and should not be accepted blindly as the draft of a law for you to enact in your legislature. It is merely the suggested language which has stood the test of the courts, which has been worked over by administrative officials to see that there are no loopholes, and to see that the various parts of it agree, so that one section will not offset another section, and vice versa. We hope very much that this draft and the suggested standards on child labor, on street trades, and on double compensation for the illegally employed minor will be of real aid in building up State standards during this difficult period.

These standards were worked over, I may say, by Miss Swett, Mr. Tone, Miss Miller, Miss MacIntosh, of Canada, and Miss Ella Ketchin, of Alabama. Mr. Magnusson has also worked over this particular draft.

We have given the arguments for this particular draft, pointing out the different standards in different States and the generally accepted language on each of these points, so that it reads not like a bill but more as one section after the other.

Let me take the age for instance; the suggested language on minimum age is as follows:

Minimum age.—No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except housework or agricultural work performed outside of school hours in connection with the minor's own home and directly for his parent, guardian or custodian.

That means no employment of children under 16 except around their own home.

Provided, That boys 14 years of age and over may be employed outside of school hours in the sale or distribution of newspapers, magazines or periodicals subject to the provisions of chapter and of law sections relating to street trades; *And provided*, That minors between 14 and 16 years of age may work outside school hours or during vacation in [insert here occupations to be permitted]; *Provided*, That no minor under 16 shall at any time be employed, permitted, or suffered to work on or in connection with power-driven machinery of any kind or in close proximity to such machinery.

There is a break in that for you to insert the occupations to be permitted. That is a case where the State will have a different idea of what occupations in that community need regulating outside of school hours, but there should be no exemption during school hours.

Then the hours of labor—it is a lengthy paragraph. [Reads from "Suggested language" of recommendations on child-labor law.]

We feel that that is very important and in alinement with the recommendations of the advisory committee on hazardous occupations to minors, but the State board has the power, in addition to any

specified prohibitions in the law, to prohibit the employment of minors in the occupations that they find hazardous in that particular State.

Then employment certificating set-up—the main provisions that are necessary for the State supervision of employment certificate issuance—we feel that it is very important that there should be a State body and that each issuing officer should not be a law unto himself. We know that wherever that is allowed there are as many interpretations of the law as there are issuing officers, and that is true in many of our States.

The enforcement provision in the draft is much the same as that in most of your laws. It is a very simple draft, but we feel that it meets all the points that it is necessary to meet in a child-labor law. We have not tried to specify what the machinery should be for the enforcement of this law. It will vary with the State. In some of your States enforcement is by the State department of labor entirely; in others it is by the school authorities, and in still others by a combination of the two. We feel that State supervision should be in the hands of the enforcing authorities. If the State department of labor is enforcing the law, it should have supervision of the certificating, even if that is being done by the schools, so that there will be uniformity.

As to street trades we have recommended a 12-year minimum for carriers and a 14-year minimum for street selling. In England, you will be interested to know, there has recently been passed a 16-year minimum for street trades for the whole of England, so that a 14-year minimum certainly seems mild enough for anybody.

Then there are the provisions for general enforcement and the provision for double compensation for minors illegally employed. A number of the States here represented already have that in their compensation law, but a great many others have not, and it is one of the most important provisions in the enforcement of the statute. If an employer realizes that he must pay double compensation and that he cannot shift the burden to the insurance company, he is apt to be more careful as to the age of the child he is employing.

We also have a draft of another amendment to the compensation law on the basis for computing compensation to minors. It is the custom now to base compensation upon the actual wages the child was earning at the time he was injured, when he may have been earning only \$2 a week, so it has been thought wise in a number of States to amend the compensation law to provide that compensation of the minor shall be based on his probable future earnings. I do not believe there is any question as to the wisdom of such an enactment.

REPORT OF COMMITTEE ON CHILD LABOR

By CLARA M. BEYER, *chairman*

CHILD-LABOR LAW—RECOMMENDATIONS AS TO STANDARDS AND LANGUAGE

MINIMUM AGE

Standards

The basic standard of a child-labor law is the minimum age. It is generally agreed that this age should be 16 at least for work during school hours,

and that the scope of the law should be broad enough to include all kinds of employment, since it is the unregulated occupations in which employment of children is increasing.

The use of general language such as: "No child under 16 years of age shall be employed, permitted, or suffered to work, in, about, or in connection with any gainful occupation", similar to that found in the laws of many States having a 14- or 15-year minimum (e.g., Alabama, Delaware, Indiana, Maine, Pennsylvania, and Wisconsin), with such exemptions as are considered necessary, is to be preferred to a long list of occupations (as in Ohio and Maryland), since it is almost impossible to make such a list complete.

To avoid the objection often brought forward that this general language prevents children from working for their parents at chores about the house or the home farm, it may be well to make an exemption which will cover such work but will not open the door to employment in all domestic service and farm work. This exception might be worded: "Except housework or agricultural work performed outside of school hours in connection with the minor's own home and directly for his parent, guardian, or custodian."

Agricultural pursuits are usually exempted from child-labor provisions, but exploitation of children in commercialized agriculture has interfered with their attendance at school and subjects them to undue physical strain. Several States have attempted regulation. The Industrial Commission of Wisconsin has been given power to regulate certain types of commercialized agriculture, and under this provision has prohibited the employment of minors under 14 in the cultivation of sugar beets more than 8 hours a day or during school hours. The Ohio law applies to farm work as to other occupations; children under 16 must not be employed during school hours, but outside school hours they may work not more than 4 hours a day and only in occupations not harmful to health.

Domestic service also is commonly unregulated, but recent information from State and city officials indicates that domestic service must be regulated because of the growing exploitation of young girls for long hours and low wages in housework. There has been successful regulation of this service, in the same way as other occupations are regulated, in New York, Pennsylvania, and Wisconsin, for example.

Many State laws do not regulate street work, and a minimum age for boys in this work lower than in industrial occupations is common where such regulations exist. But the unwholesome surroundings of this work indicate that it should not be exempt. Since for such laws special administrative procedure, differing from that applying primarily to children under the direct supervision of an employer, is needed, separate recommendations are made for the sale and distribution of newspapers, etc.

States such as Ohio, Maine, and Michigan, in which the general age minimum for employment is 15 or 16, permit employment outside school hours and during vacations at 14. *This after-school employment should be carefully limited and should exclude work on or in connection with power machinery.*

Suggested language

Minimum age.—No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation except housework or agricultural work performed outside of school hours in connection with the minor's own home and directly for his parent, guardian, or custodian: *Provided*, That boys 14 years of age and over may be employed outside of school hours in the sale or distribution of newspapers, magazines, or periodicals subject to the provisions of chapter and of law sections relating to street trades; *And provided*, That minors between 14 and 16 years of age may work outside school hours or during vacation in [insert here occupations to

be permitted]; *Provided*, That no minor under 16 shall at any time be employed, permitted, or suffered to work on or in connection with power-driven machinery of any kind or in close proximity to such machinery.

HOURS OF LABOR

Standards

It is generally recognized that the hours for minors should be less than those allowed for adults. However, the 8-hour day and the 44-hour week has been the lowest standard actually set up by State laws. Four States (Mississippi, New York, New Mexico, and Virginia) fix an 8-hour day (the usual limit in State laws) but a 44-hour week for minors under 16, and Utah extends the 8-hour day and 44-hour week to minors up to 18. Shorter hours—the 40- and even the 35-hour week—are now being put into effect under the N.R.A. codes, which will be temporary in duration. Should this tendency toward a shorter workday and work week become permanent the hours for minors should, of course, be correspondingly lowered. Certain provisions as to records of hours to be kept by employers are needed for adequate enforcement.

Suggested language

Hours of labor.—No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except housework or agricultural work performed outside of school hours in connection with the minor's own home and directly for his parent, guardian, or custodian, more than 6 consecutive days in any 1 week, or more than 44 hours in any 1 week, or more than 8 hours in any 1 day, nor shall any girl under 18 years of age or boy under 16 years of age be so employed, permitted, or suffered to work before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening of any day, nor shall any boy between 16 and 18 years of age be so employed, permitted, or suffered to work before the hour of 6 o'clock in the morning or after the hour of 10 o'clock in the evening of any day: *Provided*, That boys between 14 and 16 may be employed in the sale or distribution of newspapers, magazines, or periodicals, outside school hours and between 6 a.m. and 7 p.m.; and *Provided*, That minors between 16 and 18 may be employed in a concert or theatrical performance up to 11 p.m. The combined hours of work and hours in school of children under 16 employed outside school hours shall not exceed a total of 8 per day.

Posting of hours.—Every employer shall post and keep conspicuously posted in the establishment in or about which any minor is employed, permitted, or suffered to work, a printed abstract of the legal regulations governing the employment and hours of work of minors and occupations prohibited to minors in such establishments, to be furnished by the [insert here name of official or department authorized to enforce child labor laws], and a schedule of hours of labor which shall contain the name of the minor employed or permitted to work, the maximum number of hours such minor shall be required or permitted to work on each day of the week, with the total for the week, the hours of commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. An employer may permit such minor to begin work after the time for beginning, and stop before the time for ending work, stated in such schedule; but he shall not otherwise employ or permit him to work except as stated in such schedule. This schedule shall be on a form provided by the [State official of enforcing department] and shall remain the property of that [department]. Every employer shall keep a time record in a form approved by the [State official or department enforcing child-labor law] showing for each minor employee the time of beginning and ending work each day, the time for meal periods, and the total hours worked per day and per week.

HAZARDOUS EMPLOYMENTS

Standards

It is highly important that the employment of minors under 18 in especially hazardous kinds of work be prohibited. Present State laws on this subject are admittedly most inadequate though the need for such regulation is recognized in many States by limited protection for the group between 16 and 18. The advisory committee on the employment of minors in hazardous occupations has set up recommendations as to occupations and establishments from which young persons under 18 should be excluded. In the opinion of the committee legislation of this kind should include both the prohibition of work in specified employments, such as mining and construction, in which the hazards are not likely to be eliminated by improved methods, and the granting of power to a State board to determine what other occupations are hazardous and to make rulings excluding minors from these employments or making regulations in regard to them. The committee stated that so far as is practicable, rules relating to occupations involving employment on specific machines or special conditions of employment in which the hazards involved are subject to frequent change should be promulgated by such a State board. These boards should have power to revise from time to time the rulings that they have laid down, and they should carry on continuous study to keep prohibitions abreast of new industrial hazards.

