Labor Laws
and Their Administration

Proceedings of the Twenty-first Convention of the
International Association of Governmental
Labor Officials, Asheville, N. C.
October 1935

Bulletin No. 619
Officers, 1934–35

President.—A. W. Crawford, Toronto, Canada.
First vice president.—William E. Jacobs, Nashville, Tenn.
Second vice president.—A. L. Fletcher, Raleigh, N. C.
Third vice president.—L. Metcalfe Walling, Providence, R. I.
Fourth vice president.—W. A. Pat Murphy, Oklahoma City, Okla.
Fifth vice president.—Martin P. Durkin, Chicago, Ill.
Secretary-treasurer.—Isador Lubin, Washington, D. C.

Constitution

Adopted at Chicago, Ill., May 20, 1924; amended August 15, 1925; June 3, 1927; May 24, 1928; May 23, 1930; September 15, 1933; September 29, 1934

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) The United States Department of Labor and subdivisions thereof, United States Bureau of Mines, and the Department of Labor of the Dominion of Canada.
(b) State and Provincial departments of labor and other State and Provincial organizations administering laws pertaining to labor.
(c) 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 memberships.—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 mem-
bership 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 dis-
bursements; 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 con-
vention or the executive board. The secretary-treasurer shall present a detailed 
written report of receipts and expenditures to the convention. The secretary-
treasurer shall be bonded for the sum of $500, the fee for such bond to be paid 
by the association. 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. 4. 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.—With the exception of those organizations included 
under (a) of section 1 of article III each active member shall pay for the year 
ending June 30, 1936, and thereafter annual dues of $25, except that where the 
organization has no funds for the purpose, and an individual officer or member 
of the staff wishes to pay dues for the organization, the fee shall be $10 per annum 
for active membership of the organization in such cases.

The executive board may order an assessment levied upon affiliated departments 
not to exceed 1 year’s dues.

Sec. 2. The annual dues of associate members shall be $10.

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 dele-
gates 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 Depart-
ment of Labor of Canada may each be entitled to one vote.

The rule for electing officers shall apply to the vote for selecting the 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.
8. Election of officers.
### Development of the International Association of Governmental Labor Officials

**Association of Chiefs and Officials of Bureaus of Labor**

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Convention held at</th>
<th>President</th>
<th>Secretary-treasurer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>September 1883</td>
<td>Columbus, Ohio</td>
<td>H. A. Newman</td>
<td>Henry Luskey</td>
</tr>
<tr>
<td>2</td>
<td>June 1884</td>
<td>St. Louis, Mo</td>
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<tr>
<td>3</td>
<td>June 1885</td>
<td>Boston, Mass</td>
<td>Carroll D. Wright</td>
<td>John S. Lord</td>
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<tr>
<td>4</td>
<td>June 1886</td>
<td>Trenton, N. J</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>5</td>
<td>June 1887</td>
<td>Madison, Wis</td>
<td>do</td>
<td>do</td>
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<td>6</td>
<td>May 1888</td>
<td>Indianapolis, Ind</td>
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<td>do</td>
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<tr>
<td>7</td>
<td>June 1889</td>
<td>Hartford, Conn</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>8</td>
<td>May 1890</td>
<td>Des Moines, Iowa</td>
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<td>do</td>
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<tr>
<td>9</td>
<td>May 1891</td>
<td>Philadelphia, Pa</td>
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<td>do</td>
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<tr>
<td>10</td>
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<td>Denver, Colo</td>
<td>Charles P. Feck</td>
<td>Do</td>
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<td>June 1893</td>
<td>Albany, N. Y</td>
<td>do</td>
<td>do</td>
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<td>Carroll D. Wright</td>
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<td>14</td>
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<td>Milwaukee, Wis</td>
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<td>20</td>
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<td>Chicago, Ill</td>
<td>John F. Pease</td>
<td>Do</td>
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<td>21</td>
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<td>22</td>
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<td>Washington, D. C.</td>
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<td>23</td>
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<td>Concord, N. H</td>
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<td>Do</td>
</tr>
<tr>
<td>24</td>
<td>August 1906</td>
<td>Philadelphia, Pa</td>
<td>do</td>
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<tr>
<td>25</td>
<td>September 1907</td>
<td>Rochester, N. Y</td>
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</tr>
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</table>

### International Association of Factory Inspectors

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Convention held at</th>
<th>President</th>
<th>Secretary-treasurer</th>
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<tbody>
<tr>
<td>1</td>
<td>June 1887</td>
<td>Philadelphia, Pa</td>
<td>Rufus Wade</td>
<td>Henry Dorn</td>
</tr>
<tr>
<td>2</td>
<td>August 1888</td>
<td>Boston, Mass</td>
<td>do</td>
<td>Do</td>
</tr>
<tr>
<td>3</td>
<td>August 1890</td>
<td>Trenton, N. J</td>
<td>do</td>
<td>L. R. Campbell</td>
</tr>
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<td>4</td>
<td>August 1892</td>
<td>New York, N. Y</td>
<td>do</td>
<td>do</td>
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<td>5</td>
<td>August 1893</td>
<td>Cleveland, Ohio</td>
<td>do</td>
<td>do</td>
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<td>6</td>
<td>September 1892</td>
<td>Hartford, Conn</td>
<td>William Z. McDonald</td>
<td>Do</td>
</tr>
<tr>
<td>7</td>
<td>September 1893</td>
<td>Chicago, Ill</td>
<td>John F. Pease</td>
<td>Do</td>
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<tr>
<td>8</td>
<td>September 1894</td>
<td>Philadelphia, Pa</td>
<td>do</td>
<td>Do</td>
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<td>9</td>
<td>September 1895</td>
<td>Providence, R. I</td>
<td>do</td>
<td>Do</td>
</tr>
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<td>10</td>
<td>September 1896</td>
<td>Toronto, Canada</td>
<td>do</td>
<td>Do</td>
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<td>11</td>
<td>August and September 1897</td>
<td>Detroit, Mich</td>
<td>Rufus R. Wade</td>
<td>Avis A. Stevens</td>
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<tr>
<td>12</td>
<td>September 1898</td>
<td>Boston, Mass</td>
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<td>Joseph L. Cox</td>
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<td>13</td>
<td>August 1899</td>
<td>Quebec, Canada</td>
<td>do</td>
<td>Do</td>
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<td>14</td>
<td>October 1900</td>
<td>Indianapolis, Ind</td>
<td>James Campbell</td>
<td>Do</td>
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<td>15</td>
<td>November 1900</td>
<td>Niagara Falls, N. Y</td>
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<td>R. M. Hull</td>
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<td>16</td>
<td>December 1902</td>
<td>Charleston, S. C.</td>
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<td>John Williams</td>
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<td>17</td>
<td>August 1903</td>
<td>Montreal, Canada</td>
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<td>Davis F. Spees</td>
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<td>18</td>
<td>September 1904</td>
<td>St. Louis, Mo</td>
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<td>22</td>
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<td>George L. McLean</td>
<td>Do</td>
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<td>23</td>
<td>June 1909</td>
<td>Rochester, N. Y</td>
<td>James T. Burke</td>
<td>Do</td>
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</table>

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1 Known as Association of Governmental Labor Officials, 1914-27; Association of Governmental Officials in Industry, 1928-33.
2 No meeting.

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### VIII DEVELOPMENT OF THE ASSOCIATION

Joint Meeting of the Association of Chiefs and Officials of Bureaus of Labor and the International Association of Factory Inspectors

<table>
<thead>
<tr>
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<th>Date</th>
<th>Convention held at—</th>
<th>President</th>
<th>Secretary-treasurer</th>
</tr>
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<tr>
<td>26</td>
<td>September 1912</td>
<td>Washington, D. C.</td>
<td>Edgar T. Davies</td>
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<tr>
<td>27</td>
<td>May 1913</td>
<td>Chicago, Ill.</td>
<td>A. L. Garrett.</td>
<td></td>
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International Association of Governmental Labor Officials ¹

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Convention held at—</th>
<th>President</th>
<th>Secretary-treasurer</th>
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<tbody>
<tr>
<td>2</td>
<td>June-July 1915</td>
<td>Detroit, Mich.</td>
<td>James V. Cunningham</td>
<td>John T. Fitzpatrick</td>
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<td>3</td>
<td>July 1916</td>
<td>Buffalo, N. Y.</td>
<td>Oscar Nelson</td>
<td>Do.</td>
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<td>4</td>
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<td>Asheville, N. C.</td>
<td>C. H. Younger</td>
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<td>5</td>
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<td>Des Moines, Iowa</td>
<td>Edw. Mullready</td>
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<td>Madison, Wis.</td>
<td>Geo. F. Hambrecht</td>
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<td>Seattle, Wash.</td>
<td>Frank E. Wood</td>
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<tr>
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<td>New Orleans, La.</td>
<td>C. B. Connelley</td>
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<td>12</td>
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<td>13</td>
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<td>Columbus, Ohio</td>
<td>H. R. Witter</td>
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<td>John S. B. Davies</td>
<td>Do.</td>
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<td>16</td>
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<td>Andrew F. McBride ¹</td>
<td>Do.</td>
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<td>Maud Swett</td>
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<td>September 1933</td>
<td>Chicago, Ill.</td>
<td>E. B. Patton</td>
<td>Maud Swett.</td>
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</table>

¹ Known as Association of Governmental Labor Officials, 1914-27; Association of Governmental Officials in Industry, 1928-33.
² Mr. Stanley resigned in March 1928.
³ Dr. 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.
⁶ Mr. Sweetser served as president from May 1931 to the end of December 1932.
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Morgan R. Mooney, of Connecticut.
A. L. Fletcher, of North Carolina.
Joseph M. Tone, of Connecticut.
Anton Johannsen, of Illinois.
A. W. Crawford, of Ontario.
Mrs. Clara M. Beyer, of Washington, D. C.
Leifur Magnusson, of Washington, D. C.
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- Isador Lubin, of Washington, D. C.
- W. A. Pat Murphy, of Oklahoma.
- Eugene B. Patton, of New York.
- Miss Helen Wood, of Connecticut.
- W. E. Jacobs, of Tennessee.
- Clarence L. Jarrett, of West Virginia.
- Anton Johannsen, of Illinois.
- Martin P. Durkin, of Illinois.
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Tuesday, October 1—Morning Session

Chairman, Joseph M. Tone, President I. A. G. L. O. and Commissioner of Labor and Factory Inspection of Connecticut

The twenty-first annual convention of the International Association of Governmental Labor Officials convened Tuesday, October 1, 1935. The Governor of North Carolina addressed the convention as follows:

Address by Hon. J. C. B. Ehringhaus, Governor of North Carolina

The activities of labor departments in the various States and in the Nation may be said roughly to center around three major lines. And in order that this group may know something of what has been done in North Carolina, I venture to outline something of our own State's activities in these directions.

First, departmental activities concern themselves with the problem of job provision or aid to laborers in securing employment. North Carolina, upon recommendation of the executive, adopted at its last legislative session measures looking to a full cooperation with the Federal Employment Service and pursuant to this legislative authorization has set up in the State a service along this line.

Secondly, departments concern themselves with measures looking toward provisions of reasonable safety in labor and the protection of labor against unnecessary or preventable injury risks, as well as the provision of improved conditions generally in the labor field.

Today in North Carolina we find that there are comparatively few violations of the child-labor regulations that were provided in the N. R. A. codes and none of violation of the North Carolina laws which were almost, though not quite, up to the N. R. A. standards.

Speaking of moral appeal as distinguished from legal appeal, I think we are finding it more and more necessary to emphasize that in this connection with enterprises such as you have to carry on, because when all is said and done an awakened conscience, more than anything else, recognizes its responsibility to those with whom it comes
in contact. Indeed, I have always felt very much like Bobby Burns. I have always felt that he correctly appraised the situation when he said, as you will recall, "The fear of death's a hangman's lash to goad the wretch in order, but where ye feel your honor grip, let this aye be your border." The man who simply responds to the restraints of the law and the commands of the law and the necessities which the law throws around him is a pretty poor citizen after all; he is doing nothing except being goaded into order by the fear of the hangman's lash. But if he responds to a sense of moral obligation then you see that his awakened conscience is reaching higher levels and he is really making the finest sort of response that is imaginable.

We are trying to carry on this safety enterprise through inspections. We have enlarged our opportunities for boiler inspections and for safety enterprise generally through the promulgation of a code that to me is a splendid achievement and one to which I invite your attention. I cannot speak too highly of the worthwhileness and the splendid enterprise of the labor department, conducted by our commissioner of labor, Major Fletcher, in the formulation and promulgation of that code. It represents not only the high-water mark in North Carolina safety enterprise—that is, the enterprise on the part of the State through one of its departments—but it provides, I believe, a model which may be studied in other enterprises. If I may say so without any suggestion of disparagement, for certainly I mean none, it represents the outstanding achievement in the promulgation of safety regulations by any of the States south of the Mason and Dixon line, and with proper deference to you, brethren and sisters from the North, I think that it represents a fair approach to the best that there is in your own jurisdictions. That code was formulated first as simply tentative regulations for safety and then, under legislative authority, was promulgated in a form having the sanction of law by virtue of the signatures of the commissioner of labor and the Governor. It has been accepted by industry cheerfully and joyfully, and is being carried out in fine spirit, resulting in a very substantial enlargement of the activities in behalf of industrial safety.

The last thing to which I wish to direct your attention is the third phase of activity, that one which concerns itself with the security of one's job, with the development of something of permanency in jobs. All of us realize that there is a great gulf between the attitude of the man who thinks that the Government owes him a job or that the Government or private industry has to give him a job, whether he works or not, and the attitude of the other extreme, that of the man who thinks that labor is a mere chattel or simply a commodity—I mean that the energy of labor is simply a commodity purchaseable in a world market. Between those two we are trying to work out an ambitious enterprise for the establishment of something of permanency of employment or of security of income to the average citizen, so that he may not be dependent upon the whims and fancy of those who have jobs to give out, or upon the fluctuation of the business tide and the destructive effects of such terrible calamities as our depression periods, which come in cycles, as we all know.
How are we going to do that? The Federal Government has inaugurated a great program of social security. It comprises several features, but the two principal features to which we direct our attention are the provision of something of security for the aged and infirm, and the provision of unemployment insurance as a means of taking up the slack, so to speak, in those periods in which men who are willing to work find themselves without employment through no fault of their own. I know some of you represent States which already had in existence old-age pension laws and unemployment-insurance laws.

We found ourselves in North Carolina without legal set-up to take care of either situation, and while our own legislature was in session we sat watchfully waiting for Congress to act. The policy of watchful waiting is not confined to military operations. All of us who have had any dealings with legislative bodies know that we have to pursue that policy on occasion and with reference to more than one activity and necessity. So the Legislature of North Carolina during the 5 months of the session, beginning early in January and ending in May, stood hesitantly waiting for congressional action. The executive had no hesitancy in his message to the general assembly at its January sitting in recommending the enactment of unemployment insurance. Indeed, the preceding legislature, that of 1933, acting in the midst of the depression period and sensing its social responsibility, had authorized the Governor to appoint a committee to study unemployment insurance and to make recommendations to the general assembly of 1935. That committee was appointed by the Governor. The recommendations made by that committee, in which our commissioner of labor participated, unhesitatingly suggested the enactment of unemployment insurance, and I was happy to recommend that to the general assembly. At the time we had no data of sufficient proportions on the subject of old-age pensions, and so the recommendation with reference to that was for a continuation of our study and the compilation of appropriate and sufficient data upon which we might act, and that was conveyed to our general assembly. But the legislature waited for Congress because it did not know just what to set up that it could be assured would conform to the final congressional decision on the subject. Then, in the last days of the session, after conferences with the head of our labor department and others, recognizing that Congress was still somewhat hesitant or had not acted, I conceived a scheme that I take a little pride in, if I may be permitted to say so. I called in my legislative adviser, an able lawyer, and a close friend and long-time acquaintance, and gave him a model unemployment act, saying, "Now this is the last day of the session of the General Assembly of North Carolina and I realize, of course, the impossibility of getting a controverted measure through at this time, but what I want is a measure constructed along certain lines, which I will outline to you. I have only two instructions to you—make it brief and make it broad. I want it just as short as possible and I want the powers to be as broad as possible." I said, "My general idea is this: a very short bill authorizing the Governor, with the approval of the council of state, to set up in the department of labor or any other department, or as an independent enterprise if desirable, an unemployment-insurance activity and fund. I want you to provide therein, on the basis of the title heads of this model act, the power in that enterprise or in the council of state, with the Governor approving, to set up the activity
as finally determined upon, to promulgate rules and regulations along these lines, and to accept contributions from the Federal Government or contributions from industry or otherwise to carry on that enterprise." We drafted such a measure and passed it through both houses of the general assembly on the final day of the session. I am happy in the belief at this time and until I am advised to the contrary—and I am not at present apprehending such advice—that we were able to obtain in this way in North Carolina an unemployment-insurance provision or law that is workable and that is workable in conformance with the Federal statute. I believe that we were able in that way to anticipate the enactment of the Federal statute in a satisfactory way. It will be the purpose of the department and of the Governor and of those whose responsibility it is to set up that activity and put it in motion in North Carolina and thus to put ourselves in step with the Federal act along that line.

Old-age pensions, of course, do not begin to be effective until 1942. The present old-age benefit payments were contemplated to begin almost immediately, but the filibuster of an unforgotten man prevented anything like congressional appropriation of the funds to carry on that enterprise, and that must wait, of course, until Congress meets again.

Forgive me, please, for wearying you perhaps with a statement of North Carolina’s enterprise. It is only by contact and by finding out what others are doing that we are able to shape our own courses. We cannot live unto ourselves, and that is the only justification I have for telling you something about our problems and something of the way in which we have tried to meet them. We have found ourselves terribly handicapped in the last 2 years. We feel today the liberation which vastly increased appropriations and financial provision give to each and every one of us. We feel more keenly the challenge of the day and the responsibility of the moment, and we feel not only the force and the driving power of that challenge but something of that consolation which comes from the realization that we have the necessary finances to meet the challenge in something of substantial proportions.

And so with our hearts high and our hopes high and catching the inspiration to higher resolve which comes from contact with present-day challenging problems, we are confronting the future.

We are happy to have the opportunity for association with you from other States who are engaged in like enterprises. We are quite certain that we shall gain from you a great deal of inspiration and a great deal of information. I think it is a very happy thing that those from various parts of the country, having similar problems in different localities, are brought together in an activity such as this, so that we may talk over our problems and get something of guidance in the solution of those problems, guidance that comes from the experience of others and the way in which they have met their problems. The old day of division is gone. The old day in which we envisioned the country as a great territory of divided interests and antagonistic aims and aspirations can never come again. Such lines and divisions of demarcation as the Mason-Dixon line have vanished and today are only historical facts. Today more and more men and women from the distant West and the close-at-hand East, men and women from the frozen North and from the warm and sunny climes of the South,
and men from our splendid neighbor country of Canada—men and women from every section, every part, of this North American continent, yea, even from other continents, with common problems are recognizing a common interest and a necessity for common consideration and are studying those problems as brethren. So I greet you as laborers in a common enterprise and an inspirational enterprise, with hope and with courage, and with determination to carry on in spite of any difficulties that may confront us.

The report of the president of the association was then read:

The Future of the International Association of Governmental Labor Officials

By Joseph M. Tone, President, I. A. G. L. O.

During the year since the last meeting in Boston of the International Association of Governmental Labor Officials much water has flowed under many bridges. The swirling current of events has not flowed placidly as in normal times, but has swept with torrential force over and around as well as under bridges and has furiously swept away certain very important bridges which, during the existence of the N. R. A. have carried main highways of social-economic traffic. I refer of course to the Supreme Court decisions on the N. R. A. and the A. A. A., as well as subordinate Federal court opinions on the unconstitutionality of attempts by the Federal Government to control petroleum production and coal mining and to condemn real estate for purposes of slum clearance, and similar opinions. The sweeping decisions of the Supreme Court, the lower Federal courts, and several State courts have greatly changed the situation regarding the establishment and maintenance of standards of wages, hours, and conditions of labor in all States. The Federal Government as an enforcing agency has been practically destroyed for the present and for a long time to come. The elaborate structure of positive law and administrative practice built up under the N. R. A. codes has been reduced to mere moral yearnings and expressions of pious hopes. Only the States can transform these yearnings and hopes into effective labor standards. It must be granted that several undesirable principles and vicious practices were embodied in some of the far-too-numerous codes. It is a pity, however, that the Supreme Court felt itself incompetent to sort out and save the many good features of national control. To destroy all national control over the basic industries of oil, coal, steel, lumber, and agriculture in order to protect the liberties of Brooklyn chicken killers, seems unnecessarily sweeping to many Americans. The destruction of industrial control by the National Government puts a most difficult burden of responsibility for united action upon the several States. Cooperation among the States is more necessary today than ever before, since interstate competition today is keener. It is, therefore, more necessary that desirable uniform labor standards shall be adopted by all States; not only those States which are today actually engaged in harmful industrial competition but those which may become potential competitors in the future.

The political-economic oracles and orators are telling us today, as they are always doing, that either a new day is dawning in splendor
or an old day is fading into the shades of night; they tell us that we
are standing at the cross-roads; that we must turn either to the right
or to the left, or go straight ahead, or stand still, or turn around and
go back; that we must choose this day whom we will serve; that we
must either readopt the Constitution or plunge ahead into fascism,
Hitlerism, socialism, communism, or some other ism.

There is naturally a great deal of hectic oratory being uttered for
political effect. I wish to avoid as far as possible giving any political
slant or tinge to my remarks. Of course, it is impossible to discuss
any policy which affects vitally a large number of the people without
becoming involved more or less in politics. Policies and politics are
inseparable either in private or public matters. Every American
citizen worthy of his citizenship must hold opinions as to the right­ness
and the effectiveness of the policies and program which have been
enunciated by President Roosevelt. I do not wish to discuss and
appraise these different opinions, but I shall discuss as impartially
and as intelligently as I can the very vital problems concerning the
purposes and future program of action of the International Associa­
tion of Governmental Labor Officials.

Since Federal regulation of labor and industry has been rendered
practically powerless, and since much greater uniformity in labor
standards is necessary, the several States comprising the Union
should take up the heavy task of controlling or outlawing harmful
and destructive competition among the States. Uncontrolled com­
petition of industries can lead only to destructive price cutting, lower­
ing of wages, increasing hours of work, and depressing the standards
of living among workers in all industries. Surely a momentous
decision is called for. I feel that this association should make that
decision in favor of closer cooperation among the States in order
to improve labor conditions and to maintain proper labor standards
in all States. We should choose to serve social justice rather than
economic power. There can be no doubt about the crisscrossness
of the crossroads at which the International Association of Govern­
mental Labor Officials stand.

This association is the oldest of the several organizations of State
labor officials. It goes back to the relatively ancient days of the
early eighties of the last century, before the Federal Government
created the United States Bureau of Labor.

The individual States which had been left to deal with the problems
of regulation and control of labor and industry had found themselves
powerless to deal with their own internal problems, because competi­
tion is not confined within State boundaries. The International
Association of Governmental Labor Officials has occasionally dis­
cussed the outer edges of the problems of industrial and labor regu­
lation and control, but it has never felt inclined to do anything about it.

In 1914 the International Association of Industrial Accident Boards
and Commissions was formed. The workmen’s compensation com­
misioners felt the need of meeting together in order to exchange
views about the interpretation of the newly enacted compensation
laws and to discuss methods of administration and enforcement.
Much useful work has been done by the International Association of
Industrial Accident Boards and Commissions in improving accident
reporting, accident statistics, administrative methods, and even
legislative principles. This association has been more than a mere talking society.

The International Association of Public Employment Offices was created in 1912 in order to give the State employment officials opportunities to meet and talk about their problems. This organization has had a checkered career. It did some creditable things with the help of the United States Bureau of Labor Statistics, which were later lost in the several shuffles which the Federal and State employment services have undergone.

More recently two additional organizations of State labor officials have been formed. The Conference on Interstate Labor Compacts was created by certain forward-looking individuals as a means of securing uniformity in labor standards among competing States without resorting to Federal action through amendment of the Constitution. This organization originated with the States, but the consent of Congress must be obtained before any compact which may be agreed upon can have any validity. The Federal Department of Labor has joined with the State legislatures and officials in this new movement and is assisting in the task of working out acceptable uniform labor standards. This agency is a good school for the education of State officials, whether or not any labor compact is finally agreed upon and adopted. The latest agency in the field of interstate labor standardization is the Conference of State Labor Officials called into being by Miss Frances Perkins, Secretary of the United States Department of Labor.

There is certainly no dearth of organizations of labor officials. The functions of these several organizations necessarily overlap considerably and the agencies may come into conflict in the fields of accident prevention; medical treatment and rehabilitation of industrial disabilities; factory inspection; and certain labor policies.

There is much in common in the programs of the Interstate Labor Compacts Conference, the Federal Secretary's Conference of State Labor Commissioners, and the International Association of Governmental Labor Officials. At first glance it might seem that the Conference of State Labor Commissioners will duplicate entirely the activities of the International Association of Governmental Labor Officials. Several State labor officials have expressed the opinion that the agency created by Secretary Perkins will perform all the functions which have been or can be performed by the association and perform them better and more expeditiously than the association could ever hope to do. The people who hold this view argue that there is no excuse for the continuation of both organizations. In the hallowed names of economy and efficiency, these individuals advocate the dissolution of the International Association of Governmental Labor Officials.

Against this view I wish to register my vigorous dissent. In opposing the dissolution of our more or less ancient and honorable association, I utter no word in opposition to or in criticism of the new Conference of State Labor Commissioners. Quite the contrary, I think such a conference is very valuable to the States and to the Federal Government. The aims of the Conference must, of course, be similar to the aims of the International Association of Governmental Labor Officials; namely, to improve and make more uniform the standards of labor legislation and labor-law administration in all
jurisdictions. But though the aims of the two organizations must be similar, they cannot and should not be identical because of the differences in their origins, motivating ideas, and objectives. Even if both the purposes and the methods of approach of these two organizations were identical, that would not mean, in my opinion, that one of these agencies is superfluous and should be dissolved or that the two agencies should be amalgamated into one organization. Each has a distinct place to fill and a particular purpose to achieve.

The suggestion for the dissolution of the International Association of Governmental Labor Officials should be rejected for reasons which seem to me to be sound and sufficient.

First and foremost, the association is not a mere duplicate of the new Conference of Labor Commissioners. It has certain functions to perform which an organization inspired and directed by the Federal Secretary of Labor could never perform to the satisfaction of State labor officials. The fact that the association was formed by the voluntary act of State labor officials gives it more of a "State's rights" slant and insures a different approach to the problems to be considered at the annual meetings. The programs of the Federal Conference of Labor Commissioners would probably be more likely to stress the need for uniformity in legislation and administrative practices than would the programs of the association. The association programs have always recognized, and will no doubt continue to recognize, the need of diversity in law and administration to suit the different conditions in the several States. No matter what decisions are made or are not made by the Supreme Court and the other courts, the States will continue to exercise the principal control over industrial conditions and practices. This being the fact, it would be the part of wisdom to encourage the States to continue an organization intended to promote and maintain common policies, standards, and practices in legislation and administration. The potentialities for good of the association are limited only by the intelligence and the spirit of cooperation among the officials and citizens of the several States.

Second, the new conference is a Federal creature which is dependent entirely upon the present Federal Secretary of Labor. If the administration should be changed, or if the present Secretary should be changed, or even if the present Secretary should merely change her mind, the Conference of Labor Commissioners would vanish into air, leaving no trace. If the International Association of Governmental Labor Officials were dissolved, it would then become necessary, in order to establish and preserve interstate cooperation, to revive it.

Some critic may scoffingly say that even if the International Association of Governmental Labor Officials were dissolved the loss of its achievements would not sink the ship of state, halt human progress, and destroy organized society; that the death of the association would not seriously deplete the sum total of interstate cooperation in the field of labor legislation and administration; that nothing subtracted from naught leaves an undiminished zero.

If there be such scoffers among the delegates here present, I wish to reprove them gently but firmly for holding a mistaken view of the achievements of the Association of Governmental Labor Officials. To be sure, there is nothing in the way of concrete labor laws or administrative rules or enforcement practices to which we can point
with pride and exclaim in stentorian tones, "Behold what the International Association of Governmental Labor Officials hath wrought!"

It is a grave mistake, however, to assume that this association has done nothing, merely because it has never yet submitted drafts of model labor bills nor fought epic battles for justice and the rights of labor in the public forum or in the legislative halls of the Nation. It was a real achievement to bring the State labor officials into any sort of a united union.

The Federal Government must of course be a member of any organization which seeks to abolish the evils and injustices which grow out of competition among States. The States are not mere administrative departments; rather, they are independent jurisdictions. The citizens of the several States retain a stubborn pride in State institutions and achievements. So long as this is true, it will be impractical for the Federal Government to take the role of creator and leader in an organization whose purposes are to harmonize and unify legislation and administration in the individual States.

The reasons for continuing an organization of State labor officials are unanswerable, but if this organization is to continue, it must be much more positive and aggressive in the future than it has been in the past. I shall submit for your consideration some suggestions regarding the future development and possibilities of the International Association of Governmental Labor Officials.

As members of the Association of Governmental Labor Officials, we can no longer be satisfied with an organization which merely brings us together every year for the purpose of telling each other what good fellows we are and what we have succeeded in persuading or jockeying our legislatures into giving us at the last session. If this association is to deserve to live it must have a rebirth and begin at once to live "a more abundant life." The association should adopt a positive program for the vigorous promotion of progressive labor legislation, as well as progressive administration and enforcement in all States. The standards in backward States should be brought nearer to equality with the more progressive States. Progress in the advanced States should not be halted until the backward States catch up with them. I believe the time has come when we should strive earnestly to come to real and effective agreements upon minimum standards, including age of employment, hours, wages, and conditions of labor, accident prevention, compensation and insurance for industrial disabilities, unemployment, and sickness rather than to pay lip service to these as desirable but unrealizable ideals.

Of course, there should be full understanding and cooperation between the association and the compact commissions. I do not say that the Interstate Labor Compacts Commission should be dissolved or even incorporated in the International Association of Governmental Labor Officials. The labor compact commissions have been created by the legislatures of the different States as agencies independent of the labor departments. The labor departments are represented on the commissions, but the departments can exercise only a limited influence upon the commissions through the power of moral persuasion. This fact does not rule out the possibility of merging the Conference of Labor Compacts Commissions with the International Association of Governmental Labor Officials. It merely
makes a merger more difficult. I think it is not worth while to talk about uniting these two agencies at this time.

It seems very improbable that any standard legislation suggested will be immediately accepted by a sufficient number of States to make it effective. It must be recognized that an interstate labor compact to be really effective must be adopted, not only by all States now competing, but by all potential competitors as well. I heartily endorse the principle. The commissions have already done valuable educational service in those States which have participated in the compacts conferences. Education in the arts of compromise and compact drafting is the only achievement of these conferences to date, and it seems to me quite unlikely that anything more than education will be achieved for a very long time. If the education is thorough enough, compacts may become effective and State labor legislation may be influenced.

I suggest for your consideration that, if the International Association of Governmental Labor Officials is to become a more effective organization, it establish a permanent active secretariat which will be on the job every day. In the past the United States Bureau of Labor Statistics has most generously contributed much secretarial assistance to this organization. Would it be possible for the Bureau to continue the indispensable services which it has performed so efficiently on a larger scale to meet the requirements of a more progressive program of a more active International Association of Governmental Labor Officials? Through such a secretariat it would be possible to bring the members of the association into closer contact with each other than heretofore. It might be possible also to use this secretariat to inform the State legislatures of the recommendations and standards of our association, and in that way to attempt to secure the passage of uniform legislation.

We are at the crossroads. This is the day of decision. Shall we choose the strenuous way to the “more abundant life”, or shall we choose the lazy way to oblivion and the graveyard of defunct organizations?

[After some deliberation it was decided by the conference to discuss reports of officers and committees at a subsequent session.]

**Business Meeting**

President TONE. We will now have the report of the secretary-treasurer. I want to state that from a financial standpoint the organization is better off than ever before. Perhaps that is because we have not done very much.

**REPORT OF THE SECRETARY-TREASURER**

Since the Boston convention the North Dakota Department of Agriculture and Labor has joined the association as an associate member and the Indiana Industrial Board, the South Dakota industrial commissioner, and the West Virginia Department of Mines have discontinued their active membership. The list now stands as follows:
ACTIVE MEMBERS

United States Bureau of Mines.
United States Children's Bureau.
United States Employment Service.
United States Women's Bureau.
Alabama Child Welfare Department (now in Department of Labor).
Arkansas Bureau of Labor and Statistics.
Connecticut Department of Labor and Factory Inspection.
Georgia Department of Industrial Relations.
Illinois Department of Labor.
Iowa Bureau of Labor.
Kansas Commission of Labor and Industry.
Kentucky Department of Agriculture, Labor, and Statistics.
Maine Department of Labor and Industry.
Maryland Commissioner of Labor and Statistics.
Massachusetts Department of Labor and Industries.
Michigan Department of Labor and Industry.
New Jersey Department of Labor.
New York Department of Labor.
North Carolina Department of Labor.
Pennsylvania Department of Labor and Industry.
Puerto Rico Department of Labor.
Tennessee Department of Labor.
Virginia Department of Labor and Industry.
West Virginia Department of Labor.
Wisconsin Industrial Commission.
Department of Labor of Canada.
Ontario Department of Labor.
Quebec Department of Labor.

ASSOCIATE MEMBERS

New Hampshire Bureau of Labor.
North Dakota Minimum Wage Department.
C. E. Dickey (E. I. du Pont de Nemours & Co., Inc.), Wilmington, Delaware.

HONORARY MEMBER

Leifur Magnusson, American representative, International Labor Office.

Owing to the length of time involved in printing the proceedings of the Boston convention, and in order to place the recommendations of that meeting before the various State legislatures convening in 1935, your secretary sent a digest of the recommendations of that convention to all the members of this association and the governors of the various States shortly following the meeting.

During the year the association continued its participation in the work of the American Standards Association.

The proceedings of the Boston convention have been printed as Bulletin No. 1 of the Division of Labor Standards of the United States Department of Labor. Copies are available at this meeting.

Since the Boston convention the Division of Labor Standards has been created in the United States Department of Labor. As the work of that Division will largely deal with matters within the scope of this association it is recommended that it be formally elected as a member of this association.

The same recommendation is made concerning the Social Security Board established under the recently enacted Social Security Act and the National Labor Relations Board.

The following is a financial statement covering the period since the Boston convention:
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1935 MEETING OF I. A. G. L. O.

Financial Report

RECEIPTS

1934:
- Oct. 2, balance in bank .......................................................... $434.65
- Oct. 2, Michigan Department of Labor and Industry, 1935 dues .......... 15.00
- Oct. 2, Iowa Bureau of Labor, 1935 dues ................................... 10.00
- Oct. 2, Leifur Magnusson, 1935 dues ....................................... 10.00
- Oct. 19, Arkansas Bureau of Labor and Statistics, 1935 dues ........... 10.00
- Oct. 19, Maryland Commissioner of Labor and Statistics, 1935 dues ..... 15.00
- Nov. 12, Ontario Department of Labor, 1935 dues ......................... 50.00
- Nov. 26, Kentucky Department of Agriculture, Labor, and Statistics, 1935 dues .......................................................... 10.00
- Dec. 7, Puerto Rico Department of Labor, 1935 dues ...................... 15.00
- Dec. 29, New Jersey Department of Labor, 1935 dues ..................... 50.00

1935:
- Aug. 27, Connecticut Department of Labor and Factory Inspection, 1936 dues .......................................................... 25.00
- Aug. 27, West Virginia Department of Labor, 1936 dues ................. 25.00
- Aug. 27, Quebec Department of Labor, 1936 dues .......................... 25.00
- Aug. 27, Ontario Department of Labor, 1936 dues ......................... 25.00
- Sept. 7, North Carolina Department of Labor, 1936 dues ................. 25.00
- Sept. 7, Tennessee Department of Labor, 1936 dues ....................... 25.00
- Sept. 7, New Hampshire Bureau of Labor, 1936 Assoc. dues ............ 10.00
- Sept. 7, Wisconsin Industrial Commission, 1936 dues .................... 25.00
- Sept. 18, Illinois Department of Labor, 1936 dues ......................... 25.00
- Sept. 18, Kansas Commission of Labor and Industry, 1936 dues .......... 25.00
- Sept. 18, Georgia Department of Industrial Relations, 1936 dues ........ 25.00
- Sept. 24, New Jersey Department of Labor, 1936 dues .................... 25.00

Total receipts ............................................................................. 904.65

DISBURSEMENTS

1934:
- Oct. 3, Mary J. Cantey, services at Boston convention .................. $10.00
- Oct. 3, Kathryn Gibbons, services at Boston convention ................. 10.00
- Oct. 3, Phoebe Shirley, services at Boston convention ................... 10.00
- Oct. 19, Glenn L. Tibbott, reporting Boston convention ................ 100.00
- Oct. 19, Caslon Press, printing 2,000 letterheads ....................... 16.50

1935:
- Aug. 14, Cash (postage and telegraph fund) ............................... 5.00
- Aug. 14, Caslon Press, printing line in red on 1,500 letterheads ......... 4.75
- Aug. 23, Cash (postage and telegraph) ...................................... 5.00
- Aug. 23, Exchange on dues of Quebec ...................................... .15
- Aug. 23, Federal tax on checks ............................................. .10

Total disbursements .................................................................. 161.50
Net balance .................................................................................. 743.15

[The $10 advance payment of dues made by C. W. Dickey in 1930 and 1931, and reported as an obligation in the financial statement to the Boston convention was credited in payment of Mr. Dickey’s associate membership dues of $10 for 1936.]

Isador Lubin,
Secretary-Treasurer.

Sept. 25, 1935.

Since this report was closed the following transactions have taken place:

RECEIPTS

Arkansas Bureau of Labor and Statistics, 1936 dues ......................... $25.00
Massachusetts Department of Labor and Industries, 1936 dues ............. 25.00

Total ......................................................................................... 50.00
Mr. Lubin. Several States have sent word that they would like to belong to our organization. There is a possibility of having the association grow to the extent where we can have perhaps two-thirds if not three-fourths of the States in our membership. Whether or not the association wants to make an effort in this direction, I think will have to depend upon what we decide the future policy of the association will be, and that matter can be discussed later.

Reports of Committees on Uniform State Laws

President Tone. We will next discuss the reports of the committees on uniform State laws, and the first report will be on child labor. Miss McConnell, of the Federal Department of Labor, will make the report.

REPORT OF COMMITTEE ON CHILD LABOR

By Miss Beatrice McConnell, Chairman

The regulation of child labor has been a matter of great concern to this organization since its inception in 1887. When it was first organized as the National Association of Factory Inspectors, laws relating to women and children formed the great bulk of labor legislation, and the enforcement of child-labor laws was one of the responsibilities of the few labor inspection departments existing at that time. At the first meeting of the association, Henry Dorn, chief factory inspector of Ohio, said:

The duties that the child-labor law has mapped out for us are far-reaching in their effects. On us * * * devolves the important duty of ascertaining whether children under a certain age are employed in workshops and factories. * * * This provision of the law, while to some it may seem arbitrary and unjust, is based on sound statesmanship. * * * It meets with the approval of the purely humanitarian and preserves, to a great extent, the State from the effects consequent upon the enforced idleness of a considerable portion of its male adults.

Many other important fields of labor legislation have developed since that time, but child labor is still a major problem. In 1932, when the regular annual meeting of this body was not held, the executive board and the small group of members called together to consider the problems that were devolving upon State labor officials as a result of the depression placed special emphasis upon the need for uniform child-labor standards throughout the country. At that meeting a committee on child labor was appointed to draft uniform child-labor standards which might be recommended as a pattern for State legislation.

This committee included a member of the Department of Labor of Canada, representatives of the Departments of Labor of Pennsylvania, Connecticut, and Wisconsin, the chief child labor inspector of Alabama, a representative of the International Labor Office, and the Director of the Industrial Division of the United States Children's Bureau.

A preliminary draft for a child-labor law was prepared by this committee for the conference of national organizations interested in child welfare which was held in Washington in December 1932 to consider the acute child-labor problems.
which had developed along with the rapid increase of unemployment. A final draft was adopted at the annual meeting of the International Association of Governmental Labor Officials in 1933. This draft was modeled upon the provisions found effective in the best State laws. The action of this group has had significant influence upon the progress that has since been made in State child-labor legislation. The adoption of specific standards undoubtedly stimulated the formulation of definite State proposals and has been of assistance to groups desiring to make legislative advances but needing the guidance and stimulus both of approved standards and of a framework of legislative form.

The past 2 years have been most eventful in the field of child labor. The depression, with its resultant breakdown of labor standards bringing a recurrence of the sweatshop conditions of 30 years ago, took heavy toll of child workers. Then came the National Recovery Act, which established a general 16-year age minimum for the employment of children in manufacturing and mercantile industries throughout the country. The effect of this national minimum standard for the employment of children was practically to eliminate the employment of 14- and 15-year-old children from both industry and trade. In 1932, before the N. R. A. became effective, 50,023 employment certificates issued for children 14 and 15 years of age leaving school for their first full-time employment were reported by the officials of 18 States and 69 cities. In 1934 the number of employment certificates issued in these same States and cities had fallen to 13,963, a decrease of 72 percent from 1932. Those who left school for work in 1934 for the most part went into domestic and personal service and various miscellaneous employments not covered by the N. R. A. In 1932, 49 percent of the children for whom occupation was reported went into manufacturing and mercantile work; in 1934, only 4 percent. On the other hand, in 1932, 30 percent entered the occupations classified by the census as domestic and personal service; in 1934, 81 percent. A comparison between the trends of employment of children 14 and 15 years old, and of those 16 and 17, suggests a transference of opportunities for employment from the younger group to the older. The drop in 1933 and 1934 in the number of 14- and 15-year-old children going to work [shown on charts] contrasts with a rise for the 16- and 17-year-old minors in the same 2 years and contrasts also with the rise in the index number for employment in manufacturing industries, which may be considered a fair measure of general industrial activity.

Now, in 1935, with the child-labor provisions of the codes no longer in effect, we face a situation as crucial as in the early days of the depression. Whether or not young people will go back to work in as large numbers as before we do not know. Certainly a psychology against the employment of children has been built up. Employers are more open-minded to the idea that the use of child labor is economically unsound. The development of this attitude has been influenced by the fact that the codes, as a rule, made no distinction in wage rates for minors and adults and that experienced adult labor was plentiful. There are definite indications of a slight but nevertheless a significant increase in the employment of children in the period immediately following the outlawing of the N. R. A. codes. Special reports of employment certificates issued since the N. R. A. codes were suspended have been sent to the Children's Bureau by the employment certificating officials of 7 States and 89 cities. These reports show that in some States and cities, where at most only two or three 14- and 15-year-old children left school for factory employment in 1934, now a considerable number are being certificated for such employment.

For instance in 1 State where no certificates were issued for factory work in 1934, in the 3 months following the N. R. A. decision, 56 regular certificates were issued for factory work. In another State where 7 regular certificates for factory work had been issued in 1934 in the 3-month period of June, July, and August,
1935, 37 regular and 114 vacation employment certificates were issued for factory employment. In all, 514 children 14 and 15 years of age received regular employment certificates, and 2,972 received vacation certificates during this 3-month period. Of the 514 children who received regular employment certificates 26 percent went into manufacturing and mechanical occupations and 22 percent went into outside messenger and delivery work. On the other hand, many of the certificates were issued for occupations that were not regulated by the N. R. A. codes; practically one-fourth of all certificates issued (vacation and regular) were for caddies and newsboys.

With the going out of existence of the code standards which helped develop this public opinion, a return of the conditions of 1932 might easily occur, unless some legislative control is established. It is significant to review in this connection the legislative barriers that have been erected during the years 1933-35. A 16-year minimum age for employment has been established by law in five States—Wisconsin and Utah in 1933; New York, Pennsylvania, and Connecticut in 1935. This brings to seven the total States with laws approximating the N. R. A. standards, Ohio and Montana having enacted such legislation previous to 1933. Important advances have been made in standards for hours of work of minors under 18, though the State laws still lag behind the N. R. A. 40-hour maximum. A 44-hour week for workers under 18 was established by Pennsylvania and Utah, and six additional States—Connecticut, Massachusetts, New Mexico, New York, North Carolina, and Oregon—also strengthened their hours of labor regulations for the 16- and 17-year-old minors. There was little change in night-work standards during this period, but the revised child-labor laws of Connecticut and Pennsylvania extended somewhat the prohibitions regarding night work. The legal restrictions on employment of minors in hazardous occupations were improved in Connecticut, New York, and New Jersey; and in Indiana, Massachusetts, New Hampshire, and Utah laws were passed requiring the payment of additional compensation in case of a minor injured while illegally employed. Educational standards have also been raised in Texas and Wisconsin by improvement in the laws requiring school attendance and in Kentucky by the raising of the educational requirements for children going to work. The age limit for employment certificates was raised to 18 in Connecticut, New York, Pennsylvania, Utah, and Wisconsin. In 1933 and 1935, 18 States ratified the child-labor amendment, bringing the total to 24.

These advances in State legislation are most encouraging, but there is still a great inequality in the protection for working children in the several States. If we are to hold the gains that have come through the establishment of the national minimum standards of the N. R. A. no opportunity that will lead to the more adequate protection of working children, either through State legislation or through the establishment of minimum uniform standards by Federal action, can be ignored.

Miss McConnell. The child labor committee which was appointed by this conference in 1932 conferred by correspondence on the question of a standard for this child-labor law which was adopted by the International Association of Governmental Labor Officials in 1933 and more or less agreed upon certain slight changes of the standards of that act which might be brought before the Association at this time. I should like to discuss briefly the points in which the committee suggests this child-labor bill be revised. At the request of Miss Hillyer the words “gainful occupation” have been changed to “occupation”, to be certain that coverage would be had for occupations which might come under nongainful enterprises but which
would after all involve the employment of children. The term "employed or suffered or permitted to work in" we feel would cover the employment question sufficiently so there could be no question that it would involve the work of children in their own homes or other places where it was not actual employment.