It is suggested that the specific occupations listed as hazardous by the committee be studied in the light of industrial conditions in the State and in the light of the possibility of obtaining active cooperation with the State labor law enforcing body. Careful consideration should be given to the question of what occupations should be included and what should be left to rulings.

The recommendations of the committee do not cover morally hazardous occupations and at least some of these should be prohibited by statute.

The suggested specific provisions which follow include only certain occupations where the hazard is very general, and certain occupations involving moral hazards.

Suggested language

Power of State Board to prohibit employment of minors in hazardous occupations.—No minor under 18 shall be employed, permitted, or suffered to work in any place of employment, or at any employment, dangerous or prejudicial to the life, health, safety, or welfare of such minor. It shall be the duty of [State official or department authorized to enforce the child-labor law] and the said [official or department] shall have power, jurisdiction, and authority, after hearings duly held, to issue general or special orders, which shall have the force of law, prohibiting the employment of such minors in any place of employment or at any employment dangerous or prejudicial to the life, health, safety, or welfare of such minors.

Hazardous employments prohibited.—No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with: Construction work of all kinds; shipbuilding; mines or quarries; stone cutting or polishing; the manufacture, transportation, or use of explosives, or explosive or highly inflammable substances; lumbering or logging operations; saw or planing mills; operating or assisting in operating punch presser or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch; cutting machines having a guillotine action; power-driven woodworking machinery; machinery having a heavy rolling or crushing action; or in the care, custody, operation, or repair of elevators, or other hoisting apparatus.

No girl under the age of 18 years shall be employed, permitted, or suffered to work in any hotel or restaurant; or as an usher, attendant, or ticket seller, or in a candy or cigarette booth, in any theater or place of amusement; or as a messenger in the distribution or delivery of goods or messages for any person,

firm, or corporation engaged in the business of transmitting or delivering messages.

No boy under 18 years of age shall be employed, permitted, or suffered to work as messenger for any telegraph, telephone, or messenger company between the hours of 10 p.m. and 6 a.m.

[Continue with other prohibitions determined upon as pointed out above.]

EMPLOYMENT AND AGE CERTIFICATES

Standards

For effective enforcement an employment-certificate system is essential to keep children from going to work without meeting the requirements of the law and to aid the inspection department in enforcement. The decision as to what official should issue certificates may depend upon the present set-up in the State and upon what group of officials may be relied upon to do the work effectively. Usually it has been found most practicable to give this power to local school officials. Where there is a strong State department of labor, it may be thought desirable to give this department power to appoint the issuing officers. This has been done successfully in Wisconsin; in that State school officials are often designated, but other persons, such as the county judge, or a representative of the department, may also be appointed as issuing officers.

It has been found effective to give the State official authorized to supervise the issuance of employment certificates power to make rulings in regard to evidence of age to be accepted and the procedure for making physical examinations. These details are therefore omitted from the text of the following proposals. They may be inserted if desired.

Suggested language

Employment certificates required.—No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, unless his employer has procured before the employment of said minor an employment certificate issued as hereinafter prescribed. This section shall not apply to a minor engaging in housework or agricultural work performed outside school hours in connection with the minor's own home and directly for his parent, guardian, or custodian, or to the employment of a minor outside school hours in casual work usual to the home of the employer: *Provided*, That such casual employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer.

Issuing officer.—The employment certificate required by this act shall be issued only by [insert name of official authorized to issue] in such form and under such conditions as may be prescribed by the [insert name of official or department authorized to supervise the issuance of certificates].

Refusal and revocation of employment certificate.—The person designated to issue employment certificates may refuse to grant such certificate if, in his judgment, the best interests of the minor would be served by such refusal.

Requirements for issuing employment certificates.—The officer authorized to issue employment certificates shall issue such certificates only upon the application in person of the minor desiring employment, and after having approved and filed the following papers:

(a) A promise of employment signed by the prospective employer or by someone duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, and the number of hours per day and days per week which said minor shall be employed.

(b) Evidence of age showing that the minor is of the age required by this act, which evidence shall be as prescribed by the [State official or department authorized to supervise issuance of employment certificates].

(c) A statement of physical fitness, signed by a public health, public school, or other physician assigned to this duty by the issuing officer with the approval of the [State official or department authorized to supervise issuance of certificates] setting forth that such minor has been thoroughly examined by such

physician, and that he is either physically fit to be employed in any legal occupation, or that he is physically fit to be employed under certain limitations, specified in the statement. If the statement of physical fitness is limited the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. The minor shall not be charged a fee for such examinations or statement of physical fitness. The method of making such examinations shall be prescribed by the State official or department authorized to supervise the issuance of certificates.

(d) A school record filled out and signed by the principal of the school which the minor has last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, and residence of the minor.

Said employment certificate duly issued shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor under the child labor or workmen's compensation law or any other labor law of the State, as to any act occurring subsequent to its issuance.

Kinds of employment certificates.—Employment certificates shall be of two kinds, regular certificates permitting employment during school hours, and outside-school-hours certificates, permitting employment during the school vacation and during the school term at such time as the public schools are not in session.

Duties of employers in regard to employment certificates.—Every employer receiving an employment certificate shall, upon the commencement of the employment of such minor, so notify the issuing officer in writing, and immediately after termination of the employment shall return said certificate to the issuing officer. Failure to comply with these provisions may be cause for the refusal of certificates to such employer. A new certificate shall not be issued to any minor except upon presentation of a new promise of employment and a new certificate of physical fitness.

Said employer shall, during the period of the child's employment, keep such certificate accessible to any certificate-issuing officer, attendance officer, inspector, or other person authorized to enforce this act. The failure of any employer to produce for inspection such employment certificate, or the presence of any minor under 18 in his place of work at any time other than that specified in the posted schedule of hours required in section 3 of this act, shall be prima facie evidence of the unlawful employment of the minor. The presence of any minor in any place of employment shall be prima facie evidence of the employment of such minor.

Certificate of age.—Upon request, it shall be the duty of the issuing officer to issue to any young person between the ages of 18 and 21 (i.e., a minor above the age for which employment certificates are required) desiring to enter employment a certificate of age upon presentation of the same proof of age as is required for the issuance of employment certificates under this act, and such certificate duly issued shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of a minor under the child labor or workmen's compensation law or any other labor law of the State, as to any act occurring subsequent to its issuance.

STATE SUPERVISION OF CERTIFICATE ISSUANCE

Standards

Issuance of certificates should be under the supervision of some State authority, which should prescribe the forms to be used and the records to be kept by local issuing officers, make regulations for the issuance of certificates, and check up on the methods in use through examination of the duplicates of certificates received from local officers, through requiring such other reports as may be necessary from these officers, and through personal inspection of their work. Whoever the issuing officers may be, the function of supervising their work in most States can probably be carried on most efficiently and economically by the State agency, whether an education or a labor department, which has the power of inspection for violations and also the general power of enforcement of the child-labor laws.

Suggested language

State supervision of the issuance of employment certificates.—The [insert name of official or department authorized to supervise the issuance of employment certificates] shall prescribe such rules and regulations for the issuance of employment certificates and age certificates as will promote uniformity and efficiency in the administration of this act, including regulations as to the evidence of age to be accepted and the method of making physical examinations. It also shall supply to local issuing officers all blank forms to be used in connection with the issuance of such certificates. Duplicates of each employment or age certificate shall be mailed by the issuing officer to this [insert name of official or department] within 5 days after issuance. The [insert name of official or department] may revoke any such certificate if in its judgment it was improperly issued or if the minor is illegally employed. If the certificate be revoked, the issuing officer and the employer shall be notified of such action in writing and such minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained.

ENFORCEMENT**Standards**

Inspection for the enforcement of all child-labor laws, including those regulating the employment of children in mines or quarries, should be under the same department, which should be empowered and required to inspect all places of employment. Except in the absence of a State labor department, or in States in which historical precedent makes it particularly desirable that the enforcement of child-labor legislation be placed in the hands of a State child welfare or education department or a special child-labor board, inspections for child-labor laws should be made by the State department which enforces the other labor laws of the State.

Suggested language

Inspection and prosecutions.—It shall be the duty of the [enter name of official or department authorized to enforce the child-labor law] and of the inspectors and agents of said [official or department authorized to enforce the child-labor law] to enforce the provisions of this act, to make complaints against persons violating its provisions, and to prosecute violations of the same. The director of the said [official or department], its inspectors, and agents shall have authority to enter and inspect at any time any place or establishment covered by this act, and to have access to employment certificates kept on file by the employer and such other records as may aid in the enforcement of this act. All persons authorized to issue certificates of physical fitness and all attendance officers and probation officers are likewise empowered to visit and inspect at all reasonable hours all places where minors may be employed.

Any person authorized to enforce this act may make demand on the employer of a minor for whom an employment certificate is not on file that such employer shall either furnish him within 10 days the evidence required for an employment certificate showing that the minor is at least 18 years of age, or shall refuse to employ or permit or suffer such minor to work. Proof of the making of such demand and of failure to deliver such proof of age shall be prima facie evidence, in any prosecution brought for violation of this act, that such minor is under 18 years of age and is unlawfully employed.

Penalties.—Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, or of any order or ruling issued under the provisions of this act, or obstructs the said department enforcing the child-labor law, its officers or agents, or any other person authorized to inspect places of employment under this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall for a first offense be punished by [insert suitable penalty, which should provide for the imposition of imprisonment, as well as fine, or both]. Each day during which any violation of this act continues shall constitute a separate and distinct offense. The penalties specified in this act may be recovered by the State in an action for debt brought before any court of competent jurisdiction, or through criminal proceedings, as may be deemed proper.

CONSTITUTIONALITY OF ACT

Standards

Because of the possibility that a court decision declaring one provision of the act unconstitutional may invalidate the whole act, a saving clause has been found desirable.

Suggested language

Constitutionality of act.—If any part of this act is decided to be unconstitutional and void, such decision shall not affect the validity of the remaining parts of this act unless the part held void is indispensable to the operation of the remaining parts.

REPEAL

Standards

To avoid confusion as to what previous provisions of the law are in effect, those sections of former laws which it is the intent of the new act to replace should be specifically repealed, as well as all provisions inconsistent with the new act. This section requires careful consideration of the existing law.

Suggested language

Repeal.—Sections _____ of chapter _____ of the Laws of _____ [or other reference], and all laws inconsistent with the provisions of this act, are hereby repealed.

STREET TRADES LAW—RECOMMENDATIONS AS TO STANDARDS AND LANGUAGE

MINIMUM AGE

Standards

The White House Conference recommends:

Newspaper selling has such undesirable features as an occupation for children that a minimum age of 16 should be considered. This is the minimum advocated for full-time employment in other kinds of work and if adopted would mean the prohibition of street selling for boys below the age at which they might leave school for work. If public opinion does not favor such a program of prohibition, the regulation should set a minimum age of at least 14 years.

The latest child-labor law for Great Britain fixes a minimum age of 16 for street selling.

The language in existing State laws is followed in the paragraphs suggested below, as it is recognized that it may be difficult to obtain a higher minimum than 14.

Suggested language

Minimum age.—No boy under 14 years of age and no girl under 18 years of age shall distribute, sell, expose, or offer for sale newspapers, magazines, or periodicals, in any street or public place, or exercise the trade of bootblack, in any street or public place: *Provided*, That boys 12 years of age and over may engage in the distribution of newspapers, magazines, or periodicals on fixed routes in residential districts.

NOTE.—It is intended that minors selling goods from house to house or on the streets on commission should be covered by the general child-labor law.

HOURS OF LABOR

Standards

Employment of young boys on the street at night is obviously demoralizing and should be prohibited.

Suggested language

Hours of labor.—No boy under 16 years of age shall work or shall be employed or permitted or suffered to work at any of the trades or occupations

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mentioned in section 1 of this act, in any street or public place after the hour of 7 p.m. or before the hour 6 a.m., or, unless he has an employment certificate issued in accordance with the child-labor law, during the hours when the public schools are in session.

STREET-TRADES BADGES

Standards

In any child-labor regulation, some sort of work-permit system has been found necessary to keep children from going to work without fulfilling the age and other requirements of the law, and to make possible supervision of the child while at work. In street-trades regulation a badge is usually substituted for the permit or is used in addition to it.

Suggested language

Badge required.—No boy under 16 years of age shall work at any time, or be employed or permitted or suffered to work at any time, in any of the trades or occupations mentioned in section 1 of this act, except in the distribution of newspapers, magazines, or periodicals on fixed routes in residential districts, unless he shall have procured a badge issued by the official authorized by law to issue employment certificates.

Issuance of badge.—Said official shall issue a street-trades badge only upon application of the minor desiring it, accompanied by his parent, guardian or custodian, and after having received such evidence of the minor's age, physical fitness, and school attendance, as is required for the issuance of employment certificates to minors under 18. The issuing officer may refuse to grant such badge if, in his judgment, the best interests of the minor would be served by such refusal. Such badge shall bear a number, and shall be renewed annually.

NOTE.—It is assumed in this draft that the State child-labor law already sets up the standards for evidence of age and physical examinations proposed in the draft for a general child-labor law [see p. 146]. If the State child-labor law does not have these standards they should be specifically outlined here.

Use of badge.—No minor to whom such badge is issued shall transfer it to any other person, or be engaged in any of the trades or occupations mentioned in this section without wearing conspicuously such badge, and he shall exhibit the same upon demand to any police or attendance officer, or to any person charged with the duty of enforcing this act.

State supervision of the issuance of street-trades badges.—The State [insert name of official or department authorized to supervise the issuance of employment certificates] shall prescribe such rules and regulations for the issuance of street-trades badges as will promote uniformity and efficiency in the enforcement of this act. The form of all badges and other papers used in connection with the issuance of street-trades badges or required by this act shall be prescribed or approved by said [official or department]. The officer issuing street-trades badges shall make such reports to this [official or department] as the said [official or department] may prescribe.

ENFORCEMENT

Standards

In case of a street-trades law, it is just as essential that there be some enforcing central authority as in case of a general child-labor law. Division of responsibility results in no enforcement at all.

Success in overcoming the peculiar difficulties incident to this kind of work seems to be met with most often when the enforcement of the law is in the hands of the officials who also administer the child-labor laws, usually the school officials, even when the child-labor-law administration is rather imperfect.

Suggested language

Inspection and prosecutions.—It shall be the duty of the State [official or department authorized to enforce the general child-labor law] to enforce the provisions of this act, to inspect all places wherein minors subject to such

provisions are or may be at work, to make complaint against persons violating its provisions, and prosecute violations of this act. In places where the said [official or department] deems it desirable for the better enforcement of these provisions, it may delegate these duties to the attendance officer or other person authorized to enforce the compulsory school attendance law.

Revocation of badge.—The official charged with the enforcement of this act shall have authority to investigate each case where he believes that the child holding a badge is not entitled to its possession, and if he is satisfied from the evidence obtained that the badge was secured through misrepresentation or fraud, shall have authority to revoke the badge and return it to the official who issued it. A badge may be revoked or suspended in case the child violates or fails to comply with any of the provisions of this act, or in case the child's school record is not satisfactory to the principal of the school which he attends, by either the officer authorized to issue such badges or by any official charged with the enforcement of this act.

Duties of person furnishing articles to minor.—Any person who, either for himself or as agent of any other person, or of any firm, corporation, or company, furnishes or sells or offers for sale to any minor under 16 any newspaper, magazine, or periodical to be used for the purpose of sale in any public place, shall first ascertain that said minor wears his own badge in plain sight and if the minor has no badge, no article shall be furnished or sold to him. Every newspaper publisher or other person so furnishing or selling or offering for sale to any minor under 16 newspapers, magazines, or periodicals to be used for the purpose of sale in any public place, or employing either directly or indirectly through one or more contractors or third persons any minor under 16 to sell such newspapers, magazines, or periodicals in any public place, shall keep posted in his circulation room or sales office, on a form to be prescribed by the officials authorized to issue street-trades badges, a record of such minors, giving the name, address, and date of birth of the minor; the badge number and date issued; together with such other information as may be required by the said official.

Duties of newspaper publisher, etc.—No newspaper publisher, circulation agent, or other person having for sale newspapers, magazines, or periodicals shall permit any boy under the age of 16 years required to attend school to loiter or remain around any salesroom, assembly room, circulation room, or office for the sale of newspapers or periodicals, between the hours of the opening of school in the forenoon and the close of school in the afternoon, on days when school is in session, or between the hours of 7 p.m. and 6 a.m.

Penalties.—Any person, firm, corporation, agent, or officer of a firm or corporation, who either directly or indirectly through one or more third persons, employs, permits, or suffers any minor to be employed or to work in violation of any of the provisions of this act, or who violates any other provision of this act, or whoever having under his control or custody any minor permits or suffers him to be employed or to work in violation of the provisions of this act, shall for a first offense be punished by [insert suitable penalty, which should provide for the imposition of imprisonment, as well as fine, or both]. Each day during which any violation of this act continues shall constitute a separate and distinct offense. The penalties specified in this act may be recovered by the State in an action for debt brought before any court of competent jurisdiction, or through criminal proceedings, as may be deemed proper.

Any minor who shall engage in any of the trades or occupations mentioned in section 1 of this act in violation of any of the provisions of this act shall for a first offense be warned by the official authorized to enforce this act, and the parent, guardian, or custodian of such minor shall be notified. In case of a subsequent offense, such minor may be deemed delinquent and brought before the juvenile court or any other court having jurisdiction over juvenile offenders, and dealt with according to law.

CONSTITUTIONALITY OF ACT

Standards

Because of the possibility that a court decision declaring one provision of the act unconstitutional may invalidate the whole act, a saving clause has been found desirable.

Suggested language

Constitutionality of act.—If any part of this act is decided to be unconstitutional and void, such decision shall not affect the validity of the remaining parts of this act unless the part held void is indispensable to the operation of the remaining parts.

REPEAL**Standards**

To avoid confusion as to what previous provisions of law are in effect, those sections of former laws which it is the intent of the new act to replace should be specifically repealed, as well as all provisions inconsistent with the new act. This section requires careful consideration of the existing law.

Suggested language

Repeal.—Sections — of chapters — of the Laws of — [or other reference], and all laws inconsistent with the provisions of this act, are hereby repealed.

DOUBLE COMPENSATION PROVISION—RECOMMENDATIONS AS TO STANDARDS AND LANGUAGE

(Amendment to compensation law providing additional compensation in case of minors injured while illegally employed)

Standards

Provision in the compensation laws requiring the payment of additional compensation in the case of minors injured or killed while illegally employed has proved of great assistance in the enforcement of child-labor laws. The employer who must bear the additional burden himself is eager to learn the requirements of the child-labor law and to employ minors only in keeping with them. Additional compensation gives to the minor an amount somewhat comparable to that which he would be entitled to recover in a suit at law from his employer if excluded from the compensation act.

At the present time 10 States (Alabama, Illinois, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, and Utah) have followed the lead of Wisconsin in providing extra compensation in the case of minors whose injuries are sustained while they are illegally employed.

Suggested language

Compensation or death benefits as provided in this act shall be double the amount otherwise payable if the employee at the time of the injury is under 18 years of age and is employed, permitted or suffered to work in violation of any provision of the laws of this State prohibiting or regulating the employment of minors of such age, or in violation of any ruling having the force of law prohibiting or regulating such employment. The amount by which such compensation or death benefits shall exceed that otherwise payable may be referred to as "additional compensation."

In case of liability for the additional compensation, the liability of the employer shall be primary and the liability of the insurance carrier shall be secondary. In case proceedings are had before the commission for the recovery of such additional compensation the commission shall set forth in its award the amount and order of liability as herein provided. Execution shall not be issued against the insurance carrier to satisfy any judgment covering such additional compensation until execution has first been issued against the employer and has been returned unsatisfied as to any part thereof. Any provision in any insurance policy undertaking to guarantee primary liability or to avoid secondary liability for such additional compensation shall be void.