The minimum age is 16, as it was when adopted in 1933. The phraseology is changed somewhat so that the employment of children in general in factory work is prohibited; and the employment of children 14 and 15 during the hours that school is not in session and during summer vacation is permitted at occupations not factory work or which are not otherwise prohibited by the law itself. The exemption of children engaged in domestic and farm work is contained in one exemption in section 1, made to apply to the whole act. As the act had been previously drawn it was placed in each section, and it seemed to us a little clearer and less complicated as we now have it. The maximum hours of work are changed to meet the requirements of 40 hours for minors under 18.

It was suggested that work for minors 16 and 17 be the same for boys as for girls. As a representative of the State labor department, in which we have jurisdiction over a great many employed boys and girls in the State of Pennsylvania, I have always felt there should be no distinction between the general regulations for the employment of boys and girls under 18 years of age. And, in presenting this recommendation, I may say that it is following the regulation which has been incorporated in some of the revised child labor laws which have passed the legislatures in the various States during the past 2 years.

The question of the regulation of night work was not entirely determined. There was some question as to whether or not night work might not be prohibited between 9 p. m. and 7 a. m. instead of between 10 p. m. and 8 a. m., as has been the standard in the child labor act as adopted by the association before. I do not know what your pleasure is about that, whether you want to discuss that now or should that be held up for a later session.

President Töne. I believe there was a motion made that it be all discussed later.

Miss McCONNELL. A section providing for a lunch period for minors under 16 has been incorporated. No such provision was contained before. The section of posted hours has been somewhat revised, strengthening the provisions and providing for the records to maintain the wages paid as well as the hours worked, which is very important, of course, in the background for a minimum wage. There is a somewhat more comprehensive law for hazardous occupations incorporated in this draft, based upon the recommendations of the National Committee on Hazardous Occupations and the ones which have been agreed upon under the N. R. A. as hazardous and to be prohibited for minors under 18.

The question as to what evidence of age shall be considered as adequate is a very important one, and it does seem important from the point of view of uniform investigation and regulation that State laws provide for approximately the same type of evidence of age for employment before issuance of the employment certificate. In other words, the child-labor law has been changed slightly in reference to these standards which I have mentioned. I hope that any of you
who have any questions in regard to this will bring them up at the proper discussion period.

President Tone. You have all heard the report of Miss McConnell. What disposition do you wish to make of it?

[It was decided by the delegates that no disposition of the report would be made until after the discussion period.]

President Tone. Miss Louise Stitt will present the report on minimum wage.

REPORT OF COMMITTEE ON MINIMUM WAGE

By Miss Louise Stitt, Chairman

With the Schechter decision of the Supreme Court invalidating the entire code structure of the N. R. A., the States are faced again with the full responsibility of maintaining adequate wage standards. Nothing could be more indefensible than to permit industry to return to the old cut-throat method of fixing wages which even in good times too often resulted in reducing earnings of many workers to the sweat-shop level. The situation calls for a review of what has been gained during the 2 years of the N. R. A. and the present status of minimum-wage legislation, together with an analysis of further steps which may be taken by the States to protect wage standards. In this report we shall attempt to deal only with the broader aspects of the situation, although recognizing the necessity for further discussion of techniques of minimum-wage administration and policies in wage setting.

It was to have been expected that women, paid for the most part considerably less than men and massed heavily in low-wage and long-hour employments, formed a group of workers for whom the setting of Nation-wide minimum-wage and maximum-hour standards by the N. R. A. would bring substantial benefits. Instances continually appear to show the wide-spread effect of code minima in increasing not only the hourly but also the weekly earnings of large numbers of women who were at the lowest wage levels.

We will mention only a few of the authoritative examples which might be cited. Wage increases under the N. R. A. of from 30 to nearly 60 percent were shown in the average week's earnings of inside operatives in the New York dress industry. A survey of employed women in Michigan revealed that for a great majority of the industries studied average week's earnings increased from 20 to 40 percent from 1932 to 1934. Further corroboration is presented in a study of laundries in Ohio in 1933, in which higher earnings were shown in September, when the industry was operating under a blanket code, than in May. And the findings of a study made by the Pennsylvania Bureau of Women and Children of women's earnings in cotton-garment plants in 1932 and in the winter and spring of 1934 may be cited as still another example of increased weekly earnings for the majority of workers resulting from the code.

We shall not here discuss the defects which accompanied the development of the N. R. A. codes, the low minimum rates set, the question of determining wages on various differential bases and allowing lower rates for specified groups of workers, and the problem of maintaining higher wages for those not in the lowest paid groups.

For the present we want to point out that available evidence on the effects of the N. R. A. demonstrate the validity of the minimum wage as a means of substantially increasing the pay envelopes of the lowest paid workers. As a result, as women's wages have been raised the available data show a definite narrowing of the differential between men's and women's wages. The importance of these
gains to the many thousands of women affected makes imperative the need of State legislation which will protect and extend them. And it must be pointed out that the road to State legislation has been made smoother by the accomplishments of the N. R. A. in swinging public opinion toward the acceptance of the necessity of uniform, Nation-wide, hour and wage standards.

A revived movement toward minimum-wage legislation as a means of stopping the devastating effects of the depression upon women's wages had already gained headway at the time of the enactment of the N. R. A. Seven States passed minimum-wage legislation during their legislative sessions of 1933, bringing the total number of States with such laws up to 16—California, Colorado, Connecticut, Illinois, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wisconsin. The Colorado, New Jersey, and Utah laws have remained inoperative, however, through lack of appropriations.

In all States but one, the minimum-wage laws are applicable to women and minors of both sexes, though the Minnesota law is held unconstitutional in its application to adult women and therefore is in effect only in respect to minors. The South Dakota law covers women and girls. Although the laws of seven States (including Minnesota) cover all occupations, Wisconsin is the only State to include domestic workers in the rates set, and no State has fixed rates for agricultural workers. New Jersey makes the additional exception of hotel employees.

With the exception of Utah, the minimum-wage laws passed in 1933 are essentially the same, patterned on a standard bill, advocated by the National Consumers' League and drafted by experts in an effort to meet the objections of a majority of the United States Supreme Court to the District of Columbia law in 1923. They apply to women and minor employees and are broad in scope. They provide that when a substantial number of women or minors in any occupation are receiving oppressive and unreasonable wages, a wage board composed of representatives of employees, employers, and the public shall be appointed to determine and recommend a wage fairly and reasonably commensurate with the value of the services rendered. An "oppressive and unreasonable wage" is defined as a wage both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health. Following public hearings, the industrial commissioner may put the recommended minimum rates into effect. For a specified period of time, the order setting the minimum rate is directory only; that is, the only penalty for noncompliance is newspaper publicity. After the trial period, if nonobservance of the directory order is so persistent as to threaten the maintenance of minimum fair-wage standards, the commissioner, after a public hearing, may make the order mandatory and thereafter subject to fine or imprisonment for violation.

Although great stress was laid by farsighted leaders on the fact that the N. R. A. was temporary, and the urgency of supplementing, underpinning, and, in some cases, raising through State legislation the wage rates set by the N. R. A. was emphasized, little new minimum-wage legislation has been passed since 1933. Massachusetts, however, whose law had been nonmandatory, relying on public opinion for its enforcement, passed a mandatory law in 1934 and in 1935 amended it so as to aid in bringing the existing nonmandatory minimum-wage decrees under the mandatory law. Moreover, the Illinois law, which was enacted in 1933 for a period of 2 years, was made permanent in 1935.

The slowness of other States in enacting minimum-wage laws was undoubtedly due to a great extent to the fact that the decision declaring the N. R. A. unconstitutional was not made until the close of the State legislative sessions, too late for realization of the urgent need for immediate action. It should be pointed out, moreover, that in at least eight States sponsors of minimum-wage laws succeeded
In having such bills introduced, although not passed, during the 1935 legislative sessions.

In Michigan the minimum-wage bill was passed by the house but failed to pass the senate; while in Pennsylvania bills originating in both the senate and the house passed in their respective bodies but each failed of passage in the other legislative branch. In Maryland a bill introduced in the house was reported upon favorably in the committee to which it was referred but failed to pass the house. The standard minimum-wage bill took its place on the calendar of the Florida senate but did not come to a vote. And in Arizona, Kansas, Montana, and Texas minimum-wage bills were introduced in either the house or senate but not acted upon favorably.

Very substantial progress, however, may be reported in the setting of minimum-wage rates. All of the new minimum-wage States (except Utah and New Jersey where the laws were not operative for lack of appropriations) have at least set directory minimum-wage orders in some industry. New York led the way with a directory order, later made mandatory, in the laundry industry. Ohio has set mandatory minimum-wage rates in the laundry and in the cleaning and dyeing industries. Directory orders have been set by Illinois in the macaroni, spaghetti, and noodle industry; by New Hampshire in the laundry industry; and by Connecticut in the lace home-work industry. In addition, minimum-wage boards have been called and recommendations are under consideration in Massachusetts for the laundry and dry-cleaning industry; in Illinois for the laundry and for the beauty-shop industries; and in New York for the hotel and restaurant industry.

Of the older minimum-wage States, Oregon has issued new minimum-wage orders since early in 1934. In Oregon the new orders issued for the needlecraft and laundry and cleaning and dyeing occupations are particularly significant and worthy of attention, because while the hours which may be worked by women in these industries are reduced from 48 to 44 a week, a minimum hourly wage is set which will provide the same weekly wage as prevailed before the reduction in weekly hours. For mercantile occupations an order of 1934 provides, instead of a weekly minimum wage, an hourly rate, thereby increasing the weekly minimum wage for full-time workers. In Wisconsin, as usual, the orders for women working in canneries were renewed. North Dakota is an example of one of the older minimum-wage States which have recently renewed their efforts to make their long-existing wage orders more effective. In California, the orders for the manufacturing and laundry and dry-cleaning industries, providing $16 for the standard week's work, were modified in 1934 by action of the industrial welfare commission to require only hourly rates, 33½ cents for a full day of 8 hours, 40 cents for less than 8 hours. A 40-hour week, worked on an 8-hour day basis, or a 44-hour week, therefore, would result in week's earnings considerably less than the former $16 minimum.

In evaluating the new minimum-wage orders, particularly those in States with more recent legislation, it must be pointed out that the industries covered are those employing large numbers of women and in which wage standards have been so depressed that the most meager earnings prevailed. Such an industry is the laundry industry, for which the greatest number of States have taken minimum-wage action. In addition to the mandatory orders in effect in New York and Ohio and the directory order of New Hampshire, Massachusetts selected laundry and dry cleaning as the first industry to be investigated under her new mandatory law, and a wage board has made recommendations for wage rates for the industry. Illinois also has made recommendations for this industry and Connecticut has completed a survey as a preliminary step to setting wage rates.

Striking testimony of the extremely low wages which prevailed in laundries and the effectiveness of minimum-wage orders in enlarging the pay envelope of
woman workers is presented in surveys made by these States. A study in New York State by the division of women in industry and minimum wage, indicated marked increases in earnings between May and November 1933. The order stipulated that in New York City area not less than $12.40 be paid for a 40-hour week, and outside of this area not less than $11 for a week of such length. Findings of the New York study show that the median of week's earnings of women and minors in Greater New York, where sweatshop conditions were most prevalent, had increased $1.77—from $10.77 in May to $12.54 in November—and in the remainder of the State by $1.13—from $9.82 in May to $10.95 in November. The average week's hours worked had been shortened from 45.0 to 41.1 in the former case and from 42.5 to 37.9 in the latter. The study also points out that there has been no tendency for the minimum wage to become the maximum wage.

In New Hampshire also, comparison of the wages women were earning in laundries before and after the wage order shows a distinct advance in hourly rates and an increase in weekly earnings. The New Hampshire minimum rates were set at 28 cents an hour for 30 or more hours a week, and a higher rate—30 cents an hour—for less than 30 hours a week. After the order went into effect average hourly rates in commercial laundries increased from 27 to 31 cents and average weekly earnings for these laundries from $10.20 to $11.33. As in New York, the New Hampshire Minimum Wage Division reports that there has been no tendency for the minimum to become the maximum wage. Rather, while before the order only 24 percent of the employees earned $13 or more a week, after the order the percent earning that amount had increased to 47 percent. Moreover, the State reports that the setting of higher rates for a short workweek has resulted in much greater regularity of employment for women formerly working on a part-time basis.

In Ohio, surveys show that the minimum wage set at 27½ cents an hour resulted in an increase in the median weekly wage of over a fifth, from $8.80 to $10.61. And in Illinois, whose recommendations for this industry follow New York's, New Hampshire's, and Ohio's example in setting higher hourly wage rates for part-time workers, preliminary surveys indicate that substantial wage increases will result when the wage rate is put into effect.

Another industry in which there is much hope for great gains to be made through minimum-wage legislation is that of hotels and restaurants. Like the laundries, this is one of the industries in which because of the low-code wage rates the workers benefited the least from the N. R. A. and in which large numbers of women are employed. A survey made by New York State showed the most chaotic conditions prevailing, with a complete lack of uniformity in the matter of pay, of hours, and of deductions for meals and lodgings. Median earnings of women were extremely low—$8.98 in New York City and $7.84 for those in other localities. The recommendations for the industry made by the New York wage board would materially improve the working conditions of the women employed in this industry, not only by increasing the wage rates and regulating hours by requiring pay for time spent on the premises, but by prohibiting one of the greatest abuses of the industry, that of deducting from the workers' meager earnings sums for meals, uniforms, and laundry. If the recommendations of this board are finally established, a landmark for the workers in the industry will have been reached. Steps toward setting minimum rates in this industry are also being taken by New Hampshire and Connecticut, and a study of hotels and restaurants has been made by Ohio.

Further figures might be presented showing the wage increase following minimum-wage orders in the macaroni, spaghetti, and noodle industry in Illinois, in the cleaning and dyeing industry in Ohio, and in home work in the lace industry in Connecticut. In summary, it can be said that all available evidence points
to real gains in raising the wages of the lowest paid workers in the industries covered by the States that have taken minimum-wage action, and indicates the immediate need for similar action by other States.

The unconstitutionality of certain provisions in the N. R. A. codes again brings to the fore the problem of securing uniform wage standards among the States. The N. R. A. conclusively demonstrated the value of Nation-wide regulation in reducing unscrupulous competition between employers in States with differing legal restrictions controlling employment conditions. This competition and the activity of some employers to prevent regulation of working conditions in their States have been the greatest obstacles in the path of minimum-wage legislation.

In this respect the attempt by seven Northeastern States in the spring of 1934 to effect an interstate compact on minimum wage assumes great importance. It is by such voluntary agreements by the States, particularly those competing with each other, to maintain similar wage and hour standards that progress must be made in the immediate future toward securing uniform progressive legislation among the States. The signers of this compact—Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island—have taken the pioneer step in this direction. Today the compact has been ratified by Massachusetts and New Hampshire, each of which States has appointed an interstate compact commission. It is hoped that the example of these two States will soon be followed by the legislatures of the remaining five States whose representatives have signed the compact.

Other moves toward securing uniform progressive State labor legislation may be seen in the creation by the New York Legislature of a commission to report on advantages and disadvantages of interstate industrial compacts, and the appointment in New Jersey of a commission on interstate cooperation.

In closing this report on minimum-wage legislation and looking toward the future, we should like to emphasize a further objective, realized temporarily during our 2 years' experience with the N. R. A. For the first time in the United States, legal minimum rates were set for men as well as women. In approximately three-fourths of the codes these minimum rates were identical. Because of the constitutional problems involved and because women constitute a particularly oppressed and underpaid group in industry, efforts in the past have centered around insuring minimum wages for women. If, however, all possibility of lowering wages to an oppressive level is to be abolished it is necessary and our objective must be to establish minimum rates for all workers, men and women alike. Only in this way can a level be successfully set below which no wages will fall and the greatest advantages through minimum-wage legislation be realized in protection of the workers, the community, and industry.

Miss STITT. May I say while here that I would like to reiterate a statement that our Secretary made last night that the Department of Labor is ready and eager to assist the States in any type of legislation; and that is quite true of minimum-wage legislation. Last year the Bureau responded to the requests of some States and sent representatives to these various States to make studies to find out whether minimum-wage legislation was necessary in the State, to give information to legislators who are responsible for organizing such legislation in the legislatures, and to confer with administrators of minimum-wage legislation and agencies who are interested in enforcing the law. We stand ready to serve you in that same capacity this coming year or any other time or in any other way we can.

President TONE. Joseph P. Harris will now discuss old-age pensions.
REPORT OF COMMITTEE ON STATE OLD-AGE PENSION LAWS

By Joseph P. Harris, Chairman

During the last year very great progress has been made in the development of old-age pension laws throughout the country. Eight new States have enacted legislation and many other States have amended their laws to liberalize them. The eight States enacting new legislation are: Alabama, Arkansas, Connecticut, Florida, Illinois, Missouri, Rhode Island, and Vermont. A number of other States which had previously adopted old-age pension laws enacted entirely new State laws, usually designed to conform to the Federal Social Security Act. These new acts generally provided more liberal provisions, more effective measures of administration, and more adequate financial support. In this group of States would be included Maryland, Minnesota, Montana, New Hampshire, Oregon, Washington, and Wyoming. The legislature of almost every State was flooded with old-age pension bills, many of them practically identical in effect and many others providing the ear-marking of certain special funds for this purpose. Several States had as many as 40 separate old-age bills introduced. Constitutional amendments specifically authorizing old-age pension laws were submitted to the voters of Florida, Oklahoma, and Texas, and have already been adopted in Oklahoma and Texas. There has been a phenomenal development of public sentiment throughout the country in favor of old-age pensions. This is well evidenced by the support received by the Townsend plan and several other similar plans, promising to pay large pensions to everyone. One unfortunate aspect of the whole matter is that many aged persons have had such high hopes raised that they will be greatly disappointed with the actual pensions which can be paid.

At the beginning of this year 28 States had old-age pension laws upon their statute books, but only about a half dozen were actually paying pensions in anything like an adequate manner. Three times as many persons over 65 years of age were receiving relief as were receiving old-age pensions. The number of old-age pensioners at the end of 1934 was approximately 135,000 or about 2.2 percent of the number of persons over 65 years of age. The majority of State laws, however, at that time limited the pensions to persons over 70 years of age. The total amount expended for pensions in this country in 1934 was slightly over 32 million dollars and the average grant for the entire country was $14.69 per pensioner. In 14 of the 28 States, however, the average grant was less than $10 per month, and in one State was less than $1 per month. It is obvious that in spite of the widespread adoption of old-age pension laws, few States were adequately financing them and much remained to be done in order to have effective old-age pension plans in operation throughout the country.

This was generally the situation which led to the provisions in the Federal Social Security Act. The need for Federal financial aid to the States for this purpose was apparent. The discontinuance of unemployment relief and the development of a works program which would not apply generally to aged persons receiving unemployment relief made it imperative to provide other means of caring for needy aged persons. The great increase within recent years of dependency in old age, the increasing difficulty which the older worker encounters in securing employment, and the loss of life-time savings which occurred during the depression to thousands of persons approaching old age, were some of the factors demanding effective action. The Federal aid provided in the Social Security Act is designed not only to assist the States in financing old-age pensions, but to spur the States on to develop adequate State plans. It is very significant that the amount of Federal aid which a State may receive for this purpose is not limited. The Federal Government undertakes to match State
and local expenditures for old-age pensioners up to $30 per month. Other Federal aids have always been granted on the basis of allocation according to population, highway mileage, or some similar formula, and the maximum amount which any State would receive was definitely limited. Under the Social Security Act the more a State and its local unit of government spend for old-age assistance, the greater aid they will receive from the Federal Government for this purpose. A few conditions are imposed upon the State old-age pension plans, by the Federal law, and are as follows:

1. There must be a State plan which is State-wide in operation. If the plan is administered by local units of government it must be mandatory upon them.
2. There must be financial participation by the State government itself, except that this requirement is waived until July 1937, if the State is prevented by its constitution from contributing to old-age pension plans.
3. The State must set up or designate a single State agency to administer or supervise the administration of the plan.
4. Appeals to the State agencies must be permitted to persons who are denied a pension.
5. The State must adopt methods of administration, except those relating to personnel, found by the Social Security Board to be necessary for the effective operation of the plan.
6. The State must make reports to the Federal Government.
7. If the State recovers from the estate of a pensioner, one-half of the amount recovered must be paid to the United States.
8. After 1940, the State law must not have a higher age limit than 65 years of age.
9. The State plan must not make a greater residence requirement than 5 years of residence within the State during the preceding 9 years, but 1 year of residence immediately preceding the application may be required.
10. The State law must not exclude any citizens of the United States by a citizenship requirement, such as, for example, a provision that only persons who have been citizens for a specified number of years are eligible to receive pensions.

These conditions are entirely reasonable and appropriate in consideration of Federal payment of one-half of the pension. Take for example the matter of residence requirements. Many States have heretofore required long residence within the State and within the county where the applicant resides. One State law provides for a residence of 35 years within the State. Requirements of 15 years were not at all unusual. With Federal aid such requirements are out of place. The requirement of more effective State control and State financial participation were adopted because the Federal Government did not propose to supervise the administration of old-age pensions in the counties and local units of government, but required instead that the State should assume this responsibility.

In most States new legislation is necessary to make the State old-age assistance laws conform to the Federal requirements. This has already been enacted in a number of States. In a few other States the legislature, before adjourning, authorized the appropriate State agency to modify the State old-age provisions to conform to the Federal law, though it would appear that there is some question whether such legislation is valid. In addition to meeting the Federal requirements, State legislation is necessary in many States to set up a satisfactory administration and to provide necessary funds. The Federal act requires the States to adopt methods of administration found satisfactory by the Social Security Board. What requirements the Social Security Board may make under this authority remains to be seen, but it may be anticipated that at least one
requirement will be that an investigation of each applicant be made before the pension is granted. Many of the State laws now on the statute books make practically no provision for investigation other than a hearing before the county commissioners or the committee in charge. With the great increase of old-age pensions about to take place with the aid of Federal funds, it may be expected that improved methods of administration and more careful investigation will be required by the Federal Government.

The trends in State legislation of this year can be summarized as follows:

1. State laws have been liberalized with respect to residence requirements, citizenship, and property and other qualifications. In practically every State enacting new old-age pension legislation, the residence and citizenship requirements of the Federal act have been followed. The age has been dropped from 70 to 65 years in a number of States, and arbitrary property and income limits have been repealed or liberalized in a number of States.

2. There has been a definite trend toward State financial participation in whole or in part and greater State supervision. The States of Arkansas, Illinois, Missouri, Nebraska, Rhode Island, and Washington, now provide for entire State financing, with aid. All of the States enacting old-age pension laws this year have met the requirement of the Federal law for some financial participation. The trend is very strong toward relieving the local units from responsibility in the matter.

3. There is a very definite trend toward placing the administration of old-age pensions in the hands of the State and local agency charged with public welfare administration. Almost without exception the old-age pension laws of this year have placed the State administration in the hands of State welfare departments or some similar agency, and have entrusted the local administration to local welfare boards or departments. Only one or two new State laws have provided for local administration by the county commissioner or by special old-age pension committees.

4. More adequate financial provision has been made in many States, but much remains yet to be done to provide adequate financing.

This, generally, is the situation concerning old-age pensions today. Most of the States are facing the task of reorganizing their old-age pension machinery or setting up new machinery and planning to take care of a flood of applicants when the State plans become fully operative. So far the old-age pension movement has been largely a legislative victory; from now on the problems will center more around financial support and administration. Many difficult problems of administration will arise during the coming year, owing partly to the widespread belief that every person is entitled to an old-age pension. Many people have been led to regard old-age pensions as a reward for past services to the community and not as a public charity. This attitude will doubtless cause trouble in administration and bitter disappointment to many aged persons. There is also a widespread belief that old-age pensions will be uniformly $30 per month, which is not the case in any State at the present time, and is not likely to be the case for some time to come. The States and local units of government are not able to finance their share of old-age pensions to everybody or to pay a uniform pension of $30 per month.

President Töne. Thomas H. Eliot, chairman of the unemployment insurance committee, will speak to us now.
During the past year, the President's Committee on Economic Security completed its study of unemployment insurance and made specific recommendations for action by the Congress. It is interesting to note that although, prior to the report of the committee, there had been much controversy as to what form Federal legislation on this subject should take, the committee's final recommendations were accepted by the Congress with almost no change.

Title IX of the Social Security Act, establishing a pay-roll tax and allowing credit for contributions to State unemployment funds, embodies the principle and many of the details of the original Wagner-Lewis bill which was introduced in 1934. The new act, however, has an additional title, wherein it is provided that grants are to be made to the States to assist in meeting the purely administrative expenses of their unemployment-compensation systems. Actually these grants should be sufficient to pay the whole bill. It is interesting to note—considering the agitation last fall for "strict Federal standards"—that in this title, where any number of standards could have been included with impunity, Congress went the other way and so amended the bill that in the end it was less binding upon the States than it was in its original form.

The Federal act, designed in part to stimulate State action, has already had considerable effect. The long discussions in Congress preceding its passage prevented it from becoming law until most of the State legislatures had adjourned, but even so seven States and the District of Columbia have passed unemployment-compensation laws within the year. In view of the motive of the Committee on Economic Security and the Congress in framing the law so that wide choice should be allowed to the States, it is interesting to examine the State laws to see how considerable the variation is.

In the matter of pooling versus plant reserves, seven new laws provided for pooled funds while one, that of Utah, followed the lead of Wisconsin in establishing individual employer reserves. Of the pooled-fund States, all but New York have provided that merit rating, within definite limits, shall result in a variation of contribution rates beginning in 1941; New York is to have a study of the subject with a report by 1939. Two of the pooled-fund States, Massachusetts and California, include in their laws certain "contracting out" provisions exempting employers who maintain approved plans of their own.

The matter of coverage does not, as yet, indicate any particularly careful exercise of State discretion. For the most part, the States tried to include those employers who were subject to the Federal act; and with one exception the variation in coverage can be traced directly to the changes in coverage which were made from time to time in the social security bill as it proceeded on its way through Congress. The one exception was made by Congress itself. In legislating for the District of Columbia, the Senate amended the House bill to include every employer (with workers in employment covered by the act) even though the employer had only one employee for one day. In other words, the coverage became the same as title VIII of the Social Security Act rather than title IX. Presumably, in thus widening the coverage, the Senate was actuated by two things—the fact that these employers were going to be reached, anyway, by the old-age-insurance tax, and the fact that the smaller the number of employees, the fewer the loopholes and the less easy it is to evade the exaction of contributions. Another reason in favor of the broader coverage was that it would do away with the possible advantage accruing to an employer who reduced his regular force from, say, eight men to seven.
In waiting periods and also in the matter of the duration of employment prior to an employee becoming eligible for benefits, there is some small variation among the States, with Washington the only State having an obviously different approach. In Washington, the waiting period is 6 weeks—as opposed to the usual 2 or 3—and the eligibility period is 26 weeks in the previous year, as opposed to the usual requirement of 13 weeks. Although in these respects Washington would seem to be concentrating on depressional unemployment, it may be noted that the duration of benefits in that State is no greater than under most of the other laws.

The amount and duration of benefits seems to be fairly standardized—usually a $15 and 16-week maximum, though Utah goes as high as $18 a week.

One of the major matters long in dispute, the question of whether employees should contribute, was left by the Congress to the States, and the States have provided various answers. California, Massachusetts, New Hampshire, Washington, and Alabama require employee contributions; the District of Columbia, New York, and Utah do not. In States with employee contributions, it usually seems to be intended that the employees should bear one-third of the cost, but in the first year—1936—several laws provide that the employees should pay 1 per cent of wages though their employers are contributing at a rate of only nine-tenths of 1 percent.

It can be said that in this first year of fairly widespread State action, a worthwhile amount of standardization has crept into the State laws, although certain major matters are getting varied treatment. In the ancient feud between pooled funds and employer reserves, the pooling principle has had greater success in the State capitols, but serious doubt has been cast upon its legal validity by the Supreme Court of the United States.

In holding the Railroad Retirement Act unconstitutional, the Court declared that the pooling principle in that legislation operated to deprive individual railroads of property without due process of law. It had previously been assumed that pooling was constitutional; in several cases, the most appropriate being the Mountain Timber case testing the Washington workmen's compensation law, the Supreme Court had given every indication to that effect. Whether these earlier cases are now overruled it is hard to say. The majority opinion in the railroad retirement case sought to distinguish the Mountain Timber case, but perhaps the decision amounted to overruling that case, for the Chief Justice pointed out in his dissent that the case could be distinguished only by misreading the facts and the law therein.

It seems possible to be fairly hopeful that a pooled-fund law, with merit rating definitely provided for, would be upheld. Whether pooling for unemployment compensation, without any merit rating, would violate the fourteenth amendment depends upon some future vote of the men whose duty it is to interpret—by majority vote—the principles of the Constitution.

Turning from the judicial to the administrative and legislative future, it is clear that some major problems relating to unemployment compensation will be brought forcibly to the attention of the newly organized Social Security Board. With the very difficult question of how to deal with the "migratory" worker—a question frankly left unanswered by the President's committee—the Board must wrestle. Many States will also undoubtedly urge that the national legislation be amended to exclude from taxable payroll the salaries of higher-paid officials. The grants which are to be made to the States for administrative expenses will bring into sharp relief the problem of the relationship between social-security legislation and the operation of the employment services. Finally, exploration is certainly necessary as to the possibility of assistance to those
States whose industrial life seems least fitted for operating any compensation system on an insurance basis.

That the Board is even now beginning to grapple with these difficulties, that eight laws have been passed in a few months, and that plans are being laid in many other States for early action, mark the past year as the most significant in the history of unemployment compensation in the United States.

President. Miss Mary Anderson will now present the report on women in industry.

REPORT OF THE COMMITTEE ON WOMEN IN INDUSTRY
By Miss Mary Anderson, Director of Women's Bureau, U. S. Department of Labor, Chairman

In reporting upon measures enacted within this country since our last annual meeting which in some way affect the welfare of women in industry, we can divide the legislation into three main types. First, there are the special labor laws or regulations pertaining to women passed by State legislatures, and it is with this kind of legislation that the present discussion will be chiefly concerned. Then there are other State laws applying to both male and female wage earners, such as workmen's compensation, old-age pensions, and unemployment-insurance legislation, which will be discussed in detail in other reports of this conference and which, therefore, will not be considered in this report, even though these measures mean valuable gains for industrial women. Finally, there are certain pieces of Federal legislation, particularly the Social Security Act and the National Labor Relations Act, which also promise benefits to women as well as to men in industry, but which will not be included within the scope of this analysis. It will be necessary, however, to touch briefly upon the effects on women of the Supreme Court's decision as to the N. R. A. codes.

During the first 8 months of the past year—October to May—while the N. R. A. codes were still in operation and while the vast majority of States were holding legislative sessions at various periods during this interval, many authorities, realizing the time limit to the National Industrial Recovery Act and the fact that its constitutionality was being contested in the courts, were urging the enactment or revision of State labor laws to underpin the desirable code standards on working hours, minimum-wage rates, and industrial home work. Moreover, as codes for the service industries had struck serious controversial snags and as the standards set up under certain other codes seemed inadequate, authorities aiming to safeguard the interests of women stressed the value and need of better and more uniform labor laws in the States. Consequently, there was considerable agitation in a number of the States to try to get the desired results from the convening legislatures.

It is highly regrettable that when, in May 1935, the Supreme Court rendered its decision declaring the enforcement of N. R. A. codes to be unconstitutional, we could point to so few steps taken in the individual States up to that time to guarantee the maintenance of standards built up for women under the N. R. A. influence. Nor, since the decision, has much been passed in the way of State labor legislation to safeguard the interests of women.

As we look over the State legislative achievements pertaining to wage-earning women and sum up the results, we have only a rather meager showing to report. In fact, legislative sessions held during the year in nearly all States resulted in the passage by only 11 States of some measures dealing primarily with wage-earning women, and in one or two of the instances the legal steps taken appeared to be of a reactionary rather than a progressive nature.
STATE HOUR LEGISLATION

Analysis of the hour regulations for women which were placed on the statute books in individual States during the year reveals that Connecticut, perhaps, enacted the most noteworthy and effective legislation, in reducing the working hours of women in manufacturing or mechanical establishments from 10 a day and 55 a week to 9 hours daily and 48 hours weekly. This law stipulates, however, that the State labor department may grant permission to employers for women to be employed 10 hours a day or 55 hours a week in cases of emergency and seasonal or peak demands. But it is encouraging to see that, in regard to manufacturing and mechanical establishments, Connecticut has advanced to a position on women's working hours held for some years by its neighboring State, Massachusetts.

During the year Massachusetts may be said to have forged ahead somewhat in regard to the 9-hour-day and 48-hour-week law for women by extending it to cover the clerical and other workers in an industry. Another progressive measure was effected in regard to the Massachusetts hour legislation by the elimination of special privileges that had been allowed hotels for emergency overtime and for longer daily hours for their women employees. Now the law also specifies a time limit for reporting by employers of any overtime necessary to make up time lost due to the stoppage of machinery.

Delaware took a backward step in regard to night work for women by exempting establishments where continuous operations are necessary from the State night-work law, which prohibits the employment of women between 10 p. m. and 6 a. m.

The New York legislature took special action in regard to the overtime provisions of the State hour law for women, thereby tightening up the 48-hour-week standard. In other words, the legislature removed from the hour law for factories and mercantile establishments the optional 49½-hour week and the annual overtime provisions. The present act, in order to maintain the requirement for one short day in the week, permits women to be employed for more than 8 hours daily (even as much as 10 on 1 day) but not in excess of 48 hours within any week. However, the exemptions for canneries and for mercantile establishments at Christmas time and during 2 weeks in the year for inventory are continued.

Another New York amendment extended the application of the law prohibiting employment of women in mercantile establishments and as messengers for telegraph or messenger companies between 10 p. m. and 7 a. m., so that now the law covers such workers in towns and villages under 3,000 population. Of great importance is another provision in this amendment, which gives to the State department of labor State-wide enforcement of the labor law’s provisions relating to mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters or other public amusement places, bowling alleys, barber shops, shoe-polishing establishments, and distribution, transmission, and sale agencies. Formerly the enforcement of such legislation in places of fewer than 3,000 inhabitants rested with local health authorities. Now one agency instead of many is responsible for the enforcement of the law, and this agency is definitely concerned with and accustomed to investigating labor conditions and standards. Obviously, this is a much improved system and one which promises a far more satisfactory administration of the law.

Only one southern State took a step in the direction of limiting work hours for women: North Carolina extended the scope of the 11-hour day, 55-hour week law, which had applied to only factories, manufacturing establishments, and mills, so that now this law covers women in laundries, dry-cleaning establishments, pressing clubs, and work shops, whose working hours theretofore were subject to no limitation. The North Carolina Legislature extended to towns of fewer than
5,000 inhabitants the 10-hour day and 55-hour week law for women employed in mercantile establishments and public eating places.

Turning to the Middle West we find that Illinois passed a noteworthy piece of legislation requiring 1 day's rest in 7 for men and women, to be administered by the State department of labor. This has the effect of limiting to 60 the weekly hours of women in most of the employments covered by the hour law for women, which sets only a 10-hour daily limit.

Wisconsin made its 9-hour day and 50-hour week law applicable to beauty parlors. In Kansas, the order of the commission of labor and industry regulating the working hours of telephone operators, has been amended to provide maximum hours of 8 a day and 48 a week instead of only a basic day of 8 hours. In Wyoming a tightening of the enforcement of the 8-hour-day and 48-hour-week law can be expected, since the legislature during the past year made the county attorneys and the attorney general, who are charged with the enforcement of the hour and seating laws, subject to penalties if they fail to prosecute violations of these laws.

Arkansas amended its 9-hour-day and 54-hour-week law to provide exemption for women in executive or managerial capacities whose weekly salary is at least $35. This measure was sponsored by a group of business and professional women who claimed that the hour limitation caused discrimination against them and that they wished to have the State law brought in line with N. R. A. codes in respect to exemption of supervisors and executives. Although a considerable majority of the codes did exempt executive and supervisory positions from the hours limitation, there had been scarcely any precedent of a State law having made such exceptions, doubtless because the laws were meant to apply to the rank and file of woman wage earners and not to woman executives. Massachusetts, in extending its hour law to clerical and other workers in industries, specifically exempted supervisory employees and personal secretaries. It seems likely that there may be an increasing trend in this direction, judging from the fact that several hour bills introduced last year carried similar measures.

It is obvious that women in important executive and supervisory positions are not likely to be exploited as are the rank and file of women workers. There is considerable danger, however, that where the hour law permits exemption of women in supervisory positions, some employers may try to evade the hour restrictions by reclassifying jobs and calling them supervisory when they are not such in reality. Therefore, whenever there is an effort launched to include this type of exemption clause in a bill, the situation needs considerable watching to make sure that those exempted as supervisors are in a salary class high enough to prevent injustice to the types of woman wage earners whose interests the bill was designated to safeguard.

It is of interest to touch briefly upon certain efforts in other States during the year to enact or amend hour legislation for women. For example, in Connecticut, New Jersey, Ohio, and the District of Columbia, bills for an 8-hour day and 40-hour week, and in Pennsylvania a 40-hour-week bill, for women in certain industries, were considered. The New Jersey bill was passed by the house and the Pennsylvania bill, much amended, was also passed by the house. In Illinois an 8-hour-day and 48-hour-week bill was passed by the house. In Florida, one of the four States without any hour legislation for women, a bill for an 8-hour day to apply to retail establishments in the larger cities and a 10-hour day for the smaller towns was introduced in the legislature but not passed by either house. In Minnesota a bill for a 48-hour week was passed by the senate, but failed to reach the house for action.
MINIMUM-WAGE LEGISLATION

As the subject of minimum-wage legislation is to be considered in detail in another report at this conference we shall in the present discussion outline only the chief developments during the year.

In the field of minimum wage no new laws were passed, but of great importance is the fact that the Illinois law, which was enacted in 1933 for a period of 2 years, was made permanent. An amendment in Massachusetts will aid in bringing under the 1934 mandatory law all existing nonmandatory minimum-wage decrees.

Acting under minimum-wage laws already passed, several States set wage rates in certain industries during the past year. Enforcement of the North Dakota minimum-wage law was transferred by act of the legislature from the workmen's compensation bureau to the department of agriculture and labor.

New Hampshire became the second State to ratify the interstate compact on minimum wage that was signed in 1934 by delegates from seven eastern States. Massachusetts was the first to ratify the compact, having taken this step in 1934.

Attempts during the year to enact a minimum-wage bill in Michigan and Pennsylvania met with some success, in that each State passed a bill through one house which failed of passage in the other. In six other States a minimum-wage bill was introduced but not passed by either house.

INDUSTRIAL HOME-WORK LEGISLATION

New York and Connecticut are the only States that can point to progress in the field of industrial home-work legislation during the year. Revision of the home-work law in New York makes State-wide the application of the law. As formerly, only residents in a home may do home work. The industrial commissioner is empowered to determine within what industries home work may be permitted without unduly jeopardizing wages and working conditions of the factory workers in the industry and without unduly injuring the health and welfare of the home workers. Home workers must be certificated; and employers must have permits, for which annual fees are required in accordance with the number of home workers employed. The commissioner who is charged with inspection of materials issued to home workers, as well as with inspection of the homes, must make rules and regulations governing home work.

In Connecticut under the new home-work law, only members of the family may work in a home, and all workers must be certificated. The commissioner of labor may issue certificates if the workers are physically incapacitated for work in a factory, if they must stay at home to care for another member of the family, or if the work requires no machinery and is customary in the whole industry of the State, and if its suspension would work undue hardship on the workers and the industry. Wage rates paid to workers in homes must be as high as those paid for similar work in factories.

SPECIAL DIVISION TO ADMINISTER STATE LABOR LAWS FOR WOMEN

To guarantee the most satisfactory administration of special labor laws for women, it is advisable to have in the State department of labor a women's division, with a woman in charge. A number of the most important industrial States have for some time had such an arrangement. During the past year, one other State, Rhode Island, joined their ranks. Under a reorganization act there was created for the first time in the Rhode Island Department of Labor a bureau of women and children, with a woman in charge.
REPORT OF COMMITTEE ON WOMEN IN INDUSTRY

CONCLUSION

Despite the definite advance promised in certain employment standards for women in industry here and there in the country as a result of the year's legislative actions, the general situation is far from encouraging.

A year ago when N. R. A. codes were in operation for approximately 500 industries, we had certain standards set up for workers that were practically Nation-wide in extent. From various authentic reports on the effects of the codes we know that women in industry were receiving decided benefits from them. In fact, it has been generally conceded by authorities that women, who throughout our industrial history have been the greatest victims of exploitation and sweatshops, were also the greatest beneficiaries of the N. R. A. program.

With the code standards no longer required by law but possible merely through the voluntary action of employers, the whole situation for women workers is in grave danger of slipping back, except in the few States where a type of legislation exists as a means of maintaining standards. It is highly essential, therefore, that public opinion be developed sufficiently to prevent such a catastrophe and to demand legislation by the various States to serve as a necessary safeguard against the vicious minority of employers always ready to exploit workers and to act as a detrimental influence in pulling down hour and wage standards.

What help can we expect from State laws in maintaining the 8-hour day and 40-hour week that the N. R. A. codes made an effort to establish? No State law has gone so far yet as to restrict women's working hours to 40 a week. Oregon, with a 44-hour week and 8-hour day for women in two industries, can point to the shortest legal weekly maximum. Only seven States have succeeded in having written into their statute books an 8-hour daily limit combined with a 48-hour weekly limit for women in some industries or occupations. The fact that New York, the largest industrial State in the country, is among these is, however, cause for encouragement and for hope of greater progress in the near future.

In regard to minimum-wage legislation, with only 16 States or one-third of the total number having such a law to date—and in several of these the present situation is far from satisfactory—the need for quickened and extensive action is imperative to build up Nation-wide labor standards even as good as those established under the N. R. A.

We find a somewhat more depressing situation in the field of industrial home work, since the year produced so little fruit in the way of legislation to regulate this system, which is fraught with such serious consequences to the home workers as a result of starvation wages and overload work hours, to the factory employees operating in competition with home workers in many industries, and to the community forced to bear the cost in dollars and cents spent in relief expenditures, or in remedial measures necessary to look after the impaired health of the home workers' families. Up to the present only 15 States have enacted some legislation restricting or regulating home work. Though a particular State may have enacted a fairly satisfactory law to check the evils of the home-work system within its borders, it is a well-recognized fact that employers in such a State exploit workers in other States totally devoid of home-work legislation, by sending materials across State lines, even to far-distant sections of the country. Though the N. R. A. code efforts to prohibit or regulate home work were not ideal, we realize how far in advance these regulations were of any remedial measures that we can now depend upon or can even hope to achieve in the near future.

In general, the N. R. A. has been an extremely valuable experiment and serves as a guide in showing us the need of Nation-wide labor standards to safeguard
the interests not only of workers, but also of employers, and in fact of the Nation as a whole.

Today we are faced with a serious challenge to improve, as rapidly as possible, the general situation in industry, through the medium of State laws. A conference like this is helpful in making us face the issue, in stressing our particular responsibilities, and in serving as a spur to bring about concrete results in individual States. In other words, the men and women here representing the State labor departments have a definite duty to perform in pointing out to their States the importance of, and immediately necessity for, such legislation. The desirable and advisable measures to promote the welfare of industrial women have already been so definitely outlined by various authorities and tried out to some extent under the N. R. A., or even under some State laws here and there, that now all States should have a clear conception of the program that they should follow.

Among the recommended and feasible means to aid in giving greater impetus to State action in regard to special types of labor legislation, and to bring about State solidarity in such a program, are regional conferences. Two such conferences were held during the year, one in Tennessee, the other in California, with the various States in the general area participating, and the Federal Department of Labor assisting, in each case.

In the matter of interstate compacts, another practicable device sanctioned by the Constitution to improve labor conditions and standards, let us hope that the coming year will produce more definite results in this respect than the past one can show. This method seems a promising possibility for securing uniform labor standards in particular areas and within States in competition with each other industrially, if State legislatures can be urged to take a greater interest in such procedure.

In this whole program by the States the Federal Department of Labor stands ready to assist by cooperating in every way possible by making investigations and furnishing information, by serving in consultant capacity, and by acting as a clearing house in various respects.

Miss Anderson. I want to say in conclusion that because of the decision as to N. R. A. this whole question has now been put back in the State departments and in the States themselves; it is more than ever necessary that State laws should be enacted. And rather uniform State laws should be enacted, because we all know of the migration of industry from one State to another, from any State that has fairly good labor laws into other States that have practically none, so as to get away from the labor laws and to get into a place where there is no regulation on wages, so that cheaper labor may be employed. That is particularly true of women in industry—it is true of men, but more true of women. So for that very fact we have now come to the point where it is absolutely necessary for all the States to regulate these labor conditions. Then of course we must remember that enforcement also goes back to the States, so that there must be labor departments, well-equipped labor departments, to enforce these laws.

President Tone. I presume that we cannot accept these reports until after we discuss them.

[President Tone appointed the following convention committees. The name of Miss Helen Wood was later substituted for that of Mr. Lubin on the committee on nominations, at Mr. Lubin's request.]

Auditing committee.—W. E. Jacobs, of Tennessee, and A. W. Crawford, of Canada.
Discussion of President's Address

Chairman, A. W. Crawford, Department of Labor of Ontario, Canada

Discussion of President's Address

Chairman Crawford. We have about 25 minutes for discussion of the president's address. Has anyone any comments to make regarding the secretary of the organization? That would seem to be a very vital point which was mentioned in the president's address.

Mr. Davie (New Hampshire). That has already been settled; the Commissioner of the United States Bureau of Labor Statistics is our secretary.

Chairman Crawford. Has the secretary any comments?

Mr. Lubin. Mr. Tone raised the question of having a permanent, paid secretary who would not necessarily be connected with a government body, on the theory that such a secretary would be useful in propagandizing the resolutions and decisions of this meeting. I fear that he was a bit optimistic at that, if he thought with $861 in the treasury you could hire a full-time secretary.

President Tone. May I explain myself? In making that suggestion, naturally I was looking forward to the time when perhaps we would merge with the employment offices and the various contact groups and, as our secretary suggested, the Social Security Board and the National Labor Relations Board. It appears as though we are making progress along such lines. Obviously there are a great number of advantages in an amalgamation, and perhaps should that occur we may be in a position, in time to come, where we can have a paid secretary in the field at all times. Perhaps I am too optimistic.

Chairman Crawford. Does any one else wish to make any comments?

Mr. Davie. I have been a member of this association for a good many years. I have seen it on the rocks. I for one am perfectly satisfied with the secretary we have had here this last year. I think he has done a pretty fine job. And though I did not get the idea that Mr. Tone wanted to break up this arrangement, I want to tell him right here and now he will have a little battle with me if he had any such thing in mind, for I feel that this sort of organization is very necessary. We have always made a practice of being very democratic. Any new organizations that have been formed have been allowed to visit our conferences and offer suggestions, and by that education we have been able to accomplish quite a lot in this country. I hope that we will meet this particular proposition in such a way that we will, as the president has recommended in his report, make this a stronger and better organization than we have had during the past year—that is, in the way of getting in States. One thing that impressed me very much was the very fine assistance Mr. Lubin has given in dunning people for their dues and in keeping them interested.
Of course, we in labor departments ought to keep up with the continuous changes that are going on, and we should keep up that spirit of interest all along the line. I know that I have been to quite a number of national associations, and, following them through a number of years, I have received more benefit from the conventions of this organization than from those of any of the others that I have attended. I certainly hope that we will stick it out.

Chairman Crawford. Has the secretary any comments to make in connection with the possibility or advisability of continuing? It seems to be the unanimous opinion of those present that we should continue to have our present secretary function, and, of course, it would be better to hear from him.

Mr. Lubin. Since there is in the Secretary’s Office a division whose function it is, in a sense, to assist State labor departments in formulating legislation and things of that sort, I think this association should seriously consider the question as to whether or not the chief of that division would not be the logical secretary for this association. He is at the present moment secretary of the International Association of Industrial Accident Boards and Commissions, and I think it is a matter for this association to decide for itself.

Miss Wood (Connecticut). In this connection, if we had the same secretary it would mean that we would have to have our meetings at the same place, which is probably desirable, but we would want to know, I think, who would take the initiative to determine where they would be, whether it would be the International Association of Industrial Accident Boards and Commissions or whether it would be the International Association of Governmental Labor Officials. In other words, are we not going to lose some of our identity by having to follow their lead in our organization—unless the secretary can be at two places at one time.

Chairman Crawford. What is your own opinion?

Miss Wood. My opinion is if we are going to be any kind of organization we want to take the lead in the matter and plan our own meeting, but try of course, through cooperation, to have all these sessions at the same place. Some kind of a joint committee might be formed of representatives of these various groups. I should like to have discussed here whether or not you would care to have the International Association of Employment Office Officials bring that up at their meeting on the 6th and 7th here, or if that should not be something that the resolutions committee perhaps might work on. I think we ought to do something to bring together the various groups and at the same time keep our own identity.

Chairman Crawford. Before any discussion on the question of these meetings I should like to know if there are further comments on the question of a secretary. It seems to me that is a very important question, and I think we should decide it now if possible. Are we to retain our present secretary or are we to consider or authorize any committee on the part of this association to consider the advisability of changing our present set-up?

Miss Swett (Wisconsin). I would suggest a committee to consider that, and not to take action on it here right now.

Chairman Crawford. Is it the wish of the meeting that we should appoint a committee to consider that problem?
[Mr. Davie suggested that the nominating committee was the proper committee to consider the question and receive any suggestions which might be offered. Mr. Lubin said that as a member of the nominating committee he found himself in an embarrassing situation and would like to submit his resignation if the chairman so permitted. The substitution of Miss Helen Wood on the committee was suggested, but the matter was left to the president, who had appointed the committee.]

Chairman Crawford. Are there any further comments in connection with Miss Wood's suggestion that we consider amalgamation or closer relationship with—I have forgotten the official title—the employment service organization?

Mrs. Beyer. I should like to ask Miss Wood about the membership of that organization—are they not private persons not connected with the labor departments, or are they all governmental representatives?

Miss Wood. As I understand, it is anyone who works in the employment offices, and may not be simply the director of the department. But I know very little about the association. I do not think it has accomplished very much in the past, from the meetings I have attended. I think most of us feel that way, and we would like to do something to change it. Now, notices are sent out about the meetings to everybody regardless of their position in the labor departments, it is true. I do not think, however, that members of private employment agencies belong to it.

President Tone. Miss Wood, what is the title of your organization?

Miss Wood. It is the International Association of Employment Office Officials.

President Tone. Does it say "public" officials?

Miss Wood. Yes; it says public employment offices. I am sorry I omitted that.

Chairman Crawford. Any further comments?

Miss Wood. Just this; I think we ought to wait until we have our discussion. On the other hand, if the Employment Service is going to have any part in the social security program and, if that program is going to be in labor departments, it will change the situation considerably; then the employment people will be definitely labor officials in this whole program.

Mrs. Beyer. I think this is a very worthwhile subject to discuss.
[Meeting adjourned.]

Tuesday, October 1—Afternoon Session

Chairman, A. L. Fletcher, Commissioner of Labor of North Carolina

Chairman Fletcher. The subject for this afternoon's discussion is "The new responsibilities of the State labor departments resulting from the N. R. A. decision." We have with us to open the discussion this afternoon Mr. McLogan of the Industrial Commission of Wisconsin, who takes the place of Mr. Voyta Wrabetz of the Wisconsin Commission who is engaged in another meeting.

Mr. McLogan. As you will realize, I am just pinch-hitting here. I am not entering into a discussion of the subject but rather reading a few notes to open the discussion. These notes were prepared by Mr. Wrabetz.
1935 MEETING OF I. A. G. L. O.

New Responsibilities of State Labor Departments as a Result of N. R. A. Decision

By VOTT A WRABETZ, Chairman of the Industrial Commission of Wisconsin

(Read by Mr. McGaug)

I. The effect of the removal of N. R. A. labor provisions upon wages, hours, and conditions of employment is problematic. Practically no scientific statistical proofs in this matter have come to our attention up to this time. If a report of general impressions may be of interest, we offer the following:

1. Before the N. R. A. decision on May 27, 1935, quite a number of establishments in Wisconsin in many lines of industry were actually employing their working force for less than the maximum weekly number of hours permitted under N. R. A. codes. With an increase in volume of business, employers generally have increased the total hours of work per week for their employees. To what extent the total working hours now exceed the maximum working hours formerly permitted under codes is not definitely known. Wisconsin factory workers still average less than 40 hours per week.

2. We have no information of any material changes in the number of shifts employed in industries where shift systems are commonly used. That employers here or there may have added a few days or a week to a shift or laid off a shift is in any case a matter of minor importance.

3. Our experience indicates that changes in wages and hours of work occur at practically all times, and that there are often contrary trends in different industries at any given time. Since the N. R. A. decision we think an occasional employer with only a few employees may have decreased his previous rates of pay. We do not know of any large employers of labor who have actually reduced wage rates below the rates paid prior to the N. R. A. decision. With some, with the increase in the number of hours of work made available to employees the per-capita weekly earnings of workers have in general increased during recent months. In the case of Wisconsin manufacturing industries the per-capita weekly earnings have increased slightly from month to month for 7 consecutive months past.

4. Wisconsin has very little industrial home work; under the strict supervision of the industrial commission, industrial homework within the State is rather adequately controlled.

5. Up to date there has been no indication that the employment of children under 16 years of age has shown any increase in Wisconsin following the N. R. A. decision of May 27th. (The State legislature has amended the child-labor law to require labor permits up to the age of 18, effective from and after September 1st, instead of up to age 17 as heretofore. The vocational school people in Wisconsin were behind the bill on this subject, and secured its introduction through the committee on education of the legislature. The thought behind the bill was to continue boys and girls up to the age of 18 in vocational schools. The device requiring labor permits up to age 18 is thus something in the nature of a club to get the youngsters to attend school. It may be added that officials of organized labor are quite generally favorable to the higher age limit for labor permits.)
II. On the question of what has been done in Wisconsin to maintain N. R. A. labor standards we have to answer that we have comparatively little information on the matter. It is likely that certain organizations of private employers may have given the question some consideration. Referring now to the State government, it should be noted that the legislature in 1935 reenacted the Wisconsin recovery statute under which codes of fair competition applicable to intrastate business may be established by various industries. Up to the present time no less than 10 industries which had codes of fair competition under the Wisconsin Recovery Act of 1933 have similar codes at this time. In certain cases such codes go into detail in the matter of fixing working hours and rates of pay for various classes of workers. It may be added that among the influences securing the reenactment of the Wisconsin Recovery Act in 1935 must be counted executive secretaries and members of code authorities.

III. Referring to the question, "What further steps might be taken by States to protect labor standards?" it might be questioned whether wage scales as such, aside from a minimum living wage, are properly a question of labor standards requiring governmental action. In the matter of fixing prices and wages, we have, of course, experienced demands for legislative acts and administrative orders from interested groups. However, the State legislature has never committed the government to an all-inclusive plan for the regulation of wages and prices for various kinds of labor, services, commodities, etc.

1. We believe that certain lines of industry, including retail stores, restaurants, etc., are not in favor of general codes for their industry. Certainly the technique of code enforcement has not yet been worked out in any satisfactory way. Code authorities here cover much the same field covered by general State labor laws, and even with the fullest cooperation between the administrator of the Recovery Act and the State industrial commission, there were an undue number of complaints about violations of codes which could not be investigated and adjusted with the promptness and directness which would engender respect for the law. The administration of codes of fair competition has not developed an acceptable technique up to date.

2. The enactment of codes of fair competition and the N. R. A. decision following have had practically no effect towards changing Wisconsin's labor laws.

Discussion

Mr. McLogan. May I just say this in conclusion. Personally, I have taken some interest in the matter of the adoption by the States of the child-labor amendment. As we know, 24 States have ratified the child-labor amendment. There remains to be secured for the adoption of that amendment 12 more States before it becomes a part of the body of the Constitution. It is my humble opinion that the strides made in the last few years, when some 18 of these 24 States ratified this amendment, can be continued if at this time we do not let down in our efforts. It seems to me that there are a great many organizations, fraternal as well as social organizations, that are ready and willing and, I might say, hungry to be given an opportunity to take the laboring oar, so to speak, in furthering different
social-service measures. I had in mind, if you will pardon my reference to one organization, the Fraternal Order of Eagles, who did such splendid work in the matter of the enactment by the States of old-age pensions and old-age assistance laws. I happened to be a member of that organization. I remember back in Newark, N. J., when not a State in this Union nor a Province in Canada had an old-age pension law, that organization had a resolution presented to it committing the organization's national policy to that of old-age pensions. That organization went to work in a practical way, spent the money of the organization, and had old-age assistance committees, or pensions committees as they are called in some States, in every local of the fraternity throughout the country. They succeeded. As we know now there are some 34 States that have old-age pension laws. An evidence of the work done by this particular organization is the fact that the governors who signed the laws making old-age pensions a part of the statutes turned over the pens to be placed in the archives of that fraternity. It occurred to me this summer that if that organization could get behind and put its weight and its efforts toward the adoption by the 12 remaining States necessary for child-labor amendment adoption, it might be just the impetus necessary for the complete adoption of that proposed amendment as a part of the Constitution. And as a result, in the Wisconsin State convention of that organization I had the privilege and the pleasure of introducing a resolution asking the delegates to the grand convention at Dayton, Ohio, in August to commit the organization to the adoption by the States of the child-labor amendment, just as the organization had been committed to the enactment by the States of old-age assistance laws. I am happy to report to you that that resolution in the Wisconsin State convention was adopted unanimously, that it went to the national convention at Dayton, Ohio, and there the resolution was adopted unanimously. And now there is one more force and one more effective agency behind the adoption by the remaining 12 States of this amendment. It is my humble prediction, and I am sincere in this, that within the next 4 years—I hope sooner—there will be written as a part of the Constitution of the United States the child-labor amendment.

Chairman FLETCHER. I think that this group would like to hear now from the Secretary of Labor, who honors us with her presence here this afternoon and who will discuss various phases of the question before us. I present the Hon. Frances Perkins, Secretary of Labor.

Address by Miss Frances Perkins, Secretary of Labor

I am glad to be here and very glad indeed to have this opportunity of discussing concretely some of the problems of modern labor departments throughout the country.

I am a little disappointed that the registration for the International Association of Governmental Labor Officials is not larger, and I was discussing with Mr. Lubin as we came down to-day some of the reasons for it. His opinion is that possibly there is a slight feeling that the Association of Industrial Accident Boards and Commissions tends to obscure and overshadow the activities of the Association of Governmental Labor Officials. I want to call your atten-
tion to the important fact, and one that we ought not to lose sight of, that the initiative as well as the administration of the workmen's compensation law is a prime responsibility of the labor departments in every State. We should not permit the industrial accident boards and commissions to be a larger factor in the thinking of the people of the States and of the United States than are the labor departments. The administration of workmen's compensation law, the techniques for the prevention of the industrial accidents, are primarily duties and obligations of those officers of the States who have been set aside to develop and enforce the labor laws. They are functions of the Government that affect wage earners, and I regard the labor departments of the various States as being primarily departments for the setting up and enforcing of the standards for human beings in industry. I often think that we are apt to regard our departments of labor as being analogous in the field of human beings to the Bureau of Standards, which is known throughout the United States as the bureau which sets standards for the construction of and for the use of materials in construction. The labor departments set and enforce the standards for the proper protection and development of human beings in industry. This function includes the prevention of accidents and the making of proper allowances for compensation to those who are injured in the course of their employment. It also includes a much wider field, the social field of the relations of human beings to industry—the prevention of fatigue; the prevention of illness; and the setting up of the proper standards for the measurement of what are the disadvantageous effects of different gases, fumes, substances, etc., upon workers. It likewise includes the correction of exposure, the study of the hours of labor as they affect the lives of workers, their health, their welfare, and their outlook on life; the study of wages as they affect the social relations of human beings to their particular industry and as consumers of goods. Also included is the study of wages and hours as they affect the lives of the working people in the total community; the reporting upon these factors; the taking of the initiative in the development of law, of custom, and of practice that will tend to prevent the more disadvantageous relationships of workers and tend to promote their more fortunate and advantageous relationships. These are all among the functions of the departments of labor and ought to be developed consistently over a period of years. I have always thought that it was regrettable that in any States the industrial accident boards and commissions got outside of the departments of labor. In many States they have been kept within the structure of the departments of labor. In those States there has been a tremendous advantage to both. In the States where they have been separated there is a loss which is not fully understood either by the community or by officials. In those States where there has been a continuity of effort and a concentration of effort in both fields at the same time by the same officials you have had developed the most concrete and the most specific and the most steady accident-prevention activities.

For instance, I recall so clearly the situation when in the State of New York—although we had long had the two divisions in the same department—we finally managed to make available to the workmen's compensation division and to the factory inspection division the records of the other. It was a revivifying experience to the factory
inspectors to get weekly a report of all the industrial accidents which had taken place in their jurisdictions. The approach of the officials of the labor department was much more vigorous as they asked the questions: Why did this accident happen? How was it possible? Didn't you inspect this factory? When did you last inspect it? Did you see this machine? Did you see that stairway with the broken railing? Did you see this slippery floor? What did you do about it? Did you issue an order? I remember clearly, too, the vitality of the relationship between the factory inspector and the employer or owner of a factory when the official came into his plant on a Monday morning with a record of an accident which happened last Thursday and could say, "Mr. Jones, I have a record of an accident here since my last inspection. What happened? I must know; I have to report."

Under those circumstances the employer himself—not always the superintendent, as usual, but the employer himself—emerged from an inner office to explain, to expostulate, to blame, or to admit blame as the case might be. There was a great gain in merging the functions of these two great agencies in the field of the promotion of better human standards in industry. The fact that premiums paid were based upon accident experience has been a very real influence in interesting employers in activities for the prevention of accidents. Practically none of these industrial accident boards has facilities or authority to inspect factories and to issue orders. That has been exclusively the jurisdiction of the industrial labor commissioners in labor departments of the State. Only insofar as there is either complete cooperation under executive order or a complete merging of the two functions are we likely to see the best, most practical, and most vital results of this effort which has been put into the prevention of industrial accidents and into the promotion of sound human standards. You who are here today are under an obligation not to let these functions which belong to the labor departments in the various States escape these departments. If they do they will eventually tend to become arbitrary, mechanical, remote from the people whose lives are affected. The functions of the labor departments are primarily to promote the welfare and the comfort and the safety of the people who work. The people look to them to do so and for authoritative statistical accounting of the amount of labor, and for effectual guidance, with regard to what modern industry offers to the people of a community. A State department of labor is to make it possible for the whole community and wage earners in particular to get correct, complete, disinterested, and absolutely honest information with regard to what are the aspects of their personal and social problems in relation to their work. It is vital that we should recognize these functions of industry or of the labor departments and the industrial commissioners, not only to prevent accidents, but also to find what causes the accidents, to recognize the human factors as well as the purely mechanical factors. Those who know industry from the inside realize more than anyone else what is going on in our industrial process as it affects human life.

I miss in my present position the daily and weekly reports of the process of industry. There is nothing in the duties of the United States Department of Labor which makes it essential for us to know the industrial process; so that I miss the "news", as we used to call it in the State of New York. There Mr. Farman or Mr. Havens or
Mr. Daniels used to drift in to see me about some particular situation, just a case problem, and as they would go out they would say, "Oh, by the way, I was up in so-and-so"—up in Cornell, up in Ithaca, up in Poughkeepsie—I saw a very interesting new machine, and the people are doing this and they are doing that, and so they do the other." I will never forget the enthusiasm with which one of the men reported that there was not a speck of dust in a whole village that harbored a cement industry, although only 2 years before dust had been a problem of the factory for which we were responsible, and of the whole community. There we had, under the supervision of our factory-inspection service, found developed, partly by our prodding, partly by the ingenuity of the human beings who operated the industry, a method of dust collection and dust utilization which was very significant for the improvement of life among the people who worked in that particular industry.

I remember, as many of you do, of course, the original studies of silicosis. We have paid so much attention to getting silicosis covered under the workmen's compensation laws that some of us have forgotten that it is the duty and responsibility of the labor departments to find out how to prevent silicosis, to apply the preventive method practically, and to see that every person who is engaged in tunnel work, polishing processes, and other operations involving the exposure of workers to dust is aware of the hazard of silicosis, and how to prevent it. In one of the great experiments in the State of New York under the auspices of the department of labor, we found a manufacturer of glass tanks that were originally invented to carry beer from one part of the country to the other and were later applied to the milk industry. It is quite essential that we transport milk in clean, sterilized containers. But because the men who made the tanks polished them inside after they had been molded out of the molten glass, which is almost a pure silica, we found a tremendous increase of silicosis in that particular industry. Experiments brought us to the invention of a practical collector of the silica dust—somewhat expensive, but not nearly so much so as the destruction of the health and vitality of workers exposed to the hazard. We have become aware of these hazards to the individual, his family, and the community, and of those present in unnecessarily long working hours, in low-pay areas, and where wages are below the subsistence level.

The principal achievement in the field of industry, of the whole New Deal program with relation to N. R. A. was to make the people of the United States aware of the fact that when you set for people a wage below a subsistence level there was a terrible impairment to civilization and to democracy and to the possibilities of life in this great country. One of the things we cannot afford to do is to have people on a low-wage or long-hour basis. We have come in the last 2 or 3 years to a very considerable degree of industrial civilization, much more in the thought than in the performance. Many of us were tremendously surprised at the results achieved in the putting into effect of the general standards of N. R. A. We know that that tremendous movement of people toward shorter working hours and standardized wages and generally better conditions of work, together with the recognition of the status of working people, having something to say about the terms and conditions of their work through collective bargaining, wrought a great improvement.
The great development of labor law in this country in the next 10 years will be a kind of cooperation between the States and between the States and the Federal Government in arriving at basic sound standards of human performance in industry. We will come by agreement between the States, either on the basis of interstate compacts or on the basis merely of voluntary agreements, perhaps under the leadership or with the cooperating influence of the Federal Government, to an almost universal situation with regard to the short workweek and the short workday. Neither you nor I know as we sit here whether 8 hours or 6 hours or 5 hours a day is the appropriate and proper standard of hours, but it is the duty of the departments of labor of the States and of the Federal Department of Labor to ascertain and speak authoritatively with regard to that item. We do not know what are the proper subsistence wages in the different industries, having due regard first to the needs of individuals and second to the earnings of the industry. But those things are susceptible of exploration, experimentation, proof, and demonstration. And in that field the State departments of labor, together with the Federal Department of Labor, have an enormous function to perform, so that so simple a matter as the human standards with regard to hours and wages may be known and recognized. Not that wages should be set by the Government. Never. But that a basis below which no wages can fall should be understood, should be arrived at somehow, either by custom and practice or, if not successful in that direction, certainly by the interposition of the Government, so that we may see to it that that unprotected human relationship of master and servant does not bear down upon the people who work and sell their labor for wages in such a way that they cannot continue to be participating units in a great social and industrial democracy which we are developing in this country.

It is the duty of the labor departments to cooperate with each other and the Federal Department of Labor in determining those standards that make for health, for personal, physical health in an industry, that make for social health in an industry; and having discovered what those standards are, to see them enforced, written into the law of the various States and enforced by the police powers of the various States.

It is primarily the duty of the labor commissioners and of the labor departments in every State, not only to enforce the meager law which most States have but to set up functions of practical research so as to bring out what needs to be done to prevent human disaster and human discomfort, and then to take the initiative in educating the people of the community to the necessity for action. Labor departments that try to beg the issue because the legislature has not passed the law are selling themselves out as well as selling out their own clients, or the working people of the States over whom they preside, because the working people look to them for leadership, for analysis, for guidance, and for guidance to the legislatures as to what are the proper and necessary regulations. Until every labor commissioner in this country has a conscience in regard to these matters and feels that he must get through his legislature the laws which will make the people of his State safe, comfortable, and secure in their employment, he has not performed his full duty. There is much to be accomplished by the
ADDRESS OF MISS FRANCES PERKINS

It is important to have conferences in the States which involve government officials who are charged with the responsibility in this field, the people who live in that State, wage earners, employees, experts, and the general public. The great majority of the people of our States do not want anybody in their State to be burned up in his place of employment, or to be poisoned, or to be paid too low wages to live on decently, or to work long hours with great fatigue. The amount of public support that can be had for measures which are often thought of as mere labor reforms is extraordinary. It is our duty to develop the facts that those who make the law, and those who support the law, and those who promote the law may know what they ought to do.

I am very hopeful of the opportunities for the improvement of our laws, and of their enforcement and maintenance by consistent and conscientious cooperation with the community. These advisory committees which labor departments have set up in many States have proved to be a magnificent instrument for cooperation with the whole community. Bring a group of employers, or a group of workers, or a group of technicians of one sort or another, into conference on a particular problem and you have men at their very best. It is out of that cooperation, that conference, between those who know the problem well, that you get progress. Nothing is sillier, of course—and labor officials know this—than to try to put over in a particular industry a set of rules that has no relationship to that industry. You have got to make cotton-textile goods after all; that is the purpose of the whole industry, the purpose of the association of the machinery and the capital and the buildings and the labor. The purpose of that association is to make cotton-textile yardage. So you cannot put in rules that will prevent manufacture and distribution of the yardage. It must be something that will result naturally in the free and simple flow of cotton-textile goods. That is why the cooperative method is educative both to the officials and to the community, and results in a better relationship. There is nothing that so harmonizes the relations between employers and industrialists and workers and Government officials as actual conferences, to an end that they both know is going to be carried out with regard to the regulations for that particular industry.

I should like to ask you to regard your functions in the next 5 years as being not only for the carrying out of such laws as the legislatures of your States may have put upon your books but as having to do with the future development of human standards in industry. For this I think that the conference method, the conference between the States which we in the Department of Labor have so modestly inaugurated, is perhaps one of the best methods by which we may retain the advantages of decentralized administration and yet common thinking and common planning and common pooling of our scientific and practical knowledge for the purposes of achieving a better life for the wage earners of the Republic.
Discussion

Chairman FLETCHER. Madam Secretary, we are deeply grateful to you for this fine, inspirational address. I am going to turn the remainder of this meeting over to a very distinguished gentleman who is here with us from Washington. He served for 3 years as Commissioner of Labor in the Commonwealth of Massachusetts and is at present a member of the National Labor Relations Board. I want to present Hon. Edwin S. Smith.

Chairman Smith. It is both easy and difficult to follow Miss Perkins on a program. Easy because she has said so many worthwhile things that the obligation to add to them is correspondingly decreased; and difficult for the same reason, so many things have been said so well that it is likewise hard to add to their number.

I have frequently felt that if by some magical process Miss Perkins' personality and her enthusiasm could be subdivided into a thousand parts and sold in as many sections of this country, that in a very few years we would be much further toward the goal of industrial civilization, in which we all have failed, than we are likely to be in our inability to perform that particular operation.

The subject for discussion this afternoon is the responsibilities of State labor departments as the result of the N. R. A. decision. There is no need to urge upon a group such as this any moral responsibility in that regard. You would not be holding the jobs which you do hold if you did not have a firm conviction that through social control exercised through government supervision and cooperation, it is possible to ameliorate the lot of the industrial population, to do more things to protect them financially against the incidents of unemployment, old age, and ill health, and likewise to do important things in the way of giving them more needed leisure and more money with which to carry on an adequate physical standard of living for themselves and their families. The question before State labor departments, then, is not at all a moral question, as I say, but a practical question. In what ways can the feelings which you have in regard to these matters, and which are shared by many people in your legislatures and many people in the administrative end of your government and by countless people in the voting constituencies of your State, in what practical ways can that strong tide of social feeling be diverted into channels that will bring helpful results and bring them with reasonable quickness? Certainly we are confronted with this problem, that the Federal Government has been obliged to make at least a temporary retreat from the field of the utmost importance in the way of protecting the standards of wages and hours and conditions of employment of our industrial population. A corresponding burden of action is placed upon the States. We are all familiar with the arguments and the actualities that have held back action by individual States in the past. The underlying factor of competition between industries in different States is, of course, the dominating factor and the dominating retarding influence. There are plenty of good, theoretical arguments that can be made on either side, to the effect that this need not be so much of a bugaboo as it is, but faced with
practical political considerations we know that it is a tremendous hurdle to be overcome. As a means out of that particular impasse, there have been movements for the introduction of uniform legislation in various States. Dr. Andrews' organization has been particularly helpful in that regard. More recently there has been the development of the interstate labor compact movement. Both of those instruments of State cooperation deserve and are having and have had on the part of the people very serious consideration.

Another factor which will be taken up later in the discussion, undoubtedly, and which is of the greatest importance, and to which I have already referred, incidentally, is the great need of developing, both in legislation and in methods of enforcement, similarity among the States. Otherwise you may have the greatest disparity in fact among legislative measures and administrative measures which are directed toward the same end; in other words, you have not really bridged in a substantial way the inequality between the States with which we are all concerned.

I am going to call upon you for what I hope will be a real discussion. Like most programs of conferences, the topics set down for this afternoon's session are capable of expansion in time lasting over several days. Each one of them is of the greatest importance and of interest to all of us who are working in this general field. However, we have a limited time and we must do the best we can. I do feel that the success of meetings of this sort is very largely dependent upon the number of persons who are willing to get to their feet and to exchange ideas, and not to leave the burden to a few of the more accomplished speakers. The first subject for discussion relates specifically to what has happened in the various States as a result of the removal of the N. R. A. restrictions on labor standards.

We have already listened to a very interesting and specific report on that subject from the State of Wisconsin. I think if someone from any State represented would rise and say briefly what has happened in his or her State to hours of labor, to wages, to homework, and so forth, that that would be the most helpful way to proceed with that particular section of our discussion. I am not going to call on any State by name but I wish somebody would start a round of brief discussion of that sort.

Mr. Wenig (Iowa). The volume of complaints that I have gotten in our State since the abandonment of N. R. A. are mostly from women. Of course, the big reason is that we have no competent legislation for females in our State. The laws as to hours in the plant are all right as far as they go, but they do not go far enough. The complaint is chiefly on account of too long hours; the women cannot stand them. And the wages have been reduced tremendously.

Chairman Smith. Have you noted that in particular industries?

Mr. Wenig. I think that the restaurant people are the greatest violators.

Mr. McKinley (Arkansas). In Arkansas we recently made a survey, but not a very close survey, in the lumbering industry. It was on a 40-hour week basis, but went to 60 hours within the last month. I have not those figures now but I will have them later. At any rate, hours were increased something like 100 percent. In the individual check, making a comparison in May, the last month
of N. R. A., and September, I think wages averaged $11 in May; in September they averaged $16. The individual is getting longer hours on a lower rate of pay. That is true in the garment industry; it is true in practically all industry in the State. I do not mean by that that it is general at this time of all employers, but of certain employers in industry. Of course that will be worse soon unless there is some check; unless there is some check to it, it will be jumped. They seem to have gotten entirely away from it.

We have a 10-hour law for sawmills in Arkansas—possibly it might be a little beyond that—and we have recently had to do something we have not had to do in years, which is to have some mills prosecuted for working over 10 hours.

Mr. Lubin. In view of the fact that there are so many instances where people are increasing their hours and lowering their wage rates, it would seem important to this discussion to know whether or not there are other alternatives at the moment to stop them. Mr. McKinley mentioned the case of prosecuting under the 10-hour law. Now, how are the States at the present moment to check in a sense this movement by the enforcement of State laws? Can we utilize State laws which the States did not have to use when the N. R. A. was there?

Chairman Smith. I think that is a very helpful amendment to the basis of discussion, and will you bear that in mind? You are asked to discuss both what has happened and what there is that may be done in the way of utilizing an agency of the State to check these unfortunate tendencies. Then we will reserve for the latter part of the discussion the question of what might be done that has not yet been done. May we hear from some other State?

Mr. Walling (Rhode Island). Our State, of course, is in a large measure a textile State, and on the whole in the case of the larger and more reputable concerns there has been a continuation, I think, of the N. R. A. code standards of hours and in many cases of wages. There has been, however, a certain amount of departure from that standard in the case of the smaller factories and the concerns which gained reputation during N. R. A. days of being “border-line” outfits. The State department of labor which has to administer the State labor law, which is a 54-hour week for women and a 10-hour day law, has been recently confronted with the problem of an increasing number of violations which have grown out of the fact that the State labor law went out of use, so to speak, during the period of the codes, because its standard was so much inferior to that imposed by most of the codes. Very recently, for instance, we have had a perfect flood of complaints, justifiable ones, of violations by the jewelry trade, which is largely centralized in Rhode Island and southern Massachusetts. It has become necessary for us to issue a special caution to employers, bringing to their attention the fact that the State law is still in force, because many of them seem to have gotten forgetful, and we are cautioning them that they are not allowed to work their woman employees more than 54 hours a week. It is our plan to have a day in court with several jewelry firms at one time to point spectacularly to the requirements of the law in this respect.

One case which came to my attention involved a textile concern which was requiring its employees to work 2 weeks for 1 week's
wages; that is, the former 1-week wage under the code. Many of those smaller concerns have jumped their hour scale up to the maximum permitted under the State law, especially if they employed women. I think that there has been no notable increase in the number of shifts in factories, except that we had one very large and troublesome strike. One of the fundamental points at issue in that strike was the question of whether that industry, which happened to be the woolen-textile industry, should go back to a 3-shift basis. It was interesting to see the employers on one side urging that this be done, and promising that they would be able to take care of all of the employment, and employ all their former help on this basis, and labor organizations on the other side protesting that that was ruinous and that the two-shift basis of the N. R. A. codes be maintained. The strike was protracted for several weeks and was finally settled on the basis of the inevitable commission's study of the matter, studying the matter further, so that some arrangement which would be feasible and practical from both the standpoint of labor and the management could be worked out.

I should like to make some comments particularly in regard to industrial home work. For some of the figures which I am using in a general way I am indebted to the Federal Department of Labor, which sent in a special investigator to see what was happening to the industrial home work, particularly the jewelry trade. We had before the N. R. A., of course, an enormous amount of jewelry home work, which was almost completely wiped out by the N. R. A. codes. The code authority in that particular trade happened to be vigorous and enlightened, and it was able, by voluntary persuasion, as much as in any other way, to weed out the evil of industrial home work. I might say that the employers' associations are making strenuous efforts to maintain the gain which has already been made in this regard, and have appointed a special committee to keep a watch on these matters and to cooperate with the State department of labor in every way possible to see to it that this does not come back, creep back perhaps you might say, into the industry. Notwithstanding that, it was amazing to me to learn the amount of home work which had come back since the abandonment of the codes. It was, however, not so widespread in its coverage as before, being limited more particularly to several concerns, which gave out a great deal of it. One concern had as many as 150 home workers, for instance, being regularly supplied. We had a certain amount of home work also in the lace industry and in tapestry, which is only relatively significant as far as hours are concerned. But there is no question that unless strenuous efforts are made it will creep back into these various fields where it has been proven most profitable in the past to employ industrial home workers rather than workers in the factory.

The report which the factory inspector made for 1934 listed no children under 16 employed. In our investigations, we are discovering that that was perhaps not strictly true, even during the N. R. A. code period. And there again we have had to watch very carefully to see that child labor is not revived, because we have begun to get evidences here and there that it is beginning to come back in a small way. We are planning this year to amend our child-labor law to bring that more into conformity with the habit and the custom established during the N. R. A. on the 16-year age prohibition, which on the whole was
satisfactory, I think, to most of our employers. We made very strenuous attempts to enact a State recovery law at the time when the Federal law was still in effect. Although we failed, I think we had one very definite value as a result of the attempt which we made, because we focused public attention in a way which I think had not been done on any labor bill, certainly not since the 54-hour bill was put through some years ago. We focused public attention on the necessity for labor legislation. In other words, we began to make the public labor-legislation conscious. We had a solid day of hearings, which in our State is an unusual amount of time to be given to any one bill. The largest hearing room in the State capitol was crowded all day long and hearings were well, and on the whole, fairly reported in the press. So that we did focus attention and did create a background of support for future legislation, which I think will stand us in good stead in the coming session when we will try to improve labor standards all along the line and in various ways.

Outside of that attempt and the successful attempt to institute a State-wide unemployment service under the Wagner Act, we have little to boast of as labor-legislation achievement at the recent session. I do not know whether these contributions are helpful to the others here present, but so many of these topics were pertinent to our particular situation that perhaps I took too much time in discussing them from the standpoint of one small State.

Mr. Lubin. I should like to ask Mr. Walling a question. Has the Rhode Island State Department of Labor attempted in any way to maintain or bring about a maintenance of these standards in spite of the fact that it was not within the compass of the Department under the law to enforce them? For example, we will take the question of child labor. Has the Department attempted to keep the employers from employing anyone under 16 and to keep employers from sending out home work, although there is not a law covering this?

Mr. Walling. Yes, we have in various informal ways, through appeals to employer organizations, through constant contact and association with labor organizations in getting them to report to us instances which may have come to their attention, and through direct cooperation between standing committees of employers and legislators. I was very much pleased to have the textile association, for instance, which is very influential, appoint a standing committee to confer with the department of labor in regard to labor and industrial problems and the proposed labor legislation. We were able, for instance, through that medium, to sidetrack opposition to our minimum-wage bill which was almost successful, because the textile people did not understand what we were trying to do; they simply assumed that it was a minimum-wage bill and that it must be bad and ought to be opposed. But we talked the matter out, and they went on record as saying they would not oppose the bill because they felt that it would not apply to them, as it was aimed only at the sweatshops. In various ways of that kind we have tried to persuade employers’ organizations to maintain voluntarily the standards which have no legal status.

Chairman Smith. I think we should not dwell too long on the problems of a particular State. On the other hand, Mr. Walling, I am not inclined to let you off too easily. You said several things which aroused questions in my mind that perhaps other people here would like to have answered. You spoke of the fact that State laws in
regard to hours of labor more or less went into disuse during the N. R. A. period, because the standards were lower than those of the codes, and that after the codes went out of existence there was a break-down in certain industries, not only of standards under the codes, but also of the labor laws. I am not sure just what the home-work law situation is in Rhode Island, but you indicated that there too there had been a tendency to depart from the code standards. Just as a matter of guess, what do you think of the prospects of Rhode Island acting as an individual State, attempting now to move forward on legislative grounds which will recover some of the territory lost because of the codes? Specifically, do you think that at the next legislature in Rhode Island there will be any prospect of passing a law further limiting the hours of labor of women and children? Or do you think there is a possibility of passing an adequate home-work law? In other words, what is the mental set-up within the State in regard to those matters?

Mr. Walling. I do not mean to be overoptimistic, but I think the chances are very good. In the first place, almost all the types of bills which you mentioned were introduced in the legislature, some of them for the first time, and we began to get the legislators familiar with what we are trying to do and somewhat used to a novel idea. In the second place, from the practical standpoint, we have a State election following this session of the legislature, and that will have a very large share, I think, in persuading some of the legislators to be more liberal with their folks in certain ways than was the case at this session, where the immediate prospects of re-election were not facing them. Also the issue was very much beclouded at the recent session because of the general reorganization of the entire State government, which was a very complicated and a difficult administrative and legislative job to achieve, and which inevitably took the center of the stage and shoved other things to the side lines. All of that, again, will not be the case at this session of the legislature.

We came so close on several of these bills that I am optimistic that we can actually push them over the line this time. We came very close indeed to having a 48-hour bill. We came very close to having a minimum-wage bill. The industrial home-work bill did not fare so well. But I think we can hope for better luck in that particular this year also, because we now have the support of the National Homework Guild in Connecticut. We can now say that here is our neighbor State which has all the experience and is working the thing out. Of course, I am not extremely optimistic about the general prospects of putting some of these things through.

Without intending to anticipate the program, I hope that the interstate compact device, although it may not result in any tangible achievement, will be an argumentative force for us to use, not only in focusing public attention and education, but also in actually convincing the legislators of the feasibility and the desirability of putting through labor legislation under the guise of interstate commerce.

Chairman Smith. I should like to hear from some other State.

Mr. Mooney (Connecticut). In general, I think the experience of Connecticut has been very much the same as that of Rhode Island. Recently we completed an analysis of a thousand reports of factory inspectors which indicate the deviations in various industries and
trades in the State from the proper codes. Of the thousand reports the deviation was approximately 20 percent. We find that there are two types of industry which are diverging from the code standards. The first is the marginal industry, usually in the needle trade, which has always had a low standard. The second type is the intrastate industry, such as restaurants, hotels, and laundries. Most of the code deviations that we have found to date involve lengthening of hours, resulting in an actual decrease in the hourly rate, rather than in a pure decrease in hourly rate without lengthening of hours. In general we found no real effect upon total weekly earnings of employees. We have also found the same thing that Mr. Walling told us, that home work is tending to become more common, or has tended to become more common since the codes have lapsed. That has been particularly true in the men’s neckwear industry and in some of the needle trades. It also expanded to some degree in the athletic-goods industry.

However, the passage of the industrial home-work bill, which is similar to the N. R. A. provisions, limiting the practice of home-work to members of the family, who must be certified by the department, has almost completely, I think, cut off any chance of the undue expansion of homework. As a matter of fact, the operation of that bill will result in an almost complete elimination of the practice of home work in the lace industry. In one town in Connecticut approximately 450 people were engaged in doing home-work, and through the enforcement of the recent industrial home-work act the number has been reduced now to about 50. Most of the work which was formerly done by home workers is now done in the factory. In addition to the act itself, we have been able to eliminate practically all the home work in the metal trades, in which more home workers were employed than in any other industry in the State. The elimination of that type of work has been accomplished through a voluntary agreement worked out by the department of labor and the manufacturing associations. That agreement has been lived up to very rigidly so far as we have been able to determine.

I might say that our inspectors have noticed no increase in the employment of children under 16. That also would have been taken care of by the new child-labor law passed during the 1935 session, which prohibits the employment of children under that age in manufacturing and mechanical establishments, and requires the certification of all employed children under the age of 18.

One other step taken by the State to maintain N. R. A. standards has been the passage of a 48-hour law for women. That law has a maximum 8-hour day and 48-hour week, with the exception that the commissioner may, under certain circumstances, permit these people to employ women a maximum of 10 hours a day and 55 hours a week.

Chairman Smith. The voluntary agreements among employers to eliminate home work and to maintain standards in regard to the employment of child labor are certainly an interesting development growing out of the N. R. A. dissolution. It will be increasingly interesting to watch the success of such experiments after the novelty has had a chance to wear off and the ordinary factors of competition have begun to exert their influence. May we hear now from a Southern or Western State?
Major Fletcher (North Carolina). Our State has been mentioned in this meeting and at the meeting last night as the chief competitor of the northern textile manufacturing States. I am glad to be able to say that our textile manufacturers are sticking closely to the standards set up under the codes, both as to hours of labor, child labor, and wages.

We recently completed a study of the work permits issued for children under 16 in the State of North Carolina, covering a period of the last 8 months and since the Schechter decision. There are only 48 children certified for work in the textile mills in North Carolina. That I will agree with any of you is 48 too many, but when compared with what it would have been under the old conditions it is mighty small, almost negligible. Thirty-five boys and 13 girls in that length of time have been certified to work in the cotton mills of North Carolina.

Chairman Smith. Have you any comparative figures, say for 1929?

Major Fletcher. In 1929, my recollection is, there were 1,119 children for the same length of time—1,119 for the 8 months covered by the study.

Chairman Smith. To what do you attribute the present attitude of the employers? Is it because they have learned that child labor does not pay? Is it for some social reason, or why is it do you think?

Major Fletcher. I think, Mr. Smith, it is because our manufacturers have learned that child labor does not pay. I firmly believe that that is the reason for it. I have talked with a great many of our progressive manufacturers, manufacturers of the better type, and that is their attitude, that child labor does not pay, and they want no more of it at any time. They propose to stick to it. All three of our big manufacturing industries in North Carolina, cotton textiles, hosiery manufacturing, and tobacco, are now sticking closely to the codes; there is almost no child labor in these industries at present.

In the retail trades we are not so fortunate. Wages have gone down and hours have been increased, though not beyond the legal limit set by the State law. In North Carolina we have for women in mercantile establishments a 10-hour day and a 55-hour week. The majority of the retail trades have gone back to the State-law limits. We hear complaints generally that wages have been decreased, too. In North Carolina we have no law whatsoever regulating hours of labor for men. You can work a man any number of hours per day or per week that he will stand for. During the recent general assembly we were successful in a number of things, including the establishment of our employment service on a sound basis and with a comparatively large appropriation. But in other things we were not so fortunate. We proposed a 48-hour law for women in manufacturing establishments, and we never got the bill out of the committee. We did all that we could, but could not make any headway at all against the almost solid opposition of the manufacturing interests of the State. They were there ready to oppose every move that we made. They desired to stick to the old 55-hour law. Fifty-five hours is the limit for women in manufacturing establishments and also 11 hours per day.

Chairman Smith. Did I not understand you to say that in regard to the textile industry, code standards had been pretty well preserved? Does that square with the opposition of manufacturers generally to some legal reduction of hours?
Major Fletcher. It doesn’t square. It is inconsistent, in my way of looking at it. But they objected seriously to writing that into the organic law of the State. They want to do it themselves, on their own initiative, and of course be free to do otherwise when they want to. That is just the way I felt about it. If business improves and we get back to the 1929 levels and standards they may go back to the same old tactics as before. Immediately after the Schechter decision some three or four cotton mills in the State immediately announced long hours and changes in wages. But the cotton manufacturers’ association was strong enough with these manufacturers to induce them to go back to the code wages and code standards.

Mr. Walling. Might I ask, Mr. Fletcher, if the argument was not made regarding the 48-hour standard: “Well, we’d be perfectly willing to do it but we don’t want to write it on our statute books and then be forever afterward tied and have our competitor States decide they will abandon the code standards and go back to their old standards. We would then be in such a position that we wouldn’t be able to make the thing elastic enough to meet that competition”?

Major Fletcher. Yes, that is an old argument.

Mr. Walling. That was used to defeat our bill in Wisconsin. It was said: “Well, suppose you write a 48-hour bill on our books, how do we know that the manufacturers down in North Carolina are going to hold to the N. R. A. standards?”

Mr. Tone (Connecticut). That has been the argument for years. These people used to argue thus against the State law and as soon as they could defeat the State law they would jump for a special train to lobby against the national law. That is the old army game that has been carried on for years.

Mr. Wenig. Since listening to the representatives of these other States talking about some of their difficulties and their attempts to remedy them, I have been wondering, in view of the fact that I cut my remarks so short, if you think that we have not tried to do anything in Iowa to remedy these things. Well, I want to say that I believe Mr. Fletcher is right. When we get back to the 1929 peak again, if we do, people are going to forget all this, and we might just as well pack up our troubles. When they are down and are sending out their SOS they are willing to cooperate.

In our State at a special session we got by several important bills—old-age pensions, child-labor amendment, and several others that were not so important. That was during the special session of the legislature. I happened to be labor commissioner at the time, but had been only a short time. When the regular session rolled around and the opposition decided to give us some real opposition they gave it to us. In my experience with the State legislature previous to this I had a very good legal man to help me; we prepared all the bills that I could possibly find to take up the slack, and we gave them to the central committee and asked them to bring them out as central labor bills. Do you know that we did not get one of those bills out of that committee, not one of them. There was the same opposition there that we found in the State recognition of the N. R. A. and we are right back where we commenced. But we are going to come back again, I hope.
Chairman Smith. How about somebody else from a Western State that has not been heard from?