In any proceeding arising under this section an employment-certificate or age certificate issued in accordance with the provisions of the law relating to the employment of minors shall be conclusive evidence of the age of the minor for whom issued as to any act occurring subsequent to its issuance. An employment or age certificate unlawfully issued by an official authorized to issue

such a certificate, or unlawfully altered after issuance, shall in the absence of fraud on the part of the employer be deemed a certificate within the meaning of this section.

NOTE 1.—If the compensation act to be amended does not specifically define the term "employee" to include illegally employed minors, this definition should also be amended to apply to "minors whether lawfully or unlawfully employed."

NOTE 2.—Treble compensation might be substituted for double compensation for injuries occurring to minors employed in prohibited occupations and so likely to be subject to more serious hazards. This has been done in Wisconsin.

NOTE 3.—Attention should be called to the need for safeguarding compensation funds so that they may be administered in the interests of the child's education and welfare. Such a provision would differ in different States according to the method of enforcement of the workmen's compensation law and according to whether the State board enforcing the compensation law would in fact be willing to undertake the supervision necessary for such safeguarding of the funds. This has been done in Wisconsin by the industrial commission.

BASIS OF COMPUTING COMPENSATION TO MINORS—RECOMMENDATIONS AS TO STANDARDS AND LANGUAGE

Standards

The amount of compensation payable under the workmen's compensation laws is in nearly all States based upon average earnings, the employee usually receiving a certain percentage of this average, subject to a fixed maximum payment. As the wages of minors are usually low, this method of compensation obviously results in correspondingly small compensation to minor employees, a situation especially unfair in the case of young workers permanently injured. A number of States have made special provisions operating to increase the compensation by taking into consideration the minor's future earning capacity. In cases of disability which is only temporary, there is no permanent impairment of earning power, and the reason for basing the compensation on possible future earnings is not so strong; a number of the States limit the provision to cases of permanent disability. However, if the minor's earnings would probably have increased during a period of temporary disability, it would seem that consideration should be given to any such expected increases, and under some of the laws this may be done. The first of the two suggested drafts below would apply in cases of both temporary and permanent disability.

Suggested language

(For provision requiring normal increase in earnings to be taken into consideration in arriving at average weekly wage on which to base compensation.)

Basis of compensation.—Except as otherwise provided in this chapter, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation or death benefits, and shall be determined as follows:

* * * * *

5. If it be established that the injured employee was a minor when injured, and that under normal conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wages. In determining such probable earnings due consideration shall be given to the employee's aptitude, education, and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business. Unless otherwise established, his earnings shall be taken as equivalent to the amount upon which maximum weekly indemnity is payable. [This is based chiefly on New York provision with addition of last sentence from Wisconsin provision.]

(For provision requiring that in case of injury to a minor resulting in permanent disability compensation be based upon the probable future earnings of the minor.)

Basis of compensation.—If the injured employee was, at the time of the injury, a minor, and is permanently disabled, his average weekly wage for

the purpose of determining the indemnity payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn within a reasonable time after reaching the age of 21 (Wisconsin has 27) years. In determining such probable earnings due consideration shall be given to the employee's aptitude, education, and experience fitting him for any employment, not only in the trade or business in which he was engaged at the time of the injury, but in any other trade or business. Unless otherwise established, his earnings shall be taken as equivalent to the amount upon which maximum weekly indemnity is payable.

DISCUSSION

Chairman **SELLER**. Mrs. Beyer has given us a clear-cut report. We are open for discussion or any questions.

Miss **WOOD**. In the street trades is there a higher minimum age for girls?

Mrs. **BEYER**. Yes; it is 18 for girls.

[At the suggestion of Dr. Patton the report and recommendations were referred to the committee on resolutions.]

Miss **MILLER** (New York). May I ask Mrs. Beyer what information she has about the hazards in types of occupations which are exempted from N.R.A. codes? Have you anything that would be useful to us in discussing such situations?

Mrs. **BEYER**. We have just completed a study of accidents to minors in the messenger service, which reveals a very high rate of accident for those messengers, particularly boys riding bicycles for the Western Union and for the Postal—11 out of every 100 boys were injured in the course of a year and many of the injuries were serious. Of the foot messengers, only 2 out of 100 were injured during the course of a year, and of those riding motorcycles 44 out of 100 were injured during the course of a year. Since this is not considered a hazardous occupation by our child-labor laws, those boys get only the same as if they were in ordinary occupations. It is time we were considering the hazardous state of our streets so far as these messengers are concerned. You will be interested to note that we have secured an 18-year minimum in the lumber and timber code—no child under 18 shall be employed in the actual processes of lumbering and in and around sawmills and places of that sort. I think it was a real accomplishment to get that into the code.

Chairman **SELLER**. Mrs. Beyer, what about the coal code—what is being recommended for that?

Mrs. **BEYER**. Eighteen is being recommended for that. A representative of the Department of Labor of Pennsylvania made a striking statement at the code hearing, asking for an 18-year minimum. Miss Carr said that their study of accidents to minors in that industry has shown that 1 out of 7 of the boys employed in coal mines were injured during the course of the year, which is a higher rate than for messengers; it is one of the highest accident rates in any industry. The occupation is so hazardous that the insurance companies no longer wish to carry insurance for coal miners. It was also found that the accident rate in Pennsylvania was higher for these boys of 16 and 17 than it was for adults, so we had a basis for trying to rule them out of the industry.

The code as it was announced the other day, and as you probably saw it in the press, however, had the provision that no minor under 16 shall be employed inside any coal mine, nor shall any minor under 16 be employed outside any coal mine in hazardous occupations, meaning that they could work as breaker boys, or anything else, at any age. So we went to General Johnson with that and told him it must have been a typographical error. Protests have come in from all over the country. I think that may be changed. I am waiting with great interest for the coal code to come out.

Chairman SEILLER. Kentucky is the fourth coal-producing State in the Union and our operators use a great many young persons—boys, between 16 and 18. In fact, a fourth of all of our industrial accidents in Kentucky are of those under the age of 22. We collected figures from the compensation board upon a 10-year basis and found it true for the 10-year period.

Another point brought up by Mrs. Beyer, which I have endeavored in our first-class city—Louisville—to bring about is city regulation to prohibit the use of bicycles on the streets of the city as a whole. I believe that a majority of the accidents on our streets are from people who ride bicycles—men and boys—and I am glad that this question was brought out. Is there any other discussion?

Mr. TONE (Connecticut). In regard to the certification of children, would it be possible to get the employers—they have everything else on their application blanks for employment—to include the age and the birthplace of a youngster? It is a most difficult thing for our inspectors, when going through the various shops, to check on youngsters. You can select 4 or 5 whom you believe are under age and it is very difficult to find out where they were born. If that information was on an application you could immediately check it with the town clerk and find out whether or not the child was being illegally employed.

There is another very important thing regarding children, particularly in the needle-trade shops of Connecticut, and that is that there is no time system, and, where there has been piecework, up to now it has been most difficult to check there. I figure that if the laws would compel them to have time clocks you would at least have an opportunity—although we have found places where the employer would ring the clock out at 4 or 6 or whatever it might be, and the employee worked until 10 or 11—to check their employees after 8 hours or whatever it happened to be.

I think those are two very important things in regard to the certification of children: (1) To have on an application blank for employment the date and where the children were born so that if there is a conflict you could find out the truth very easily through the town clerk; and (2) to regulate their time through a time clock, so as to know whether they have completed the 8 hours or whether the employer continued working them 10, 12, or 14 hours a day, paying them for, and leading the public or the inspectors to believe that they had worked, only an 8-hour day.

Mrs. BEYER. We have definite provisions in this bill on the posting of hours, and I think the people who had had experience worked that over carefully to see that it did safeguard the hours provision.

Piecework is always a way of getting out from under, and it is so being used extensively under the N.R.A. codes.

I told the Minnesota Wage Conference the other day of a method they were using in the canneries—averaging the rates of all the pieceworkers in the plant, the fast against the slow, so that they did not have to raise the piecework rates. I think you will find that in other industries besides the garment industry they have been trying that plan. Whereas the timeworkers in these plants got an appreciable increase in rates under the N.R.A. the pieceworkers earned practically the same. We will have to guard against both practices very definitely because they are means of violation.

Mr. TONE. Another thing in regard to certification in our State: Where we have secured a conviction of any shop for employing minors, or any other infraction of labor laws, our board of education will not grant it any certification of minors between 14 and 16 years of age unless we acquiesce.

Mrs. BEYER. We have a provision in the draft for that; it is the only way to reach the employers.

Miss JOHNSON. Do the standards submitted differ materially from the standards approved at the Harrisburg conference?

Mrs. BEYER. No; they are the same standards.

Chairman SEILLER. Is a representative of the Child Labor Committee here?

Dr. PATTON. No, it expected to have one here but could not because of code work at Washington. Mr. Dinwiddie told me he had sent a letter to Mrs. Beyer agreeing in general with this recommendation of Mrs. Beyer, but raising the point—which has been brought out by Mrs. Beyer—that we do not necessarily recommend to all the States that they adopt this precise language, even to the semicolons, but, as Mrs. Beyer labeled it, this is the suggested language of the statute. The spirit and general language, as I understand it, are agreed upon by the National Child Labor Committee, as well as by the Children's Bureau.

Miss MILLER. Was this reported as a recommendation of the Children's Bureau or the committee of this organization?

Mrs. BEYER. I am not reporting for the Children's Bureau. Miss Abbott has gone over the draft and approved it, but it is not a Children's Bureau draft.

Dr. PATTON. May I say here that we had expected to have another speaker. I wrote 2 months ago, and also more recently, to Secretary Perkins, asking that some official directly connected with the N.R.A. be here to speak to us, to throw what light could at the present time be thrown on the relationship between N.R.A. codes and State labor laws, and in general the degree of cooperation which might be possible between State departments of labor and N.R.A. officials. The Secretary could not come, and I received a letter of declination from Mr. Richberg, counsel for the N.R.A. Dr. Lubin, United States Commissioner of Labor Statistics, thought it possible that he might be here, but as matters are in Washington it is apparently impossible that either of those three, or any similar officials, could be with us.