Mr. Johanssen (Illinois). After 20 years of campaigning, we finally passed an old-age pension bill in Illinois at the last legislature. We lost the women's 8-hour bill by one vote. We also passed a bill supporting the N. R. A., after a considerable fight. We passed a bill providing for 1 day of rest in 7. But we failed miserably in the effort on the part of labor and some of those who were identified with social agencies to pass a bill to meet the supreme court decision in our State, which was entered on the 17th of April this year, invalidating section 1 of the Occupational Disease Act. As expressed by Victor Olander, secretary of the Illinois State Federation of Labor, at the time he addressed the general committee of the senate and house in connection with that matter: "The decision of the court is tantamount to putting a sign on every factory door in Illinois which would read, 'He who enters here leaves all hope behind.'"

I think one of the things that as workmen we are in danger of is that our people are getting too much confidence in government. I think that is really dangerous. And correspondingly they are getting less confidence in themselves. From my observation I have never been able to find politicians that were for the 8-hour-day law until labor was organized strong enough to demand and obtain it. Then the politician is willing to follow on. I never saw him lead anywhere, except here and there as an exception. As regards the passage of the N. R. A. bill and its invalidation by the Supreme Court later on, the strange thing to me and to many I have come in contact with was that here was an effort on the part of the Government actually to set up and develop an agency which proposed to bring about as a reality labor's right to organize, which we were always supposed to have had. But as a matter of fact, the element of fear has played too great a part with numberless thousands of workingmen to permit of proper cooperation. And the element of fear on the part of the manufacturer, fear of something worse than what we have had, has made him cooperate in many respects where otherwise he would have failed to cooperate.

In the last analysis, I do not see any hope except through added intelligence of the average man and woman in industry, which will reflect itself in the departments of labor in the different States, and that of course is more or less permanent once it becomes developed. It seems to me that in the Wagner bill there is again a set-up which gives some encouragement and holds out some hope, probably even more hope than what was in the N. R. A. I am not at all surprised at the Supreme Court decision. In Illinois, when we were at Springfield 2 years ago strongly advocating unemployment insurance, we were told the same things: "That's a fine proposition—it's excellent. But we cannot have it in Illinois until we have it in all the other States. It must be national, so that Illinois can compete with other industry in other States." That has been their cry from the beginning of time.

There is no hope except to develop faith of labor in labor; that is the only hope. Then, of course, with it we must develop some degree of leadership that can marshal that situation to the extent at least
where we will invite the least opposition to our program from time to time. That is all I see in it.

It seems to me that in the N. R. A. there was a definite, hopeful, worth-while objective, and that was to encourage labor to organize, to help it organize and, incidentally, to utilize the power of the Government in preventing certain tactics and methods of opposition against labor. I am very hopeful, and I believe that the whole program, because of what has been said about it, for it, and against it, will in the long run be beneficial.

We want a situation where labor will have not full power—power to run the whole show, to get everything it wants—but a bargaining power that at least is on a par with the opposition, so that out of their negotiations and out of their conferences there may develop some agreement, some accord that has at least a semblance of equity—that is all. And certainly that is nothing but reasonable.

Mr. Lubin. I think these gentlemen have raised a significant question about the results of N. R. A. What are you going to do? We have had the N. R. A. and it has gone; it has left certain effects in the minds of certain groups. How can we get the individual States to do something along these lines? I would like to call on Mr. Walling, if I may, to say a word about State compacts as a method for approaching this problem.

Mr. Walling. I feel in rather a poor position to talk about interstate compacts because so many of you have been associated with the interstate-compact movement from the very beginning and are familiar with it through that association or through other means, so that you know a great deal about it. I was interested, as some of you perhaps were, in George Sewell's article in the September Harper's, I think, in which he made a scathing reference to interstate compacts as being an ineffectual device for the solution of our present economic and industrial problems. He devoted about one paragraph to it, I think, and he did, of course, go to the heart of the whole difficulty; namely, the slowness and delay in getting the compacts approved and accepted and adopted by the various States and put into force. That is part of the difficulty which the compact rule faces, unquestionably.

Let me give you a little of the background of the origin of the thing, because it has some bearing, I think, on the status of the movement at the present time. The beginnings of the interstate labor compact movement goes back to the summer of 1933 when the six New England governors met in Boston, Massachusetts, at the invitation of Governor Ely, who was directed by a resolve of the Massachusetts General Court to invite the New England States, and other States which might be interested, to confer together to the end of appointing commissions in each of these States to negotiate labor compacts between these various States. This Massachusetts resolve and the summons of the conference by Governor Ely was the outgrowth of earlier regional conferences at Harrisburg, Pennsylvania, and at Albany at the time President Roosevelt was Governor of New York. The six New England governors met and agreed to appoint commissions in their various States, composed of representatives of employers, employees, and the general public. Those commissions were in several cases appointed rather soon and began to meet togeth-
er to negotiate labor compacts. At the very earliest meetings it was decided to divide the program into a short-range program and a long-range program. The short-range program was to consider such matters as minimum-wage laws, child-labor legislation, hours-of-labor legislation, industrial home-work legislation, and to consider the question of what could be done to further the child-labor amendment to the Federal Constitution and also what could be done to promote N. R. A. legislation in the various States. The long-range program visualized such things as workmen’s compensation legislation, unemployment insurance, old-age pensions, and the other things with which we are familiar. That part of the program has not been touched in any way by the commissions. That may or may not be a comment on the delay of the method. But it is true that to date the various commissions have concentrated on the first or immediate part of the program. A series of meetings has been held in various State capitols, and the first compact to be approved was a minimum-wage compact, to which I referred this morning in the report on legislation. The minimum-wage compact was chosen as the first one because it was decided that on the whole this was the least controversial, and also because several of the States which were interested in negotiating it already had minimum-wage statutes on their books which would carry out the obligations they were assuming under the compact. The aim, I think, of the original proponents of the scheme was to fill in this gap in the twilight zone between Federal jurisdiction, as we then thought it was, and State jurisdiction. From the very beginning we were confronted, on the one hand, by opponents who argued that it was prejudicial to the cause of Federal legislation to have a rival scheme, if you want to put it that way, adopted, and on the other hand, by the opponents from the other side who said that it would prejudice the cause of individual legislation by the States if the interstate-compact device could be used as an excuse to halt further legislation. It seems to me that both of those arguments are rather beside the point. There is a twilight zone between the two jurisdictions, shifting as those jurisdictions may have become in the light of the subsequent interpretation by the Supreme Court. I think, too, some of us perhaps envisaged, even in the far-off days of 1933, that some things might happen to the Federal legislation, and that it might be well to be thinking in slightly different terms in order to be ready for the day when that eventuality might take place. Be that as it may, the first compact covering minimum-wage legislation was signed by the representatives of seven States, all five of the New England States, with the exception of Vermont, and New York and Pennsylvania. Of those States New York, Connecticut, New Hampshire, and subsequently Massachusetts already had minimum-wage legislation which would conform to the standard fixed in the minimum-wage compact.

Let me describe briefly what the compact itself is. It is first of all a treaty between the various sovereign States which does not come into force until it has been adopted by the legislatures of the various States and until congressional consent, as envisaged by the Constitution, has been given. It is a device which is expressly mentioned in the original language of the Constitution and which has, with some minor exceptions in other fields, been curiously neglected as a governmental technique. You are probably all familiar with the types of
compacts which have been approved in the past; that is, compacts between usually not more than two or three States in regard to boundaries, port matters, or things of that sort; and of course more recently the oil contracts between some of the southwestern oil-producing States, which again is on a slightly different basis. But the device of treaties between States, with congressional sanction, has been curiously neglected by the States in an attempt to cope with the problem of uniform legislation. I expect that one of the reasons why it has been neglected as a device is that until relatively recently the desirability of uniformity on the part of the various States, as far as labor legislation was concerned, has not been prominent in the minds of any but a small minority of people, those who have been closely tied up with the administration, or with the operation or the effect of labor legislation.

One thing which the codes dramatized more than anything else was the desirability of uniformity. It is that goal which is one of the main objectives of the proponents of the compact movement; namely, that not completely identical, but substantially similar, legislation can be enacted in various competing States in the form of a compact with the sanction of the Federal Government for the enactment of certain legislation the standard for which is mentioned in the compact itself, thus working simultaneously, without each State having to overcome the familiar argument that it will prejudice its own industry if it moves ahead in an isolated way, because in this compact movement a united front is presented. The compact itself sets up, first of all, the statement of its general purposes and aims, which I have outlined briefly. Then there is a set-up providing for an interstate organization composed of the chairman of the interstate compact commission of each individual State. What I am driving at is that each individual State compact chairman is a member of the interstate body, which is an advisory and recommendatory body. For instance, it hears complaints as to the administration or the operation of the compact and makes recommendations for its modification or change. And any State which is dissatisfied with the operation of the compact as far as it is concerned must file a statement of its objections with the interstate body, which then makes an investigation within a specified time and turns in a report. In other words, the other States are given opportunity to comment on the findings and make suggestions, and if the compact needs to be changed in the interests of all concerned this can be done. Any State which signs the compact binds itself not to withdraw from the compact within 2 years after the date of the report of the findings by the interstate authorities. The last part of the compact deals with the standards of legislation concerning minimum wages which each State agrees to set up in its own State.

This simply spells out the broad outlines of minimum-wage legislation based largely on the so-called standard bill, which I assume you are all familiar with—the one discussed this morning, providing for the setting up and entering of directory and mandatory orders.

Mr. Johannsen. It contains no specifications as to wage investigation?

Mr. Walling. No, sir; except that the wage shall be fair and unoppressive, and that is determined by the minimum-wage boards themselves. In other words, it is with the idea of getting around
the constitutional objections which the Supreme Court found in the Atkins case as to the District of Columbia minimum-wage law.

This compact was signed by the seven States and it provided that it should come into force on the ratification of the compact by any two States and, of course, with congressional consent. New Hampshire and Massachusetts were the first two States to sign the compact and put it into effect.

Mr. JOHANNSSEN. Only as respects those that ratify?

Mr. WALLING. That is correct. And as to the compact, the signatures of the representatives represents an obligation that is perhaps no better than a moral obligation. It is to encourage similar legislation in their own individual State legislatures to carry out their obligations under the compact.

A criticism which has been made of the compact device is not only that it is slow but that it does not get anywhere except in the line of education and spreading of publicity about the solutions to labor problems. Well, I think that in itself is a very important achievement. I think that the Massachusetts members of the commission feel that their success in having the Massachusetts minimum-wage law, which was originally enacted in 1912 and which was not the mandatory type, changed to the mandatory type and strengthened was because of the impetus which was given to the movement through the interstate compact and through the discussion and the promises of various other States to do the same thing.

That is the only one of the compacts which has been signed or approved or put into effect in any other way. Two other compacts have been tentatively drawn up and accepted with various changes, but they are not yet, I might say, in final form, although they are practically in a form which seems to be acceptable to most of the delegates present. Those are the compact dealing with child labor and the compact dealing with hours of labor. The child-labor compact has the same provisions for the setting up of the interstate body and so on as the minimum-wage compact, and sets a standard of 16 years for child labor, with a prohibition of work by minors under 18 years in certain hazardous occupations, and a prohibition of work by minors during certain hours, principally night work, etc. I will not take time to go into all those details. As it now stands, the hours compact tentatively provides for a maximum workweek of 40 hours, with any number of exceptions to that. That was, of course, a stumbling block, because nobody could agree on what the exceptions should be and principally on how to word them, how to phrase the language of the exceptions to make them sufficiently clear and still have them remain effective guides in administration. The movement, which originally started with the six New England States and then rapidly took in New York and Pennsylvania, has now taken in 16 States which have been represented at two meetings, one in the Department of Labor building in Washington just after the Schechter decision and another in New England later in the summer. An additional meeting is being held in New York City the 18th and 19th of this month. Unfortunately, the whole movement has been tainted, I think, up to the present time with too much sectionalism and regionalism. There has been a feeling on the part of almost everyone connected with the compact idea that it has been limited
to the Northern States. That certainly has been true recently, that it is not proceeding on a realistic basis, because after all the Northern States are industrial competitors of other sections of the country, which ought to have a share in the movement and participation in the drawing up of whatever standards shall be fixed, and not have something handed to them ready-made which they had no part in producing.

The Schechter decision has, of course, brought out very strikingly the limitations of the Federal Government under the Constitution as it now stands in dealing with labor problems; as has been said several times this afternoon it threw the responsibility back directly on the States. So the question is, How far can the States go individually at present in shouldering that new responsibility which is theirs? It seems to me that the inability of the States to go very far in this respect as individual units makes the compact device an extremely useful one for them to adopt, because they can achieve uniformity of standards, which admittedly is desirable and necessary. They can achieve it in a way which is at this very minute constitutional, expressly provided for in the Constitution, and in a way which is realistic, provided that agreement on these complicated matters can be secured sufficiently quick. That is admittedly the obstacle. But there has been a definite acceleration of the whole thing I think since the Schechter decision. There has been more interest shown on the part of other States than the original six which initiated the first compact, and that is a very encouraging sign as to the possibilities of achieving action on a broad front in regard to labor standards.

I have tried to cover this 2 or 3 years of history in a very brief way, and what I have said may be confusing to some of you who are not familiar with what has been going on. If too much time is not being taken on this particular topic, I should be very glad indeed to make explanations or answer any questions which may have occurred to you.

Mr. Lubin. Well, one of the problems discussed was the question of interstate compacts, and the question has been raised as to whether the interstate compact was the effective way of doing it. I was going to ask Mr. Crawford whether he felt that the industrial State earnings legislation of the Province of Ontario had in it any basis for development which we might use in the United States to bring about the ends we seek.

Mr. Crawford (Ontario). I am not prepared to answer that question. That is a matter for you to decide yourselves if there is anything in it. It is too young yet even to make any comments on it.

Mr. Lubin. But could you tell us just what it is you are attempting to do and how you are attempting to solve the very problem we are facing in this country?

Mr. Crawford. Yes. First of all, we are following the lead of the Province of Quebec, which for years has been regarded as being somewhat backward in social legislation, but can no longer be so regarded. It put through what it called the Trade Agreement Extension Act. The theory of this is that the employers and the employees concerned in each industry would set up their own standards, and when a proper and sufficient representation of the two
forties agreed to such standards they would be given the force of law. In the Province of Quebec the conferences are called or convened by the industry itself. When they have succeeded in drafting an agreement covering wages and hours, they ask the legislature to pass that agreement by orders in council. Thirty days is then given for objections on the part of those in the industry who may oppose the proposition, at the end of which time it becomes law. A board is established in the industry itself to enforce the terms of the agreement, and at the present time there is an amendment to the original act providing that the boards may levy an assessment on the industry to obtain the necessary funds for administrative purposes. In the Province of Ontario the act has a similar purpose, except that we have retained the right to enforce the provisions of agreements through the department of labor, the minimum wage board being in charge of that responsibility, but being assisted by boards from each industry. That, I believe, is a brief statement of the whole thing.

In the Province of Quebec, where I do not know how many agreements have been worked out, some cover a zone in the city of Montreal—that is, Montreal Island—others cover the whole Province, and others two or three or more zones. The effects are far reaching, and I think I am safe in saying that it will be permanent, subject, of course, to amendments from time to time. In Ontario the act went into force just a few months ago, and we already have about 21 boards established. Most of them find extreme difficulty in enforcement, working through the minimum wage board, simply because of the terminology or lack of care in the drafting of the agreement. We have simply adopted the language of trade agreements which have been made between the trade unions and employers for years and have tried to enforce such agreements throughout the industry. That, I am convinced, cannot be done. Take the building trades, plastering or carpentering, for instance. We found that, due to the depression and other causes, unions had to a large extent lost control of the situation and were no longer able to enforce their agreements, but they did have existing agreements. The wages called for ranged from 90 cents an hour to $1 an hour—anywhere really from 75 cents to $1 an hour—but the actual wages being paid varied all the way from 15 cents to 40 and 50 cents an hour, the closed shops being shut out from competition because their wages were too high. They were practically restricted to governmental and municipal affairs. If the Province or the Federal Government desired to build a building, its rates were in accordance with the agreement, or if a municipality undertook such a building, it also had its own rates which were comparable to rates for the Provinces. But if any private undertaking began the erection of a building then the rates immediately fell. We had such a bad condition, in fact, that in one section of Toronto houses were being erected by individual workers who were on a dole. That is, you would find a man receiving relief, the provisions of that relief being that he must not earn more than a stipulated amount, such as $9 or $10 a week, by his own labor. If his earnings exceeded that amount he lost his relief. So he went ahead and worked a week and was careful not to receive more than $9 or $10 a week, because otherwise he would lose his relief. That condition, of course, necessitated government action and that is the reason why we have a miniature N. R. A., you might term it, in the
Province. With a condition such as that facing you, you can understand the difficulty of attempting in one swoop to raise all the wages from such conditions up to 90 cents or $1 an hour.

You can picture to yourself exactly what happened. The speculative builder immediately stopped building. Those people who had financed large undertakings by borrowings from England, the United States and elsewhere became panicky. They did not know what to do; they could not continue their program when wages were suddenly jumped from 30 cents or 40 cents an hour up to 90 cents an hour in all the trades affected. That was probably our greatest difficulty. That was the difficulty arising because of organized labor attempting to get through legislative action something which it could not maintain through its reciprocal agreements, and it tried to get too much at once.

Mrs. Beyer (Washington, D. C.). Did you not have to have a certain number of employers before the agreement was given the sanction of law?

Mr. Crawford. Our act simply says "a proper and sufficient representation", and in drafting the bill great care was taken to leave the language in that form. In other words, the minister is charged with the responsibility of deciding when a conference has a proper and sufficient representation of both parties. A majority would not do, a stipulated percentage would not do, because each trade or industry you are dealing with has its own particular conditions, and it was thought that it would be impossible to draft any kind of legislation on the basis of a percentage or majority which would meet all situations. Then you have, of course, your organized labor representatives. And when you have three or four different types of unions, some of which will not even sit in conference with each other, you have extreme difficulty in that connection. And where you have employers' organizations divided and split you have extreme difficulty there also. So that no stipulation is definite.

Mr. Lubin. What did you do in regard to the building trades?

Mr. Crawford. We have 11 different agreements in operation covering 11 different trades; practically all the building industries are covered and operating at the present time. In the city of Ottawa we have four. In the city of Hamilton there are two, and others are being negotiated now.

Mr. Lubin. Does that mean that if you have perhaps three or four well organized and two or three others that are not well organized you might have the wages of the first three or four subject to these codes, as it were, and the others not subject to it, in the same industry?

Mr. Crawford. That is the condition that exists at the present time in the city of Hamilton.

Mr. Lubin. Then it is not a question of industries, it is a question of crafts?

Mr. Crawford. Well, it is industry in that the building trade includes the crafts. The word "industry" is defined very broadly for that very purpose. But as to the furniture industry, the industry of the whole Province is covered under one act, as is the millinery
industry, and now agreements are being negotiated in the ladies' clothing and suit industry. That is really a branch of needlework.

Mr. Walling. What provision, if any, is made for securing a fair and representative group, or whatever your phraseology was?

Mr. Crawford. "Proper and sufficient."

Mr. Walling. What I mean is this, is there any provision requiring them to come in?

Mr. Crawford. No. The act provides that either the employers or the employees may ask for a conference, the Minister convening such a conference for the purpose of negotiating agreements covering hours and wages.

Now, if we get a request from a union, or from no union at all but from a group of employees, an investigation is made quietly to determine whom they represent and the attitude of the employer, and if there is felt to be any hope at all of negotiating an agreement then a conference is called by the department, public notice is given, and at this conference an attempt is made to get an agreement. That is all. That is, it is purely voluntary for the industry up to that time. In this meeting the agreement is first made; the technicians of the different crafts approve the agreement first and submit it to the government for approval. Then, 30 days are given for objectors to bring forth their objections and to show why it should not become law. If the objections are small or negligible, then the minister will enforce that agreement.

Mr. Walling. Must both sides be represented?

Mr. Crawford. They are, yes sir; both sides.

Mr. Walling. Has one side or the other the right to refuse to come in? Have any refused to come in?

Mr. Crawford. So far, no, simply because quiet investigation is made beforehand to make sure that there will be at least someone from each side there. There would be no sense in our calling a conference with just one side represented when we knew beforehand that we would have opposition from the other side. In that event no agreement would be entered into.

Mr. Walling. Can you decide that the wage fixed by the conference is unreasonable?

Mr. Crawford. No, we accept the agreement written by the industry itself.

Mr. Lubin. Is labor satisfied in permitting the industry itself to enforce these conditions?

Mr. Crawford. You are speaking of the Province of Quebec?

Mr. Lubin. Yes.

Mr. Crawford. I feel so, yes.

Mr. Lubin. In other words, the actual enforcement is left in the hands of the employer?

Mr. Crawford. It is not in his hands. It is in the hands of a board consisting of an equal number of employees and employers. That board does the enforcing.

Mr. Magnusson. I wonder if Mr. Crawford will tell us the effects of the Privy Council decision to the effect that labor treaties, or the
hours-of-labor treaties particularly, be made applicable by ratification of the Dominion Government and the Provinces? That is a device which Canada has used.

Mr. Crawford. I do not know. I think there is no one who knows yet what the effect will be.

Mr. Magnusson. They have ratified it?

Mr. Crawford. Oh, yes. We have an 8-hour day which is established by the act and we do not know as yet who is to enforce it or what machinery is to be adopted for its enforcement and what the relationship will be between the Federal and Provincial Governments in its operation. I have been unable to get any definite information in that connection.

Mr. Magnusson. I wonder if you will explain why they can do that in Canada and why we cannot do it? It is true, is it not, Mr. Crawford, that the Dominion Government is a government of residuary powers, whereas the Provinces have enumerated powers, exactly the reverse of the situation in the United States? That is why you can do that?

Mr. Crawford. Yes.

Mr. Magnusson. In other words, these people are talking about getting social legislation in this country by the same method as by ratification of international treaties.

Mr. Crawford. It is a matter of interpretation as to just what are the powers of the States or Provinces.

Mr. Lubin. Are there any other aspects of the problem of social legislation in the individual States as affected by the Schechter decision that any of you care to raise, concerning the experience of any individual States or any specific things that have been done? I think it is rather important to us that here is a neighboring country that has attempted to do certain things through the national legislature, which we have tried to do, but they have attempted to do it on the basis of different powers.

If there are no other questions to be asked or no other matters to be presented by the representatives of the individual States, we can adjourn the meeting.

[Meeting adjourned.]
Mr. Kearns. First, I may say that I am pleased to preside at this joint session of industrial accident boards and commissions and governmental labor officials to discuss safety and accident prevention problems.

Both organizations have many things in common in this field, and both have a deep appreciation of the old adage that an ounce of prevention is worth a pound of cure. It seems entirely appropriate, therefore, that the two organizations should get together for the purpose of discussing ways and means of bringing about a greater respect for and observance of our safety laws and regulations to the end that we may be able to reduce the number and severity of occupational injuries occurring in industry.

One of the most essential functions of industrial boards and commissions is to prevent accidents. The economic saving made possible thereby is certainly preferable to the heavy drain on funds through compensation payments and medical costs. In like measure, Federal and State agencies having to do with the enforcement of safety regulations have a vital interest in safety. Accident prevention would solve one of the greatest economic problems facing these bodies and safety, therefore, becomes a necessary policy in the administration of compensation funds.

Fundamentally, and of necessity, the big problem of our industrial accident boards and commissions is a financial one. If it is true, as many competent safety engineers believe, that 95 percent of all accidents are preventable, the key to the solution of that problem is undeniably safety. Standardization, statistics, legislation, administration, these are all essentially matters which call for full consideration, but the greatest hope for the elimination of the really great worries of our boards and commissions lies in the effectiveness of our efforts to educate employers and employees to recognize the sound economic value of a policy of accident prevention. In other words, the problem is to get their wholehearted support and cooperation in working out a solution of our accident and occupational-disease problems.

We are all aware of the fact that new problems have been born of the abnormal conditions through which we have been passing and from which all of us most earnestly hope and believe we are now emerging. But, how many of us have paused to consider the many new conditions that have arisen to intensify the normal hazards of industry?

Among the things which are almost certain to be contributory to greater accident frequency and severity are loss of skill by employees after protracted periods of idleness, the hazards attending the performance of new and unaccustomed tasks, and particularly the changes in mental attitudes of employees, which will require some
time for readjustment. These are new elements injected into the safety problem which call for serious consideration.

In the light of these facts, which all compensation bodies will eventually face, may I be permitted to reiterate that it is my candid opinion that these conventions do not give to the safety problem the time and attention its importance warrants and demands, and until we do we will be constantly confronted with an ever-increasing tide of economic worries.

There are two principal methods of promoting accident prevention work; namely, factor inspection, or enforcement through the exercise of the police powers of the State, and human engineering, which in a broad sense means educational methods. In my opinion, both methods are essential and the best results are obtained where both are employed, but whether one or both are used it is obvious that there is need of greater effort along this line on the part of all governmental officials.

We are to hear a discussion on all phases of the subject today by men who are eminently qualified to discuss it.

I am delighted at this time to present to you Mr. S. W. Wilcox, who will now address you on the use of statistics in accident prevention.

Use of Statistics in Accident Prevention

By Sidney W. Wilcox, Chief Statistician, United States Bureau of Labor Statistics

May I express my appreciation of the good things Mr. Kearns has been publishing in the Ohio Monitor. For example, in the June issue of this year (1935) he stressed the relatively large number of accidents in the four fields of commercial employment, public employment, care of buildings and grounds, and the clerical and professional type of activity. It is easy to fall into the habit of thinking in terms of type cases. The term “industrial accident” becomes associated with manufacturing and construction, but Mr. Kearns has shown that in Ohio, in the first 4 months of 1935, the four less recognized fields had 26 percent of all work injuries, 33 percent of all industrial fatalities, and 31 percent of all days lost. He points out that systematic safety organization is not commonly found in these four lines. It is the presence of thought-provoking little articles of this kind that will make it well worth your while to see that the Ohio Monitor comes regularly to your desk.

This publication may be cited as an example of how statistics, in the hands of a person who knows how to present them in a pointed manner, may be used to build up an informed clientele and as a guide to needed action in the field of accident prevention.

As a second illustration of the use of accident statistics, I should like to point out how statistics fit into a program of action leading to the securing of legislation on which prevention activities can be based.

It was my privilege to call your attention a year ago to the effective work done by Miriam Noll in Illinois in paving the way for legislation on the subject of extra compensation for young workers illegally employed. She set about gathering the statistics systematically and competently. All reports of accidents showing ages below 18 were
sent to her desk for inspection and became the raw material for the statistical tables which she drew up to show herself and others the nature and extent of the problem. The information was published regularly in the Illinois bulletin and was presented orally to women's clubs and other interested organizations. When the movement grew to the point of bill drafting and legislative hearings, there was one witness who manifestly knew that field and there could be no effective challenging of the facts which had been so carefully gathered during so many hours of statistical labor.

May I call attention this year to a parallel case of statistics in the service of legislation, this time in the person of Beatrice McConnell, of Pennsylvania, and now of the United States Department of Labor. Her work in Pennsylvania led to a provision for payment by the employer of extra workmen's compensation benefits to young employees, hired contrary to the law intended to protect them from the more serious industrial hazards. I can speak more in detail concerning Miss Noll's program, because it was in my office in Illinois that the work was done, but credit belongs to Miss McConnell in Pennsylvania for having carried out the program at an earlier date and with a high degree of success. Football is a man's game, but when it comes to an issue of social conscience, I do not know of anything to equal the way a devoted and competent woman can tuck the ball under her arm, find her way through the thickets of ignorance and indifference, and outmaneuver any opposition, until the ball is planted behind the goal posts. If you tell me that I am guilty of mixed metaphors I readily grant it. If the field were a clear and open one, the men would be right there to steal the show.

The issue is not a closed one even in those States that have put on their statute books the type of legislation which we have been considering. There remains not only the problem of enforcement but the problem of devising measures one step beyond the imposition of penalties in connection with accidents that have already occurred. This leads to the third point—the use of statistics in regulation, as that term is understood in connection with the work of administrative bodies.

The Children's Bureau of the United States Department of Labor is stressing the urgent need for more information on the greater susceptibility of young workers to certain poisons and accidents and on the extent to which we are allowing our children to work in hazardous occupations and the presence of poisonous substances. The same need of information has been expressed by consumers' leagues and women's clubs. The Association might well take note of the work of the Advisory Committee on the Regulation of Employment of Minors in Hazardous Occupations and try to make it possible for the State accident statistician to gather the basic data. At this time, when employment opportunities are limited, it seems utterly incongruous that we allow our children to match their smaller experience and less developed resistance against the hazards of the occupations known to be dangerous.

In considering how accident statistics can be useful we may take as a fourth illustration the work of the factory inspectors and the other members of the staff of the State inspection services.
left-hand coat pocket of the inspector, as he makes his rounds, should be a set of cards or forms giving the principal facts concerning the accidents that have happened in the plant to be visited. This will give point to his inspection and an inner authority, much more effective than that of the policeman, in his dealings with the company. This service to the men in the field is made possible by the work of statistical clerks in the central office. The inspector can prepare himself for his visit and is not dependent on hasty scanning of the plant records at the time of visit, which may or may not tell him what he most needs to know.

Cooperation between the statistician and the inspector should be further provided for in the department by conferences for the purpose of taking account of the latest developments. To the inspectors, the statistician would interpret his last year's figures, and the inspectors, in the light of their more vivid knowledge of all the circumstances, would try to tell why, after the statistician had told where and whither. The statistician would point out where the record is better, where worse; what kinds of accidents seem to be more important, what less; what industries, what size of firm, what geographical location, what kind of safety organization, is associated with a lowering of the accident rates. Then it would be the turn of the inspectors to be put on the carpet and tell whether they have encouraged firms to keep adequate records and to make a real study of their accident experience, or whether the inspectors have confined their attention to the physical aspects of the plants. The high spot of the meeting would be when all faced the question as to why things are as they are, and what can be done about it.

As a fifth point, the principle of calling on the statistician to tell from time to time what his statistics show could be extended into the field of workmen's compensation activities. The referees, or arbitrators, as they are called in Illinois, and commissioners would be brought face to face with what the statistics reveal. Those compensation activities would have their particular experiences brought into relationship with general tendencies and be able to shape policies on the basis of sound generalizations. The statisticians, on the other hand, would gain from the intimate knowledge of detail possessed by the hearing officers. There would be a deeper understanding on both sides. If the statistician found that his figures were useful, he would be encouraged; if he found that much of his laborious detail was beside the point, he might ease up on subclassification of accidents and spend more energy on statistics of inspection activities and statistics of compensation activities. In general, these have been as much neglected in our industrial commissions as judicial statistics have been neglected in our courts.

Would it not be a feather in the cap of the workmen's compensation movement if it used statistics for a constant check-up on its performance, flowering into genuine self-criticism and reform from within?

If the administrative agencies are less bound by tradition than the courts, and if they already have statisticians right at hand, can we not hope that a movement will be started which will not end until all administrative agencies and courts establish statistical measurements of their activities and efficiency?
There is a sixth special development in this field that deserves the most earnest attention of commissions, inspectors, and statisticians. I refer to accident causes.

Surely the very heart of the scientific method is the study of causal relationships. Without detracting in the least from the importance of safety slogans and safety campaigns, it is nevertheless time that, unless we are satisfied with a blindman’s buff approach to this problem, there be set up a procedure by which the causes of accidents can be ascertained and the results tabulated. The general leading an army in a strange country can thank his lucky stars that he has brave men and accurate maps.

A distinction should be made between the questions on causes that should appear on the workmen’s compensation forms and those that should appear on the forms to be used by the statistician. The standard form for report of accident need not go farther than is implied in the present questions on cause of injury, but an auxiliary form is needed to ascertain the cause of the accident which caused the injury. This form should be sent directly to the statistical division, and there should appear prominently at the top of the form an assurance that it will not be seen by the workmen’s compensation division.

This arrangement will do away with the first of the two difficulties in developing the causes of accidents; namely, that the companies fear to incriminate themselves, and give a uniform answer that the cause was the carelessness or disobedience of the employee. It can be made clear that frank answers concerning the cause cannot affect the compensation award, because the answers will be seen only by the statistician, who in turn will present them only in tabulations. This assurance can be buttressed by the statement that the compensation law is based on the theory of not asking, “Who is to blame?” but “Who has been hurt, and how much will be his wage loss?”

The second difficulty in eliciting information on causes is that the average personnel officer or plant manager or safety engineer has not squarely faced the question, “What caused the accident?” He has no technique for recording in specific terms the answer to that question. The company’s record of accidents may be neatly and carefully kept, but may nevertheless yield scarcely a ray of light on the causes of the accidents. It is to remedy this difficulty that the Heinrich Accident Cause Code has been devised.

A heartfelt vote of thanks is owing to Mr. Heinrich personally and to Dr. Hatch of our Association and to the American Standards Association and other sponsoring agencies. One of the clearest tasks of the statistics committee and of the Association should be to encourage industrial commissions to make it possible for their statistical units to gather information on accident causes. But from my experience at Albany I must warn that at the beginning nothing less than field work will be necessary, because most of the companies do not know how to proceed.

Seventh, the subcommittee on accident causes of the American Standards Association is paralleled by the subcommittee on definitions and rates. Some of the most difficult problems that have been encountered are being studied in committee here in Asheville, between
the sessions of this association. A report will be submitted at the business session. The formulation now being worked out will serve, I believe, as a basis for providing the accident statistics field with a standard set of definitions and methods of computing frequency and severity rates.

Concerning the moot point of what to do with temporary partial disabilities, Mr. Hatch has hit upon the happy solution of including them in an "advanced standard" rate, but excluding them from the "standard" rate. I myself would prefer a more neutral designation, such as "five class" and "four class" frequency or severity rate as the case may be. But the main point is to recognize that we are in a transition stage between the earlier "lost time" basis and the newer "disability" basis, and that there are many hundreds of thousands of employees in organizations operating on each basis. So the proposed standard practice should make room for the realities of the case.

While recounting valuable service received from other organizations it would be ungracious not to remind this association, as the eighth point, of the work of the National Council on Compensation Insurance in formulating and propagandizing standard accident report forms. During the 2 years that I was chairman of the forms committee of this Association, I came to know the work of Mr. Richardson, Mr. Bartlett, and others of the parallel committee of the National Council on Compensation Insurance with their far-flung contacts. During those 2 years, 22 States adopted the basic form and, in most cases, some of the other forms. I understand that the movement is gaining in strength,

The ninth point is education. The State safety and compensation divisions have their own distinctive responsibilities in the field of safety education. Witness the leadership by Ohio in this field. Law students, when they come to the subject of workmen's compensation law, should be provided with desk space in the compensation commission offices, so that they can participate in and get the feel of the work. But the public-school authorities should also be encouraged. High-school and college students should be encouraged to write papers or work up debates on safety and compensation subjects. The school authorities could be urged to include safety in the curriculum as a required subject. The facts provided by the statistician are indispensable. Though I freely grant that education does not amount to much unless interest is aroused, emotions enlisted, and attitudes cultivated.

Under the tenth point I have gathered together certain items of information concerning recent developments in the field of accident statistics.

There has recently been formed an organization of the accident statisticians in the various Federal departments. It is hoped that this will mean much for strengthening and integrating the work. It should serve in implementing, on a voluntary basis, the good work of the Central Statistical Board.

Coming closer home, I am most happy to announce that the Bureau of Labor Statistics is to secure the services of a full-time man, of high-class professional training and experience, for full-time work in the field of accident statistics. This should be thought of in con-
connection with the survey of workmen's compensation administration being made by our Mr. Marshall Dawson. With two specialists in these closely related subjects the Bureau should be able to render excellent service in response to any calls that may be made upon it by State compensation commissions and labor departments. With the Department of Labor organized under the capable direction of Mr. Zimmer for the most effective service, and with the Bureau of Labor Statistics definitely committed to a strengthening of its research work, there is every reason to hope for truly significant developments. There is a felt need, and provision for adequate leadership.

Contact with universities is to be made in terms of calling attention of graduate students who are candidates for masters' and doctors' degrees to the possibilities in the field of workmen's compensation. The Bureau of Labor Statistics is prepared on its part to render certain assistance to students who make real contributions of a kind that will be useful to the Bureau in discharging its obligations.1

Mr. Kearns, our beloved chairman, indicated that the police power on the one hand and management engineering on the other are the two main approaches to the challenging problem of preventing accidents. Statistics are indispensable in connection with both of these as a device for measurement. The bill of particulars which I have drawn up serves to illustrate the basic principle stated by Mr. Kearns. I hope that the committee on statistics of the International Association of Industrial Accident Boards and Commissions can find practical ways of strengthening the State-Federal statistical work; that it can bring home to the State authorities the need of adequate financing and encouragement; and that it can bring home to the statisticians a fuller appreciation of their responsibilities. They must be drawn into the field of action and leadership, neither retreating into the abstractions of mathematics procedures, fascinating though these are, nor dulled by the unending repetition of detailed operations. My plea is for an inner loyalty to the great cause of accident prevention, guided and reinforced by a firm mastery of the facts.

The United States Bureau of Labor Statistics of the Department of Labor calls attention to economic and statistical problems in the fields of industrial accidents, industrial hazards, and workmen's compensation for dissertations leading to higher degrees. In order that statistical data in the field of industrial accidents and workmen's compensation may be available to the Bureau it is prepared to assist competent students who desire to engage in such studies in the following ways:

1. To aid in the supervision of approved studies.
2. To help make the necessary arrangements with State agencies, such as industrial commissions or departments of labor, for access to State records.
3. To make contacts with nongovernmental agencies capable of rendering assistance.
4. To furnish clerical assistance in tabulation and in putting manuscripts into shape, all clerical work to be done at the Bureau of Labor Statistics at Washington, D. C.
5. To publish the study if of sufficiently high caliber.

In addition, the Bureau is willing to provide to graduate students whose choice of study it approves a travel allowance for necessary expenses incurred in making contacts with—

(a) State agencies when in different cities from the university.

1 The communication with universities to which reference is here made is shown on this page.
(b) Individual concerns or workers when the study requires such contacts.
(c) Agencies with whom findings can be checked and discussed for suggestions and criticisms.
(d) Bureau of Labor Statistics at Washington, D. C., for conferences.

A list of suggested subjects is attached and may be expanded within the general field of inquiry.

The materials collected by students under the above arrangement are to be made available to the Bureau of Labor Statistics. Full credit will be given to individual students for such materials as are used by the Bureau. All applications must be approved by the professor under whom the student is writing his thesis.

Tentative Suggested Topics for Graduate Students of Universities
(Other subjects may be added)

A. Industrial accidents and industrial hazards.
1. Relation between industrial accidents and business cycles. What is the course of industrial accidents during the various phases of business cycles? Why? Differences between experiences of various industries.
2. Industrial accident trends of major industries. How and why do industries differ as to their industrial accident experiences and hazards? Consider effects of technological changes, size of establishments, etc.
6. A technique for securing statistics on causes of accidents as distinguished from causes of injuries. For illustration, a broken arm may be due to a fall, which is the cause of the injury. But the fall may be due to poor lighting, or carelessness, or poor housekeeping, etc.—the cause of the accident.
7. Comparison of frequency and severity rates with other statistical measures capable of use in accident statistics.
8. The interpretation and application of accident statistics compiled by the States and Federal Government. What practical use is made of such statistics? (For accident prevention, factory inspection, rehabilitation, regulation of compensation rates, legislation, etc.)
10. Mortality of permanent disability cases. Consider the benefit limitations of workmen's compensation acts and what happens to permanently disabled workers during the course of compensation benefits and after such benefits have ceased.
11. Relation between time spent on job and time accident occurs. Consider age and experience of worker, work at straight time and piece work, rest periods, fatigue, length of working day, etc.
12. Statistics of safety work—devices used and their effectiveness; Administrative and budgetary control of safety work (a) within corporations, (b) carried on by States.

B. Workmen's compensation.
1. Extent to which workers are covered by workmen's compensation acts in the various States. Consider size and industrial hazards of excluded industries and establishments.
2. Degree to which compensation actually compensates for wage loss. Consider particularly the economic life and impairment of earning power in permanent disability injuries.
3. Adequacy of benefit provisions for dependents in fatal accidents; for permanent total disabilities.
4. Lump sum settlements—their use and results. See study by Norcross.
5. Cost of various provisions of compensation laws.
6. Relative benefits under the various compensation laws (quasi-actuarial subject of, Skelding table).
7. Proper basis for calculation of benefits under workmen's compensation laws. Particularly significant during depression and early recovery years of a business
cycle when benefits depend on earnings during a period preceding the disability. For instance, should a benefit be based on the average annual earnings of a worker who was injured after a long lay-off?


10. Types of insurance carriers, e.g.—
   (a) Private insurance companies (stock, mutual, etc.).
   (b) State fund, competitive to private insurance companies.
   (c) State fund, exclusive.

   Consider premium rates, promptness of payments, degree of litigation, etc.

11. The financing of workmen's compensation commissions—
   (a) From appropriations by legislature.
   (b) From appropriations by legislature anticipatory of payments from insurance companies.
   (c) From payments by insurance companies.

Mr. Kearns. In making up this program the committee had in mind having as many States represented on the program as was possible, because of the different forms of administration and the different methods of promoting safety, accident prevention, and enforcement by the various States throughout the country, and for that reason three of four States are represented on the program here. We sincerely hope that you will not hesitate, during the course of the convention, to give us some idea of what your problems are and what you have done to overcome the many obstacles in the enforcement of your laws. I think that would be beneficial to all of us.

The next subject on the program is the Responsibility of the States Through Accident Boards and Commissions in the Prevention of Accidents, by John P. Meade. Unfortunately Mr. Meade cannot be here, so we are going to have Mr. Martin, the vice chairman of the South Carolina Industrial Commission, read his paper.

[Mr. Martin read Mr. Meade's paper.]

Responsibility of the States Through Accident Boards and Commissions in the Prevention of Accidents

By John P. Meade, Director, Division of Industrial Safety, Department of Labor and Industries of Massachusetts

Probably no question in the industrial life of the Nation has been more intensively examined in recent years than the legislation enacted for the compensation of injuries arising out of and in the course of employment. Out of this experience has come the enactment of rules and regulations for the prevention of work accidents and diseases in employment. In the light of the progress made on these lines for nearly the past quarter of a century, it may be of service to select for examination a few points that continue to annoy those who would seek accurate information and who realize there is a great deal yet to be accomplished.

In this connection there comes to mind immediately the importance of accurate and prompt reporting of industrial injuries. This subject has engaged the attention of the organizations of industrial accident commissions and departments before. It is not a new question on this occasion. However, it is important to note that the difficulties of reporting work accidents are still with us. Small estab-
lishments are frequently unequipped for this purpose. It is often found that employers in this group notify the insurance company of the case in the plant and feel that their duty in this respect is completed. In cases where employees require medical treatment, but are able to work, a visit to the physician is frequently made in this connection, but no report in the case is made to State departments until action is begun. It seems to be the desire not to have it appear as an accident.

In large plants where competent office managers are found there is usually a good system of reporting, but even under these circumstances description of the technical processes involved in the employment seldom appears in the report. Hernia cases are not made known to State departments as promptly as they should be. Employees are not impressed with the gravity of such injuries until the major symptoms of pain appear, and then the delay in making these facts known does much to confuse the issue and endanger the rights of the employees.

Now, it is apparent that much of this difficulty lies outside the breastworks and jurisdiction of State departments and can only be corrected by its representatives in their dealing with individuals charged with the duty of filing accident reports. Suitable forms adapted to the requirements of the various industrial processes, which would furnish State departments with correct information, would be of great advantage in the accurate determination of injury causation, whether it be in regard to the construction of machinery, in power transmission or point of operation, or to the furnishing of adequate general information as to the setting up of suitable exhaust equipment to safeguard the employees from the inhalation of harmful dust or fumes. This arrangement would make necessary the use of a form that would require a concise report of the materials used in the industrial processes of the plant. It is a common experience that the notice of injury is often filed with the State department by inexperienced young clerks and persons usually without practical knowledge of the subject. This system must be improved upon if we are going to get reports that will furnish a compelling reason to have these injuries investigated. An inspection staff large enough to investigate all the accidents occurring within its borders is not available in any State.

Under these circumstances, selection must be made from the cases reported, and unless there is adequate information furnished, there is great danger of failing to investigate certain major types of industrial injury involving occupational exposure to contact with industrial poisons and the inhalation of dust, fumes, and gases harmful to the employee.

These few thoughts are to be construed as an appeal for greater study of this matter, something which lies at the very foundation of a successful system of accident prevention.

Another serious leakage in this reporting of industrial injuries is the lack of attention often given to this law by uninsured employers. Penalizing the concerns which fail to comply with the requirements of the law in this connection is entitled to cooperation from the courts. In Massachusetts the legislature of 1935, in chapter 395 of the acts and resolves of that year, increased the penalty for refusal
or neglect of employers to make reports to the department of industrial accidents as to injuries to their employees.

Another enactment by the same legislature on this same question was a provision amending the existing law in requiring notice from employers who were not insured under the Workman's Compensation Act. This statute requires that each year on or before January 15 every employer of more than five persons, who is not then an employer who has provided by insurance for the payment to his employees by an insurer of the compensation provided for by the State law, shall report that fact to the department in such manner as it shall prescribe, and such reports shall become public records. Private employers refusing to make any such report are to be punished by the imposition of a fine.

These facts are adduced as proof to show that better control is necessary for the reporting by noninsured employers of injuries that occur.

There are those who believe that much is being lost at present because occupational diseases are not promptly and adequately reported. This becomes important when it is understood that the increasing use of chemicals in industry, growing more and more every year, makes necessary a greater knowledge concerning the handling of these materials to determine the origin of diseases in occupation. Better reports are especially needed from manufacturing concerns that require the use of acetone, cyanide of potassium, aniline, lead oxide, benzene, chromic acid, and other toxic substances in the process of manufacture. This can only be made possible through the use of a report form that would establish the basis of a thorough investigation later.

In suggesting the reporting of industrial injuries along these lines, we come to the question of what use should be made of the information received from investigation of the facts. This work constitutes an integral part of any efficient system in the work of preventing accidents. Factory inspectors, by training and experience, are equipped with knowledge concerning the necessity for safe places in employment. When this experience is combined with the investigation of employment injuries, accident-prevention work should reach the highest point of efficiency, and constructive work in the enforcement of statutes and regulations for the protection of workmen from injury reaches its highest accomplishment. Between the department of industrial accidents and the factory inspection department there should be the closest cooperation. In Massachusetts this policy has brought about good results. In the Workman's Compensation Act of that State it is provided in section 19 of chapter 152 of the general laws as follows:

Copies of reports of injuries filed by employers with the department (department of industrial accidents) and statistics and data compiled therefrom shall be kept available by it and shall be furnished on request to the department of labor and industries for its own use.

From the reports of these injuries are selected typical cases for investigation, and in the case histories received may be found opinions of impartial physicians, decisions of board members, hospital records of the injury, the employer's report of the accident, and other related information. The information thus secured leads
inevitably, where necessary, to the enactment of rules for the better control of occupational dangers. An adequate system in the selection of types of injuries for such investigation is necessary. There is no State in the Union equipped with enough inspectors for the investigation of every case of reported injury, nor would there be any profit in attempting to do so. Such efforts should be limited only to the type of accident occurring under circumstances that would justify an investigation. Such action would be necessary in some of the minor cases where health hazards appear, as, for instance, the study of sandpapering processes and spray painting apparatus in plants engaged in the finishing of automobiles. Here formulas are often found which require the use of pyroxylin, from which the vapor arising in its application is pungent and irritating. Systematic examination of equipment for the control of dust and fumes is necessary in such establishments. Where these problems appear, however slight the injury may be, investigation is justifiable.

We find another illustration of this principle in the manufacture of storage batteries and plates. Lead fumes are found in the industrial processes in this employment unless there is good control or removal to the outside air. Metallic lead oxide dusts are found on the workman’s hands and clothes. The mixing of dry oxides for the paste is dangerous work unless it is done mechanically in a tightly closed apparatus. The presence of sulphuric acid fumes in the charging room, the hoisting and providing of exhaust blowers, lead-mixing churns and lead crucibles need frequent attention. The weighing out of lead oxides may be found going on in establishments with no attempt to control the dust hazard. All these conditions are seen in their true light when an injured workman owes his incapacity to them. It is here that reports of injuries may be misleading unless the investigation is made by the competent factory inspector, who is quick to see the necessity for the application of proper means of correction.

These few instances, which might be easily multiplied by illustrations from other industries, show the advantages to be gained when the investigation work is in the hands of factory inspectors whose ties require their familiarity with the statutory provisions for the prevention of industrial or occupational disease. Organization of the work on this basis is a responsibility which the accident boards and commissions owe to the States in the prevention of work injuries. The difficulties, of course, are legion, but some way should be found to make these practices universal in all the States of the Union. Raising the standard of reporting the injuries arising out of and in the course of employment to a more intelligent basis and unifying this work with adequate investigation by the factory inspector, who must be familiar with the statutes designed to reduce injuries to the minimum, is a program that would be hard to excel and would constitute a real contribution to a cause dedicated to the protection of the home, the individual, and the community.

Mr. Kearns. I should like to digress a moment to discuss the subject of rehabilitation in workmen’s compensation administration. Mark M. Walter was to be on the program tomorrow morning, but is called home, and would like to give his paper now.
Rehabilitation in Workmen's Compensation Administration

By Mark M. Walter, Director, Bureau of Rehabilitation of Pennsylvania

The evolution of the concept that society is responsible for the physical and vocational restoration of its citizens who become disabled has been one of gradual development. In fact, it was not until the beginning of the present century that serious consideration was given to the problem of protecting individuals by providing safe working conditions in industry, and through education, informing the public in safe practices and health habits to reduce the number of accidents and victims of disease. Notwithstanding the excellent work that has been accomplished in this field it has been necessary for society to establish facilities for reducing the effects of accident and disease, through compensation for the industrially injured, surgical and medical care for the sick, and rehabilitation for the vocationally handicapped.

Vocational rehabilitation is the third step in this program, its purpose being to provide the services essential to enable the disabled person to return to remunerative employment. The objective of the safety movement is primarily one of prevention; that of compensation, to provide financial remuneration for physical loss or injury; while rehabilitation readjusts the individual to economic independence.

Workmen's compensation and vocational rehabilitation have many things in common. In this paper an attempt will be made to show their interrelation through a discussion of their objectives and functions, the legal provisions and policies affecting the relationship, and the possibilities for improving this cooperation, with suggestions for a definite plan to strengthen the services to the disabled people.

As stated in Bulletin 76, Industrial Rehabilitation, Series No. 5, of the Federal Board for Vocational Education: "The intent of compensation legislation is threefold; first, to provide a speedy and inexpensive method by which compensation may be paid to injured employees and their dependents; second, to substitute a more uniform scale of compensation than could be obtained from the varying and often widely divergent estimates of juries; third, to avoid the application of certain well-established rules of law which in some cases were harsh in their operation." From a functional viewpoint workmen's compensation makes provision for prompt medical, surgical, and hospital care; payments to the injured worker in accordance with the nature and degree of his disability; and in a few States moneys are appropriated from the compensation fund for the purchase of prosthesis and payment of maintenance during the period of vocational rehabilitation.

These awards for the injured serve a great purpose, since they extend to a considerable degree the possibilities under which workmen may get compensation, eliminate the practice of employers to make a defense of liability, eliminate the hazards of lawsuits, and facilitate the payment of compensation, especially in those cases where the employer would not have been liable under the common law. On the other hand, in many cases they do not supply a margin whereby the worker can fit himself for new employment, or always
serve as an incentive to encourage the individual to rehabilitate himself.

Although rehabilitation legislation may be said to be an outgrowth of, or supplement to, compensation legislation, in its operation today under the State and Federal Governments it makes provision for those who are the byproduct of social conditions and transportation, as well as industrial accidents. Several forces were responsible for the evolution of this conception. The work of the charity organizations of England and the United States laid the foundation for the modern technique of case work and included in their programs provision for the placement in employment of the disabled. This movement was followed by the organization of societies to provide for the care and education of crippled children. About the same time public education was provided for certain types of handicapped children, including the deaf, the blind, and the crippled. These movements all focused attention on the rehabilitation of the disabled. However, it was not until industrial managers realized the economic significance of the problem and the Government made provision for the rehabilitation of the disabled veterans that Congress and the States gave serious consideration to legislation to provide for the rehabilitation of persons disabled in industry or otherwise, and their return to civil employment. The national law was passed in 1920, and since then 45 States have enacted legislation to accept its provisions.

In its operation rehabilitation provides a series of aids and services to persons who are physically and vocationally handicapped; that is, totally or partially incapacitated for remunerative employment. These services involve a specialized case-work technique of advisement, placement, and supervision, and may include physical restoration, guidance, vocational training, job adjustment, placement, or establishment of the individual in business. As aptly stated by Dr. R. M. Little, of New York, a speaker on this program: "Rehabilitation of the disabled is a highly complex, specialized, personal service which must take form according to the peculiar difficulties and aptitude of each person. For one, it may be of assistance to secure physical reconstruction and a prosthetic appliance that he may return to his former occupation or engage in a new one. For another, it may be changing from unfavorable working conditions to a more favorable environment. To another, counsel and advice may be given about entering upon a business venture. Many industrial workers must be retrained in industry; others can take correspondence courses in their homes and be guided by tutors. Many can be sent to trade and technical schools for special courses, particularly the young. A small proportion can be retrained in commercial schools. Every physically handicapped person presents a number of distinct problems which the rehabilitation workers must deal with sympathetically and with imagination, patience, and ingenuity."

According to the National Safety Council there are 12,000,000 persons in this country who have suffered some physical impairment. Figures are available to show that 12 persons in each 1,000 are afflicted with permanent disabilities. Studies made in Cleveland and Massachusetts showed that occupational accidents constituted
between one-seventh and one-ninth of the total number of the disabled. These figures alone indicate the importance of the interrelation of compensation and rehabilitation.

Prior to the passage of the National Vocational Rehabilitation Act, the compensation laws of California, Massachusetts, North Dakota, and Virginia provided for the vocational rehabilitation of injured workmen. Apparently these States realized the necessity of the restoration of the injured worker's earning power, as distinct from simply providing him with financial compensation.

Present practices among the States are based upon legal provisions contained in the rehabilitation and compensation laws, the decisions of the courts, and policies that have been adopted by those responsible for the administration of the programs.

The Federal rehabilitation act requires that: "In those States where a State workman's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency and the State board charged with the administration of this act, such plan to be effective when approved by the Governor of the State." This provision is included in the acceptance act of all the States cooperating with the Federal Government in vocational rehabilitation.

The decision of the United States Supreme Court, no. 593, October term 1923, the New York State act, considered that the rehabilitation of injured workers under the compensation law is a part of their compensation.

In addition to the payment of compensation for specific types of injuries, the laws of many States provide for medical, surgical, and hospital treatment for the purpose of restoring the handicapped as nearly as possible to his condition prior to injury. In at least eight States and the Federal Government there are no limitations upon the period of time for which medical service shall be rendered, nor any limit as to the amount of expenditures for these services.

In 11 States the compensation laws provide for the supplying of artificial appliances for orthopedic disabilities. In these cases the State rehabilitation director or supervisor is consulted as to the best type of prosthesis to fit the need of the injured workman.

A number of the States have liberal provision in their laws for scheduled disabilities, which provide a better opportunity for rehabilitation than in those States having less liberal compensation. Twenty States provide for total temporary disability (the healing period) in addition to compensation payments listed in the permanent partial disability schedule. This is important because many cases reported to the rehabilitation service are permanent partials. Again, if the maximum amount of compensation is so low that it does not provide a reasonable amount for living maintenance, the injured worker is prevented from taking advantage of training facilities offered under the provisions of the rehabilitation act and in many cases is obliged to accept employment not consistent with his vocational experience and ability.

Five of the State compensation acts and the United States Longshoreman’s and Harbor Workers’ Act provide special or additional
compensation for purposes of rehabilitation. In some cases this extra compensation can be expended only for living maintenance during rehabilitation, while in others it may be used for all rehabilitation expenses, in which case the funds are expended by either the compensation or rehabilitation agency. In addition five States have special provisions in their rehabilitation laws for a maintenance allowance for subsistence of disabled persons while in training.

Although all but 5 States having compensation laws at present have specific provisions regarding payments in second injury cases, only 13 and the United States Longshoremen and Harbor Workers' Act provide special funds for second-injury cases, which eliminate in those States any factor of discrimination in regard to employment of rehabilitation cases. In other words, employers do not run an additional risk in the employment of a permanent-partial disabled person, and the employee receives compensation for total permanent disability instead of simply for a second permanent-partial disability as is the case in 14 States.

Where the granting of a lump sum is advantageous to the injured workman, as for example in the case of an individual who is capable of conducting a small business or desires increased weekly allowance to provide for his subsistence while in training, compensation laws in a majority of the States have provisions permitting the granting of a lump sum, and in many of the States the commission refers all requests, whenever the rehabilitation factor is present, to the rehabilitation department for investigation and recommendation. In the State of New York all requests for compromise agreements in which $500 to $1,000 or more is involved are referred to the rehabilitation office for investigation and report as to the economic and social advantage or disadvantage of the claim to be compromised. This subject is a very important phase of cooperation and will be discussed in detail by Dr. Little.

Cases are reported to the rehabilitation bureau through various channels—medical examiners, claim reviewers, claim investigators, injury clerks, referees, and industrial commissions. In a few cases a representative from the rehabilitation division may have access to the compensation files to select cases thought to be eligible for rehabilitation.

In several of the States attempts have been made to have one or more responsible persons in the compensation office trained by the rehabilitation department to select cases eligible and feasible for rehabilitation.

The report is usually accompanied by an up-to-date medical statement or copy of the statement of facts giving pertinent information on the case, and in some cases the rehabilitation service has been successful in instituting a system of cooperation whereby agents of the compensation commission are cooperating to the extent of rendering real service to the rehabilitation program by interviewing disabled persons for the purpose of securing all the information possible regarding their disability, education, occupational experience, personality, financial resources, and other necessary general information.

In a number of the States the rehabilitation division reports back to the compensation commission the extent of the service provided to the injured workman.
In the adjustment of compensation, arbitrators have been of valuable assistance to State agents in securing the reopening of closed compensation cases, when in the opinion of the arbitrator a worthy rehabilitation case could be assisted to a successful completion of the rehabilitation program. In several States the industrial commissions have cooperated in adopting the recommendations of the rehabilitation service for the continuance or increase of compensation payments for rehabilitation trainees pursuing a definite course of instruction.

In order to learn something about the efficiency with which the programs of compensation and rehabilitation are functioning as they relate to the rehabilitation of injured workmen, the matter was brought to the attention of the leading industrial States, and the following suggestions were received, which it is felt would improve the interrelation of the services:

For the purpose of overcoming the apparent lack of uniformity in the reporting of cases, correcting the delay in bringing to the attention of the rehabilitation service all permanent-partial and total-disability injuries, and eliminating the referral of minor injuries, it is recommended that a liaison officer between the two departments be assigned to select the cases eligible for rehabilitation, attend the hearing of such cases if necessary, and cooperate in the handling of applications for lump sums. Since the members of the rehabilitation staff are trained in this work, a competent person could no doubt be obtained from this division.

A formal report is not sufficient, a copy of the medical record and a complete statement of the facts of each case being necessary in order to determine the question of eligibility. An individual may be disabled but unless he has a vocational handicap the rehabilitation department cannot be of service to him. In many cases it is necessary to contact the prospective client before registering him.

Arbitrators, because of their familiarity with the compensation law and with the rulings of the commission, as well as their interest in the injured workmen in many instances, could facilitate the rehabilitation program of a disabled person by suggesting, if advisable, an increased weekly or monthly allowance of the compensation payment while the person is in training, and the compensation boards could play an important part by adopting a liberal policy in the continuance of compensation awards for the clients who are being served. By having their complete cooperation in this respect the insurance fund is conserved and the injured workman returned to gainful employment more quickly, resulting in an economic saving to all the parties concerned.

Many of the compensation laws fail to provide adequate medical benefits, and as a result many of the persons injured in industry are left with stiff or limited motion of a hand, arm, foot, leg, and so forth, for life, which might have been corrected in whole or in part by additional medical or surgical attention or work treatment.

Physical restoration is recognized as an essential part of rehabilitation, and very often there will be cases that may be rehabilitated by functional restoration, as all that is needed is to restore the physical condition of the disabled person, thereby enabling him to secure suitable employment.
An interesting example of how function can be restored and the injured workman returned to his former job is demonstrated in the work treatment offered a baker who had his right hand crushed in a dough-mixing machine. He was finally awarded 85 percent loss of use of the hand, the four fingers being stiff and practically useless. Rehabilitation was confronted with the necessity of down-grading this man in employment, if employment was at all possible because of his mental limitations. There was only one hope and that was in reducing the disability. A medical examination showed that there was no underlying organic condition and that the 85 percent merely represented a functional loss. The work medium in this case was 10 pounds of clay. Having won his confidence and cooperation, he took great pride satisfying the curiosity of his fellow patients by demonstrating in this clay how the dough was worked into the various fancy forms to stimulate the appetite. In doing this, function was restored. This case is one of a number cited by F. G. Elton, district director, Rehabilitation Division, New York State Education Department, in the March 1935 issue of the Rehabilitation Review, and indicates the importance of liberal medical benefits without time restriction.

One-arm cases provide a serious placement problem. This type of handicap often amounts to total permanent disability in that the worker, especially in the case of the laborer, is greatly restricted in his possibilities for employment. At the present time, schedules for this injury range from 21 to 78 percent of complete disability. They should be adjusted to provide 100 percent when necessary.

The requests for artificial appliances have reached such proportions that the rehabilitation people have found it necessary to limit the service in this field, in order to conserve the funds for training. Approximately 60 percent of the cases registered with the rehabilitation offices are from the industrial accident group, and more than 60 percent are arm and leg amputations. If artificial appliances were included as part of the hospitalization and medical benefits, as is the case at the present time in eight States, it would facilitate the vocational restoration of the injured workers, and extend the rehabilitation service to many more cases.

The principal objections of employers to taking handicapped persons into their employ are the hazard of second injury and the inability of the disabled to compete successfully with the ablebodied. Although a number of States have overcome the first objection through legislation and court decisions, this problem could be eliminated if provision for second injuries was included in all of the compensation laws. Through the interest and cooperation of Dr. Stephen B. Sweeney, former director of the Bureau of Workmen’s Compensation in Pennsylvania, the revised workmen’s compensation bill, which was presented to the last session of the legislature and passed in the house, contained a provision for second injuries, artificial appliances, and the cost of administration and rehabilitation of industrial-accident cases.

Studies have been made in several large industries, which have proven that the disabled can carry on just as well as the physically normal person, and it is urged that this association go on record as supporting the larger movement put forth at the present time toward
the creation of a definite policy that each establishment should employ a suitable proportion of the handicapped.

As stated above, the United States Supreme Court has indicated that workmen's compensation without rehabilitation is an unfinished Government responsibility. The interrelation of the two services to become effective, however, depends not only upon laws and court decisions but upon the vital interest which compensation officials take in rehabilitation, and likewise the interest and understanding which rehabilitation workers have in the administration of compensation. Unless compensation officials recognize rehabilitation as a necessary follow-up service, the granting of medical service and mandatory benefits to injured workers will never make even a good start. This cooperation does not mean that the rehabilitation workers will interfere with the prerogatives and authority of compensation officials in adjudicating cases.

Therefore, in conclusion, I would recommend that this association give serious consideration to the adoption of a formal plan of cooperation with the State rehabilitation officials, and that in this undertaking, the following outline taken from Bulletin 126, issued by the Federal Board for Vocational Education, Washington, D. C., may be suggestive:

Cooperation by Compensation Agency

1. To report to the rehabilitation service—
   (a) All cases of major physical impairments.
   (b) Such cases of minor physical impairment as give indication of becoming potential rehabilitation cases.
   (c) All controversial compensation cases in groups (a) and (b) as soon as extent of disability has been determined.

2. To provide, on cases reported under no. 1, the following data:
   (a) Name and address (pay roll).
   (b) Character and extent of disability.
   (c) Date of accident.
   (d) Occupation.
   (e) Amount and duration of compensation.
   (f) Amount of medical aid available.
   (g) Whether appliance is to be furnished.
   (h) Name and address of employer.
   (i) Name of insurance carrier.
   (j) Company official reporting accident.
   (k) Present address of disabled person (if not at home).
   (l) Date of this report.

3. To furnish or secure such supplementary reports on cases reported as may be requested.

4. To consult the rehabilitation service as to the award of compensation in cases in which the compensation schedule is applied in the discretion of the commission, and in which the award of compensation will affect the possibilities of rehabilitation.

5. To report to the rehabilitation service applications made by persons eligible for rehabilitation or in process of rehabilitation for commutation of compensation or for lump-sum award, and to permit a representative of the rehabilitation service to participate in all hearings on such applications.

Cooperation by Rehabilitation Agency

1. To report to the commission the major steps in the rehabilitation program of cases requested by the commission.

2. To report to the commission yearly in summary form rehabilitation data on all cases reported by the commission.
3. To make investigations by the commission for the purpose of securing supplementary data in cases of application for lump-sum awards or for commutation of compensation for persons eligible for on in process of rehabilitation.

4. To report to the commission any information coming to the rehabilitation service relative to complaints or misunderstandings by disabled persons as to receipt of compensation benefits by them.

**Joint Cooperation**

1. To keep informed relative to the provisions of their respective laws, each department to provide to the other department information coming to its attention showing persons in need of further service, but representatives of each department will not attempt to obligate the other department in its administrative procedure.

2. To promote jointly both programs of service in injured persons through general educational and promotional methods.

3. To engage in joint participation in meetings and conferences for the purpose of pooling information and exchanging experiences.

Mr. Kearns. The next subject on the program is The Employer's Interest in Accident Prevention. This was to be discussed by C. F. Tomlinson, a furniture manufacturer of North Carolina. He is unable to be with us, but we are fortunate in having Mr. Gill, superintendent of the American Enka Corporation, take his place. I understand from Mr. Dorsett that Mr. Gill is the moving spirit behind the Western North Carolina Safety Council.

**The Employer's Interest in Accident Prevention**

By Joseph R. Gill, Superintendent, American Enka Corporation, North Carolina

We are very proud of our North Carolina Industrial Commission, not only for the Solomonlike degree of wisdom and fairness with which their decisions are made but also for the complete program of safety work sponsored by them. They are called upon for decision in the many difficult cases of hernia, alleged backache, and so forth, of which sometimes it is almost impossible to determine the cause, time, place, or extent.

We expect them to be as canny as a railroad claim agent should be in picking out the unjust cases, as illustrated by the story of a pedestrian who came upon a crossing accident between a train and an auto. The driver of the car was lying beside the road, badly hurt but conscious. "Was there an accident?" the pedestrian asked. "Yes." "Has the claim agent been along yet?" "No," replied the injured man. "Then move over and let me lie alongside of you", said the pedestrian.

The ethics of our commission is like the ethics of the medical profession. Should they ever reach the Utopian position wherein they have accomplished their aims 100 percent, they will have worked themselves out of a job, because there will be no accidents. Perhaps then they could do like it is said of the doctors in China: "Make a charge for no accidents as the Chinese doctors charge for keeping you well and no pay when you get sick."

My topic, The Employer's Interest in Accident Prevention, has been rehashed so many times that I find it extremely difficult or impossible to locate new material or a new manner of presentation. This going stale is one of the reasons that employers must take a
very active interest in accident prevention. We have not done enough
when we have paid our compensation insurance premium and car-
ried out the work of installing the guards specified by the insurance
or State inspectors.

We have not done enough when we have set up on paper by factory
orders a plant safety organization, but we as employers must be
ever taking the initiative in seeing that the safety organization is
functioning and not passed into "innocuous desuetude." It is here
that our North Carolina Industrial Commission comes to the rescue
and prods us with their safety program through their annual State-
wide safety conventions and our local safety councils. I am sure
every employer in western Carolina who has had his supervisors and
workers take part in the safety council will agree that it has been a
big help in reducing accidents in this section.

There is the greatest danger of employer interest waning and the
employee’s interest also when a plant happens to have a very good
low-accident frequency. Many times this is just the calm before the
squall or a handout from Lady Luck who is the most undependable
woman I know. This is the time when the employer’s interest
must be 100 percent in both word and action. This is the time when
the employer must realize that accidents and injuries are not the
same thing. Too often we have no lost-time injuries, but are having
many accidents which, but for the good graces of Lady Luck, would
have been lost-time injuries.

We had an example of this kind of accident in our own plant a
few years ago. A mechanic was working from a step ladder be-
tween two spinning machines that were placed back to back and
close together. The machine on which he was working was stopped,
but behind him about 7 feet above the floor was a shaft of a running
machine of which all couplings and bearings were carefully guarded,
but leaving between each frame of the machine a smooth section of
shaft about 4 or 5 feet long. This worker was not wearing safe
clothing. Fortunately his overalls and jumper were old. In bend-
ing, he pulled his jumper out, and then in bending back, his jumper
and overalls wound up on the smooth shaft, and in about the same
time you can wink your eye threw him over the running machine
to the floor below and, excepting for his shoes, completely removed
all of his clothing. Though in his birthday suit, except for a few
minor bruises and injury to his pride he was unhurt.

I am reminded of another true story of what seems to be an im-
possible accident without injury that was told by an insurance man
at a High Point, State-wide safety conference. A tall building was
in the course of construction and contained the usual contractor’s
type of elevator. At each floor there was a gate, consisting of a bar
of 2 by 4. On about the twentieth floor of this building someone
had neglected to close this bar, and a colored man standing with his
back to the elevator shaft stepped backward to dodge the end of a
board carried by a fellow workman across the floor and in doing so
stepped into the elevator shaft. The elevator car was then about
four stories below. Simultaneously, a worker down on the first
floor happened to ring the elevator bell for the car to come down.
The Negro was falling in the shaft; the car started downward,
gathering speed. Presently, when both the Negro and the car were
both going at about the same speed, the Negro caught up with the car, throwing his arms in a deathlike grip around the cross bar attached to the cable. When the car reached the ground floor, therein was the Negro, unhurt but very white.

It is very obvious that an employer who does not have an interest in accident prevention should not be an employer. As employers we are and must be interested in accident prevention for two major reasons:

First, and I hope this one is first in every employer’s mind, the humanitarian one, for we all are to a greater or lesser extent our brother’s keeper. To my mind at least there is quite a difference between throwing a broken machine on the scrap pile and sending home a crippled employee no longer able to be of service to his particular industry. In the case of the machine, when we have charged off the depreciation, the job is finished, but in the case of the employee, it may have only begun. His family must needs go through serious readjustment and perhaps poverty, for while the machine we discarded does not require any more oil for lubrication, or electricity for power, the crippled worker and his family must still be provided with clothing, provisions, and shelter. So, first, I believe the employer’s interest in accident prevention must be because of the welfare of his workers and their families.

Second, even though there is yet an employer left who does not take an interest in accidents, because of the humanitarian standpoint, he should be vitally interested because accidents cost him money, and they cost money in more ways than simply the compensation and medical expenses of the employee injured. We speak of compensation being paid to the injured employee, but really this compensation does not compensate. It hurts to get hurt, and also compensation as in our State, which is limited to two-thirds of the worker’s salary and not over $18 per week, means that that family has to immediately learn to get along on less money and at a time when their expenses have perhaps been increased due to the added care required for the injured employee.

So, while we pay all the compensation as required by law, yet unless the worker feels that the accident was due to his own personal carelessness, he is quite likely to feel that it is his employer’s fault that he has not only had to suffer pain, but also see the standard of living lowered for his family while out on compensation.

The money that we spend for compensation insurance is the smaller part of our accident cost. Think of the loss due to idleness or inattention by other workers who have witnessed a serious accident to one of their fellows. I have known cases where it was necessary to send all the workers home for the rest of the day, for no one could work for thinking of the horrible scene they had just witnessed.

Most industrial plants are well guarded, and it has been said that 90 percent of the accidents now happening could not have been prevented by further guarding but are due to mistakes or carelessness of individuals. This means that the big problem in accident prevention work is that of securing safety consciousness in the minds of every supervisor and worker. Our national statistics show that more along this line has been accomplished in industry than at home or on the highways.
It is my belief that we as employers must be interested in reducing accidents everywhere. The worker who drives his automobile carelessly is not safety-conscious. The worker who swings along across the deep water is not safety-conscious. The worker who starts a fire at home in the stove with kerosene is not safety-conscious, and is more apt to have an accident in our factories than the one who is careful on the road, at play, or at home. Yes; employers must be interested and do everything in their power to make their workers and families safety-conscious at home, on the road, and at play, as well as at work.

This business of the need for accident prevention is not at all new, as we had a warning something over 2,000 years ago when the Prophet Nahum wrote: "The chariots shall rage in the streets, they shall jostle one against another in the broad ways, they shall seem like torches, they shall run like lightnings."

I have spoken of the cost of accidents, that you pay for insurance an amount that you can see on your balance sheet, and of an indirect amount caused by loss of time and lowered morale which you cannot see specified on the balance sheet, but it is there just the same. But I believe that there is still a third and larger element of hidden cost which should not be overlooked. Just as carefulness begets carefulness, so does carelessness beget carelessness.

The supervisor or worker who is careless and causes industrial accidents is also 100 chances to 1 the same employee that is careless in the handling of your production and a cause of lowering quality. If I were in a position wherein I had to choose to accept the same kind of products from two different plants whose quotations and other specifications were the same, I am sure I would get better quality goods and more for my money if I bought from the plant which had the lowest accident record.

Whether workers and supervisors are safety-conscious or not depends upon the management. If the management does not take interest in accident prevention and keep following it up, the accident frequency in that plant will increase, just as it has been demonstrated many times that it could be decreased when the employer does his part in accident prevention. In my estimation, no employer can afford not to take a whole-hearted, intense, constant interest in accident prevention.

In closing, and on behalf of the employers in western North Carolina, I wish to thank our industrial commission for their interest and constructive safety work which has reduced accidents, and for their fair and equitable decisions in fixing compensation. We employers would much rather see the worker get practically all of the compensation claim allowed as is now possible than have the old order of things, wherein sometimes the lawyers got something and the employee rarely anything.

Mr. Kearns. Unfortunately, Mr. Fry, who was to read a paper on The Relationship Between Divisions of Workmen's Compensation, Factory Inspection, Safety and Health Promotion, is unable to be with us. Mr. Nelson, chairman of the Missouri Industrial Commission, will read his paper.
Relationship Between Divisions of Workmen's Compensation, Factory Inspection, and Safety and Health Promotion

By O. H. Fry, Chief, Bureau of Industrial Accident Prevention, California Industrial Accident Commission

The terms “compensation commission”, “industrial commission”, board of compensation commissioners”, industrial accident board”, “industrial board”, “department of labor”, and “department of labor and industry” may or may not designate bodies having similar functions, but without a thorough understanding of the authority and the responsibility of each board, department, or commission it would be impossible to compare the work of one with that of another.

Two important regulatory functions exercised by the State concern the relations between employees and employers: Accident prevention and the payment of claims for industrial injuries. If it were possible to prevent all industrial injuries, there would be no compensation paid.

The term “injury”, as defined in the California Workmen’s Compensation, Insurance, and Safety Act, includes “any injury or disease arising out of the employment, including injuries to artificial members.” The terms “safe” and “safety”, as applied to an employment or place of employment, mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit. The terms “safety device” and “safeguard” are given a broad interpretation so as to include any practical method of mitigating or preventing a specific danger. Under these definitions, the California Industrial Accident Commission has the authority to include health regulations as a part of its program. The limitations of this authority have not been determined by the courts.

There seems to be no reason for any other department, board, or commission concerning itself in inspections, safety, or health promotion. Nevertheless, there are other bodies which have jurisdiction that overlaps that of the commission. The lack of any serious conflict indicates the cooperation that exists between these bodies, but it would be much better were there not such possibilities.

In California, the department of industrial relations is composed of six divisions:

There are three members of the industrial accident commission: One of these is designated by the Governor as the chairman and as such becomes ex-officio director of the department of industrial relations.

The Workmen’s Compensation, Insurance, and Safety Act charges the industrial accident commission with the enforcement of safety provisions in places of employment. In addition to this authority the commission is charged with enforcing certain statutory provisions, such as acts referring to the safety in the construction, alterations, and repairs of buildings; another covering the construction, operation, and maintenance of construction elevators; still another having to do with scaffolding or staging; another one requiring temporary flooring in buildings during construction; others having to do with the inspection of air pressure tanks, steam boilers, and elevators.

The above acts apply to places of employment, but the commission is also charged with the enforcement of the Motor Boat Act.
that provides for the safety of motor boats for hire. This does not properly belong under the industrial accident commission as it is a public safety act.

The air tank, boiler, and elevator laws permit the commission to charge for inspections and to accept the reports of certified inspectors, but otherwise give it no added authority.

A study of the department of industrial relations would, at first glance, indicate that somewhere within the department would be found all of the authority necessary for the protection of employees, but in a discussion of the subject of this paper other regulatory bodies must be considered.

The railroad commission of the State of California has jurisdiction over all public utilities, and where, in the opinion of the railroad commission, the industrial accident commission interferes with the proper regulation of the utility, the railroad commission supersedes.

All motor vehicles in California are subject to the Motor Vehicle Act, which is enforced by the California Highway Patrol. Many motor vehicles are places of employment, and as such come also under the jurisdiction of the industrial accident commission.

There are also other State and city regulations that have to do with the relationship between employers and employees. The hours of labor must be considered as a health and safety measure in certain industries or operations, as caisson work.

The division of labor statistics and law enforcement, one of the divisions of the department of industrial relations, deals primarily with adjustment of wage claims and the enforcement of the 8-hour law for women, but to it is also delegated the enforcement of other laws where that duty has not been assigned to some other body. One of the laws, which is under its jurisdiction, has to do with ventilation, an exceedingly technical matter, and here there is overlapping jurisdiction between the industrial accident commission and this division.

As some of the California labor laws were enacted as far back as 1872, there are many instances of possible conflict of jurisdiction. At the present time there is a code commission in California that has been working for 2 years in an attempt to correct some of these conditions.

In a broad way, the industrial accident commission may be said to act in the capacity of a compensation commission, an inspection department, and to have jurisdiction over the safety and health of employees. Among its other duties, the commission through the bureau of industrial accident prevention makes, to the extent of its personnel and financial condition, inspection of all places of employment, and through its compensation bureau handles all claims for compensation or medical treatment in disputes between employer and insurance company and the injured person or dependent. The commission is vested with full power and authority, and jurisdiction over the State compensation insurance fund, which was organized for the purpose of insuring employers against the liability for compensation under the Workmen's Compensation Act. The commission also has authority to issue certificates of consent to self-insure to employers.

The work of the bureau of industrial accident prevention is divided into nine sections, and the engineers and inspectors in those
sections are particularly qualified for the work of that section, although they are often called upon to do other work. The staff of the bureau consists of 41 people—27 men and 14 women. The elevator section and the boiler section supervise the work of the 105 certified elevator inspectors and 99 certified boiler and air tank inspectors, respectively. These certified inspectors report to the commission in the same manner that an employee of the commission would report, and the commission enforces the requirements listed by the inspectors except in those cities having boards or departments, such as the board of mechanical engineers in the city of Los Angeles, where the certified inspectors report first to the board and the board, in turn, to the commission. In this case, the board enforces the requirements.

The procedure in electrical inspection work is slightly different. The orders of the industrial accident commission apply to every place of employment in the State, including city, county, and State departments, political, or other subdivisions, and in order to prevent confusion many of the cities have adopted the electrical safety orders of the commission, and their inspectors enforce these orders but do not report directly or indirectly to the commission. The commission, however, is frequently called upon to take action where the city electrical department is having trouble in securing enforcement.

The authority of the commission is broad, and it is important that the engineers and inspectors of the bureau of industrial accident prevention be well qualified for their work. During normal times, when examinations were held for the positions within the bureau—these are all civil-service positions—few men took the examinations, and few of those that appeared were competent inspectors or safety engineers. Today when examinations are held many more men take them, but there are still very few qualified safety engineers out of work. The benefits of civil-service employment have been more appreciated during the last few years than ever before, and this is an inducement for a few of the qualified men to take the examinations.

The industrial accident commission has the authority to issue special or general safety rules or orders, and the procedure for the preparation and adoption of general safety orders applicable in all places of employment is as follows:

The engineers of the commission prepare tentative safety orders; committees consisting of employers and employees, insurance company representatives, and disinterested engineers are then asked to consider these tentative orders in detail; one committee is called to meet in Los Angeles and one in San Francisco, as these two cities are about 400 miles apart.

After the committees have completed their work, the orders are printed and presented to public hearings, one held in San Francisco and one in Los Angeles. The orders are then referred to the commission for action. The commission may again refer the orders to the committees for consideration, they may adopt them without further action, or they may withhold them indefinitely.

The commission has endeavored to incorporate national safety codes in its safety orders wherever possible. In the national codes
there are many things that cannot be satisfactorily adopted as a part of a regulatory code. It seems that this objection should not be unsurmountable, but the petty jealousy that exists between individuals, cities, States, and groups, and the strong personal opinion of some of those interested in the preparation of these orders, when these opinions are not founded on good practice and experience, are the real stones in the road to the universal adoption of national codes. California is not without blame in this respect.

After safety codes have been formulated, the enforcement should be directly supervised by one body, so there will be uniformity in the enforcement. That body, whatever it may be, or whatever it may be called, must have competent engineers and inspectors.

No matter how voluminous or how much in detail the safety orders may be, they cannot cover all of the conditions found in industry, and the uniform application of the orders in every instance is impossible. This presents two antithetical conditions. Inspections must be uniform, therefore the inspector cannot be permitted to vary an iota from the safety rules, yet every day he encounters conditions which are actual violations of the printed orders and where variations from the orders must be made.

Inspectors and engineers are human, although sometimes the employers doubt it, and to permit an inspector to exercise his own judgment as to whether the orders should be enforced or not would result in endless confusion. The commission has authorized the bureau to follow a relatively simple procedure. When the inspector finds a condition where the enforcement of an order is impractical, he must make a note of the violations with his reasons for not listing the requirement. If the chief or assistant chief of the bureau agrees with the inspector, the recommendation of the inspector is approved and the matter is closed. In some instances where the variation from the printed orders is great, the matter is presented directly to the commission for an official exemption.

It is not to be expected that every engineer or inspector should be competent to make a boiler inspection, an electrical inspection, an elevator inspection, a mining inspection, and perhaps go into a logging operation, or into an oil field and make a good inspection, but he at least should be as familiar with general safety requirements as the employer is expected to be.

If it were possible to do so, every man should be trained for at least a year before he made any inspections alone. An inspector should not be required to make audits, hold hearings for the collection of wages and determination of hours, or decide controversies between employers and employees regarding compensation matters. The inspector should have a knowledge of chemistry, physics, and engineering if he wishes to advance, but that does not necessarily mean that a man must be a college graduate. Some of our best men have had very little school training, but they have gained their knowledge by hard work and long hours of study.

There is too much duplication of inspection work. In California a factory will be inspected by at least three different bodies, the California Inspection Rating Bureau for the purpose of establishing schedule rate, the insurance company that is carrying the risk, and the industrial accident commission, which has the regulatory power.
In a cannery employing women there will be an additional inspection by the division of industrial welfare; the fire department will survey the premises for fire hazards, the board of health for plumbing, the division of labor statistics and law enforcement for ventilation. In a dry-cleaning establishment the division of fire safety will enforce its regulations, and so it goes. If it were possible and permissible under the law, one inspection should be sufficient. Surely some way should be found to approximate that end. It is now being done in the case of elevators, air tanks, and boilers, and it should be done in all places of employment. The first step, of course, is that all of the bodies have uniform safety rules and orders.

The enforcement of safety rules and orders concerning the safety and health of employees in places of employment should be in the hands of one body, regardless of what that body may be called. The inspectors should be so trained that the minimum number of inspectors visits any one plant. There should be complete cooperation between the departments or bureaus in that regulatory body, and there should be frequent and regular conferences between the heads of these bureaus or divisions.

National safety standards are essential; the employer, the employee, and the regulatory bodies should take more active part in formulating these standards. A review of the committees formulating national safety standards will show the lack of representation of those most directly concerned, the employer, the employee, and the regulatory bodies, and a large proportion of those who are interested in the sale of material and equipment. This is not intended to reflect in any way on the sincerity of those who have given so freely of their time and money in assisting in the preparation of these national safety standards.

From the viewpoint of the inspection department statistics should not be kept as a matter of statistics but as a foundation on which to make recommendations to prevent the recurrence of accidents. Statistics should be so broken down that the direct and indirect causes of the accidents are available. At present some of the terms used are misleading. "Falls of persons" and "falling objects" are not the cause of accidents. It is not the fall that causes the injury; it is the stopping that results in personal injury. It is important to know the cause of the fall.

Our civilization today is so complex that if we are to progress in industrial-accident prevention it is necessary that the regulatory body give more thought to the cause of accidents where these causes are not within the control of the employer. In California during the years 1924 to 1934, inclusive, 2,153 or 33 percent of the industrial fatalities were listed as being caused by vehicles. A great many of these vehicles were automobiles, motorcycles, and trucks and the employers of those killed could do nothing to prevent the accidents unless they kept the employees off the streets and highways. The same thought may be carried further concerning the deaths and injuries of employees while away from the premises of the employer for any reason.

It is not that too much stress has been laid on physical equipment in plants, but that too little stress has been laid on those causes which exist in the home, in public places, and on the highway. The employer and employee must expand their accident-prevention activi-
ties. They must take part in the public phases of accident prevention. There should be no conflict between regulatory bodies; there should be no overlapping jurisdiction; uniformity in safety rules and orders is essential; and enforcement should be centered in one body in so far as our governmental structure will permit.

Mr. Zimmer. May I suggest that we dispense with the reading of any further papers and proceed with the informal discussions? The program committee had thought to develop the experiences of three or four typical States in carrying out their safety work. In Massachusetts, for instance, the department of labor and the industrial accident board are two distinct entities; in Wisconsin the industrial commission adjudicates compensation cases and also has charge of safety inspection and regulation; in California there is a variation of these two principles. Now we thought that this would be a good opportunity to bring out a discussion of the relative merits of the several plans. I do think it would be helpful if we could get free discussion from the delegates on these methods.

Mr. Kearns. As I have said before, I believe we do get more out of the discussions.

[Mr. Wrabetz filed the following paper for the record.]

Relationship Between Divisions of Workmen’s Compensation, Factory Inspection, and Safety and Health Promotion

By Robert Moa. Known, Engineer, Industrial Commission of Wisconsin

In order that we may get a clearer picture of the methods used in Wisconsin, it will perhaps be best to briefly outline the statutory authority under which the industrial commission, the organization that administers the Workmen’s Compensation Act and accident prevention program, operates.

When the Wisconsin Legislature passed the Workmen’s Compensation Act, effective September 1, 1911, it also enacted the Industrial Commission Act, creating the industrial commission, in which we control the administration of all laws relating to labor and industry. Three years ago administration of unemployment was placed with the industrial commission and just 2 weeks ago the administration of the old-age pensions.

Prior to the advent of the industrial commission, the statutes contained a number of safety laws relating to specific cases. Some of these statutes were obsolete, other indefinite, and on the whole entirely inadequate to secure a balanced safety program.

The industrial commission law requires that “Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for the employees therein and for the frequenters thereof and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters. * * *

The law states also that it is the power and the duty of the industrial commission to fix standards and issue orders for the purpose of carrying out the provisions of the statute. Such orders are not made
up by the office staff. By authority of the legislature, the commission can appoint an advisory committee to assist it in promulgating orders along any particular line. Advisory committee members are selected from nominations made by organizations affected by or interested in the orders under consideration. They serve without pay and many times do not even submit expense accounts.

Statistical records compiled from closed compensation cases are of much assistance in determining the necessity for the adoption of new orders or a revision of existing orders.

For the purpose of this paper only those functions of the commission relating to the subject assigned will be discussed.

The safety and sanitation department is, for convenience of operation, divided into the following divisions: Boiler, building, electrical, elevator, factory inspection, fire prevention, mine and quarry, and safety education. Each of these divisions except those of factory inspection and elevators is under a division head, these two being under the direct supervision of the engineer in charge of the department. The department of workmen's compensation is in charge of a director who has on his staff a corps of examiners.

Each day the commission receives from employers, through the mail, reports of accidents, which reports after being recorded and coded are sent to the safety and sanitation department where each report is read. The purpose of this analysis is to determine which injuries will be investigated, as it is not practical with the limited personnel to make investigations of all injuries, although from an accident-prevention standpoint this would be desirable. The injuries listed for investigation include all fatal cases; those causing permanent or serious disability, and those which from a reading of the report indicate that probably the injury was caused because of failure to comply with some safety statute or order of the commission. The compensation act provides, Where injury is caused by the failure of the employer to comply with any statute or any lawful order of the industrial commission, compensation and death benefits shall be increased 15 percent.

Investigation forms in duplicate are sent to the field deputy in the territory where work is along the line in which the injury occurred; for example, all pressure-vessel injuries are sent to a boiler inspector, elevator injuries to an elevator inspector, machinery injuries to a factory inspector, and so forth. The inspector making the investigation obtains his information from the injured where possible, the foreman, and any others who may have information. The inspector does not obtain sworn statements, so that frequently when a case goes to a hearing before an examiner the sworn testimony is at variance with the information given to the inspector.

The investigator is asked to draw a conclusion as to whether, with the information given and the conditions as he saw them, the injury was caused because of the violation of the statute or order of the commission. The report upon its receipt from the inspector is examined to determine whether the investigator has given the information necessary to reach a conclusion, or whether the statements made as to the cause of the injury warrant the conclusion reached. Frequently it is necessary to write a personal letter to the inspector to obtain further information, this letter often taking
the form of specific questions. When the department is satisfied that the inspector has secured the necessary information, the report is sent to the compensation department. If the conclusion is to the effect that the injury was caused because of the failure of the employer to comply with any order of the commission or any statute, a card is attached to the report showing that the safety and sanitation department is of the opinion that the injured person is entitled to 15 percent additional compensation. If in the opinion of the safety and sanitation department there was no violation of any order of the commission, the report is sent through without any card. In those cases where a card is attached, the compensation department sends a letter to the employer with a copy to the injured, stating that it is the opinion of the safety and sanitation departments that the injured is entitled to increased compensation. If a hearing is requested on this point, the safety and sanitation department is notified as to the time and place, and the inspector who made the report attends the hearing. As a result of this hearing the compensation department determines whether the injured is entitled to the additional compensation.

Frequently during compensation hearings on injuries where no investigation has been made, the question as to whether the injury was the result of noncompliance with a safety order is raised. In such cases the matter is referred to the safety and sanitation department for investigation.

Compensation hearings, together with court review of contested cases, sometimes develop the fact that safety orders are not entirely clear as to their intent or that they do not, as stated, adequately cover the situation. When such instances arise it is the duty of the safety and sanitation department to place the information before the advisory committee concerned when a revision of the orders is under consideration.

The personnel of the compensation department does not include men to make field investigations, and sometimes because of this fact and at other times because accident prevention is involved, matters are referred to the safety and sanitation department for investigation. For instance, there are still some, although relatively few, employers in the State, who, because of the physical conditions of their plants or their insurance loss ratio, find it impossible or difficult to obtain compensation-insurance coverage. When such cases are brought to the attention of the commission, the safety and sanitation department is directed to make a complete inspection and report as to the conditions, and to maintain follow-up inspections until the conditions are corrected. Many of these cases in the past 2 years have been in stone finishing and foundry industries and in all cases where they have continued to operate considerable improvement has been made. The department is equipped with apparatus for taking dust samples and complete equipment for making dust counts, although the use of such apparatus is unnecessary until after a lot of house cleaning has been done.