I think we all feel the need of further clarification of the existing situation. What is the relationship between the State labor laws and the N.R.A. codes? To what extent should State labor departments attempt to enforce N.R.A. codes, or to what extent should Federal officials enforce the State laws? I had hoped very much we could have such an address here.

Miss SWETT. Mrs. Beyer, do you have the wording of that provision in the newspaper code that lets those youngsters out from under?

Mrs. BEYER. Yes, I have it. This is in the newspaper code: "After the effective date of this code publishers shall not employ any persons under the age of 16, except those who are able without impairment of health to deliver or sell newspapers during the now established hours of such work where such work does not interfere with hours of day school"—there are not very many established hours to follow, so that it practically means complete freedom—"and those between 14 and 16 years of age who may be employed, but not in manufacturing or mechanical departments, for not to exceed 3 hours a day, and those hours between 7 a.m. and 7 p.m., in such work as will not interfere with hours of day school"; that is, the messengers and boys in the newspaper building can be employed 3 hours a day if between the ages of 14 and 16, but for the newsboys and carriers there is no age limit and no hour limit.

Miss SWETT. That is very ambiguous.

Mrs. BEYER. It was worded ambiguously purposely. I have talked to the publishers and newspaper men, and I know what they intended and what they think it means, so I do not think there is much question about it.

Mr. ANDREWS (New York). Has the Children's Bureau done anything in the way of attempting to prevent boys in school circulating weekly magazines? My boy was given a lot of magazines to sell. We did not know anything about it until 2 weeks afterward when we were asked for 50 cents he was supposed to have collected. I wondered if there is a campaign to relieve the parents from the embarrassment which such procedure sometimes causes.

Mrs. BEYER. The magazine publishers' code reads exactly as the newspaper code.

The advertisers' code has a 12-year minimum for distributing but we are trying to get a 14-year minimum through both for the circulation of magazines and the delivery and sale of newspapers, so that both will be covered, if there is any way we can get the idea across that that is not desirable work for children.

Dr. PATTON. I wonder whether it would be worth while for this body to request the Department of Labor at its earliest opportunity either to issue some sort of a statement or to have a conference with a view of clarifying the relationship between the N.R.A. codes and the State departments of labor. There is a great deal of confusion existing. Whether such a request is advisable I am not at all sure.

Are there States here represented who are in doubt? Suppose for instance a State minimum-wage standard should be set at 20 cents an hour and the N.R.A. code should establish a minimum of 21 cents

an hour in that occupation would the State inspectors attempt to enforce the N.R.A. 21 cents?

Miss SWETT. I do not think so.

Dr. PATTON. I mention that as one illustration out of many that comes to my mind.

Mrs. BEYER. Dr. Patton, counsel for N.R.A. has made clear, where there is any question between the State law and the N.R.A. code, that the one that is the highest takes precedence. If your standard is higher than the N.R.A., it has precedence; if the N.R.A. is higher, it takes precedence.

Dr. PATTON. Would a Wisconsin inspector, for example, have sufficient authority to enforce the N.R.A. rate if it is higher than the rate in Wisconsin?

Mrs. BEYER. Not unless he is deputized by the N.R.A. to enforce the N.R.A. code.

Dr. PATTON. You see at once what that means?

Mrs. BEYER. A plan is being worked on now for the enforcement of the N.R.A. codes which I think is going to take the State departments of labor into consideration. Personally I hope very much that the State departments will be given the job of enforcing those N.R.A. codes insofar as they are able to assume the responsibility. I think that they should certainly be the nucleus for enforcement. The Secretary is working on a plan and she is taking it up with General Johnson. We have hopes that in the very near future some plan of enforcement may be worked out.

Mr. ANDREWS. Do you know whether the Federal Government has any plans to give the State financial aid to do this or not?

Mrs. BEYER. I do not know; that would have to be worked out in connection with the enforcement program.

Miss SWETT. Do you think there would be any danger in having a department, which is enforcing a provision that is compulsory, asked to enforce one that is more or less voluntary? Do you think that would have a bad effect on the department's other work?

Mrs. BEYER. I think this whole N.R.A. program has made it very difficult for the State departments of labor. Having been connected with a State department of labor, I am constantly telling the officials at the N.R.A., when I have a chance, that they must remember the State departments of labor in this whole set-up.

Miss ANDERSON. As Mrs. Beyer was saying, the Secretary told me if the question came up, as she thought it would, to say that they were actively working on a program now and hoped to have some pronouncement at a very early date on the question of enforcement of the codes in conjunction with the State departments of labor.

I do think that, if this body would pass a resolution urging such a procedure, that would strengthen the hands of those in Washington who are for that kind of procedure, and also show those who are undecided on it that that would help materially.

Chairman SEILLER. I should like to tell you what we have been doing in our State relative to the N.R.A. codes. When the President's Reemployment Agreement was announced—the voluntary agreement to take effect by the first of August—hundreds and thou-

sands of employers rushed to the post office to sign the agreement. I found that many of them signed this agreement, which is a gentleman's contract, without even reading it in order to get the Blue Eagle and the benefit of the advertisement. There being no agency of the Federal Government in our State to which the worker might appeal, it was decided by the manager of the district office in Louisville of the United States Department of Commerce that he would take on the work of interpreting the agreement as applied to the several industries and stores and places of employment, if I would take over the matter of taking the complaints and holding them until such time as they might be adjusted, and work on those with the greater number of employees, hoping to make an adjustment.

We did that for the month of August. Literally thousands of workers have besieged our office, making complaints and asking questions, and we have found no hesitancy on the part of the workers about signing their names and giving their addresses in witness of the complaint. We also question them as to other conditions in the factory.

A number of these written complaints, as samples, have been forwarded to Secretary Perkins, and she in turn has advised me that they have been turned over to Mr. Wolman. We have been urging right along that the departments of labor be given a part in the N.R.A. program.

After years of experience and inspecting the plants throughout our State—knowing the employer by his first name, and knowing thousands of the workers in the plant, and their problems, we feel we are the best fitted to carry out the work of enforcement. In other words, "it is right down our alley", and carrying out Miss Anderson's suggestion, I have submitted a resolution along the lines she has suggested. It has been turned over to the resolutions committee, and no doubt we will have a report on it at the business session in the morning.

Just a word or two more on our State program. I have accepted the chairmanship of the mediation board for the State and also locally, because I find, where the Federal Government is depending on chambers of commerce and like bodies to enforce this measure, that they are not really sold on this idea, and are going to be pretty lukewarm about enforcing the codes' voluntary work and taking the time of business people. So I feel that we are in a better position to do the work than these volunteer agencies, and for that reason we have asked the State N.R.A. board and the local board to direct their complaints to our department.

The Consumers' League of Kentucky has been helpful in furnishing us with legal service and voluntary help. Some help has been secured from organized labor, where the question directly affects them.

Miss Wood. Aside from the enforcement of codes, I am wondering if it is going to be necessary for States to do something like New York has done in a special session; that is, clarify the State labor laws, or allow the codes to have the force of law in the State during the time they are being tried out.

For instance, in our State we have any number of requests—I suppose you also do in States where you have a 10-hour closing—that with two shifts of 8 hours we have no law which requires a

lunch period for girls. We are finding they are working two straight 8-hour shifts without lunch, without a stop of any kind. It seems that we must have some statement on whether or not the State laws are to be enforced as well as the codes or just what the connection is between them. What did they do in New York? I think it would be interesting to hear.

Chairman SEILLER. Perhaps Commissioner Andrews will tell us.

Mr. ANDREWS. New York passed rather a blanket law, saying that wherever the labor laws conflict with N.R.A. there should be no such conflict, and also passed an interesting law that a State official can also be a Federal official. That was rather humorous, so far as I was concerned, but I assume it will work for the national labor law.

Mr. MAGNUSSON (Washington, D.C.). Does that mean that in New York or Connecticut the codes prevail over the State law, if they differ?

Mr. ANDREWS. As I understand it, it is permissive. For instance, as to the minimum wage in the laundry industry, which in the Federal code is less than the wage we pay, we may decide upon our State law to supersede the minimum wage of the Government. I think that is only natural. I do not think anyone will question that, particularly in an industry which accepts our minimum at the public hearing; it has no kick coming anyhow, as it has agreed to the State rate rather than the Federal rate.

Chairman SEILLER. Miss Wood brought up the point about the lunch hour. Of course, that is not in a national code, but if such should be the case that could be enforced in your State by your department.

Mr. TONE. What she means is that where we have a 10 o'clock law, in order to get these two shifts in the time may run until 11 o'clock provided there is a lunch hour.

Mr. ANDREWS. We had that in the textile code. We have absolutely refused to post the hour, because it would not be permissible. Our law permits work only from 6 to 10 at night, and there is a 30-minute lunch period. So far we have not been taken into court on that. We have tried to argue with the employer, saying: "New York State is a pretty progressive State. It makes only half an hour a day difference to you anyhow. Either work on Saturday, or else do less than 40 hours a week." So far as women and minors are concerned, we enforce the minimum-wage law so as to be sure that whatever the hours worked they will get a fair return for their services.

Miss SWETT. Where the State standard is higher than the N.R.A. standard you should do everything you can quickly to get it across to the employer that your State standards are the ones that prevail in that case. I should hate very much to take any other standard and to have all the educational work we have done all these years simply wiped out.

Mr. MAGNUSSON. Where they are lower?

Miss SWETT. Then I would emphasize just as hard that employers have to adhere to the other standard, but that is going to help us. However, I would not want them to get the notion that the N.R.A. codes are supreme if they are less rigid than our own standards. We

have that situation to meet in the food dealers' code. The 10-hour day on Saturday is permitted, which we do not permit and which some of the other States do not permit.

Miss WOOD. You have a 10 o'clock law, do you not?

Miss SWETT. We have a 6 o'clock law in manufacturing, but 10 o'clock is permitted by special order. We have recently modified that 6 o'clock closing to some extent to permit two 6-hour shifts, and to give the employees a rest period.