The fact that the Wisconsin Compensation Act exempts from carrying compensation insurance employers who do not have or have not had since September 1, 1917, three or more employees, makes the task of securing 100 percent compliance a rather difficult one.
commission records contain the names of those employers who are carrying compensation-insurance coverage, and as the policies expire and no renewal is filed or where the commission obtains information that persons are hiring workers without obtaining insurance, the matter is referred to the safety and sanitation department for a check-up.

Injured persons receiving compensation awards frequently wish to invest their award in the purchase of some kind of a business or of a home and make application for a lump-sum settlement. When this occurs, the commission may call upon one of the safety and sanitation department's field men who is well acquainted in the locality where the property is located, to investigate property values and to make a report to the commission as to the fair value of the property under consideration.

For a number of years the industrial commission has cooperated with industries and other organizations in holding annual 1-day safety conferences in three areas of the State. By having them in several cities instead of at a central point, those in attendance are largely industrial workers who are not required to spend a night away from home and who would not attend if this were necessary.

These conferences consist of a general session for half a day, at which topics of general interest are discussed, sectional meetings for half a day, and a banquet in the evening. The programs for the sectional meetings are developed by committees approved by the general chairman, and usually the programs of some of the sections have addresses dealing with compensation matters, which may take the form of explanation of amendments to the compensation act, how compensation insurance rates are calculated, and so forth, or why rates in a certain industry are no lower, unemployment insurance, and so forth. These 1-day conferences are well attended and serve as a medium for both the safety and compensation departments to disseminate information in their respective fields. These conferences are made self-supporting by the sale of tickets, which pay for the printing of programs, safety-poster contest prizes, incidental expenses, and the evening meal. One of the 1935 conferences was held in Watertown, a city of 10,000 population. The price of tickets was $1 each. Nearly a week before the conference it was necessary to stop the sale of tickets, as the capacity of all banquet halls was reached with the sale of nearly 1,500 tickets. On the day of the conference 240 people who could not be accommodated applied for tickets. After all expenses were paid there was a substantial balance.

Since 1925 the commission has taken an active part in the promotion of what, for want of a better name, are called safety schools. These schools are held in various cities of the State and consist of from five to seven weekly or biweekly meetings. The local vocational school cooperates with the commission in the promotion of this series of meetings. During the last winter 76 meetings were held in 14 cities, with an average attendance of 650. At the present time six cities, where schools have not heretofore been held, have made application for this service and several others have the matter under consideration.

Not many years ago it was difficult to get the local vocational-school directors interested in these meetings, but as one after another took
it up and meetings were so well attended, it was not long before they realized that through these safety schools they were able to contact men and women whom they probably would not be able to reach in any other way, so that now the vocational schools are enthusiastic supporters of the movement.

Frequently our field men request the accident record of certain plants in their district. This information is prepared by the statistical department of the commission, and is simply a list of injuries giving the date of injury, name of injured, department in which he worked, nature of injury, and cost of compensation and medical aid for closed cases. Two copies of this list are sent to the field man, and he takes one to the plant and delivers it to the highest executive that he can reach, making an appointment with him for a conference 10 days or 2 weeks hence. At this conference the department heads are usually called in and the injuries are gone over to determine what can be done to prevent the recurrence of similar injuries in the future. Comments that have been made by employers to the department lead us to believe that this method is conducive of good results, for in a majority of cases our men find that the executive with whom the conference is held does not know the plant's accident experience and almost never thinks that it is as bad as the records show. Such conferences lead to better accident-prevention methods in the plant.

This discussion of the relationship between compensation and safety has, of course, considered only Wisconsin conditions, where the two are sons of the same father. Under such conditions where father is of the right kind the relationship of the sons will be such that they will cooperate.

Mr. Kearns. We have a paper prepared by John Roach, of New Jersey. Under the circumstances we will also make this paper a matter of record.

The Responsibility of the State to Prevent Accidents

By John Roach, Deputy Commissioner of Labor of New Jersey

A very serious responsibility rests upon the State to provide the greatest measure of safety possible to workers in her industries. This obligation cannot be discharged merely by enacting regulatory safety laws and expecting employers to observe them in accordance with the spirit of the laws. A long experience in accident-prevention work has convinced even the most incredulous that the police power of the State is not a very effective weapon in real practical accident-prevention work and should be sparingly used. If an employer does no more than provide structures, machinery equipment, and processing methods according to law, he is not likely to develop a very satisfactory accident-prevention record. Too many plants operate in what they call strict accordance with the law and then find at the end of the year that compensation costs are mountain high and their accident experience records are extremely bad.

A careful examination of statistical records will show that a very large percentage of all accidents result from carelessness, negligence, disobedience, or lack of proper selection and training. No one will deny the extreme danger that results from unguarded machines or un-
safe structures. But these things may be clearly seen and easily corrected. The more difficult and hidden causes of accidents are the ones that must be discovered by departmental experts and remedies applied if the ultimate in safety is to be secured. I am convinced that engineering revision, intelligent enforcement of code practices, and a liberal application of safety education will accomplish the results we want. If we expect an employer to construct a safe factory building, we should tell him what we consider a satisfactory type of structure. If we want him to safeguard operating equipment, we should let him know just what methods will meet with the approval of the State. If we ask him to educate his workers on safety methods, then we should at least formulate certain basic rules of educational procedure that meet with the general approval of safety engineering.

In New Jersey, through the American Standards Association, we do provide industry with code procedure prepared by the leading experts in this country. The very fact that these codes have been prepared by industrial experts make their enforcement easy. In addition to the foregoing, in New Jersey we have found that we can get excellent results in the accident-prevention field by running Statewide interplant safety contests, enrolling our industries in these contests, and for a definite period intensifying everyday educational work in the plants. These contests have become very popular, and they probably will remain a permanent feature of departmental administration. The comparative statistics that we secure through these contests have tremendous value. Furthermore, when we present to the employers a definite picture of their operating averages, some of them for the first time become impressed with the fact that safety education is not an idle slogan, but that it has a very definite place in the industrial accident-prevention program. At the end of these contests we have a safety awards dinner, at which time we try to get plant executives to attend the dinner and become imbued with the safety spirit. Last year nearly 700 people gathered at the safety awards dinner. Many of the most important industrial executives were present.

We want the executive to understand that he and not the State is the proper enforcing agent. While we cannot police industry, the employer can enforce any group of safety rules based on common sense and sound engineering judgment. It may be more difficult to sell the safety idea to an employer than it would be to prosecute him for a technical violation, but substantial safety gains have resulted from the one practice, while disappointments and ill will have been the fruits that were gathered from the other. A city editor once threatened to kick O. Henry's head off if he were late with a short story. O. Henry retorted that if he could do his work with his feet instead of his brains he never would be late. It is our business to use brains in the administration of our office. Tact and diplomacy are excellent aides to our course.

In a country like ours, I think an intelligent appeal to the democratic spirit of cooperation has a very definite place. While we have laws with penalties attached, we are not appealing to the police power except in extreme cases and when every other medium has failed.
Statistics undoubtedly have a very important place in the accident-prevention picture. If we could obtain a careful picture of the accident-prevention experience in every plant on the man-hours-lost basis, management would then have a much better understanding of the problem involved. However, most statistics are difficult to understand by the average citizen. The fact that 300 people were killed in an industrial group that consisted of 600,000 people does not present a very dramatic picture to the human mind. In New Jersey we are convinced that the best way to teach industry the value of safety is to take every compensable accident adjusted during the year and prepare a short statement of the cause of the accident. These tragedies presented in this manner do undoubtedly have a tremendous influence on the minds of industrial executives. We have done enough of this work to know its value, and while it covers a whole lot of ground, we are convinced that the expense, time, and trouble to compile accidents in this manner is worth while.

A short time ago a fatality was reported to our accident-prevention bureau that was caused by a man's falling from a ladder. Apparently, the fatality was due to defective ladder construction. When we investigated the circumstances surrounding it, we discovered that the defective ladder was merely one element in a chain of circumstances that caused a man to lose his life. The plant had been closed for a long time. When it was reopened, the pipes near the ceiling had corroded and needed paint. An unused shaft that was connected with power was turning rapidly on one side of the room. A workman secured a ladder and a can of aluminum paint. While painting the pipes close by the turning shaft, the ladder broke and the man fell into the shaft. Thus it will be seen that there were several elements involved in this accident that need a little more discussion in order to understand it properly.

Our statistical bureau has compiled all accidents by cause and cost, listing all accidents under one subject, as "explosions, electricity, hot substances, and flames." While it may be of some assistance and importance to safety engineers to know the number of people injured and killed from these circumstances, a mere tabulation of the number does not convey very much information to the student. In the Chemical Safety News Letter issued by the National Safety Council for June 1935 appeared an article, The Fire Demon, which contained a description of nine fatal accidents caused by flames. This article set forth very clearly the fact that defective factory structures were not responsible for the serious losses of life that resulted from flames. A description of these accidents presented very definite information on the fire risks in the State where these accidents were compiled. The mere use of statistics in presenting the total number of accidents would not give this very definite information. If we are to make continued progress in accident-prevention work, then we must compile records of accidents that will present the cause and effect in such a clear and dramatic way as to make an impression upon the reader.

Discussion

Mr. Wilson (North Carolina). When the North Carolina Industrial Commission was first created, the Department of Labor (and
I want to make it clear that the present commissioner of labor was not in office at that time) took almost no interest in accident prevention and safety work. In fact, it functioned but very slightly at that time. Since then we have a new commissioner, who has attempted to do a fine job insofar as his money and number of inspectors will permit. The North Carolina Industrial Commission is only loosely tied to the Department of Labor; we are almost two separate entities in matters pertaining to labor in the State.

Our law does not require that the North Carolina Industrial Commission make inspections, reports, and recommendations on safety, but the commission early took an interest in safety work. We got started just at the beginning of the depression. We were not in a position to get large sums of money or to put a large corps of inspectors in the field, and, therefore, we tried to seek the particular angle of safety work that would accomplish the most at the smallest expenditure possible. We therefore started in on the educational side of safety. We became interested in organizing a State-wide industrial safety congress. Our law went into effect in July 1929, and in November 1930 we held our first State-wide industrial safety conference. Through the cooperation of our Governor, we sent telegrams to the various employers of the State asking them to participate. We were able to finance that conference through funds given by insurance companies, the self-insurers, and other employers. They showed a keen interest by sending a large representation to this new conference. This idea of compensation was new to them, and they were interested to learn all the various phases. I think the employers were keenly interested in safety because it was a feature of the compensation law that they had not really contemplated. They took real interest in that safety conference and some of them organized safety councils within their own organization, and that is a very important development.

Now, instructions are absolutely necessary. The adequate keeping of records is absolutely necessary, but after all, if you do not have the cooperation of the employer and, through the employer, the cooperation of the various executives down the line within the plant, and if you do not also have a safety organization within that plant, you certainly cannot develop real safety work. So it was our desire to assist and encourage the safety organizations within the various plants. We soon learned, also, that while the annual State-wide safety conference was a prime factor in creating interest in safety, after all that was only one meeting in a year and we have 52 weeks in a year. So we got together with the western North Carolina employers and with their cooperation we formed an organization in this section that meets twice a month. It originally started out as a luncheon affair. The executives would attend, would enjoy a nice meal, and would have some one give a talk. That still was not getting down to bedrock in safety work. They soon found that method was not getting results and decided on a different procedure. Now, instead of meeting at a hotel for lunch, they usually meet in a schoolhouse or a large room in a plant or wherever convenient for the particular manufacturing plant that is entertaining the officers of the organization on that particular night. They have a very large attendance at these meetings, and a great deal of interest among the rank and file of our employees.
is created. I want to congratulate the employers of this section for their interest. They not only send delegations as far as 70 miles, but they bring them back, which is 140 miles through these mountains, and they are glad to do that even in the wintertime to attend those meetings.

I had the pleasure of addressing the junior bar of this city, and I knew that among the younger group in the legal profession there was certain opposition to the compensation law. However, I took advantage of the opportunity to tell them that among other reasons why they were not getting so many cases at the present time was that not only had the compensation law tended to decrease the amount of legal practice but that through the safety work of the North Carolina Industrial Commission and others, and the cooperation of the employers, we were reducing the number of accidents.

Now out here we have one plant that has just finished over a year without a single lost-time accident, over a million man-hours. Of course, when we speak of a million man-hours that is small compared with some of the larger plants you have in the eastern section of the country. The American Enka Co. is also doing a fine job of safety. They have several departments that have established some wonderful records. The Champion Fiber Box Co. has done likewise, as has the Deacon Manufacturing Co. The Carolina Wood Turning Co., at Bryson City, has become keenly interested in safety since the superintendent had his hand cut off by a saw. We also have copper mines in the western part of the State, and one mine has gone 3 years without a lost-time accident. Up to a few years ago this same mine was practically a butcher shop. There are other plants that are interested in safety, but I will not take the time to enumerate them.

In addition to organizing the Western North Carolina Safety Conference, we have organized another conference over in the Piedmont section. They have been meeting regularly every 3 months, and at one of their recent meetings they had between 400 and 500 in attendance. I appreciate that these local conferences may have a tendency to reduce the attendance at the State-wide meetings, but I hope not. During the last 6 months we have organized another conference in the neighborhood of Durham, covering five or six counties. We will have our second meeting Tuesday night. The nice thing about these district meetings is that the rank and file can attend, and at the Piedmont section they are showing a great deal of interest in their safety work through this conference, and have a fine attendance. Through these local organizations we have been able to get the cooperation of the employers, the executives, and on down to the workers on the job.

There is still another feature that I think is very important in safety work. Large industrial plants recognized it years ago, particularly the public utilities and steel corporations, and the mines, and that is proper first-aid work. I know from experience that many employees that have minor injuries will not go to a doctor because it takes entirely too much time from work if there is no doctor available at the plant. Even when there is a doctor available at the plant, it often consumes a reasonable amount of time and a great many employees feel they should not be complaining.
about these little minor scratches. But often we find that these minor scratches result in serious illness, so the industrial commission has taken a keen interest in conducting first-aid classes throughout this State and giving the graduates a certificate not only from the industrial commission but also from the American Red Cross. In conducting these classes, we have used the opportunity to carry on educational safety work. These efforts of the commission have tended to reduce the severity of minor accidents.

We have adopted an amendment to our compensation law bringing occupational diseases under it. The legislature appropriated $10,000 to our commission to set up a medical board as provided for in this amendment. Through the cooperation of the United States Public Health Service, particularly Dr. Sayers, we expect to have made available an additional $20,000 of Federal funds. The industrial commission will allot its $10,000 fund to the division of sanitation and hygiene to be established in our State department of public health, so that some constructive work for occupational diseases may be carried on.

The industrial commission plans to start conducting first-aid classes among our logging camps and sawmills. It has always been very difficult to carry on safety work in this particular industry, but if ever there was a group of employees that needed first-aid, it is the workers in this industry.

In North Carolina the employees and employers feel a mutual interest in the administration of the workmen's compensation law, and it has aided materially in getting results in the reduction of accidents.

Assessment Plan for Defraying Cost of Administration of Workmen's Compensation

By William E. Browning, Chairman, Industrial Accident Commission of Maryland.

Providing for the cost of compensation administration is one of the very essential administrative features of any compensation act.

While some States provide for compensation through a State fund solely, and others through private competitive insurance, Maryland has established a State fund, permits self-insurance on the part of the employer, and also provides for private competitive insurance. In its method of defraying the cost, it distributes the burden fairly and equitably among all those within the compensation law, subject to the commission's control and supervision.

The framers of Maryland's compensation law had a clear conception of the essential requirements to assure a proper, fair, and equitable administration of compensation, and by subsequent amendments it now has a law which is working satisfactorily to all affected by its provisions and is comparable to other systems in the manner by which it provides for the defraying of the cost of compensation administration.

The particular portion of the law bearing upon the text of this paper has been so clearly drawn and is so specific in all details as it relates to employer, employee, and insurer that no purpose would be served if I sought to amplify it, and as time is so essential in the
deliberation of this convention, I could do no better than present to you the portion of the Maryland law applicable to this phase of the workmen's compensation law, which is as follows:

The entire expense of conducting and administering the State accident fund, as likewise all other expenses of the State Industrial Accident Commission, shall be paid in the first instance by the State out of the moneys appropriated for the maintenance of the State Industrial Accident Commission and the payment of the salaries and expenses of said commission and its officers and employees. In the month of January, and annually thereafter in such month the commission shall ascertain the just expense incurred by the commission during the preceding calendar year, in conducting and in the administration of the State accident fund, by including the salaries of the superintendent of said fund and such other employees of the commission whose services were rendered exclusively to said fund, and all other expenses incurred exclusively for said fund; and the amount of such salaries and expenses shall be chargeable to the State accident fund. And if there be employees of the commission, other than the members themselves and the secretary, whose time is devoted partly to the general work of the commission and partly to the work of the State accident fund, and in case where there are any other expenses which are incurred jointly on behalf of the general work of the commission and the State accident fund, an equitable apportionment of the salaries of such employees and expenses shall be made by the commission and the part thereof which is applicable to the State accident fund shall likewise be chargeable thereto; and the commission shall authorize, in the same manner as other disbursements from the State accident fund are authorized, the whole amount so chargeable to the State accident fund to be transferred from said fund by the treasurer to the State treasury to reimburse the State for the money so appropriated and expended in conducting and administering the State accident fund for the calendar year ending December 31, and for each calendar year thereafter.

As soon as practicable after January 1, and annually thereafter, the commission shall ascertain as fully and accurately as possible the total pay roll of all employers of this State, subject to the provisions of this article, for the preceding calendar year, whether insured in the State accident fund, any stock company, or mutual association, or self-insured, and shall also calculate and ascertain the amount paid by the State for administrative expenses of the State Industrial Accident Commission during said preceding calendar year, including the amount chargeable to the State accident fund under the preceding paragraph of this section. The commission shall then calculate and determine the percentage which the total amount of such salaries and expenses, other than the amount chargeable to the State accident fund, bore to the total pay roll, ascertained as aforesaid for that year, of all the employers of this State subject to the provisions of this article; and the percentage so calculated and determined shall be assessed against all such employers carrying their own insurance in proportion to their several pay rolls, and all insurance carriers, including the State accident fund, in proportion to the aggregate pay roll of employers insured therewith, as a special tax for the maintenance of the State Industrial Accident Commission, other than for conducting and administering the State accident fund, for the calendar year ending December 31, and for each calendar year thereafter; provided, however, that the total amount to be assessed against and paid by such insurance carriers and self-insurers shall not exceed one hundred and ten (110) dollars for any 1 year.

Payment of said taxes may be enforced by civil action in the name of the State of Maryland, and the amounts so assessed and collected by the commission shall be paid into the State treasury to reimburse the State for this portion of the expense of administering the workmen's compensation law. And the commission shall be and is hereby clothed with such power and authority to examine pay rolls and require reports from employers and insurance carriers as may be reasonable and necessary to carry out the provisions of this section and to adopt rules and regulations in regard thereto.

It will be noted that under the Maryland law every employer subject to the provisions of the workmen's compensation law, is compelled to secure compensation insurance for his employees but in that mandatory provision there is a freedom of choice in the method by
which such insurance shall be secured that has tended to promote a spirit of cooperation in the administration of the law.

The total cost of administering compensation in the State of Maryland in the year 1934 was $83,165.48, which is within $27,165.48 of the total amount allowed by legislative enactment. Of this amount the self-insurers in the State, numbering some 135, paid about 30 percent, and the remaining 70 percent was distributed among the insurance carriers authorized to do business in Maryland, numbering some 53, including the State accident fund—and of this 70 percent, the State fund paid about 10 percent. The State accident fund has grown to be the largest single insurer in the State on the basis of premiums paid, and the rate in Maryland for the year was .000397957 per dollar.

Discussion

Mr. McShane (Utah). Does the Maryland law provide that the State and the political subdivisions are by operation of law self-insurers, if they so choose?

Mr. Broening. They stand in the same class as all other employers.

Mr. McShane. In the State of Utah the State is required to carry this compensation liability with the fund, but all municipal subdivisions may secure insurance in the State insurance fund or exercise their right to insure their own risk. This is a bad situation for the reason that the various districts, counties, cities, and towns will take the gambler's chance and carry their own insurance until they have a bad experience, and then they will come into the fund.

Mr. Broening. A department of government can provide for self-insurance or it can secure insurance from the State or any private carrier, and there are some 58 private insurance companies authorized to do business.

Mr. Zimmerman. If your commission makes up a budget of $110,000, does the legislature retain the right to control your appropriation at any point under the $110,000?

Mr. Broening. No; when once made the commission has absolute control.

Mr. Zimmerman. Suppose that you want to employ an additional referee. Do you have to get the consent of the legislature and the budget director before you put that extra man on, or may you add to the staff up to the limit of the appropriation?

Mr. Broening. Under the law of Maryland the commission is authorized to create any position that in its judgment is necessary for the proper administration of the law, providing it has the approval of the Governor of the State; that is, full control within the limitation of the total appropriation of $110,000.

Mr. Zimmerman. The only objection that I have heard against assessments to provide the administrative cost was from the State of Utah. It was argued that it gave the commission a chance to build up a large force without restriction. Now of course, I know what happened in New York. We have an assessment plan there based on the amount of compensation paid out, but the legislature
retains the same control over the appropriation in the Department of Labor and Bureau of Workmen’s Compensation as they do anywhere else and you cannot get an extra stenographer without selling the idea to the budget director or legislature; so I don’t think there is much to the argument that a commission will run wild with an administrative force if you provide for self support.

Mr. Broening. The State controls it of course. Our legislature is elected for a period of 4 years. They meet every 2 years, and the budget is made up, and when it is made up they cannot control how it is spent. If the legislature is of the opinion that the commission has not been wise in the administration of the law, that they have created too many positions, they have the right to curtail the funds, but after the budget is made up with the approval of the Governor, they have absolutely no control so far as creating positions is concerned.

Mr. Martin (South Carolina). In setting up a State fund, has it been found legal for the State to tax its political subdivisions, such as counties, school districts, cities, and various subdivisions?

Mr. Broening. I do not know. We have never come to that.

Mr. Walker (North Dakota). In North Dakota jurisdictions the State calls premiums for the various subdivisions covered by the act, but that has never been subjected to the tests of the court.

Mr. Keener (Arizona). We have not a very complicated system. All the employees of the State political subdivisions are automatically covered by the compensation law as in North Dakota. It has never been legally questioned but has always been paid and takes care of all expenses.

Mr. Smith (New York). There might be some misunderstanding regarding the Maryland fund in this respect. The New York State fund is in the same situation as the Maryland fund. There is no provision in the New York law requiring New York to insure in the State fund. The same applies to municipalities and political subdivisions. Many of the municipalities and political subdivisions are insured in the New York State fund. We have a special group, which has saved the municipalities a great deal of money in the handling of their compensation insurance. The State of New York compensation obligation is handled by the State fund on a cost basis, which simply amounts to the State acting as a self-insurer and using the State fund as its carrying agency. As Mr. Zimmer has pointed out, the system in New York for assessing the expenses is somewhat different from that outlined in Maryland. The expenses are ascertained annually and prorated to all carriers, including self-insurers, in proportion to the compensation payments in the preceding fiscal year. It is held that the assessing on compensation payment is more equitable than on pay rolls, inasmuch as it is more in proportion to the hazard.

Mr. Parks (Massachusetts). I can see considerable merit in having the insurance companies and self-insurers pay the expense of the administration. In Massachusetts we have a system of impartial determinations, and we have pretty wide powers in administering that phase of it. The State pays the medical bills, and then we assess them against the insurance company involved. Sometimes
there is quite a bit of money involved in having various experts examine the injured man at no cost to him; the insurance carrier pays the bill.

Mr. Kearns. I should like to have some discussion by representatives of the various States on the administration and enforcement of their safety laws and the most effective method of bringing about better observance of the safety laws of that particular State.

Mr. Wilkie (Ontario). I should like to know if any State has figures which would enable them to say whether the cost of the safety association is worthy of the results. We have maintained our safety association to a greater extent than any of these States from whom we have heard. I think the association expenses are paid out of the compensation funds if they have no State funds. The State does not have anything to do with our funds; we levy on industry the entire cost of the administration. The State treasury pays nothing and gets nothing from us. We are an entirely independent organization, except that the governor of the Province has a certain jurisdiction over the employment of officials.

Now, the way we handle our safety association is this: we levy our assessments on classes and each class is in itself a mutual organization, and a great many of those classes have their own safety associations, managed and governed by representatives of the employers in each class. If the association is efficient, it gets results immediately in reduced costs within the very class that has control of that safety association. The reason I was so anxious about statistics is because I wanted to know how possible it was for our compensation board to show the effects of its work sufficiently to get an allotment of $200,000 a year for safety-association work.

We have a staff of three doctors associated with us who do the medical work. We have a special medical referee. We have three-men for silicosis work. The first-aid business is quite different with us than that which I have heard described here. Under our provincial law every employer must maintain in his plant a first-aid kit, and in that plant there must be some qualified men to administer first aid. The cost of maintaining the kit, of course, falls directly upon the employers.

Something was said here about rehabilitation. We have not got very far with that, but we have on our staff trained medical men who operate what we call a clinic, which is merely a place where workmen go for electrical baths, bicycling, and a whole lot of other exercises for improving the condition of a man who has been injured and has not fully recovered.

Mr. Walker (North Dakota). I am sorry to report that we have no adequate safety arrangements. The legislature in North Dakota is so tax-conscious that it cannot seem to realize that the funds that the compensation bureau disburses are not taken from the general fund. It is not a State fund; it is a fund administered by State officials but belongs to the employers of the State. We made a very modest request for a budget requirement that would permit us to carry on a campaign of safety education and we could not get that by the budget board or the committee on appropriations in our legislature.
When we had some projects under the Federal Emergency Relief Administration, the frequency of accidents was so great that we hired a safety director and paid him out of our clerical fund. Of course we have no means of knowing what he saved the Government, but I did find men working in gravel pits with overhangings, and we ordered the overhangings cut down and doubtless saved many a serious and may be fatal accident. We have not given up hope that a future legislature will be more liberal, and will see the necessity of a real campaign for safety education. It has occurred to me that possibly some of these papers would be a good approach, and I will see that the members of the next legislative assembly receive these papers, and I hope we will get better results than we have been able to secure in the past.

Mr. McShane (Utah). I want to ask one of the speakers this morning what he meant by finding out the relative frequency and severity of accidents by contests. Accident statistics mean absolutely nothing unless man-hours and exposure are a factor in your calculations. I want to say that for 14 years I have been a fanatic for that kind of statistics. We reported in our annual report man-hours exposure in every class so that it was possible for us very readily to determine whether or not we have made progress in the prevention of accidents in any particular class of employment in which we are engaged in the State of Utah. I do not want the impression to go out that we are not getting the man-hour exposure and that we are not able to measure our progress along that line. As regards the question of dollars and cents and whether or not our safety activities are paying and our first-aid activities are paying, we cannot tell; neither can any other jurisdiction because work and its efficacy cannot be measured in dollars and cents expended but in the number of widows and orphans and maimed men and the misfortune caused by maimed men.

Mr. Stricker. I am sorry I did not make myself quite clear. The thought that I had in mind was that, where you do not have a definite legal requirement, the man-hours be obtained by instituting contests between industrial concerns of the same classification where you figure severity and frequency rate and base the contest on those two points. You may stimulate the States to make a beginning on getting man-hours.

Mr. McShane. We have those contests in very large plants, our smelting industry for instance, but we find there is just a little bit of dynamite in those plants. Those plants are so anxious to have the blue ribbon that they send men out with broken arms without attention and do not report every accident, and the whole thing goes to pieces.

Mr. Fitzgerald (Nevada). I should like to say a few words concerning the safety work in the State of Nevada, particularly in relation to the Nevada consolidated companies. Every year they have safety-first classes under the mining division, which every person from the general management down to the laborer is compelled to attend. Each and every member of that company who has worked for 1 year has a certificate from the Bureau of Mines certifying that he is capable of giving first aid in case of accident.
I should like to say a word about our industrial commission. The commission has been in existence for over 20 years. The appointments to this commission are political, but owing to Mr. Sullivan's ability he has been retained as chairman of the commission for the last 20 years. During that time I have seen only 26 cases where there has been an appeal from a decision of the commission to the court. Of those 26 cases, 7 were decided in favor of the claimant, 6 were decided in favor of the commission, and 5 were settled without going to adjudication in the court, and the balance were still pending with no possible chance of ever coming to a decision.

Mr. Dorsett (North Carolina). You mean only 26 appeals in 20 years?

Mr. Fitzgerald. Yes, sir. The commission does all of the insuring. There are no private companies and no self-insurance with the exception of the main-line railways, the Western Pacific and the Southern Pacific. The smaller railways within the State are insured by the commission. The entire expense of conducting that commission is paid by the interest on the money. There was no appropriation from the State even during the period of building Boulder Dam, where there were 22,000 men employed altogether with an average of a little over 4,000 men continually. There never has been any difficulty about settlement of these claims, and those 26 claims I mentioned included all claims that have arisen out of Boulder Dam construction, in which there were 63 deaths.

Miss Harrison (Maryland). Mr. Wilcox suggested to the association that it consider a penalty on the employer for injuries to minors illegally employed. Mr. Broening, chairman of the Maryland commission, has asked me to read the Maryland law on that subject:

Every minor employee engaged in extra-hazardous employment or work covered by this article shall be deemed sui juris for the purposes of this article; and no other person shall have any cause of action or right to compensation for any injury to such minor employee unless otherwise herein provided. All compensation and death benefits provided by this article, however, shall be doubled in the case of any minor employed illegally under the laws of this State, with the knowledge of the employer, and no insurance policy shall be available to protect the employer of such minor from the payment of the extra or additional compensation or benefits to be awarded by reason of such illegal employment, but the employer alone shall be liable for the said increased amount of compensation or death benefits; provided, however, that the certificate of the commissioner of labor and statistics shall be conclusive evidence of the legality of any employment for the purposes of this article.

Maryland presents this suggestion to the association for its consideration.

Mr. Smith (New York). New York is even in advance of Maryland, for it requires a double penalty, which applies whether the minor is employed with or without the knowledge of the employer. I have heard of cases where the employer was reliably informed that the child was not a minor, and when later an accident occurred and the child was found to be illegally employed the employer was held for the double penalty.

I was interested in Mr. McShane's remarks on man-hours. Everybody interested in the administration of compensation laws realizes the importance of getting man-hours of exposure if possible. It seems to me it is hard enough to get pay rolls without attempting to go further and get man-hours. It may be simple in Utah and in
Maryland to get pay rolls, but certainly it is not in New York, and when I contemplate the difficulty of getting man-hour exposure figures from 37,000 employers in New York State, where many employers have no pay-roll records whatever, let alone man-hour exposure statistics, I wonder how it can be done. If Mr. McShane has solved the problem, I think he would be conferring a favor on everybody if he would tell how the trick is done.

Mr. McShane. It is just like standing an egg on its end. If you crack it a little bit, the problem is solved. We make the rates for all carriers. As a condition precedent to making those rates we must have pay rolls so the employer annually within 30 days of the 1st of July each year is required under penalty to submit to the commission this pay roll and also the man-hours of exposure. He is also required to give additional information, and we have absolutely no trouble in getting that. Any checks that we have made as to accuracy of these reports have not been disappointing. We have been getting that information for several years for the reason that there has been imposed on our commission the duty for making the rates.

Mr. Keener (Arizona). With reference to the statement I made a while ago, it occurs to me that there was an appeal from one of our State highway departments as to the right of the commission to collect premiums. The question was taken up to the supreme court of the State and the supreme court compelled the highway department to pay into the fund the amount of the premium and fined it as well. The accounts of all municipalities as well as private employers are made annually. That question was decided by the court.

Mr. Parks (Massachusetts). Mr. Chairman, I want to say this as a general proposition. I have come to these meetings for years and I find this difficulty. We have a man get up and read a paper and then another, and so that takes all the time, and we have no time left for discussion. I find there are many things I would like to tell some of these new commissioners. From my 23 years of experience I believe that I could tell them a few things that might be beneficial. I cannot do it because there is not sufficient time, and I must sit down and hope that in future conventions there will be more time for discussion.

Mr. Kearns. I am inclined to agree with you for I realize the importance of these discussions. I must confess that the program this morning was too long to give us opportunity for a proper discussion.

[Meeting adjourned.]
Wednesday, October 2—Evening Session

Round-Table Discussions

Chairman Elmer F. Andrews, Industrial Commissioner, Department of Labor of New York

Public-Service Personnel

Chairman Andrews. Public-service personnel is the subject on which I am to address this gathering. The field of public-service personnel offers a number of difficult problems, most of them of many years' standing, but also a few new ones created by the emergency of unemployment and the methods of providing relief through various sorts of works projects. We have the day-to-day problem of how to assure fair pay and good working conditions to the public employees, the bulk of whom are fortunately under civil-service regulations in some of the States. We have the problem of maintaining morale and efficiency among these workers, of seeing to it that the able and efficient workers are properly and promptly rewarded, that less able workers do not automatically ride upward in promotions and salary increases simply because they started on one end of the civil-service belt and by the operation of regulations expect to be carried toward the top whether they do good work or not. As part of this problem we have the task of devising and applying merit-rating systems and classifications which will work and which cannot be pigeonholed and disregarded by division heads or the executives in charge of administration. We have also the problem of providing for the safety and adequate compensation of public employees. This subject has received all too little attention in recent years. Employees in departments of government which are charged with promoting the safety of workers in private employment and assuring to injured workmen prompt and adequate compensation when injured, in some instances have paid no attention whatever to the safety of their own employees.

Mr. Lubin. Don't we have that in all P. W. A. projects?


Mr. Lubin. May I suggest that at the end of this meeting this group pass a resolution to the effect that the association tomorrow pass such a resolution. There will be no trouble in getting a P. W. A. contract.

Chairman Andrews. We have no jurisdiction over Federal projects, and in the case of that courthouse across the street from the department of labor, we were told we had no jurisdiction.

Mr. Lubin. I think we ought to pass a resolution in this meeting, and then take it up tomorrow in the full meeting.
Chairman Andrews. In addition to these familiar problems which probably will never be solved with any finality because conditions are constantly changing, we now have the emergency problems of work-relief projects for the unemployed. You will probably think I am a civil-service employee, which I am not, but I do feel strongly on this point. This is a subject which must be faced sooner or later.

In recent years the tendency has been to put unemployed persons on relief to work at relief wages wherever it could be done. Public work seemed the easiest and most obvious field. Relief workers were thrown into municipal, county, State, and Federal projects by the hundreds, even thousands. At first, the explanation was that these workers were performing emergency projects. In answer to the feeble and ineffective protests of civil-service organizations that such a policy was taking work away from unemployed persons who had passed civil-service examinations and were eligible for such work, and was having the effect of keeping down or depressing civil-service wages, the answer was an evasion and a threat. It was said, first, that the relief workers would not be permitted to perform tasks for which there were civil-service classifications; second and alternatively, that, if they were, it would only be temporary; and third, the warning was given to civil-service workers that in a time of depression, when the budgets of cities, counties, and States in the Nation were being written with red ink, and when there were millions of qualified unemployed, civil servants would be courting disaster by standing upon rights which had been assured to them in normal times. The civil servant accepted these explanations and heeded this threat, because he, too, felt that the emergency would pass and civil service would again be performed entirely by civil servants. Now, however, we have a general acceptance of the fact, recently expressed by President Roosevelt, that recovery to the 1929 level will leave 20 percent of the employable members of our population unemployed, and that we must continue to provide some sort of relief or work for them. The important question is, on what sort of work, in what fields, under what conditions, and at what wages are unemployed persons to be put to work in governmental service on the basis of their need, without qualifying under civil-service regulations and at wages which are below the standards set for civil-service employees performing the work which they, in fact, are today doing. Once the permanency of this problem is recognized, it is to be hoped that governmental authorities will realize the necessity of restoring standards of employment in the public service. At the present time, as is well known, relief workers are being used for work that could and should be done by civil-service employees who have been selected on the basis of training, experience, and ability. They are being paid less and more than civil servants doing the same types of work.

I do not have the answer to this problem. I propose it here for discussion in the hope that some solution may be evolved to relieve the apprehension of hundreds of thousands of capable and loyal civil servants who have devoted their lives to public service because they were promised a measure of security and slow but steady advancement for work well done.

May I say that in the department of labor we have probably 800 emergency workers. Many of them are very fine, but they do not work the same hours as civil-service employees, and in some cases
they receive more pay. There is not much—but a little—dissatisfaction among our regular employees, caused by seeing people going home earlier every night, and having Saturdays off, and receiving more pay for it. In the south end we have projects where we have a good many relief workers assisting us in the routine work. If it were not for those relief workers we would have to increase our budget. But there is little danger, of course, that we will lose these employees. I feel that. I know a great many of them have come in when we were absolutely swamped, and you could not get any others as long as these relief workers were there.

Going back to the chronic and normal problem of public-service personnel, may I say that while I have long believed in and advocated the principle of classification and periodic salary increases for civil servants, not at the whim of the division, department, or administration executive, but under established and impartial regulations applied to all civil servants without possibility of discrimination, such systems must provide for fair rewards to those who give to the municipality, county, State, or Nation efficient and loyal service. Automatic salary increases which are actually automatic are unfair and deadly to the efficient conduct of governmental service. The norm of mediocrity then becomes the standard of service. Ability and eagerness become foolish and employees are either discouraged or given every reason to leave the service. A force of clock watchers and dull, indifferent, sometimes surly, workers settle down to grinding out paper work and fighting the public with whom some of them must deal.

The system of periodic salary increases and promotions which assists in the efficient administration of government must provide for prompt recognition of, and reward to, ability, whether it be for speed, accuracy, and efficiency in the punching and filing of cards, the inspection of factories and stores, the examination of books and records, the devising of methods for promoting industrial and social health, the evaluation and hearing of claims and evidence, or the executive administration of large divisions. A method of merit rating which is sensitive and can be kept up-to-date and alive in the front office is an essential part of any worth-while system of so-called automatic promotion and salary increases. This system should assume that the ability shown at the time of the examination will develop as the individual gains in mental maturity and experience. Those who stand still or go back, who perform the same tasks with no greater skill or speed at the end of 5, 10, or 15 years than they did on the day they started work, certainly are not entitled to the same increases and promotions provided for those who have grown and developed in ability and usefulness. I realize that this attitude assumes that adequate opportunities for advancement must be given to the capable civil servant. Otherwise we will have able but embittered servants lost in the lower brackets, or transferring to private employments.

To maintain the morale of public employees and to encourage their services in public offices there should be, I believe, periodic increases in salary as rewards for meritorious work. For instance, for State employees, the director of the budget and the legislature should agree that regular budget appropriations for increases should be made yearly, or, if this is too often, once every 2 years. Employees whose efficiency ratings, plus an increment for length of service, indicate a rating above set levels should be eligible for such increases. In New
York State, in the years when the income of the State was such that salary increases could be approved by the director of the budget and adopted by the legislature, the game protectors in the State conservation department would receive increases of $100 if their efficiency ratings were above 95 percent; $50 if between 90 and 95 percent; and none if their ratings fell below 90 percent. I am using this as an example; the salaries and ratings are not to be considered as exact.

In addition to these rewards for efficiency, I feel that the length of time in the service of the State should be given some consideration and should be acted upon when, as should be the case, such experience affects the efficiency rating.

Of course such a system of salary increases is worthless unless predicated upon a fair and accurate method of rating employees for their respective work. You all know that there are a number of efficiency-rating systems and the Civil Service Commission of New York State is now studying the problem of improving its system.

I mentioned the game protectors in the conservation department. It was found there that each district supervisor, in marking those under him, had a different idea of what constituted good or poor marks. Some were very generous, while others were "hard-boiled." To overcome this personal equation, averages were taken of the marks of the 10 game protectors in each district; the average was then taken of the total of these averages and a corresponding increase or reduction was made in the credits of each game protector.

In most efficiency-rating systems there is a marking for personality. Personality is undoubtedly an important item in the value of an employee, but credit for this factor, it seems to me, should be given under a title permitting less latitude in its definition than that of "personality." This item of personality as an element in any credit-rating system seems to me to be very susceptible to the prejudices and the caprices of any person in authority who may presume to be an arbitrary judge of its quality.

In our system in New York we have three major items in the rating system. I think the maximum for personality is 100. Of course these marks are public property—they are supposed to be placed on the bulletin board, where there are 2,000 employees.

As I said, the problem of emergency work is probably the most serious one in New York.

Mr. Lubin. This question of emergency workers is probably an important one, because we feel it in the Federal set-up also. We do know of certain State governments that have actually made their budgets this year, and at the same time put in W. P. A. projects to get the same number of people to do the work. In other words, transferring to the Federal budget the cost of doing the work of their respective departments. In two States the project that they provided for went to their departments—was actually the same as covering their budget for the year.

[There was some discussion here "off the record" in regard to civil-service and non-civil-service employees.]

Chairman Andrews. I wonder if Commissioner Murphy of Oklahoma would like to say anything? I believe he is an elected commissioner.
Mr. Murphy. Yes; we have an elected commissioner for Oklahoma, and I also have the honor of being director of the Oklahoma Employment Service for the United States Employment Service.

We tried very hard to get a W. P. A. project through, and applied for additional help on this W. P. A., but at the very low rates of $720 and $840. We have four extra helpers taken from relief rolls at the rate of $840, and the rest of them at $720. We are getting our work pretty well along, and we are expecting to reduce that force temporarily, until "lightning strikes", which we think is going to happen in a few days, and we will take care of it.

Chairman Andrews. May I ask what happens when you have a change in governors? Of course I know they are always the same party. Does the incoming governor bring in his own following?

Mr. Murphy. Well, everybody in the government there changes.

Chairman Andrews. Do you find that it is upsetting to the routine of the department?

Mr. Murphy. Well, it would not be with me. I am now serving my third term. I was last elected in 1934 by 182,000 majority. I never change my personnel. I keep the same force that the former commissioner of labor had. They were familiar with the work. They were more valuable to me, they were more valuable to the State, and I just kept them right on. I promoted one of these. I am criticized by the politicians, of course. In fact, one lady said to me, "I would like to get in your department; if you get in that department you are in there for life."

Chairman Andrews. Well, I think you have undoubtedly proved that to the State of Oklahoma, by keeping hold of your people.

Mr. Murphy. Well, it demoralizes and upsets the work of the department to change these people who are thoroughly familiar with the work and know what to do. They are more valuable and less trouble to me; they are more valuable to the State, because in my accident work, it takes 2 or 3 years to train a man. You just cannot pick up anybody. Such persons will tell you that they have worked in a machine shop, and that they are good factory inspectors, and know all about it, but they do not. It would demoralize the department to make a change, and we do not do it.

Chairman Andrews. I hope you will be there for the next 20 years.

Mr. Patton (New York). I inquired of the head of a State department who was here, but who has gone home, about one of the members of the commission who was dropped at the beginning of the present term, another man being appointed to take his place. I stated that I had known this dropped member for some time, and asked him if he should happen to see the former member again to give him my regards. He said, "Why, he works in my office." The truth of the matter was the man who was dropped knew how to do the work, and the present commissioner, in order to get the work done, had to hire the former member of the commission to do the same work in his office that he had been doing for several years.

Dr. J. B. Andrews (New York). There is one question I should like to ask. What is the procedure by which people are let out of the civil service at the end of a 3-months probation? It was stated the probation period is 4 months. Men and women come to me and say
they have just reached the end of a 3-months period, and they think they will be let out without proper notice. I wondered what the procedure was in the State—whether there is a way of gently warning them.

Chairman Andrews. My first experience as to civil-service employees being let go after the 3-months period was in the last 4 or 5 months probably. That was in connection with the employment service, where, of course, we have to keep up a certain standard as required by Washington. I think there was one particular list there that was very low, and in May those people went to the bottom. The routine was that because of certain reasons—they were not interested in their work or something of the kind—this particular personnel was not good. I think there were probably 10 cases, and that was all, in the employment service the last year. Usually we find, particularly when the lists are new, that the people we appoint are very satisfactory. I believe other departments use that 3-months rule in regard to war veterans—after they get the job, in some instances, they feel they are in for life, and do not have to do any more work.

Mr. Lubin. We find that in the Federal service, and our method has always been to go over the man's record at the end of the fourth or fifth month, and if he is the sort of person we do not want to keep in the department after he has spent his probation period, no one is interested in keeping him. We have men who are 45, 50, or 60 years of age, who have been in our department 10, 20, or 30 years. You cannot ask a man who has been there 30 years to leave, and you have a very difficult problem in rating; you have to take into consideration a man's status and morals. We check up every 4 months, and if a man does not fit in a given division, we look around and see if there is work in another division and try him at that. If at the end of the fifth month we do not care to keep him, we notify him that at the end of the sixth month he must look for another job.

Chairman Andrews. There is of course the retirement problem, which we thought we made clear in New York State. We had a retirement system 10 years or more. I believe 70 was the retirement age; up to 1934 70 was mandatory, and after a person was 70 we could not retain him any longer. But, unknown to most of us I think, the legislature of 1934 amended that, so that, if the division so ruled, a man could be kept on until he was 75 or 80. That makes it different. You hate to tell a man who has been there 30 years he will have to retire, when he is probably hale and hearty—and sometimes he insists upon carrying on. Of course, the most difficult problem of all is to insist on some man going who really needs the work. I have several such cases in my department—men who I feel ought to leave, but who need the work.

Dr. J. B. Andrews. Does the department authorize you to charge a fee to applicants who want to take the civil-service examination?

Chairman Andrews. No. There has been a lot of talk about it.