Miss WOOD. I think it resolves itself into a question whether we would rather girls worked 8 hours without a lunch period or until 11 o'clock at night. I do not think we can convince them that they can work 7½ hours and be satisfied.

Miss SWETT. That is because you do not have the lunch-period provision.

Mr. TONE. We can overcome that by letting them go to work at 6 o'clock in the morning, and we do not want to do that.

Miss SWETT. You could not get in two 8-hour shifts between 6 and 10 and give a lunch period; that is only 16 hours.

Mr. MAGNUSON. If the State law prevails, it nullifies the whole effort of the National Administration for social economic recovery, and if the National Government prevails the States will have to yield something.

I should like to take the position Miss Swett takes, because then I would be saying to industry: Heads I win and tails you lose. The Administration is saying on the other hand: Heads I win and tails you lose. There is a clear conflict that has to be ironed out and that has not been faced by the N.R.A.

I have been talking with the people in the Administration, and when it comes to the question of enforcement, they are 100 percent naive. You people know that we have to have conferences on enforcing the laws and that you cannot rely upon the worker to make complaints and to testify, but that is the answer they give you: "Why the workers can report those complaints; that is the way we will enforce them." Or: "We will leave it to the manufacturers' association to enforce them." I submit that is 100 percent naive.

Miss ANDERSON. In regard to which shall take precedence over the other, Mr. Richberg, at our first minimum-wage conference, made that very clear. He said that where the State law required higher conditions than the N.R.A. code the State law prevails, and if the codes are higher they prevail. He said to start from there. That was very clear at the time. Even in regard to that, Mrs. Kinney can tell you that in California the attorney general rendered a very clear decision which was absolutely in line with what Mr. Richberg had said. I think they have done the same thing in Wisconsin, so on that point I think it is fairly clear. I will agree that there are many other mix-ups and that there are a great many difficulties ahead.

Chairman SEILLER. I believe that if it came to a point of opinion from our attorney general's department, we would receive such an opinion. I have been told of an act passed by the Ohio Legislature a short time ago, quoting practically verbatim the National Recovery Act, and that may be a wise course to take in legislatures that meet

within the next few months. We may be able, through such an act at our next session of the legislature, to fortify, to build up, our State labor laws to cover many points that we are behind on. Is there any other discussion?

Dr. PATTON. Miss Anderson made a suggestion that it would help the people in Washington if we were to ask them for a statement on the subject. It is evident from the discussion here this afternoon that there is a great deal of confusion. I do not know whether the committee has any such resolution; probably it has not. Did you say you had one?

Chairman SEILLER. It would be proper at this time to read the resolution; it can be thought over.

Mr. CRAWFORD. The resolution has been turned over to the committee and I will read it:

Whereas the primary purposes of the National Industrial Recovery Administration are to increase employment and purchasing power of the people; and

Whereas new codes for various industries are being approved by the President toward that end: Therefore be it

Resolved, First, that this Association of Government Officials in Industry strongly urges that the N.R.A. specifically authorize the United States Department of Labor to deputize such State departments of labor as are equipped to do so to undertake in close cooperation with the N.R.A. of the United States Department of Labor enforcement of labor provisions in codes; and

Second, that in so deputizing the State labor departments careful and exact definition be made of the extent to which such authority is delegated; and

Third, that the enforcing definition of authority include the development of standards by means of industrial committees cooperating through the State labor departments with the United States Department of Labor and with the National Recovery Administration.

Dr. PATTON. That is not the resolution that you had in mind is it, Miss Anderson?

MISS ANDERSON. Yes, it is.

Dr. PATTON. It is not what I had in mind. It seems to me that we do not know at the present moment the relationship between State labor laws and N.R.A. codes—who is to enforce and what they are to enforce—and that it would be well if the Federal Department of Labor or the N.R.A., or both together, either issue a statement or call a conference for the purpose of determining what is to be the relationship of a State labor law to the N.R.A. code and what policy is to be followed by State labor inspectors when it comes to enforcement.

Take Mr. Richberg's statement, which Mrs. Beyer quoted. Suppose the N.R.A. code doubles the amount of work which the State labor department inspectors are to do. The States do not have a double number of inspectors to do it. If additional inspection and enforcement work is to be put on State labor departments, where is the money coming from to enable them to do it? In other words, what I have in mind is to try to straighten out what is the relative position between the State labor law and the N.R.A. code as it applies to any State.

I am not directly concerned with the administration of these laws myself, and I would rather someone who is would introduce or draft such a resolution if he feels it necessary. If I were in the position many of you people are, I know I would be ding-donging day and night till I got it.

Chairman SEILLER. That is what we are doing now. We have been ding-donging; we want to ring out a loud peal here.

Mr. CRAWFORD. This is the suggested amendment or addition to the resolution:

Resolved further, That the United States Department of Labor be urged to call a special conference of State labor officials for discussion and consultation regarding the best method of securing such joint administration and supervision of enforcement of the provisions of the various codes of fair competition.

Miss WOOD. I wonder if it should not be amended further with the word "immediately", or some definite time.

Mr. ALTMAYER. (Wisconsin). I think we would make more progress, things being so chaotic, if we passed a resolution authorizing the appointment of a small committee to draft some sort of a plan, rather than to call a general conference and just have a pow-wow and go back home. Let that committee draft a plan and submit it to the States and get their reactions, and then perhaps call a conference, but do some spade work first.

Miss WOOD. That would take too long.

Miss SWETT. No, it would not.

Chairman SEILLER. Mr. Altmeyer, I am inclined to believe that in sending out this call, we will presume by the Secretary of Labor, Miss Perkins, the following question would be inserted in the call: Are the States willing to cooperate, to take on their share of the work, when and if they be given that authority?

Mr. ALTMAYER. I do not think I should call a conference to work out a plan. I think a committee could work out a plan in cooperation with the Secretary of Labor. When that plan is drafted, then take it up with the States, to see whether they will fit in with that plan. I do not think you would get much more at a general conference than you are getting at the meetings you are having right now. You ought to have a committee working on a plan, and when it gets a plan worked out then refer it back to the States, not for approval, but asking them to fit in with the plan.

Miss MILLER. I agree with Mr. Altmeyer that the formulation of a plan in a large meeting is a source of difficulties rather than of clarification. I wonder, however, whether there are not two things necessary here. Can a body of State labor officials who have not yet been asked to participate, officially at least, in the administration of these codes work out and present to the Administration a plan that will get very far in the way of agreement with the N.R.A. group in Washington? Would it not perhaps help us to come there with clarified notions of our own and a program on which we might work with the Administration, to have a committee appointed by this body now for such purpose, while at the same time we ask the Administration to call a conference? Possibly the N.R.A. will have some plan also to submit to such a conference, and we would retain the advantage, which it seems to me it is obviously necessary to get somehow, of having in Washington, at the time the plans are consolidated or all thrown out and something else substituted, representatives from as many State departments as possible to ask questions and to go home with first-hand information?

Certainly confusion is rampant, and it would benefit the people of all States to get a clear notion, and to put to somebody who can answer them, questions that now are unanswerable.

I would make that as an amendment.

MISS PIDGEON (Washington, D.C.). I have been very much interested in Dr. Patton's idea. It seems to me that it is an idea distinct from the idea in the resolution, and that it might form the basis of another resolution which would request the N.R.A. authorities to issue some statement in regard to the legal relationship. A code in a rather small industry has been approved—the fishing tackle code—which has a provision stating that if the State provision is higher the State provision shall prevail. That is, I believe, in connection with minors, but it is immaterial which section of the code it is in connection with. That provision was proposed for some of the other codes, and it was stated by some of the authorities in the legal branch of the N.R.A. that it was their understanding that the reason why it was not put into other codes was that it was definitely the case that if the State provisions were higher they should prevail. The N.R.A. people are making statements along various lines every day; they could very well make some statement along the lines Miss Anderson said Mr. Richberg made at the first minimum-wage meeting that was held. This conference might well, it seems to me, have Dr. Patton draft a short resolution that would either ask the N.R.A. officials to make such a statement in regard to the legal relationship, or ask the Secretary of Labor to ask for such a statement. That would be entirely aside from this other matter of a conference which would come later and be informed more definitely.

Chairman SEILLER. What is your opinion, Dr. Patton?

MISS SWETT. Miss Pidgeon's suggestion does not take account of what we want to know—how we are going to enforce.

MISS PIDGEON. No, but the other would.

MISS SWETT. No, this one does not, does it?

Mr. CRAWFORD. Yes; it does.

MISS PIDGEON. In the meantime you would have another principle to work on until this could be worked out.

Mr. CRAWFORD. As I see it, there are three steps. First of all is the statement of some kind to come from the N.R.A. as to the relationship between the State and Federal authorities; then there is the question of the appointment of a committee from this organization to prepare in advance some suggested program or some suggested basis of cooperation in enforcing the N.R.A. codes; then there is the general conference to be held in Washington, presumably to clarify the whole situation and to have it adopted. Those three things all seem to be involved; I think they could be covered in one resolution.

Chairman SEILLER. The conference idea was to develop the system.

[It was moved, seconded, and carried that the whole question be referred to the resolutions committee to work out a resolution along those lines.]

[A motion was made, seconded, and carried that the convention meet in evening session instead of a morning session on Saturday.]

[Meeting adjourned.]

FRIDAY, SEPTEMBER 15--EVENING SESSION

Chairman, E. B. Patton, president A.G.O.I.

BUSINESS SESSION

[The report of the committee on constitution and bylaws was given by Hal M. Stanley, who commented briefly on some of the proposed changes in the constitution of the association. After some discussion and the adoption, by affirmative vote, of each of the proposed amendments, it was moved, seconded, and carried that the report be adopted as a whole. The constitution as amended is given on page III.]

[E. F. Seiller, chairman of the committee on officers' reports, reported that the committee had examined the report of the secretary-treasurer and found it correct. The report of the committee was, on motion duly made and seconded, accepted.]

[The report of the committee on resolutions was submitted by A. W. Crawford, chairman of the committee. The resolutions adopted, after considerable discussion and a few changes, were as follows:]

REPORT OF THE COMMITTEE ON RESOLUTIONS (AS ADOPTED)

1. Whereas the labor regulations in the various N.R.A. codes and their effective enforcement are of the utmost importance; and

Whereas there are and have been State labor laws with appropriate State enforcement agencies antedating the N.R.A. labor regulations; and

Whereas the existence of both N.R.A. labor regulations and State labor laws creates problems of their respective application and enforcement: Be it

Resolved, That a committee of this association be appointed by the president to cooperate with the United States Department of Labor and the N.R.A. in the clarification of the application of the N.R.A. labor regulations and the State labor laws, as well as in the development of a plan of enforcement which will be mutually helpful; and, be it further

Resolved, That the National Recovery Administrator and the Secretary of Labor be urged to call a conference of N.R.A. officials and representatives of the Federal and State departments of labor not later than November 1, 1933, for the purpose of considering and taking appropriate action on the plan or plans of cooperative enforcement drafted by the committee.

2. Whereas there is at the present time some overlapping in the work of the Association of Governmental Officials in Industry, the International Association of Industrial Accident Boards and Commissions, and the International Association of Public Employment Offices; and

Whereas in some instances the same officials are expected to attend the conventions of each of these associations; and

Whereas there are many matters of interest to the members of all three associations in the programs of each: Be it

Resolved, That it is the sense of this association that in the interest of better cooperation as well as in the interest of economy and efficiency it would be desirable for these three associations to hold general conferences at the same place and date at which provision would be made for separate sectional meetings for the consideration of the problems of labor law administration, workmen's compensation, and the employment office service.

It is therefore recommended that the incoming executive board of this association confer with the executives of the other two associations with regard to the possibility of such general conferences in the future.

3. Whereas adequate industrial standards are essential to protect employees from industrial health and accident hazards;

It is recommended that State labor departments take action for development of industrial safety codes;

That where the States do not have this authority, legislation be introduced to secure it;

That where States possess such authority but do not use it, that it should be utilized;

That in preparing such codes the standards approved by the American Standards Association should be employed as the basis and should be followed as far as practicable;

That the assistance of the American Standards Association and of other experts, both individuals and organizations, should be secured in formulating the codes;

That more attention should be given to the problems of industrial health in code work, and that in the preparation of industrial health codes the assistance of public and private industrial health agencies should be secured.

4. Whereas the past year has seen a widespread revival of interest in the legal setting of minimum standards of pay for women and minors: Be it

Resolved, That the Association of Governmental Officials in Industry recommends to the labor departments of States where no minimum wage legislation exists, that they take advantage of the present state of interest and make every effort to secure the passage of minimum-wage legislation at their next legislative session.

5. Whereas the United States Government sent a delegation of official observers to the seventeenth session of the International Labor Conference meeting at Geneva, June 1933: Be it

Resolved, That this association urge the United States Department of Labor to continue and expand its cooperation with the International Labor Organization.

6. *Resolved*, That the Association of Governmental Officials in Industry hereby accepts and endorses the report of its child-labor committee on laws relating to child labor (including general child labor, street trades, and compensation provisions directly affecting minors), and recognizing that minimum standards, below which no State or industry may fall, are becoming increasingly more imperative, recommends the standards proposed by the committee as a basis for objectives to be sought after in State legislation on these subjects.

Resolved, also, That the child-labor committee of this association be continued for another year and be authorized to act as representing this association in the furthering of improved standards for State child-labor legislation along the lines proposed in its report.

Resolved, also, That in order to facilitate the establishment of protective measures for minors in the safety codes as they are formulated by State departments and by the safety code committee of the American Standards

Association, the Association of Governmental Officials in Industry instructs its child-labor committee to cooperate with the proper State officials in obtaining information as to codes under consideration, and urges State Labor departments to cooperate with this committee to that end.

7. Whereas comprehensive and reliable information on the subject of industrial accidents to minors is essential as a basis for bringing about adequate legal protection through State legislation and rulings; and

Whereas continuous study of these hazards is to be made by the Advisory Committee on the Employment of Minors in Hazardous Occupations, appointed by the United States Children's Bureau at the suggestion of the White House Conference; Be it

Resolved, That the Association of Governmental Officials in Industry urges all State bureaus of labor and like agencies receiving reports of accidents to furnish annually to the Children's Bureau such statistical information as is possible for the use of this committee,

8. Whereas the present crisis emphasizes the urgent need for Federal regulation establishing a minimum standard for child labor; and

Whereas action under the National Recovery Administration covers only the emergency period, and it is necessary to guard against a possible return of child employment when industry improves: Therefore be it

Resolved, That the Association of Governmental Officials in Industry reaffirms its stand in favor of the ratification by the States of the pending child-labor amendment and urges the enactment of such Federal legislation as will give the necessary protection to child workers.

9. The delegates assembled at this the nineteenth annual convention of the Association of Governmental Officials in Industry desire to express their appreciation of, and sincerest thanks for, the whole-hearted and effective service rendered by Dr. E. B. Patton as president of the association during the past year.

We also wish to express our gratitude to Miss Maud Swett for the able manner in which she has fulfilled her duties as secretary-treasurer, especially in connection with the present conference which has been so successfully organized and conducted under very trying conditions.

10. Whereas the code submitted by the telegraph companies allows the employment of minors under the age of 16 in the hazardous occupation of delivering messages, and at the same time exempts them from the benefits of its minimum wage and hours provisions; and

Whereas the code submitted by the newspapers and magazines industries allows the employment of minors of any age at any hour and at any wage in the sale and delivery of newspapers and magazines in contradiction to the avowed purpose of the codes of giving work to adults: Therefore be it

Resolved, That this organization go on record in opposition to such negation of N.R.A. purposes and policies in these or any other codes to be submitted; and further be it

Resolved, That copies of these resolutions be sent to the Secretary of Labor and to General Johnson.

[President Patton later appointed the following members to the committee authorized by resolution 1:]

Committee on clarification of application of N.R.A. labor regulations and State labor laws.—Elmer F. Andrews, of New York; T. E. Whitaker, of Georgia; Joseph M. Tone, of Connecticut; Charlotte Carr, of Pennsylvania; and A. J. Altmeyer, of Wisconsin.

[Two other resolutions proposed by the committee were not adopted. One, which proposed that the subject of the development of adequate administrative regulations as an important function of State labor departments be considered at the next convention of the association, was considered unnecessary, the president having control of the program. The other resolution proposed the establishment of a code correlating committee to work with the State labor departments toward uniform standard codes for industrial health and safety and to cooperate with the code committee of the International Association of Industrial Accident Boards and Commissions. It was agreed that a copy of the proposed resolution be referred to P. G. Agnew, secretary of the American Standards Association for his opinion as to its passage next year, and in the meantime that additional members from the A.G.O.I. be suggested to serve on the code correlating committee of the I.A.I.A.B.C.]

[The committee on membership which was appointed at the preceding meeting of the association was discontinued.]

[Mr. Magnusson and Mr. Crawford reported for the committee on conference with Federal Departments of Labor of United States and Canada as follows:]

REPORT OF THE COMMITTEE ON CONFERENCE WITH FEDERAL DEPARTMENTS OF LABOR OF THE UNITED STATES AND CANADA

By LEIFUR MAGNUSSON

The whole matter is in a state of progress. I have written to and discussed it with the Secretary of Labor, but there has been no decision in the matter. What I am in hopes of is that if you elect the Commissioner of Labor Statistics as secretary-treasurer, that will pave the way to getting the Secretary of Labor and the Minister of Labor of the United States and Canada, respectively, to be sort of honorary presidents or sponsors of the association, to give it official prestige and dignity. It is a thing that needs to be worked out next year, or another year.

By A. W. CRAWFORD

My report is one of failure, in that the department in Ottawa, owing to the death of Mr. Plant, and to other conditions, is not very keen about lending official support to an organization which really is excluded from official or active participation of members of the Dominion department.

I think the Ministry there feels that it would be willing to follow any lead given by the department in Washington, but the minister is new and he could not commit himself. I did try hard to get some representation from the Dominion department, to replace Mr. Plant. I had hoped Miss McIntosh or Mr. Brown would be here; as a matter of fact, I wrote to every Province, trying to get a larger representation, but conditions are such that it did not go.

[The committee was continued, with thanks for what they had done.]

[The following officers were elected for the ensuing year:]

President.—T. E. Whitaker, industrial commissioner, Augusta, Ga.

First vice president.—A. W. Crawford, deputy minister department of labor, Toronto, Ontario.

Second vice president.—Edward F. Seiller, chief labor inspector, department of agriculture, labor, and statistics, Louisville, Ky.

Third vice president.—Gerard Tremblay, deputy minister, department of labor, Quebec.

Fourth vice president.—Joseph M. Tone, commissioner of labor, Hartford, Conn.

Fifth vice president.—Mrs. Mabel Kinney, member industrial welfare commission, San Francisco, Calif.

Secretary-treasurer.—Isador Lubin, United States Commissioner of Labor, Washington, D.C.

[President Patton read the following telegram from Mr. Lubin:]

Sincerely regret that the pressure of events in Washington makes it impossible for me to be at your meeting in Chicago. There are several matters which I am very anxious to take up with your membership regarding cooperation in the collection of employment and retail price statistics in the various States. It is my hope that we can secure the cooperation of the various States' labor officials equipped to do the work in the expanding of the collection of information which is so vital to the efficient functioning of N.R.A. Shall be deeply grateful if you would raise the question of the necessity of such cooperation and announce that Department of Labor will shortly get in touch with individual State officials seeking aid.

ISADOR LUBIN.

President PATTON. This association has already gone on record in previous years as being in favor of and urging all States to cooperate in the employment and collection of labor statistics. I take it the Commissioner has in mind to try to expand that to the inclusion of retail price statistics; that is something which is new. So far as I know, no State is now doing that on a State basis. Personally I think it is an unwise step for a State to engage in such collection. If there is any job which is primarily and distinctly a national job it seems to me it is the collection of retail prices and figures.

[The place and time of the next convention were left to the executive committee. Boston, September 27–29, 1934, was later selected.]