Dr. J. B. Andrews. In England, which the depression has affected in the same respect for a good many years, I find they have worked out a device of charging a half crown to anyone who takes the preliminary examination, and a guinea to anyone who takes the final test. I wonder if in the States there are any who are going to think
of that? It is my impression, when we are going to have thousands and thousands of young people just out of college—who are going to look to public service increasingly—

Chairman Andrews. That is so, and of course that is the part of the civil service. I think that has been considered. There were 65,000 who took the last examinations, and, of course, if they are going to make a profession of taking the examinations, hoping that they will get more than they are getting now, and that they will be transferred to other departments, I think it is only fair that the State should set a dollar or some other nominal fee.

Dr. J. B. Andrews. Should that be taken up in the State?

Chairman Andrews. That should be by the State.

Mr. Murphy. We cannot do that in Oklahoma at all.

Miss Wood (Connecticut). We have the civil service in Connecticut. Our appropriation is now cut, but the committee brought out a favorable report for what we asked for, until it discovered we were getting $2,300 a month from F. E. R. A., and then it lopped off that much from the appropriation it intended to give us. Now the F. E. R. A. is going out of existence, and we cannot get a project through. The Federal Government is not willing to give us as many employees as we have, and it and the F. E. R. A. conjoined with this Federal work, and the Federal Government should pay for it. The whole thing is very demoralizing to the service, and it seems as if we would be better off if we do not take that emergency work unless we could be assured of the length of time the employees would be retained, and under what conditions. I think we have to face that in all of our departments. We have a number of people in the minimum-wage division of the State of Connecticut. The State itself, it seems to me, depends too much on the Federal Government for regular work that should be done by the State, or the Federal Government should contribute to the State for the Federal work that is being done, and we should not have to depend on emergency money and the F. E. R. A. workers.

Chairman Andrews. Of course, that is a very serious thing so far as State appropriations are concerned. We have been using temporary workers to assist us, and the director of the budget says, "Of course you will have your emergency workers with you a couple of years yet, you need not bother about the State appropriation, they will do the work." In your work you do get Federal assistance, do you not?

Miss Wood. Yes; but not nearly enough people.

Chairman Andrews. Well, a State appropriation the same as you get from the Federal government?

Miss Wood. Why to a certain amount, of course. I was wondering also, if any State where they have civil service has adopted the principle of examination every 3 years.

Chairman Andrews. Only promotion examinations. It seems to me that is one good thing about the merit examinations. It does lead to their keeping up with their work. Of course it is sometimes aggravating, you know. These border-line people will prefer charges and go into the courts, and it is such a terrific thing because of political jobs—you get much worse work than from the civil work.
Mr. Lubin. In the civil service in Washington, the examinations are held for a specific job, and the job is specified, and the qualifications and experience which the individual must have are set out in the notes of the examinations, and people are rated on the basis of meeting these specifications. Last year a general examination was given for a job called "junior civil service examiner." The only requirement was that you have a certain education, and the applicants were rated on the basis of a test showing general knowledge. We have gotten several very high grade people we never could have gotten except through this examination. We found that we got better material for future development. I think future chiefs of bureaus are coming out of those youngsters who today start at $1,440, which is the lowest grade in the clerical class. Some of them have been with us a year now. By giving a special examination for a special job, attention is called to it throughout the State, and you get the attention of young people who otherwise would never have taken the civil-service examination.

Chairman Andrews. And the people for public work who would never have thought of going into the Government service a year ago. Of course a thousand-dollar job now requires a college graduate. It is very important of course—the type of examination. Some years ago we required an examination for factory inspector. The factory inspector would go to some civil-service school and answer a hundred questions and pass the examination. We do not give a whoop whether the factory inspector knows the labor laws or not. We use the method of showing pictures of plants, and ask the inspector to say what is wrong. We get far better men than before, because we are getting from their background, rather than their ability.

Mr. Lubin. I would like to ask if most of your questions are based upon the civil service? That is an issue, as to whether or not we should have them all under civil service. I think it is the opinion of some of the folks who do not have civil service that their departments would be benefited if their new bureaus were under civil service. I think there are advantages on both sides, and I should like to hear from some of those who have not got it.

Mr. Jacobs (Tennessee). We have almost a complete turnover when we elect a new governor, and it is a tremendous handicap. I wish we did have civil service.

Chairman Andrews. I do not see how you could take people who know nothing about factory inspection or combustion.

Mr. Jacobs. The committee is appointed by the governor, and knows nothing about the business. Having been in legislative work and pretty well acquainted with the work of the department, in general, we are able to select out of a very large number referred to the department for employment—I guess we have 75 recommended for every job—we are able to select a personnel that way. It is very probable that we can do that, under the circumstances.

Chairman Andrews. You mean there are 75 recommended to you for each job? Have they all political backing?

Mr. Jacobs. Yes, sir; we are given this privilege—the governor is the chief of eight commissioners, and we are told by the governor that if he recommends someone for a position that we do not want, and
who cannot qualify, we can turn him down, and he will send us another one. That is the way we handle it, until we finally select a pretty decent personnel.

Chairman Andrews. If you can get one man out of the 75, you select him; and the other 74 fellows do not get anything?

Mr. Jacobs. Yes; it is a terrible situation, but I do not see any chance to correct it at this time. Of course we have the employment service, and it is under the merit system. That comes under our department, and we are going to hold examinations pretty soon. That will be a great help. This governor is in his second term. The governor usually holds two terms. Then the whole outfit will have to be changed. Maybe some of them will get back.

I am very much interested in the civil service, because it works a hardship on the employee and the department to be changing constantly, but I do not see how we are to correct it at this time.

Chairman Andrews. It is a very practical thing. There are a number of jobs in our department—not so many, but a few. When I first became commissioner, everyone sent in somebody to apply for a job, and when I appointed 1 out of 50 applicants, I made 49 dissatisfied, and I said, "You have to have the State committee to back you up." In that way I keep out of all these local entanglements.

Mr. Jacobs. We do not even have that protection.

Mr. Patton. I was just wondering about a very efficient inspector you had in your department. There were five inspectors in the State, and in the change of administration, at 10 o'clock on Saturday, all the inspectors were notified they would be discontinued. This young man got a job at Macey's in New York City, took the examination for our department, and is one of the employees. A man in Pennsylvania has told me that actually every Pennsylvania employee receives a long questionnaire to be filled out every year, and one of the questions in that schedule reads: "Who is your political sponsor?"

Mr. Jarrett (West Virginia). Of West Virginia I would say that the situation there is like the Tennessee situation apparently. I think it is most unfortunate, as it affects our factory-inspection division, which is very small. I do not know that I have had experience enough to qualify me to speak on this subject of the laws, but with the political situation I have found that the change of administration allowed the change of employees in the labor department, including the commissioner. I do, however, think that the civil service would be advantageous, or that there should be some period of training for a factory inspector, either set up under the jurisdiction or aid of the department in Washington, or by some arrangement worked out by Congress, by which there would be some school in which to fit a man to do that work. It is necessary for us to select an entirely new personnel. We do the best we can under the circumstances. The commission is given authority to select the men, and we endeavor to select qualified men. My idea would be that the civil service or some training period would be of benefit to us. We are endeavoring to build up our organization, rather than directing our attention to that particular question, because we are lacking pretty much in the proper standard. My opinion would be that civil service for factory inspectors would be very desirable.
Mr. Lubin. What happens to the quality of the work when a new administration comes into power?

Mr. Jarrett. I do not think we take men out of the industries that are not trained. In other words, we try to select men who are trained by industry for those particular positions, and for myself—being acquainted with those men through association with them in the labor organizations—I know about their work, and judge their qualifications myself.

Chairman Andrews. Do you take them from organized labor?

Mr. Jarrett. It just so happens that all our factory inspectors are.

Chairman Andrews. There is quite a technique in factory inspection. We find in New York State that we have to use different methods with up-State, where we use a better class than on the east side of New York City.

Mr. Jarrett. Of course we have certain men in our State who are required to pass an examination, and they must be qualified in certain ways, but our department does not have those professions.

Mr. Johannsen (Illinois). We have no civil service with the industrial commission.

Mr. Durkin (Illinois). In Illinois the civil service commissioner gets his position through the spoils system. I have found the civil service commissioners promoted men who were supposed to take examinations, and did not know they should take it. That was under a previous administration. I will say, when the Civil Service Commission of the State of Illinois gives an examination now, there is no "sometimes political" in placing the people on the list—veterans of course get preference and they are passed. I do not think civil service works out well. Just as I have stated, there are some civil service commissioners who are not strict enough, and they permit the spoils system to take place in their own department.

Chairman Andrews. I suppose if a man gets in he is pretty sure of a job?

Mr. Durkin. He is sure of his job, provided he performs the work. But many men have been successful, and while we get elected for the position, they still hold on.

Mr. Jarrett. In our State, a man is sure of his job only as long as his political party is in power.

Chairman Andrews. Is not there another great danger—that a man who may hold a job for a couple of years, during the life of a particular administration, would be less careful in his honesty, and so forth? Under our statute we have a provision that the man who has made good gets an increase at the end of 2 years, and that leads a man to believe he has a job worth working for.

Mr. Jarrett. I expect the men have to take part in political campaigns, or they naturally take it for granted that they should do that, or are expected to do that. Of course, we all know what that means, and it interferes with the work on the job.

Mr. Johannsen. The chiefs do that, why not let the "hands" do it?

Mr. Murphy. I am asking you what industry you can take a man from who can pass the civil service?
Chairman Andrews. Why, machine job, any sort of industrial or manufacturing. Our examinations are for those who are familiar with machinery or plant work, and safety work.

Mr. Murphy. Knowledge of what kind of machine? In our little State we have 65 different industries. It takes about 3 or 4 years training to make a factory inspector.

Mr. Durkin. Oh, of course we do take men out of the shop but that does not qualify for all branches.

Mr. Murphy. You can take the machinist, and he has no training, unless you are talking about mechanical safeguards in a machine. We will not allow mechanical safeguards that interfere with the operation of the machine.

Chairman Andrews. We were speaking about relief workers. We have some very clever engineers and draftsmen who are making working drawings. We now have, I think, about a hundred illustrations to show the common forms of machines, and the standard guards—the guards that agree with our rules and regulations.

Mr. Johannsen. We have had guards in the woodworking industry for 20 years, and I find from my experience in a factory the employer does not want the guard used unless you can still get as much out of the machine. The great motive is to get up speed, get the work out, rush the job.

Chairman Andrews. Mr. Fletcher, do you have that in North Carolina?

Mr. Fletcher. No; I would not agree to that in North Carolina.

Chairman Andrews. Does anybody else wish to give us some thoughts as to how we can employ the best type of personnel?

Dr. J. B. Andrews. Is there a particular device that is a great improvement over the old?

Mr. Lubin. There are certain groups which feel that the educational qualifications are too high to get qualified people. There were complaints, I know. One of the middle western States made serious complaint last year—not only the men in the employment service but the State federation of labor as well.

Mr. Murphy. I do not hear from any of my people when they take examinations. I am not worrying about any of them. There is one job that is worrying me a little in my office, and that is the reception clerk. In my judgment that is as hard a place as there is in my office. That is the hardest job I have to fill.

Mr. Jacobs. It seems to me we are going to have a hard time getting people to stand examinations for those low-rate jobs—the job that pays $90 a month. They have to take an examination that would qualify for the president of a road, and you are not going to find such people making applications for the jobs. The educational requirements are too high to secure the people who should apply.

Miss Wood. I do not think there is a doubt about the fact that the requirements of a State should be met by the use of the employment-service people. I do think that examinations could be changed in many respects.

Mr. Jacobs. What I hope for when we get the merit system in the employment service, which is now in the department of labor, is that
we could apply it to the State as a whole. It would be just an entering wedge. I think with the proper effort we could do it, for the labor people would get right behind it. We would have had it by now, but in the last legislature we had so much difficulty about finances we could not get them to consider anything else.

Mr. Durkin. I think we owe our present merit system to the fact that we secured an appropriation to continue the service in the State. At the last session of the legislature, we went before a special session and secured sufficient appropriation to set up the nucleus of an organization. The plan was to go to the next session of the legislature and get an additional amount to expand it. We had a terrible time just at the end of the session. The legislature thought a sufficient amount of money must be appropriated to permit us to keep our present organization. Now it seems to me this brings us back to the spoils system. Those politicians could not understand why certain of their friends could not get the jobs, and blamed the merit system.

Chairman Andrews. If the right people had the temporary jobs they would automatically come under civil service and that would make their jobs permanent.

Mr. Johannsen. Of course there are more people who want privilege than justice. That is not a new thing. In our State, they want to recommend their friends.

Dr. J. B. Andrews. How do those advisory committees work out?

Mr. Johannsen. They do not have anything to do with it.

Dr. J. B. Andrews. In some of the States do they not have some kind of committee to assist the counties?

Mr. Jacobs. I think the most helpful thing that could happen from labor's point of view would be uniform laws. Make the laws uniform as nearly as possible, and then pretty soon the salaries would be equalized. We would be on better ground if the States acted jointly. I do not know what we would have done without the help we received from the Federal Government. I am not speaking as the average businessman who is for States' rights because he has some ax to grind. He does not believe in States' rights, except when it will help him individually. But I do believe the closer we keep to States' rights the better off we are. I notice when you put it up to the people and give them a chance to vote they usually do the proper thing. We have had several people come to Tennessee recently, and from the address given, we found that they had had labor troubles elsewhere. If we had uniform laws they would not be jumping around that way.

Chairman Andrews. You could have the finest uniform laws in the world, but unless you have enforcement you cannot do anything.

Mr. Jacobs. If you do not have the Governor's backing you cannot do anything. The first thing I did when I was appointed was to tell the Governor what I was going to do and make a statement for the press. We had to train inspectors as best we could. We required them to learn our laws so they would know just what they were doing, and told them to proceed without fear or favor, without regard to a man's politics. We arrested 215; they all paid fines, every one of them; we didn't excuse any of them. I came from the ranks of labor and I had to be careful, but it was really appreciated, after matters
had cleared up and we began to enforce the labor laws and brought about fair competition. The blame must be placed on lack of enforcement—you might just as well have no laws.

Chairman Andrews. I think what you say about the code is so. We had a very good example in New York City. We passed a 48-hour law for women and minors, and there was no opposition at all. The factory inspection division tells me that 3 years ago there would have been thousands before the legislature protesting the law, and stating that they would have to work at least 70 hours overtime a year in order for industry to get by.

Mr. Jacobs. Occasionally we find some subordinate who has done something for which he is not responsible. We occasionally make some exception, but ordinarily tell him that we will hold it in abeyance. We do not excuse him at all.

Mr. Patton. I wish you would consider Mr. Lubin's suggestion that a resolution be adopted this evening. I wish it could be the same resolution that is now in effect for W. P. A. and all other Federal projects. It would help a great deal in New York State.

Mr. Lubin. If this organization will pass some such resolution, and present it tomorrow at the meeting, I do not think we will have any trouble carrying it.

[A motion was made, seconded, and carried unanimously that the following resolution be adopted:]

*Be it resolved, That the International Association of Governmental Labor Officials go on record as favoring the application of safety rules and regulations to all Federal projects, at least equal to those that prevail in the State or community in which any Federal construction is undertaken, and that such provisions be embodied in all Federal contracts; and*

*Be it further resolved, That such provision be incorporated in all contracts let, which are financed in whole or in part with Federal funds, as well as force-account work.*

Mr. Patton. Perhaps somebody in the room is better informed than I am. Did not the National Civil Service Reform League pass, what they called the set bill for civil service? Would not the endorsement of the International Association of Governmental Labor Officials, either of that model bill or the principles represented by that bill, be of some assistance to the States without civil service? If it would not be out of order, I should like to make such a motion, though I confess I am not familiar with the terms.

Dr. J. B. Andrews. I think the situation is that the National Civil Service Reform League has the draft of a bill, and now that organization has a committee which is cooperating with the officers of the Federal Civil Service in perfecting such a bill. The group brought out its report under the name of Career Service, and it is making some progress in education throughout the country with reference to the civil service, so that there is an organized effort now, touching a good many organizations, to perfect the State civil-service bills. I should think that your suggestion might be very helpful, if it were rather generally worded.

Chairman Andrews. Why cannot this organization cooperate with this movement? You cannot very well tie your organization down to something that is not decided yet.
Mr. Patton. Could this organization appoint a committee to investigate the efforts that are being made with reference to the adoption of the civil service?

[A motion was made, seconded, and carried that the following resolution be adopted:]  
\textit{Be it resolved}, That the I. A. G. L. O. go on record as endorsing the principles of civil service in the State labor departments; and  
\textit{Be it further resolved}, That the I. A. G. L. O. appoint a committee to report to the next annual meeting, and during this coming year to make a study of the efforts which are being made by various organizations looking toward the inauguration of the civil service in the various States.

Mr. Tone. Doctor Patton mentioned that some of the temporary help in his office was receiving more than the permanent help. What is the salary paid to the permanent help?

Mr. Patton. In these two particular cases one of the clerks is getting $900, and the other $940. They are both college graduates, have passed the civil-service examination, and have worked 5 years.

Mr. Tone. I do not think they are getting enough. I would go to the legislature and ask for more or I would get the temporary help. We do not have any salaries like that.

Mr. Jacobs. This is just temporary help?

Mr. Tone. Our stenographers receive $1,350 to start.

Mr. Jacobs. Your minimum?

Mr. Tone. Yes.

Miss Wood. It is $1,440 in Connecticut.

Mr. Lubin. Could you get them in New York City in normal times for $950?

Chairman Andrews. Not in normal times, but during these years.

Dr. J. B. Andrews. You mean they have worked 5 years, and have had no increase at all?

Mr. Patton. It is too late now to bring it up, but I am sorry there is no one from Massachusetts to talk to us. They did have in Massachusetts a minimum and a maximum wage for each position under the civil service. One enters under the minimum wage, and if he continues to do satisfactory work he is advanced to the maximum; after that the only chance is to qualify under the civil service for service at an increased salary. They do not annoy the head of the department or the legislature. They know that is all they can do in that position, but when they reach the statutory maximum for that salary, they will have to have another civil-service examination for a higher position that pays an increase. With that check-up I would be in favor of salary increase. I would not be in favor of it without that process.

Dr. J. B. Andrews. I remember when I studied the mining-inspection service in Pennsylvania, I was surprised to find they had 52 mining inspectors at $4,800 a year.

Mr. Patton. So far as I know, there has never been a criticism in Massachusetts of that provision.

Mr. Tone. What are the salaries paid for deputy factory inspectors in the various States?
Chairman Andrews. In New York they start at $1,680 and the salary increases to $3,000 after 8 years' service. The assistant supervisor and the supervisor are paid $4,000. There are some boiler inspectors, etc., but they are all on the same basis. It is quite a budget, you see. It seems very easy, but when you have a labor department with a 3½ million dollar budget, it is quite an item.

Mr. Durkin. I am still interested in the training of factory inspectors which the Department of Labor contemplates when the work will be permitted.

Chairman, Miss Frieda S. Miller, Director, Division of Women in Industry, Department of Labor of New York

Regulation and Control of Home Work by State Labor Departments

Miss Miller. Now we had started to talk about the spread of the home-work market, and one of the things that would interest all of us from different parts of the country, most vitally, is this problem. I made some inquiries as to where our manufacturers were sending work, for I thought it was rather impressive that our home work is going all through the country. This particular group that both Miss McConnell and I dealt with a good deal during the code period, the hand-knitted outerwear, when it came to the question of coming under the New York State amended law, begged to be permitted to go on with their code industry investigation, because they said they could not agree to any New York standards of control unless Texas were under the same arrangement, because that was where their work was going more than anywhere else in the country during the last couple of years.

Mr. Pennington (Kentucky). And they were ordering a lot of their stuff from Kentucky.

Chairman Miller. Yes, sir; I think an increasing amount of their work is going into Kentucky.

Miss McConnell (Washington, D. C.). Also, it is going to South Dakota. Some of it is going into those rural regions of the West.

Chairman Miller. Of course, that has happened in our own State. Instead of our home work centering around Greater New York, it is now up in the Adirondacks country, and a tremendous lot of this knitted wear goes into the hills of the Catskills. It is a thing that spreads out. One of our manufacturers of knitted outerwear boasts that his business is Uncle Sam's best customer for establishing post offices, because where his stuff goes in quantities there is enough to justify the opening of a post office. That is especially true of these hand industries, where you can send out hanks of wool, or the yokes and collars of infants' dresses, or infants' caps, or things of that kind. Flowers and feathers, as far as we know, are still made around New York because you have to get boxes so big to carry the stuff that they can barely get in subways with them and the stuff is so fragile it will not go through the mails. Glove making is a pretty much localized industry; that is, it is done within the range that the truck in the neighborhood of the glove manufacturer can cover in delivering and collecting the glove parts. But it seems to those of us who are trying to work out a system of control for this frankly undercutting type of production that unless we face the fact that home work is going out to the coun-
try as a whole, then the country will have to come down to the lowest standards under which home work can be done in any part of the country.

One of our manufacturers in the infants' wear industry who went down to Texas said that as far as his work was concerned it was mostly the Mexican women at the border who were doing it. Miss McConnell. What kind of work was that?

Chairman Miller. Hand embroidery on infants' dresses and other infants' wear. I think that is something we have to face, and I thought we might want to make a recommendation to the association regarding what we think can be done that will help us to get a common standard for this work throughout the country. I think Miss McConnell has some information through the Children's Bureau study that may bear out and may modify the experience that we have. Let me just give the list of States to which we know from the reports from our manufacturers that home work is going from New York. New York law now provides that every manufacturer must have a permit before he can give out home work, and provides that he be licensed; that he pay for that an annual fee which depends on the number of home workers that he uses; that the home worker must have a permit to work for him; and that all his goods must be labeled in a certain way and identified. A commissioner may make special rules that will maintain the factory standards in the industry and may prohibit home work if it is found it cannot be done under conditions that maintain factory standards. So when these men report on the home work they have given out, they also report where it is going outside of the State—to Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. We find that our chief industries are knitted outerwear, gloves, underwear, men's neckwear, embroidery, women's neckwear, artificial flowers, buttons, and ladies' handbags.

Now, Miss McConnell, tell them what you people have been doing.

Miss McConnell. Well, the study that the Children's and Women's Bureaus together started to make was a survey of the adjustment of the various industries to code prohibitions in industrial home work. In other words, we wanted to find out how the industry adjusted itself to a code prohibition abolishing home work, what was the effect in the industry, and what was the effect on the home workers. That study has not been completed. We have done most of the field work in New York and Rhode Island. We are expecting to do field work in Connecticut and Pennsylvania. For various reasons the work had to be interrupted, and will be continued at a later date. But we did make a brief summary of the schedules which we had taken, to get a few facts that might be of interest to this discussion of home work tonight. The facts that we obtained do not apply to the interstate situation which Miss Miller has been emphasizing. There are some things, however, that are very interesting.

Three-fourths of the home workers who were interviewed, who had been taken into the factory to do factory work when the code prohibited the further distribution of industrial home work, said that they would much prefer factory work. A considerable portion of that group frankly admitted that it was because their earnings were...
so much better. Several of them said it was because their hours were better. Some of the comments were very interesting. I remember one woman said, "My house is better. I have more time to do my housework when I go to the factory and work than I did when I had the home work at home. I take better care of the children and I am not so nervous and tired, and cranky." In other words, the whole home situation was better, even though the woman went to the factory and worked a normal workday and maintained the family responsibilities in addition, than when she had to spend every minute that she could grab off from her home work to do the work her family demanded.

The comparison of earnings, which of course is an old story to anybody who has known the home-work situation, was also interesting. These figures were obtained mostly from the men's clothing industry, which is a relatively higher paid home-work industry than most of the home-work processes. The immediate earnings of the hundred home workers from whom we were able to secure information as to their median hourly earnings, both before and after the codes abolished home work, had increased from a median of 19 to 40 cents. The attitude of the employers toward home work was one of the things that we were interested to obtain—whether or not the code prohibitions on home work had demonstrated to the employers the reasonableness of continuing to have the work done in the factory, and what they expected the general practice to be in the future. It was a rather mixed report that we got from the employers whom we interviewed. About a third of them said that they definitely did not expect to go back to home work. A considerable number of those employers were manufacturing men's clothing, and they have, of course, union agreements which have prohibited industrial home work, which undoubtedly had some effect on that. A considerable number of the employers made a statement which is interesting and significant, I think, in the home-work situation, and that is that they preferred not to distribute home work again and would not do so unless competition made it necessary. In other words, if their competitors gave out home work, they would again give out home work. About 25 percent of the employers who were interviewed said frankly that they had never been in sympathy with the prohibition of home work and they expected to continue with it, and in many cases had already begun to give out home work again.

Boiled down, it comes to this, I think: that the home workers, on the whole, given a chance to go into the factory and have a factory job, or given the chance in the family group to let some member go into the factory, prefer that to doing industrial home work. With the employers it is a question whether it becomes simpler to give the home work out and get it done cheaper by industrial home work; the mass of them are perfectly open minded about their system of distribution.

Chairman Miller. Miss McConnell, would you not distinguish pretty sharply between the points of view of the employers in men's clothing and that of any other employers' group?

Miss McConnell. I think so. A good many of the men's clothing employers admitted that because of the effect of the union agreement in the locality in which they were situated, their point of view was affected.
Chairman Miller. Oh, yes, I do not think it is due to any higher moral tone or any greater enlightenment. I would say rather, that they say their group is secure against competition because the union agreement is so inclusive. I think there is a pretty striking difference between them, for instance, and the employers in men's neckwear, where there is a union and where the workers are very strongly opposed to having work go into the homes again, because they have a 45-cent minimum that was fairly well enforced under the code. In talking to Miss McConnell about this, I said I thought we ought not to take the view that home work had been abolished under the code, because from my observation I should say that very few of them had been able to enforce their codes to the extent that complete prohibition actually was realized. Men's clothing eminently did; men's neckwear came along fairly well, well enough so that the workers in that industry are ready to make a terrific struggle now to maintain the conditions that they had then. Flowers and feathers, for instance, made little progress toward getting rid of home work. There was too frank a competitive struggle among the employers there. I should say that, outside of men's clothing, I do not know of an employers' group in the country that feels safe against their competitors to take an out-and-out stand on home work. I think that is why you have such nebulous replies. I think all you people into whose States home work may go may as well be as emphatically aware of that as you possibly can, because the result of that is that employers are going to seek their labor supply wherever they can get it and wherever you let them get so much as a toehold. So this interstate aspect of the thing is what it seems to me to concern all of us equally now more than any State action.

Miss McConnell. I think we also have to face the fact that the more stringent the regulation becomes in the States from which home work is beginning to be distributed—New York, for instance, and Connecticut, where you have extended legislative control—the more that work is going to go out over State lines throughout the country, to be done where it can be done cheapest.

Mr. Magnusson (Washington, D. C.). Miss Miller, you mentioned the effects of trade unions in equalizing the compensation for the employees. Is that not what the minimum-wage-board system would do in the States? It would not, of course, stop the employer who sends his work to another State and gets it done more cheaply. It would mean then that a certain amount of work would be given out or taken out of New York State, but it would not be sweating New York workers at least. If you had, in effect, a minimum-wage board, despite the fact that some of the home work sifts out of the State you could say that you would not be sweating New York workers, but the problem would have been passed on to Texas in turn to prevent sweating of the worker by its minimum-wage law.

Chairman Miller. But Texas does not have a minimum-wage board.

Mr. Magnusson. But that does not affect New York.

Miss Miller. Yes, but it does; the New York workers miss that much work which otherwise would be given to them.

Mr. Magnusson. Not if you enforce your minimum-wage law.
Chairman Miller. You would then have New York factory workers competing with Texas home workers. You must go to other State legislatures and get it progressively for every other State. That would be your idea, but I would not argue that way. I would say we had to face it as a national problem and face it immediately, and that our worth-while consideration was to take up, for one thing, a suggestion that came from Mr. Tone regarding a specific home work situation that had arisen in Connecticut when one of his employer groups said, "Now we are perfectly willing to give up home work in Connecticut, provided you can get New York to make similar regulations for this same industry." That kind of thing for specific industries is one way. I think another way, and I wish we might discuss these specific matters, is the one that we started under our system of special permits with the N.R.A. That is, if in New Jersey, for example, a woman wanted to do home work and wanted to get a permit from the New Jersey Department of Labor to do home work, in making application she would report that she was to work for a New York employer. The New Jersey department would then send that to us. If a New York woman wanted to work for a Pennsylvania employer the same thing would be done, and the Pennsylvania department could inquire whether that employer was obeying the laws of his State. Only when that had been made clear would the permit be issued to the worker in the State where the work was to be done. It seems to me that the possibility of such clearance on this basis—we are negotiating with New Jersey at the present moment to continue that—might go a little bit farther, since there is a great deal of unknown territory in this home-work situation, and whenever we carry on such interstate correspondence we might send it to the Washington department so that in Washington there might be accumulated a volume of information for the country as a whole. Finally, and this also is not a new idea, I think some of you will remember that at the first conference of the State labor departments and labor officials which the Secretary held in Washington, the suggestion was made that there might be a consideration of a statute for the interstate control of home work under the Interstate Commerce Act. That, it seems to me, is the most serious thing that this body can undertake. It seems to me it would be worth while for us to recommend a continuing committee which would study the possibilities of such a statute, so that a breakdown of labor standards of one State cannot come about through the failure of another State to establish labor standards.

Mr. Magnusson. You mean the application of the Webb-Kenyon Act to the shipment of goods made by sweated home workers? Does not your child-labor decision stop that? That is the trouble with it.

Chairman Miller. I think there is a possibility—I have discussed this with some of the constitutional-law people who are available for that purpose, especially the Columbia legislative research group—of a distinction, a legal distinction, between the Child Labor Act and home work. The reason I say there ought to be a continuing committee of this association is that my legal advisers suggested that a good deal of careful work will have to be done, but at least there is a possibility, since the Child Labor Act was found unconstitutional on the ground that the child labor had already been performed prior to the time that the goods passed in interstate commerce, that
therefore the mere passing in interstate commerce did not create any socially unfavorable situation. Here the work will have to be done afterward.

Mr. Magnusson. That is the point I was thinking of and more the minimum-wage decision in which the Supreme Court said in so many words, not only can the National Government not regulate this system, but, "We won't even let the States do it." That is what the due-process-of-law clause said. That is the terrible part of that decision. It says nobody can do it and it results in the complete stultification of the government.

Chairman Miller. After all, we have had new minimum-wage laws since then, and we are hoping they will be found constitutional, so I think we might try this.

Mr. Magnusson. I think you are kind of a council of despair when you say there is nothing the States can do until we get national legislation.

Miss Mel (Washington, D. C.). Mr. Magnusson, I do not think that in discussing the immediate need for early legislation which would keep down State dissemination of industrial home work, it is meant that we should take the attitude that there should be any discontinuance of State control.

Mr. Magnusson. No. I just wanted to drive that home forcefully. That means more toward the elimination of home work than anything else you can do. You certainly should recommend that and stand on that ground; that is basic.

Miss Mel. I do not think you are touching the whole work unless you do something about the wage.

Chairman Miller. I do not think that anybody in this group argues that, but if the application of the wage in one State means simply that its home work goes out of the State, then, if you can have a Federal act prohibiting the passage of home work out of the State, it seems to me you are thereby making your State standards effective. Why those two things should contradict each other, rather than support each other, I do not see.

Miss McConnell. They do not.

Mr. Magnusson. No, we do not want to say it is hopeless, because I think the State minimum-wage law is decidedly hopeful. Perhaps I exaggerated what it means to the State of New York to let Texas do that home work. I think it simply means that New York State is not going to be doing that kind of work. The consumers in New York State, however, are the beneficiaries as a consequence of the sweated labor Texas is perfectly willing to let its people perform. That does not hurt the State of New York.

Chairman Miller. It does. I do not see how you can state that it does not hurt the State of New York when you realize that the making of children's garments under well-paid conditions is absolutely on the way to being wiped out by sweated labor in Texas.

Mr. Magnusson. That hurts Texas more than anything else.

Chairman Miller. Well, if you had the garment workers of New York on your hands as I have, I do not think you would agree.

Mr. Magnusson. Texas and New York are parts of the American Union in which there is a complete system of free trade. There are
no barriers between them, and this would have the effect, therefore, of changing the industrial cross-section of New York, so that it would not perform that particular kind of work but Texas would be doing it. The consumer is the beneficiary because there is a free-trade area. The social work becomes a problem, therefore, of equity and good conduct on the part of Texas.

Miss McConnell. The break-down of labor standards in one place is bound to affect the labor standards in other places.

Mr. Magnusson. I do not think that would hold in the States in the Union in the free-trade area. I do not think, though, that we should be in complete despair because we have not a national law. That is the only counsel I offer, and I think Miss Miller agrees with me. We must go ahead with the minimum-wage laws in New York State, and that will be the most effective thing we can do immediately in the home-work situation as far as our New York State people are concerned.

Chairman Miller. It seems to me that this group has the possibility of common action over a greater territory than individual States. We can all say we will go home and do our particular job as individual States, but this group, if it acts as a group, can take action which none of us separately can take. Therefore, as far as our own State jobs are concerned, we do not have to come to this kind of a meeting to keep them going, but to take the other action we do have to.

Mr. Magnusson. Yes, I agree with you.

Chairman Miller. Are you interested at all in suggesting to this association as a whole that it investigate the possibility of Federal action prohibiting the passage of home work in interstate commerce?

Mr. Magnusson. I think it would be an excellent thing to have a committee working on that kind of legislation. It is the principle of the Webb-Kenyon Act and similar acts being applied to products that pass from one State to another—the same as the Prison Labor Goods Act. If you get that kind of an act it would be very good.

Chairman Miller. That is the kind of thing that I have in mind. It seems to me this association should not take hasty action on it, but should explore it with the constitutional counsel. But I think it would make all of us who have the problem to face within our States feel that there was a common front being developed if that action were going on at the same time.

Mr. Tone. (Connecticut). There is a concern that manufactures baseballs at home to which we have refused to give permits. This business has been in operation for years but due to the competition in New York and other States, the manufacturer feels that he will be driven out of business. The result has been that up until now he has had to ship all of his baseballs to Springfield, due to the fact that we did not give him any permits. Prior to this recent enactment of home-work legislation, we brought in all of the fabricated-metal men who had home work done and they agreed to discontinue that on July 1 in the event that we secured cooperation from competitors of other States in doing likewise, and that is another problem that I had.

Miss Mel. The employers give you that argument every time they do not want to do something that you want done.
Mr. Tone. In other words, when New York State ran the sweatshops into Connecticut, I chased them into Pennsylvania and New Jersey. Is that not the truth?

Chairman Miller. It certainly is.

Mr. Magnusson. And Pennsylvania and New Jersey will start to protect themselves and start it into another State, and eventually you will have it completed. As far as you are concerned, they are out of the State of Connecticut.

Mr. Tone. But an evil is just as bad one place as another.

Miss Mel. Why fool yourself? You have got something anyhow. If the home work goes to Pennsylvania it means so much lost wages to your State. You have to subsidize these people by government aid in some way, by unemployment relief or otherwise, or else somebody else in the family has to work for a more generous employer and subsidize them in that way. There is no use fooling yourself and thinking you have something worth while if that industry does not pay a decent wage.

Mr. Tone. I told them that in the event they cannot pay a living wage the State is better off without them than with them. But an evil in New Jersey is just as bad as one in Connecticut.

Mr. Magnusson. For New Jersey but not for Connecticut.

Mr. Tone. But I mean is not this the object that we have here, that we might, in discussions of this sort, where we can meet from a national standpoint, determine ways to terminate the evil in every place?

Miss Mel. Then make New Jersey wake up and realize what she has got.

Mr. Tone. Of course these concerns that meet with competition outside obviously will have to go around and procure all the political strength they can in order to break down those standards, if we cannot equalize the competition in other places.

Miss Swett (Wisconsin). That is true, but if you are going to be stopped by that you might as well give up now and not do anything.

Chairman Miller. On the other hand, if you know that by meeting them over a broader front you can help yourself, then so much the better.

Mr. Tone. That is, along the line of the Hawes-Cooper Act.

Mr. Magnusson. I think that would be an excellent thing for this committee to work on in drafting an analogous law that has application to products of home work.

Chairman Miller. That is one recommendation, then; we definitely want to report a resolution.

Miss Swett. I am for that too, but I am not for giving up the other.

Chairman Miller. I do not think anybody else is. I mean that if we want the other States, where they know this thing is beginning now to come along, to be with us, it is obviously because we feel we have to have that kind of support to help carry our own standards, not because we want to give up ours.

Miss Swett. Of course, some of those States do not realize as yet what is happening to them.
Miss McConnell. That is the trouble. I was in four of those Western States, and in each case I took the trouble to ask the labor commissioner and the labor department if home work was known. I think mostly they took the attitude that it was not a matter of great interest because it seemed so remote. However, if we had the information pooled and made available to all who might be in the service, then when the problem came up they would realize there was something that had been coming to them for a long time. That is what the common pooling of knowledge would do.

Chairman Miller. I wonder how you feel about that? I would be perfectly willing that we should make a much more careful check than we have here to inform others of employers who have home work to be done outside the State of New York, and wherever we find them we should let the others know, send that information, what we know about their policies, everything of that sort, so that we could begin to see our common problem. My first idea on that had been that we report that to Washington also. Then one of our greatest aids in helping on advice of a general theoretical character is the Columbia research group, which pointed out that, after all, the individual States will have to take action, and that therefore it is probably more effective to have direct communication and have what goes to Washington be simply an informational report for the building up of common information. For instance, if we find anything goes to Wisconsin, we should send word directly to Miss Swett, and she can then take it up and administer it. Where it goes to New Jersey—they have already written, since the State of New York has an office, that they find that women want to work for New York firms, and they do not know whether these employers have promised to give out home work, and so forth. They wished to know if they could continue on the voluntary agreements we worked out.

Mr. Magnusson. Is there any objection to Mr. Tone writing to Massachusetts and citing cases?

Chairman Miller. No. I think it is very important.

Mr. Tone. I wrote to various labor commissioners.

Mr. Magnusson. When a fellow says he is going down to Texas—write them and say that a certain man said he is sending goods down there.

Chairman Miller. I think as the information is piled up in Washington, if a Federal department finds that a good deal of work is going into a place where it knows there is no State authority, it can work effectively and will know that is a place to go and do a lot of looking around.

Mr. Magnusson. I think that would be more immediate and effective, perhaps, than our resolution.

Chairman Miller. I am sure it is much more immediate, but they should both go along together, it seems to me. On that point, can we not resolve among ourselves that we will clear this information among us?

Mr. Magnusson. Would you not want to make that a clear resolution, because there are a lot of people who are not here?

Mr. Tone. Miss Miller, what States are they singling out? Is this home work that is done in Kentucky sent from New York?
Mr. Pennington. New York mostly.

Chairman Miller. As soon as our new law went through, the home work that went into dwellings as well as into tenements came under the control of our department. One of the knitted-outerwear men advertised in Maine and as a result of one newspaper advertisement got two great cartons of replies, thousands of letters.

Mr. Tone. You know, we have wiped it out almost completely in our State; we just do not give them permits.

Chairman Miller. Well you do not give them the permits, but of course you do not have such long distances to go.

Miss Swett. Does your law require permits to the employer?

Mr. Tone. Yes. You cannot ship from another State into our State under our law, and unless the person doing the home work is a member of the family he must be a physically handicapped person or a person who is compelled to take care of someone who is physically handicapped. It is a tough job to get a permit at that rate. Then on top of that it must be customary home work in Connecticut, so we go back 10 years, before the needle trades came in there and run these people out under that provision.

Miss Stitt (Washington, D. C.). What I am interested in is just your technique of checking up to be sure that people are not doing home work without permits. I mean how do you check on that?

Mr. Tone. We have all our inspectors checking all the while, and then we keep two people checking on this work.

Chairman Miller. In the field?

Mr. Tone. Yes. Just checking on the home work.

Mr. Magnusson. Are you finding them doing it without a permit?

Mr. Tone. Yes, we had one arrested last week.

Miss Swett. How do you find that out? You cannot go into the homes and find out; I mean you cannot just arbitrarily check on each home?

Chairman Miller. Sure you can.

Miss McConnell. What is to keep you from it?

Miss Stitt. Well, maybe you can if you go from door to door and say, "Are you doing home work?" That is what I meant.

Mr. Tone. Our offices receive information every day; sometimes the letters are signed but in most cases they are anonymous. I think, due to the fact that about six of us for the past 4 or 5 years have gone out speaking three and four nights a week on these problems, we have made the State socially conscious, if that is the way to put it, and as a result of that these people keep us informed of anything that is going on. For example, in New Haven alone the wives of the Yale professors and their friends have an organization, the Industrial League, or some such name, which keeps watching conditions in New Haven. They go down into the Y. W. C. A.'s and the various organizations of girls and learn from them if they have any knowledge of this work being done. I think that has helped more than anything else. Then we have one of our inspectors—you see, of course, ours is a great Italian state, in the city of New Haven 66 percent of the people are Italians—who is an Italian woman. She goes among the Italian organizations, endeavoring to locate that sort
of work. Then, you know, our State is only 50 miles wide and 125 miles long.

Mr. Magnusson. Are the working people working with you or conniving with the employer?

Mr. Töne. Invariably home workers will connive with the employer.

Mr. Magnusson. In other words, you are dealing with an industry with all the elements of bootlegging.

Chairman Miller. As far as we can see—New York has had a home-work inspection staff for a great many years—I agree with the implication of what you have said, that looking for the home worker through the innumerable poverty-stricken dwellings of any community is too much like looking for a needle in a haystack. We have felt that the technique that we have developed for minimum wage is the only way to check for the sources of home work. That is a form of inspection which goes to the employers' records, which shows from them whether his factory set-up is such that every part of the process of production is provided for in the plant, whether the volume that his books show is such that the plant could produce it. Other checks of that same sort, that you can develop in following out his factory set-up, will indicate whether his work is being done on the premises and, if not, then the thing is to watch the plant for such evidences of home work going out as you can find, women coming in and going out, etc., and following them to their homes, getting there simply the evidence for court presentation. In other words, I think you have to go to the central set-up of the industry to get your data rather than out among the workers.

Miss Stitt. Yes, or to depend upon the workers reporting.

Chairman Miller. Yes.

Miss Stitt. Because I should think it would be the workers in the factory who would be more inclined to resent it than anybody else because of the competition and that they would be inclined to report it.

Chairman Miller. Oh, they will. You see that in the men's neckwear group we were talking about, and it is the same way in women's neckwear. The women's neckwear is part of the big International Ladies' Garment Workers Union. They had a good code with good factory rates, but the product is to a considerable degree hand processed and there you have an industry that lends itself to home work. They are frankly very much afraid of the undercutting of their labor standards by this shift, and the workers there are most anxious to have effective home-work control. Now they expect to work with us in reporting when those organized inside workers find any evidence of the work not being done in the factory.

Have we any other recommendations to make? We have two resolutions that we have agreed upon. First, we want a resolution that every State department which gets information in the courts of enforcement of its own home-work law, showing either that work is being sent out of the State to be done in other States or that work is coming into the State from other States, to report all the information it can get to the other State concerned; and to send a copy of that report to the Federal Department, so that action can be taken and the information can be gathered and collated. Or we might change it to say, “information be made available as to the extent of home work.” Is that satisfactory for that resolution?
Then our second resolution is that we ask the officers of the association to appoint a continuing committee to work on a possible statute for the prohibition of the passing of home work in interstate commerce, along the line of the prison-labor law?

Miss McConnell. Why limit it to that line?

Chairman Miller. I meant by that not just a convention committee but a working committee to continue throughout the year.

Miss Swett. You do not want them to go into the extent of home work but just to study——

Chairman Miller. Just study a possible statutory control.

Miss McConnell. Control of interstate passage of goods manufactured by home-work processes.

Chairman Miller. What do you think of the possibility of a compact either for the establishment of common standards of control or for other regulations between those States where most of the home work originates—between those three or four States where much of the home work originates?

Miss McConnell. Do you think the Association of Governmental Labor Officials wants to go on with that?

Chairman Miller. I should say probably not.

Mr. Tone. You could suggest that these States agree on a uniform law, and introduce it simultaneously, the same as we did after the Harrisburg and Boston meetings. Most of us introduced about the same bills and we secured a great number of them.

Miss Stitt. Would it strengthen the hands of the compact group to have a resolution come from this group requesting them to consider a home-work compact?

Miss Swett. Of course, not all these States in this group are represented in any of those compacts.

Chairman Miller. Of course, the old committee of this organization, back in 1927 I think it was, reporting on home work, reported minimum standards that are by no means universally adopted as yet: "* * * absolute prohibition of the manufacture of certain kinds of articles in homes, especially foodstuffs; certain articles of clothing, for the protection of the worker and of the user; that all labor laws of the States should apply to industrial home work of all kinds done in homes; that responsibility of full compliance with such laws and special regulations in the factory be a prerequisite, and that adequate authority for the enforcement of all laws applying to factory work done in homes should be given and there be an adequate and special staff of inspectors to enforce these regulations in home work and the labeling of goods sent out." Those things are still not universal. That old report said nothing practically about wages, did it?

Miss McConnell. That was the time when minimum-wage legislation was at its lowest ebb.

Chairman Miller. Would you want to reaffirm this or add anything?

Miss Swett. I do not think so. Some of that is just the way you want it now. But at that time some of the States were arguing—New York was one—that you just could not control it.
Miss McConnell. We are still arguing that.

Miss Swett. But you may have to prohibit it in a roundabout way and not absolutely prohibit it.

Chairman Miller. Then do we want to say to the full convention tomorrow that we feel that the wages are the central core of the problem, and that the application of wage standards to home work is one of the most essential measures of control in the States themselves, wherever home work is being done?

Miss McConnell. I should think that it might be well to stress that point.

Chairman Miller. We have no power to urge resolutions or authority to urge resolutions about minimum wages as such.