[The incoming president, T. E. Whitaker, expressed his appreciation of the honor bestowed upon him and his determination to serve the association to the best of his ability.]

[Convention adjourned.]

HONORARY LIFE MEMBERS

GEORGE P. HAMBRECHT, Wisconsin.

FRANK E. WOOD, Louisiana.

LINNA BRESSETTE, Illinois.

Dr. C. B. CONNELLEY, Pennsylvania.

JOHN H. HALL, Jr., Virginia.

HERMAN WITTER, Ohio.

JOHN S. B. DAVIE, New Hampshire.

R. H. LANSBURGH, Pennsylvania.

ALICE MCFARLAND, Kansas.

H. M. STANLEY, Georgia.

American Representative, International Labor Office.

A. L. ULRICK, Iowa.

Dr. ANDREW F. MCBRIDE, New Jersey.

LOUISE E. SCHUTZ, Minnesota.

Appendix—List of Persons Who Attended the Eighteenth Annual Convention of the Association of Governmental Officials in Industry

UNITED STATES

California

Kinney, Mrs. Mabel E., chief division of industrial welfare, department of industrial relations, San Francisco.
Kinney, Mr., San Francisco.

Connecticut

Tone, Joseph M., commissioner of labor, Hartford.
Wood, Helen, industrial investigator department of labor and factory inspection, Hartford.

Delaware

Dickey, C. W., E. I. Du Pont de Nemours & Co., Wilmington.

District of Columbia

Anderson, Mary, director United States Women's Bureau, Washington.
Baldwin, Charles E., assistant commissioner, United States Bureau of Labor Statistics, Washington.
Beyer, Mrs. Clara M., director industrial division, United States Children's Bureau, Washington.
Kjaer, Swen, United States Bureau of Labor Statistics, Washington.
Lloyd, M. G., chief section of safety standards, United States Bureau of Standards, Washington.
Magnusson, Leifur, American representative, International Labor Office, Washington.
Pidgeon, Miss M. E., director of research, United States Women's Bureau, Washington.
Sharkey, Charles F., United States Bureau of Labor Statistics, Washington.
Stewart, Ethelbert, secretary-treasurer emeritus, I.A.I.A.B.C., Washington.
Stewart, Miss Estelle, United States Bureau of Labor Statistics, Washington.

Georgia

Jones, Sharpe, secretary-treasurer department of industrial relations, Atlanta.
Peteet, M. S., department of industrial relations, Atlanta.
Stanley, Hal M., chairman department of industrial relations, Atlanta.
Thrasher, Robert, department of industrial relations, Atlanta.
Whitaker, T. E., director department of industrial relations, Atlanta.
Whitaker, Marcia, Atlanta.

Illinois

Dieckmann, Annette, joint committee on industrial legislation, Chicago.
Durkin, Martin P., director of labor, Springfield.
Keefer, W. Dean, National Safety Council, Chicago.
Lyon, Will F., M.D., International Harvester Co., Chicago.
Myers, Howard B., chief division of statistics, Chicago.
Nestor, Agnes, minimum wage advisory board, Chicago.
Wilson, Gertrude, joint committee on industrial legislation, Chicago.

Kentucky

Seiller, Edward F., chief labor inspector, Louisville.
Williams, Mrs. Hallie B., deputy labor inspector, Louisville.

Maryland

Harrison, Rowena O., director of claims State industrial accident commission, Baltimore.

Massachusetts

Tousant, Mrs. Emma S., commissioner department of industrial accidents, Boston.

Minnesota

Sweitzer, J. M., Employers' Mutual Liability Insurance Co., St. Paul.

New Hampshire

Doe, Jessie, minimum wage advisory board, Concord.

Johnson, Ethel M., director of minimum wage, Concord.

New York

Andrews, Elmer F., industrial commissioner department of labor, New York.
Andrews, John B., secretary American Association for Labor Legislation, New York.

Miller, Frieda S., director division of women in industry, department of labor, New York.

Patton, E. B., director division of statistics and information, department of labor, New York.

Patton, Mrs. E. B., Bronxville.

Ohio

Kearns, Thomas P., superintendent division of safety and hygiene, department of industrial relations, Columbus.

McGowan, Mrs. Josephine, superintendent division of minimum wage, department of industrial relations, Columbus.

Pennsylvania

Sweeney, Stephen B., director bureau of workmen's compensation, department of labor and industry, Harrisburg.

Puerto Rico

Martinez, Prudencio Rivera, commissioner of labor, San Juan.

Wisconsin

Altmeyer, A. J., secretary industrial commission, Madison.

Baker, Adelia D., field deputy industrial commission, Milwaukee.

Conlee, Ruth, field deputy industrial commission, Milwaukee.

Hendrickson, Rosetta, deputy woman and child labor department, industrial commission, Milwaukee.

Johnson, Margaret R., field deputy industrial commission, Milwaukee.

Hoskins, Clara M., deputy industrial commission, Madison.

McLogan, Harry R., commissioner industrial commission, Madison.

Napiecinski, Peter A., commissioner industrial commission, Madison.

Raushenbush, Paul, adviser unemployment compensation department industrial commission, Madison.

Swett, Maud, field director woman and child labor department, industrial commission, Milwaukee.

Thommen, Margaret, field deputy industrial commission, Milwaukee.

Wrabetz, Voyta, chairman industrial commission, Madison.

CANADA*Ontario*

Crawford, A. W., deputy minister of labor, Toronto.

Quebec

Arcand, Hon. C. J., minister of labor, Montreal.

Tremblay, Gerard, deputy minister of labor, Quebec.

LIST OF BULLETINS OF THE BUREAU OF LABOR STATISTICS

The following is a list of all bulletins of the Bureau of Labor Statistics published since July 1912, except that in the case of bulletins giving the results of periodic surveys of the Bureau only the latest bulletin on any one subject is here listed.

A complete list of the reports and bulletins issued prior to July 1912, as well as the bulletins published since that date, will be furnished on application. Bulletins marked thus () are out of print.*

Collective agreements

- *No. 191. Collective bargaining in the anthracite coal industry. [1916.]
- *No. 198. Collective agreements in the men's clothing industry. [1916.]
- No. 341. Trade agreement in the silk-ribbon industry of New York City. [1923.]
- No. 402. Collective bargaining by actors. [1926.]
- No. 468. Trade agreements, 1927.

Conciliation and arbitration (including strikes and lockouts)

- *No. 124. Conciliation and arbitration in the building trades of Greater New York. [1913.]
- *No. 133. Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements. [1913.]
- *No. 139. Michigan copper district strike. [1914.]
- *No. 144. Industrial court of the cloak, suit, and skirt industry of New York City. [1914.]
- *No. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City. [1914.]
- No. 233. Operation of the industrial disputes investigation act of Canada. [1918.]
- No. 255. Joint industrial councils in Great Britain. [1919.]
- No. 283. History of the Shipbuilding Labor Adjustment Board, 1917 to 1919.
- No. 287. National War Labor Board: History of its formation, activities, etc. [1921.]
- *No. 303. Use of Federal power in settlement of railway labor disputes. [1922.]
- No. 481. Joint industrial control in the book and job printing industry. [1928.]

Cooperation

- No. 313. Consumers' cooperative societies in the United States in 1920.
- *No. 314. Cooperative credit societies (credit unions) in America and in foreign countries. [1922.]
- No. 437. Cooperative movement in the United States in 1925 (other than agricultural).
- No. 531. Consumers', credit, and productive cooperative societies, 1929.
- No. 598. Organization and management of consumers' cooperative associations and clubs. 1934.

Employment and unemployment

- *No. 109. Statistics of unemployment and the work of employment offices [in the United States]. [1913.]
- *No. 172. Unemployment in New York City, N. Y. [1916.]
- *No. 183. Regularity of employment in the women's ready-to-wear garment industries. [1915.]
- *No. 195. Unemployment in the United States. [1916.]
- *No. 196. Proceedings of Employment Managers' Conference, held at Minneapolis, Minn., January 19 and 20, 1916.
- *No. 202. Proceedings of the conference of Employment Managers' Association of Boston, Mass., held May 10, 1916.
- *No. 206. The British system of labor exchanges. [1916.]
- *No. 227. Proceedings of Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
- *No. 235. Employment system of the Lake Carriers' Association. [1918.]
- *No. 241. Public employment offices in the United States. [1918.]
- *No. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9-11, 1918.
- *No. 310. Industrial unemployment: A statistical study of its extent and causes. [1922.]
- No. 409. Unemployment in Columbus, Ohio, 1921 to 1925.
- No. 542. Report of the Advisory Committee on Employment Statistics. [1931.]
- No. 544. Unemployment-benefit plans in the United States and unemployment insurance in foreign countries. [1931.]
- *No. 553. Fluctuation in employment in Ohio, 1914 to 1929.
- No. 555. Social and economic character of unemployment in Philadelphia, April 1930.

Housing

- *No. 158. Government aid in home owning and housing of working people in foreign countries. [1914.]
- No. 263. Housing by employers in the United States. [1920.]
- No. 295. Building operations in representative cities in 1920.
- No. 545. Building permits in principal cities of the United States, [1921 to] 1930.

Industrial accidents and hygiene (including occupational diseases and poisons)

- *No. 104. Lead poisoning in potteries, tile works, and porcelain-enameled sanitary-ware factories. [1912.]
- No. 120. Hygiene of the painters' trade. [1913.]
- *No. 127. Dangers to workers from dusts and fumes, and methods of protection. [1913.]
- *No. 141. Lead poisoning in the smelting and refining of lead. [1914.]
- *No. 157. Industrial accident statistics. [1915.]
- *No. 165. Lead poisoning in the manufacture of storage batteries. [1914.]
- *No. 179. Industrial poisons used in the rubber industry. [1915.]
- No. 188. Report of British departmental committee on the danger in the use of lead in the painting of buildings. [1916.]
- *No. 201. Report of the committee on statistics and compensation insurance costs of the International Association of Industrial Accident Boards and Commissions. [1916.]
- No. 209. Hygiene of the printing trades. [1917.]
- *No. 219. Industrial poisons used or produced in the manufacture of explosives. [1917.]