Miss McConnell. But we can urge the application of minimum-wage laws to industrial home work, can we not?

Chairman Miller. Certainly. Would that be our third resolution then?

Miss Swett. Would that be a third one or should that be the first?

Chairman Miller. I think that probably should be the first. Now have we something further that we want to recommend?

Miss Swett. Do you want to designate how many you think should be on that committee?

Chairman Miller. No, I think that there should be certain interests represented on that committee, however; I should say certainly, if it could possibly be gotten, there should be representation from some of the States to which home work is just beginning to go in quantity, from some of those from which home work is going out, and from those where the doing of home work and the control of home work is an established problem.

Miss Swett. In the resolution as first stated it was stated that we were to suggest to the officers that a committee be appointed on home work, but it is usually customary for the president to appoint these committees and perhaps the resolution should be amended to provide for that.

Chairman Miller. Do you not think one other type of representation that that committee ought to have is someone with a constitutional-law background, since it is to be statutory?

Miss Swett. You mean someone outside of the organization who would be on that committee?

Miss McConnell. Such a person would probably have to be in the organization.

Chairman Miller. It is possible that we could get Columbia University, which has this legislative research fund and a permanent staff, to advise us. I took the liberty of asking the man who is in charge whether he felt it would be possible, if such a resolution were passed, to designate somebody who could do a great deal of just spade work, and he thought it would be. I think that a good deal of that will be work none of us could do, and we could get it done in that way if the president of the association felt that it was desirable.

Miss Pidgeon (Washington, D.C.). That person could not be on the committee of the association, I take it, but could be requested to cooperate with the committee.
Miss McConnell. I think the committee could be authorized to have that advice. Such a person could not be an accredited member of the committee.

Chairman, E. I. McKinley, Commissioner of Bureau of Labor and Statistics, of Arkansas

Wage-Claim Laws and Their Enforcement by State Labor Departments

Chairman McKinley. As commissioner of labor of the State of Arkansas, the collection of wages of indigent laborers comes within my jurisdiction, and since 1923 my department has worked under a special statute providing for the collection of wages for workers where the wage earner does not possess more than $25 in addition to his wearing apparel and that of his family, and his household furnishings.

This statute has been almost uniformly construed liberally in the lower courts of our State in favor of the wage earner, and, while it falls short of being an ideal statutory regulation, it is far superior to the previous "poor man's law" under which we had to proceed prior to 1923, inasmuch as it gives to the commissioner of labor the right to institute action for the wage earner in the name of the State without giving bond for costs. In addition to this provision, it likewise provides for hearings to be held by the commissioner in the matter of contested claims for wages, thereby protecting the courts from the institution of baseless litigation and the defendant from payment of costs where the matter is in honest dispute. In other words, the commissioner acts as an arbitrator in these matters, and only goes into the courts when necessary to protect the just claim of a wage earner. If he finds the claim without merit, he may dismiss it and leave the claimant to his private resources without intervention of the State.

It will be observed, however, that the State undertakes collection of wages only where the claimant is virtually a pauper. The claimant who cannot justify taking the "poor man's oath" may not receive aid in the institution of his action from the State, thus leaving the wage earner who cannot qualify as a pauper to his private action for collection of his wages. This situation is not desirable, and amendment will be offered at the next session of the general assembly to eliminate the pauper provision.

An attempt was made to regulate the payment of wages by legislative enactment in Arkansas in 1909, the law providing that any corporation failing to pay the wages of its employees semimonthly should be subject to a fine of from $50 to $500. This act was carried to the supreme court of the State, its constitutionality being attacked. Our supreme court upheld the constitutionality of the act as being a reasonable regulation applying to corporations, and further held that a corporation could not, by contract, evade the provisions of the act, declaring all contracts contrary to the provisions of the law void and of no effect.

At the time of the enactment of the corporation-penalty act, a law existed penalizing railroad corporations which refused to pay a discharged employee within 7 days of his discharge. The law provided that if wages were not paid within the allotted time the wage earner would be entitled to collect his previous wage to the date of such payment.
In 1905 this law was amended to include all companies and corporations doing business in the State. The constitutionality of the law was attacked on the ground that it violated the fourteenth amendment of the Constitution of the United States, and section 3, article 2, of the State constitution.

In a lengthy and well-written opinion the court held that the law as amended was unconstitutional as far as its provisions applied to natural persons, but upheld its application to corporations. In its opinion the court said:

The legislature cannot regulate or restrain the right of individuals to contract by making it unlawful for them to agree with each other that wages shall be paid at any specified time subsequent to the day on which the labor by which they are earned shall be completed. Such contract as to the time of performance is harmless, of exclusive private concern, and cannot affect anyone except the parties. The right of persons to sell their labor on a credit is everywhere and by all recognized as legitimate, and is protected by the Constitution in the declaration that the right to acquire and possess property is inalienable. But what is true of persons is not always true of corporations. Natural persons do not derive the right to contract from the legislature. Corporations do. They possess only those powers or properties which the charters of their creation confer upon them, either expressly, or as incidental to their existence; and these may be modified or diminished by amendment or extinguished by the repeal of their charters. Under the Constitution the corporations of this State derive their powers subject to the power of the legislature to change them by amending the laws under which they were organized.

Tested by principles of law, the act under consideration is unconstitutional so far as it affects natural persons. As to corporations, it is a valid statute. It does not seriously impair their right to contract with their employees on profitable terms.

Our court thus follows a long line of decisions of appellate courts in other States as well as Federal decisions, and leaves us without adequate means to enforce immediate payment as far as natural persons are concerned. It would seem that no remedy is available. To change the constitutions of the various States would not remedy the evil, as the Federal Constitution stands as a bar.

This apparently settles the immediate payment of wages question, except as applied to corporations. It must not be forgotten that under the law the wage earner has the legal right to demand his compensation for his work at any time, in the absence of contract to the contrary, and if payment is not made, to file an action at law for the collection of his wages. Under the present interpretations of the law, this is the only remedy available to him.

The question as to whether all wages conceded to be due the worker should be unconditionally payable immediately upon cessation of the work is likewise brought into the question settled in a great many States under the Supreme Court decision quoted above. It seems to be a question of contract. In the absence of agreement to the contrary, as a matter of law the wages are due upon cessation of the work, and the worker may maintain his action for collection. However, natural persons enjoy the right to provide for payment under contract at any time. It is beyond the power of the legislature to invade the privilege of contract with regard to natural persons, the Constitution standing as a bar. With corporate or artificial persons, this so-called inalienable right is not recognized, and reasonable provisions may be made as to time of payment, with appropriate penalties for noncompliance with the law.

Personally, I see no reason why a wage earner should not be paid at the conclusion of his task. Many times the wage earner is forced, by
reason of his financial condition, to seek immediate reemployment, which may take him from the vicinity in which he has been employed. In such cases collection of his wages is attended with difficulty and frequently expense. But as long as he chooses to contract for deferred payment, it is his constitutional right and he may not be interfered with by statutory enactment. In the absence of contract, the worker may exercise his right to demand payment and upon refusal file suit. I see no relief unless the long line of decisions of the courts is reversed, which is altogether unlikely.

The question is frequently asked, and is suggested here as a subject for discussion, as to how long a time should elapse before wages are payable to an employee who voluntarily quits his job. There seems to be an impression that rights or liabilities should accrue either through discharge or voluntary resignation. I do not think much of this theory. Labor is not a commodity. Labor is and should be free. The right to refuse longer to stay on the job under adverse circumstances should not, in any case, be penalized; neither do I think that an employer should be penalized who discharges an unsatisfactory employee. When a man is through on the job, whether by resignation or discharge, his wage should be paid.

The differentiation between discharge and resignation seems to have been made on the ground that inasmuch as the employee's resignation is his voluntary act and he has set the whole thing in motion, he should not be unreasonable in his demand for his wage. Probably a reasonable time should be given the employer to check up his books, etc., or in the event the regular pay day was not too far removed, that the employee's wage be paid at that time.

Under our State law, the employer is given 7 days in which to settle with his employee where he is discharged, but no provision is made where the employee quits. It seems to me that an extension of the same protection to the wage earner who quits his job would not work a great inequity on the employer.

The question of taking assignments of wage claims has been settled by the department to its satisfaction without statutory authority. We insist upon an assignment of the claim "for purposes of collection," and find that it works satisfactorily to all concerned. There is an advantage to be had through assignment. When the State files suit on the claim, this assignment insures the department that the claim will not be compromised to the disadvantage of the claimant by reason of his necessitous circumstances. Again, where the claim is not disputed, or where testimony sufficient to sustain the claim may be had from other sources, the presence of the claimant is not absolutely necessary to the trial of the cause, the department having authority under the assignment to proceed with the matter. This procedure has proven highly satisfactory in our department.

Criminal penalties for violation of laws governing payment of wages may be invoked in the State of Arkansas under certain circumstances. Our laws provide that corporations must establish semimonthly pay days. This does not apply to natural persons, but only to legal or artificial persons. We have found that it is seldom necessary to resort to criminal prosecution in this matter, and that since the enactment of the semimonthly pay day law, the abuses that characterized operations in a number of corporate industries in our State have ceased. I believe the law has had a good effect, and that it is the only way that
2-week pay days could have been secured. Frequent pay days have a tendency to ease the financial burden of the worker, and criminal penalties provided under our laws have been a great help to the wage earner. It is regretted that the constitutional inhibition prevents the universal application of this law, but it does, and there we are again.

The matter of securing the payment of wages is rather a difficult proposition. To require bond in all cases of employment is, as a matter of course, impractical. Many wage earners in normal times are not steadily employed, and earn their living at odd jobs picked up here, there, and everywhere. In such cases, to require security is utterly impractical.

It seems to me that labor can be fairly well assured of payment through the operation of the lien laws, such as are in force in Arkansas. The laborer is given an absolute lien on the thing worked upon to secure payment of his wages. Another statute gives to mechanics and materialmen a lien upon any building, erection, and so forth. If the wages are not paid, the property may be sold to satisfy the claim. The same laws apply to auto mechanics, well diggers, and practically all lines of endeavor. After all, a lien upon the thing upon which the labor is expended is about as good security as any bond that could or would be furnished.

There seems to be no necessity of such legislation in this matter with reference to the larger or corporate institutions. Whenever they fail to meet their obligations, either bankruptcy or receivership proceedings are instituted, and, under our laws, labor claims accrued within 90 days have priority. I do not know what the situation is in other States, but in my State labor is adequately protected without recourse to legislation providing for bonds. The bonding course appeals to me as impractical and not susceptible of universal application.

In considering wage-claim laws, we are naturally interested in the most efficient method of making collection. Small-claims courts exist in some jurisdictions, authority is vested in State labor officials in others, while these matters are placed in the hands of legal-aid societies in some localities. The question arises, Which is the most efficient?

I have had no personal experience with either small-claims courts or legal-aid societies. In my State, the matter of adjustments or collections is placed in the hands of the State labor commissioner. I see no reason why this latter course should not be adopted. Every State has its lower courts where small claims are litigated. Inasmuch as the laws empowering collection of these claims are of State origin, I see no reason why the claimant should be referred to some legal-aid society. Departments of labor and State labor officials have no justification for their existence save the aid they render the workers of the respective States. Inasmuch as they are created for that purpose, reason would dictate that they assume charge of the collection of wage claims. In Arkansas no difficulty has been experienced except in the matter of securing adequate appropriations to enable the department to render a State-wide service with legal representation in the courts. Court matters in which the Arkansas Department of Labor is interested are cared for by an attorney in the department, appointed by the commissioner of labor. In this way we institute and control litigation which appeals to us as meritorious without having to resort to the assistance of attorneys engaged in private practice.
This method in my State has proven its worth. The department has been almost universally successful in wage-claim collections where the matter has been litigated, the cases lost being less than 2 percent. I see no reason for a change in procedure and would recommend study of our procedure to anyone interested.

As to the cost of collection, it appeals to me that the defendant should bear the costs. The claimant has no means with which to pay in the event he fails to maintain his action, and so to burden him with the costs would simply mean that the cost would be uncollectible. In my State, where the department files suit, the defendant, in case judgment is rendered against him, bears the cost; if trial of the matter results in his favor, then there are no costs. As far as the department is concerned, it may charge no fees of any nature whatsoever, its services being rendered gratuitously as an arm of the State government.

I have attempted to cover the suggested topics for discussion, and have briefly stated my views on these matters. I do not submit these remarks as infallible, but only as my personal impressions gained from some 20 years in the department of labor in Arkansas. It is the desire of the chairman that these matters be fully discussed, and it is my most ardent hope that the interchange of ideas will result in lasting benefit to the wage earners of America.

Mr. Jacobs. Since the Federal courts had declared that unconstitutional I wonder that such action was not contested.

Miss Flexner (Washington, D. C.). I believe there was a Federal case involving the Knoxville Coal Co. in which the Supreme Court upheld a semimonthly pay day law as being all right.

Chairman McKinley. What was the case?

Miss Flexner. It involved the company. The Court did not rule on the company or the individual. It was a corporation, but that was not an issue. It did not say this law would be all right. It just said the law was a valid exercise. Now, in California they had a series of cases as to individuals.

Mr. McLogan (Wisconsin). I think it is within the police power of the legislature to pass a law, on the grounds of public policy, that pay days shall be at least semimonthly. We have such a law in our State.

Chairman McKinley. Yours applies to persons as well as corporations?

Mr. McLogan. Yes, sir.

Mr. Davie (New Hampshire). The last legislature amended chapter 176 of the Public Laws (Laws of 1935, chs. 69, 102). Section 25 now defines the employments coming within the meaning of the act as follows:

25. Weekly.—Every person, firm, or corporation engaged in the operation of a manufacturing, mechanical establishment or in mining, quarrying or stonecutting, or in cutting, harvesting, and driving pulpwood and timber, or in a railroad telegraph, telephone, express, or aqueduct business, or in the erection, alteration, repair, or removal of any building or structure or in the construction or repair of any railroad, road, bridge, sewer, gas, water, or electric-light works, pipes, or lines and every municipal corporation, employing more than 10 persons at one time, shall pay the wages earned each week by employees who work by the day or week, within 8 days, including Sunday, after the expiration of the week. Every such person, firm, or corporation shall post on a form provided by the commissioner
of labor a notice in a conspicuous place in his office that wages will be so paid, and shall keep the same so posted.

26. In cash.—Such weekly payment of wages shall be made in cash, and no employee shall be compelled by his employer to accept any goods or merchandise in payment of wages. Nothing in this section shall prevent payment of wages by check wherever such form of payment is acceptable to the employee to whom payment is made.

27. Exceptions.—The provisions of the two preceding sections shall not apply to municipal officers whose services are paid for by the day, nor to teachers employed by school districts.

28. Penalty.—Whoever willfully violates any of the provisions of this subdivision shall be fined not less than $10 nor more than $50 or imprisoned for not more than 2 months, for each offense, provided that a prosecution therefor is begun within 6 months after the offense is committed, but not otherwise. Any officer or agent of a corporation responsible for the violation of any of the provisions of this subdivision shall be subject to the penalty herein prescribed in addition to the penalty incurred by the corporation.

28-a. Evasions.—No person shall by special contract with an employee or by any other means exempt himself from the provisions of this subdivision. There shall be no defense for failure to pay as required hereunder unless there shall have been an attachment of such wages by trustee process, or a valid assignment thereof, or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him. If the person charged with violation of the provisions of this subdivision is an officer of an association or corporation his liability to the penalty prescribed hereunder shall not be altered by the fact that the employee may be a stockholder of said association or corporation.

48. Commissioner of labor.—It shall be the duty of the commissioner of labor to enforce the provisions of this chapter, provided that nothing in this section shall be construed as eliminating the right of any party aggrieved to make complaint for any violation thereof.

Chairman McKinley. Mr. Davie, do you ever have any difficulty in getting the cooperation of county attorneys in the enforcement of laws?

Mr. Davie. Not at all. The attorney general, who is accessible to every State official on questions of law, is very gracious to all departments, as well as the labor department, in getting behind us and instructing solicitors in cases like this and in those arising under other labor laws to give their support.

Chairman McKinley. What authority has the attorney general over those officials?

Mr. Davie. He may act in an advisory capacity but in every case the attorney general helps just as in murder cases.

Chairman McKinley. We are getting a little off the subject, but that does have to do with enforcement of labor laws and the responsibility is put on the labor commissioner where the whole State is concerned. Back in 1917 and prior to that we found there was difficulty in getting the whole-hearted cooperation of prosecuting attorneys in several counties. They are subject to the election of the people in their particular districts. In a great many instances claims come up for the protection of Negroes against very prominent citizens and it seems too much to ask a man to sacrifice his chances for reelection in such cases. We had a number of instances that prompted us to go to the legislature and ask that it give the commissioner of labor authority to go into any court and swear out a warrant and prosecute his own cases. However, in the light of that law on the statute books we always go to the prosecuting attorney and confer with him before filing cases so that he may have an opportunity to participate if he desires but we have yet to have one objection to our taking full charge. That is the way we have to enforce that.
I should like some of you to take this up with reference to the methods of wage collections, the labor officials, small-claims courts, and legal-aid societies. The last two I know little about.

Mr. McLOGAN. I will take up the questions suggested for discussion in numerical order, with reference especially to Wisconsin practice.

1. We do not favor a legal provision requiring immediate payment of wages to a discharged employee. The Wisconsin law which allows the employer 3 days' time to raise money or make arrangements for payment of wages seems to be reasonable.

2. Where the employee voluntarily quits his job, the employer is required to pay wages earned in full within 3 days after demand. Our administrative experience supports this arrangement as being fair to both the employer and the employees.

3. Our law does not require the employer to pay conceded wages due an employee before 3 days after cessation of work. To require the employer to pay immediately would in many cases place an undue hardship upon the employer. In Wisconsin we have practically no wage claims against large employers. Many small employers cannot conveniently arrange for immediate payment of wages to a discharged employee, or to an employee who quits voluntarily. Comparatively few workers leave the vicinity of the employer, and accordingly it is no great hardship for them to arrange to call for their pay within 3 days after demand.

4. The Wisconsin wage law does not require the employer to post notice specifying regular pay days. We think that a requirement of this kind would be warranted, for the employee should properly know when pay day comes. Under our wage law the employer is not required to pay wages in full covering earnings up to the date of the pay day; the wage paid on pay day must cover payment in full at least up to within 16 days of the pay day held.

5. The Industrial Commission of Wisconsin has had a favorable experience in taking assignments for small wage claims. We do not see any vital objection to having this power continued.

I might say that for practical reasons we do not always resort to that assignment, especially in the county of Milwaukee, Wis., which is the largest. Milwaukee has a population of about 850,000, while the State as a whole has 2½ millions. There are a great many cases where the wage claims are started in Milwaukee County. This is the impractical feature. The industrial commission will perhaps have hundreds of cases during the year against a number of people with common names; that is, very common names. As a result when the abstract company extends the abstract, judgments against the real estate of persons with these names are copied therein and the industrial commission and the officials are bothered by attorneys coming in with abstracts and wanting affidavits that the particular defendant is not the defendant that this judgment is against. For that reason we do not always resort to the assignment.

Mr. Davie. You ask 3 days to prepare them in?

Mr. McLOGAN. Yes.

Mr. Davie. Take a case where an employee and his employer and superintendent have a little fuss and they discharge him. In the great majority of cases he gets his money. Does your law provide for that?
Mr. McLogan. No, our law provides this but the man cannot go in and bring suit.

Mr. Davie. As I understand it, your law provides that they have to work 3 days?

Mr. McLogan. They do not have to work 3 days but they cannot demand it until after that. There is no law to prevent it. The only answer I can make to your question is that the legislature, in passing these laws, saw that it was impossible for them to make a law that would fit every individual case. That would be a hardship, and I suppose that is the penalty you pay for being in that particular industry.

Mr. Mooney (Connecticut). What is that provision which requires or does not require the employer to pay up?

Mr. McLogan. I have the act here.

Mr. Mooney. Is there any reason for that particular division?

Chairman McKinley. There is merely a measure of time and after that you can bring suit. Is not that it?

Mr. McLogan. That is it. But, before that we can bring suit. Here is the Wisconsin wage law providing for the collection of small claims:

Sec. 103.39. (1) Every person, firm, or corporation engaged in any enterprise or business for pecuniary profit within the State of Wisconsin shall as often as on the fifteenth and on the last day of each month pay to every employee engaged in its business, except those employees engaged in hospitals or sanatoriums, logging operations, farm labor, or domestic service, all wages or salaries earned by such employee to a day not more than 16 days prior to the date of such payment. Any such employee who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon 6 days’ demand. Any such employee not having a written contract for a definite period who quits his employment shall be paid in full upon 3 days’ demand, and any employee who is discharged shall be paid in full within 3 days. No person, firm, or corporation coming within the meaning of this section shall by special contract with employees or by any other means secure exemption from the provisions of this section and each and every employee coming within the meaning of this section shall have a right of action against any such person, firm, or corporation for the full amount of his wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than 8 days prior to the day of payment the event the day fixed for the semimonthly payment falls on Sunday or a holiday payment shall be made on the previous business day.

(4) Any person, firm, or corporation violating the provisions of this section who, having the ability to pay, shall fail to pay the wages due and payable as herein provided or shall falsely deny the amount or validity thereof or that the same is due with intent to secure any discount upon such indebtedness or with intent to annoy, harass, oppress, hinder, or defraud the person to whom such wages are due, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100 or by imprisonment in the county jail for not less than 10 days nor more than 90 days, or by both such fine and imprisonment. Each and every failure or refusal to pay each employee the amount of wages due him at the time, or under the conditions required in this section shall constitute a separate offense. In addition to the criminal penalty herein provided, every person, firm, or corporation violating the provisions of this section shall be liable for the payment of the following increased wages or salaries: Ten percent if the delay does not exceed 3 days; 20 percent if the delay is more than 3 days, but does not exceed 10 days; 30 percent if the delay is more than 10 days, but does not exceed 20 days; 40 percent if the delay is more than 20 days, but does not exceed 30 days; 50 percent if the delay is more than 30 days; but in no event shall such increased wages or salaries exceed $50.
We believe that actions for the collection of wage claims should be taken in the name of the State industrial commission or the State labor department, rather than in the name of the State. (In Wisconsin we require an employee to advance the cost of the action (usually from $7.50 upwards, as estimated by district attorneys) to show his good faith in requesting the commission to prosecute his claim. We believe that the employee may properly be requested to advance court costs of the action, and if his cause wins the amount advanced is of course refunded to him.)

Mr. Walling (Rhode Island). Does that mean that unless the wage claim is enough in excess of the amount of cost that the employee would not be able to recover? Suppose he has a claim of $10 for instance?

Mr. McLogan. Personally, I think whoever wrote $7.50 upwards is in error in judgment as to the cost. I state that on the basis of my own experience in the courts of Wisconsin as a lawyer. I know that in Milwaukee we can go into our civil court and buy a summons for 50 cents. The sheriff's charge is $1.20. That $7.50 is an error. It would not run over $2.70—depending on the mileage, of course.

Miss Flexner. How about $25—do you ever ask them to advance that much?

Mr. McLogan. We try to treat them all alike.

Miss Flexner. But as it is, you only require the minimum.

Mr. McLogan. An employee comes in and the first thing he does is to tell us about his wages. We have forms to fill out, and the next procedure is to write a letter to the employer asking the employer whether he will admit the claim or deny it. If he denies it, we then set the matter for a hearing before the industrial commission or the wage-claim collector. It is just an informal hearing. There is nothing compulsory about it. Of course, they generally come in and a great number of our cases are settled there; but assuming that the employer and employee do not get together and we feel there is justice to the wage claim, then we ask the employer to advance $1.70—50 cents for the summons and $1.20 for the discharge fees. Then if the case involves under $50 it is brought to trial in the small-claims branch of that court. If it is over $50 there is a 50-cent charge. When we come to that point we ask for the additional 50 cents. Now, we have our judgment. If we want to realize on it we have to get out an execution on any property. In most instances the execution is returned unsatisfied. The next thing for us to do under our statute is to bring that employer before a court commissioner. The inquiry is for the purpose of holding the employer's property, and so when obtaining the summons for him to appear before the court commissioner, a restraining order on his property is also requested. I have known the costs in many cases to go as high as $50. That is the reason for our rule in asking them all to pay. The cases cited are exceptional.

Mr. Walling. Do you not rule out a lot of claims for small amounts and the ones where the employee is hard put to get his money? Is it not true that the claims that are most difficult to collect are the small ones—$5, $10, and $15 and even less—and most frequently the employee does not have a dollar?
Mr. McLogan. Since we adopted this rule, which was about 6 months ago, we treat them all alike. I fully realize the point you make there. We had in mind we would get some funds we could use, not from the State but through contribution from private individuals, as a nest egg to take care of those people who actually cannot put up the costs, so that no one will be deprived of his right.

Chairman McKinley. There is a slight difference between your procedure and ours in Arkansas. Under our law we are not required to give bond; that is, the department of labor is not. The department brings suit, in the name of the labor department for the benefit of the claimant, but in none of our cases do we require costs. If the worker is able to pay costs then he is without the pale of our assistance. That is one bad feature we believe in our law. It places it too near the “poor man’s” suit. To file a case with us the worker must say that he does not have $25. That is the part of the law we do not like. We feel that a person with funds beyond $25 should not be required to use any part of that to pay costs. In one instance we had $11,000 of wages to collect, each claim being below $200. A large gravel concern went into bankruptcy. We found out that of $11,000 in wages more than 75 percent was already spent with the local merchants in that little town. The local merchant then was indebted to the wholesaler. It impressed us that failure to pay wages had such a far-reaching effect, making it a matter for society in general. This is our experience, that out of 625 cases, 117 were without merit and I presume were dismissed in the office. I do not know whether you have that average because you do not have a Negro population.

Mr. Walling. Are you going to tell us how much is collected?

Mr. McLogan. I have the exact figures here which I will give you later. I am speaking of the State of Wisconsin, and I want it understood that I am not attempting to cover the whole territory of the United States.

7. We cannot conceive of any convincing reason why criminal penalties for violation of wage-claim laws should be established. The large majority of wage claims arise in those cases where the employer and the employee had no proper understanding of the conditions of hire. Only in the most exceptional case might it be found that the employer withheld wages maliciously. To provide criminal penalties for violation of wage-claim laws would stigmatize many employers who through ignorance or lack of foresight have inadvertently come to a wage-claim dispute with an employee. Large employers in the State have practically no wage claims filed against them; this for the reason that a clear understanding of all conditions regarding the contract of hire is usually established with the employee before he starts work.

Now a great many cases arise through lack of understanding in hiring farm help. The laborer asks “What are you going to give me?” and is told, “We will see how good you are.” No definite arrangement is made. Usually our farmers are thoroughly honest but at the same time—I say this in commendation—there are a great many Germans and Norwegians who are all Scotch when it comes to paying. They will argue over 50 cents.
8. If this question means that employers should make an advance guaranty of ability to pay wages, we are of the opinion that such a provision is uncalled for in Wisconsin.

9. Referring to the most efficient instruments for wage collection, we can report only with regard to our own experiences. The Wisconsin procedure under which assignments for the collection of wage claims are taken after a hearing has been held to determine the issues is a workable plan. After an assignment of wages is taken it is referred to the local district attorney for action.

May I digress here? In every county other than Milwaukee County we do the same as you do. We turn cases over to the district attorney of the county. We have not been so fortunate in getting cooperation. The law provides that in many of our other departments the attorney general is to bring an action to enforce the statute, as for instance, in cases of violation of a safety ordinance or rule. We exhaust every remedy before we turn a case over to the attorney general because we know that usually it will die there. In the wage-claim department we exhaust every remedy before we finally turn a claim over to the district attorney. We are not getting the cooperation we should and for that reason I believe the industrial commission should have for the State, as they have in Milwaukee County, a full-time paid attorney who takes such cases. In Milwaukee we have such an individual, who is a full-time salaried attorney.

Mr. Crawford (Ontario). Is that his only work?
Mr. McLogan. He is kept very busy.
Mr. Davie. What salary does he get?
Mr. McLogan. $250 a month.

Chairman McKinley. We have the same thing in Arkansas, a combination statistician and attorney general. We do not have the difficulty in civil cases that we do in criminal cases. We do not get that cooperation when it comes to penalties. Recently we had a case against one large mill. We took it up with the prosecuting attorney and he told us he preferred to handle it. The case has not yet been tried, and we are not desirous of putting it off until the grand jury meets. When it meets it could make a recommendation to the prosecuting attorney to dismiss, but it is our desire to bring it to trial before that. The mill has a wonderful influence and we want to go along before the grand jury tries the case. The prosecuting attorney of the district has original jurisdiction. He has authority to dismiss, but we have never known one to dismiss a case. We have had them refuse to help us.

Mr. McLogan. You said you had 117 cases you threw out?
Chairman McKinley. Out of 600.

Mr. McLogan. Are the people in these 117 complaints privileged to hire a lawyer?
Chairman McKinley. If they see fit they can hire an attorney. It has no effect on their case. Any decision we make is not binding. We have no authority to require them to be present. Our decision is more in the nature of finding what we believe is just.
Mr. McLogan. You are in much the same position as a private attorney practice. He can take the case or refuse to take it, but you have that moral obligation to treat everybody alike.

Chairman McKinley. We can get the claimant into court without costs. That is the advantage and we do not give him that opportunity if we decide his case is not justified.

Mr. Crawford. Do you have the power to settle a case without court action?

Chairman McKinley. Oh, no.

Mr. McLogan. Do you have power to make a decision that is binding?

Chairman McKinley. No.

Mr. Crawford. You may do so if the parties agree?

Chairman McKinley. Out of 625 cases we settled 425.

Mr. McLogan. You acted as conciliation agent.

Mr. Crawford. You could do that without legislation of any kind?

Chairman McKinley. Yes, and we did do it, but we were not successful. We did it for a number of years but the defendant in the case, if you might call it such, did not pay much attention to it.

Mr. McLogan. Our experience is the same old story that "you can do more with molasses than with vinegar." A great many times the employer is arbitrary and unreasonable and we have to call him to account, but on the whole, unless the employer is an actual skinflint or deadbeat, he is pretty reasonable when he comes in. He has an honest reason for not paying the amount that the employee asks. There are exceptions, but the great majority of cases are settled.

Mr. Crawford. Is he under any obligation to accept? Suppose an employee becomes dissatisfied after you have settled for one-half the amount.

Mr. McLogan. He does not have to take it. After he takes it he enters into an agreement.

Mr. Crawford. Does that have any effect on the court?

Mr. McLogan. He would not get to first base in court.

Mr. Crawford. That is where legislation is valuable.

Mr. McLogan. We have a written agreement. It is not necessary to have a written agreement but we have it.

Mr. Davie. Is it not the practice of the employers to pay in full, a receipt being signed and thus settling it?

Mr. McLogan. We have a complete system.

Mr. Davie. I am speaking of a relationship between employer and employee in a big way. The employers have some method of bookkeeping and know when the man is paid in full.

Mr. McLogan. They pay by check and the endorsement of the check is the receipt, but we do keep records. For instance, if the employer pays the amount due to the commission we give him the commission's receipt and when we pay the sum over to the employee we make him sign a receipt in triplicate, one copy going to the employer, one to be put in the book and the other in the file of the case.

9. (Continued). At this point we might suggest an alternative procedure under which the industrial commission, following its
finding of facts with regard to the issues in a wage claim, would either
dismiss the claim or draft an award fixing the amount for the em­ployer to pay to the employee in full settlement of his claim. The
commission's award ordering a settlement of the wage claim should
perhaps be subject to appeal by the employer at his own expense
within (30) days after the date of the award. Unless the employer
appeals, the employee would be entitled to take judgment on the
award and request execution thereon in settlement of his claim.

Chairman McKinley. Do you mean that the industrial commission
would render judgment?

Mr. McLogan. The suggestion here is that we put ourselves in
much the same position that your commission is in but a more
expeditious one. Instead of the case going into court, we would hold
a hearing, and we would be granted the right to decide upon a claim,
with an appeal to the courts. If no appeal should be taken our
decision would stand as a judgment.

Chairman McKinley. Your position would be like that of a
municipal court; you would be clothed with about the same authority,
and appeal from your decision would be to the circuit court.

Mr. McLogan. This is only a suggestion.

Chairman McKinley. Yes, I understood that it was only a sug­gestion but do you have in mind that an appeal from your court would
go beyond your court, to the second court?

Mr. McLogan. We are only suggesting that.

Miss Flexner. I think New Jersey has passed a law of that type,
which is being put into operation.

Mr. Crawford. Does not the New Jersey body meet in different
sections of the State?

Miss Flexner. They are planning to have one man in the de­partment who will have this judicial function and will travel around.
It is a small State. They may have two people, one from the north
and another from the south, to travel around in different parts of
the State.

Mr. McLogan. It would work out very nicely in our State. We
have nine compensation examiners who go over the State. It is very
practical.

Mr. Walling. Do you have any small-claims court?

Mr. McLogan. We have no small-claims court as such. We have
our justice court, with jurisdiction up to $200, but we have no small­
claims courts as they have become known in the last 15 or 20 years.
In Milwaukee County we do not have justice courts, but have civil
courts that take their place. They have jurisdiction over cases in­volving up to $500 in civil actions, and they have a small-claims
branch where everything under $50 is assigned and must be disposed
of on the return day.

Mr. Davie. What is the cost?

Mr. McLogan. Fifty cents for the summons. I might say that
it is always our practice to have the sheriff serve our summons. In
that court you can start an action for 50 cents. For instance, the
lawyers have the summons in their offices. You can buy one for
50 cents and anyone can serve it, but we have had such dissatis­faction with lay service that we always turn it over to the sheriff
for service. I should say that there are a great many collecting agencies, as for instance, lawyers who do a great amount of their business in collections. They employ a lay person who may be a deputy sheriff and they do that purposely. They get better results in giving the summons to that kind of a fellow, because the sheriff’s only purpose is to serve it.

10. With regard to the question of who should bear the cost of collecting wage claims, we are content to stand by the present provisions of the Wisconsin wage law. Furthermore, we would place the employer at some financial hazard with regard to appeals from awards ordering payment of wages, in case the wage law of Wisconsin should be amended to provide for complete handling of claims by the staff of the industrial commission rather than by referral of the assignment of wage claim to local district attorneys for prosecution.

Chairman McKinley. Have you made a record of the number of suits you filed and the result; that is, where you are going to file a suit, separate from those claims?

Mr. McLogan. It is not broken down in this report but we have it broken down in an improved system.

Chairman McKinley. I was getting to that. Such a record would show the efficiency of your hearings in which you want the authority to settle claims. When you take those cases to the courts, I am sure you will have the same experience we have had. For instance, we carried 78 cases to court, and lost only three. That shows the efficiency of the hearing to be about as great as that of the court and we are not lawyers. Moreover, in the hearing we do not have an attorney. Possibly our average would have been better if we had had an attorney.

Mr. Crawford. How do the collections under this law compare with collections under the minimum-wage law?

Mr. McLogan. I am glad you asked that question. What I have given you so far concerns only our wage-claim department. Of course, minimum wage and domestic service cases are handled by Miss Swett’s department. After she exhausts all the remedies within her own department and can go no further, as with a stubborn employer, she turns the case over to our wage-claim attorney and action is brought in the same way as in a regular wage claim.

Mr. Crawford. Is that a practice or part of your legislative system?

Mr. McLogan. That is our practice. These are men’s wages only.

Mr. Crawford. How much money does Miss Swett’s department collect?

Mr. McLogan. I do not know. Miss Swett is here and can answer that question for you.

Mr. Crawford. I asked for the comparison, wondering how much extra work would be involved if we were to enact such legislation. At the present time our method is to include all unpaid wages under the wage act, but where we have unpaid wages only we take no action. That is a matter of civil suit on the part of the employee.

Mr. McLogan. These are unpaid wages of men. No women’s wages are included. Anything I could say to you would be a guess.
I should say that Miss Swett's figures would compare favorably with ours, but that is just my guess. I would rather have Miss Swett give you that information.

Miss Flexner. I think her department collects about $50,000 in wage claims.

Chairman McKinley. There is another form here, payment in scrip and advances. Scrip payments are made in some lines.

Mr. McLogan. I have not had any experience along this line since I have been commissioner. However, in my private practice I had a case involving two railroad men of the Northwestern Railroad. One of them was paid monthly. He had 3 or 4 months' pay in checks in his room, and his roommate took leave without permission and the three or four checks went with him. This fellow came to my office and I notified the railroad to stop payment on the checks, which they did not do and the checks went through. I brought an action for this man against the Northwestern Railroad for wages, and contended that the payment of a check was not the payment of wages but mere evidence of payment and was not conclusive, and that this man had never really gotten his pay. In other words, the check was only an order to the workman to go to the bank and get his money. I had notified the company immediately to stop payment and the checks cleared a reasonable time after I had given notice. The courts upheld me and ordered the fellow's wages paid.

Chairman McKinley. We have a law in Arkansas against payment in scrip, which provides a penalty for such payment, and that law has been held constitutional.

Mr. Crawford. Do you include checks?

Chairman McKinley. The employers can pay in valid checks. The method used in sawmills for Negro workers is to give them brass checks. The checks were good in the commissary but were not redeemable in cash formerly. The law now makes them redeemable in cash if presented on their first pay day.

Mr. Mooney. What deduction do you allow?

Mr. McLogan. We listen to the arguments and testimony regarding the offset. If we feel that the offset is legitimate we simply say so to the complainants.

Mr. Mooney. Do you allow anything that is legitimate—rooms, meals and laundry, and anything of that sort?

Mr. McLogan. We say when we allow it "we haven't authority to allow or disallow anything" but we do take these things into consideration.

Chairman McKinley. You do not have sharecroppers in your State?

Mr. McLogan. Some, but very few.

Miss Flexner. Is that covered by your law?

Chairman McKinley. We regard the sharecropper as a wage earner. For a while we looked at sharecropping as a partnership. The sharecropper furnishes his labor and delivers the cotton (that is what we have) in a bale to the landlord. The supreme court has ruled a person has a lien on the thing he creates and that gives the
laborer a lien on anything he creates, so after that decision we have taken those cases up and the question has never come up as to our authority to do so. Since the inauguration of the Government program to aid farmers in 1933 we have had a number of such cases.

Miss Flexner. They do not come under the pay-day law?

Chairman McKinley. No; under the collection law. We collected, $1,500 from landowners during 1933 and 1934, the failure to pay in most cases growing out of a misunderstanding of the provisions for plowing up cotton. The owners regarded the workers as wage earners. In our State we have every protection in the world. For instance, the discovery of oil property in the State a number of years ago brought in promoters mostly. The promoter would rent a drilling machine but have no visible assets at all. Senator Mason introduced a bill, which was passed, whereby the laborer was given a lien on the machine used, although it did not belong to the employer. Labor was a little afraid of that, but the supreme court upheld the law. The court reasoned that the owner of the machine had notice that the laborer had the right to a lien and should make the employer give bond for the payment of wages in the same way as is the practice with automobile mechanics in regard to the unpaid payments on the purchase price.

Mr. McLogan. It is similar to the liens that a mechanic has on any work he does or on the materials. He has an equal lien on the material.

Chairman McKinley. The large employers give us no trouble. It is the small fellow who employs a man temporarily or the one who employs domestic help. The type of people who fail to pay Negro help in a home is rather surprising. Employers sometimes become dissatisfied with domestic servants in the middle of the week and then do not pay them for that time because their services are unsatisfactory. All we have to do is to send them a letter regarding the offense as a mistake. We have less trouble with such cases than any other kind. The practice is about eliminated.

Mr. Mooney. Do you think the lien law is better than criminal prosecution?

Chairman McKinley. I do not favor criminal prosecution. I would rather have a civil action. For example, we have a discharged employee. There is a penalty in a civil action after 7 days. If payment is not made in 7 days and suit is brought within 60 days, the amount of the penalty is equal to the amount due for the time worked up to the date of discharge. By bringing a civil suit you get better results and nobody is hurt. I remember one case where there was a misunderstanding as to the rate. The employee claimed he was to get 65 cents an hour and the employer said he was to get 60 cents an hour, making a difference of 65 cents a day. Suit was brought and the employee got $260.

Mr. Mooney. How does the system work when dealing with wild-cat oil promoters?

Chairman McKinley. Well, the court said the law did not apply to a natural person, but did apply to corporations, so it was necessary to get a lien on the rented rig.
Mr. Mooney. We have a number of analogous cases in Connecticut. New York employers open sweatshops without having any assets and hire a number of employees. Later they just pack their stuff and move out of town without paying the wages. Often we can get them, and it is my impression that criminal prosecution would do more good in such cases.

Chairman McKinley. If there is some way to prove that there was an intent to defraud, that is best. Ordinarily, though, in cases of violation of labor laws I believe you can get more general satisfaction by instituting a civil suit, benefiting the employee.

Miss Flexner. Is it not possible to have in the law requiring the payment of semimonthly or weekly wage provisions for both the civil and other action, so that you can have some option?

Chairman McKinley. Yes; the semimonthly pay law affects only corporations.

Miss Flexner. You could have a civil penalty, too?

Chairman McKinley. Yes, but we have never had any trouble with that. We have had only one case in my experience since 1915 of failure to pay wages semimonthly by a corporation. If there were a disposition to violate and a civil penalty accruing to the worker were attached, it would almost guarantee against violation.

Miss Flexner. Would it not disarm some of the objections of your court to extend that law to all employers?

Chairman McKinley. I do not know because I am not a lawyer.

Miss Flexner. The California law has both criminal and civil penalties for violations of the provisions regarding pay day and discharge of employees.

Mr. McLogan. In your discussion here I am reminded of one situation I failed to mention as a reason for our rule demanding the payment of costs by everyone. Here is the situation. A man who has a claim against Richard Rowe, an individual, may say that Richard Rowe refuses to pay, but that he knows someone who has some money belonging to Richard Rowe. He wants to garnishee that money right away, and asks us to do it. Our experience teaches us that if we want such remedies we must risk our time, but that the State should not be asked to risk time and money, and that is the reason for our rule demanding costs by everyone.

Chairman McKinley. The employers attempt to settle privately sometimes.

Mr. McLogan. What do you do in a garnishee suit where you have to advance fees?

Chairman McKinley. That is required of us by the present sheriff. We used to get execution or attachments prior to a suit. We cannot do that now, but after a judgment we can get an execution and get a garnishment. That is the award of the court, and there is no chance for damages against the sheriff because he is carrying out an instruction of the court. You see, prior to the suit it may not be known that it is not a good cause and the sheriff would be responsible on the bond to the defendant for any damage that might accrue on account of the attachment, but after the judgment the defendant, of course, could not claim damages.
[Mr. McLogan introduced the following excerpts from biennial reports of the Industrial Commission of Wisconsin:]

**Biennial Report, 1926-28**

**Collection of Wages**

The commission also wishes to call to the attention of the Governor and legislature the problem of wage collection. This problem is impressed upon the commission every day by appeals from employees for assistance in the collection of unpaid wages. The commission has no authority to deal with these cases and the employee’s only legal recourse (sec. 103.39) is to bring suit to collect wages due or claimed to be due. Such actions, for amounts up to $200, can be started in justice courts, or in municipal or civil courts in counties where justice courts have been abolished. In cases where the employee recovers a judgment for any amount under $50 and actually appeared in court by an attorney of record, an allowance of $5 is provided by law (sec. 307.02) toward payment of the attorney’s fees.

Claims for unpaid wages arise more largely against employers who fail to define all aspects of their liability for wages to the employee and against employers who without prior agreement, insist on privately adjusting wages for or in respect of negligent services or damages to the materials or other property of the employer.

Not infrequently the unpaid wages clearly due, in addition to the amount involved under controverted questions, is withheld pending a solution of the deadlock. The employee is out his time and labor represented by the wages withheld, and he finds he must further assume the risk of a lawsuit, with its fees for a lawyer and possible court costs, if he would undertake to prove his claim and secure a judgment therefor. The employer, on the other hand, stands by until compelled to pay.

It is well recognized by litigants, judges, and attorneys that the keen court contest involving a small sum almost invariably develops into a contest to see who will pay the costs of the suit. As a case becomes well advanced, each party litigant would be willing to abandon his position regarding the claim of debt or damage if he could accomplish it gracefully and at the same time escape liability for the costs.

The court method of settlement of wage disputes is so burdensome, so protracted, and so unsatisfactory to all parties that public interest calls for the development of some system like the administration of workmen’s compensation, for the arbitration of the issue in wage disputes. It must be a simple, inexpensive, speedy system for the determination of the facts. The costs of adjusting the dispute under the present system do not correspond to the usual efficient manner in which industry functions.

Laborers can ill afford expensive contests for the recovery of wages which they have justly earned. Employers have too many important demands upon their time to find profit in defense of even the unjust claim. The court calendars are cluttered by the present system. Attorneys and court attaches would rather be rid of the practice. Every interest requires a new system of wage collection.

**Biennial Report, 1930-32**

**Wage Collection**

For many years section 103.39 of the Statutes providing for semimonthly payment of wages with certain exceptions has been in operation, but the industrial commission was not authorized to enforce its provisions. In response to a growing demand, the legislature of 1931 amended section 103.39 and added a new subsection. The new matter added makes it the duty of the industrial commission to enforce the wage law and provides that in its discretion the commission may take appropriate action for the collection of wage claims which it deems to be valid and which do not exceed $100. The new law became effective on June 19, 1931.

In the Milwaukee area the law is administered by one full-time employee located in the branch office of the commission. For the remainder of the State the law is administered from the main office of the commission located in Madison. In dealing with wage claims the procedure of the commission has been substantially as follows: The claimant has been required to file his claim in detail. The alleged employer was then advised of the nature of the claim and was given all details furnished by the claimant. In disputed cases the claim was scheduled for hearing. If, as a result of the hearing and investigation, the claim was deemed
to be valid and payment was refused, an assignment of the claim was taken by
the commission in trust as provided in the statute and the district attorney of the
proper county was requested to sue for its collection. If after hearing and
investigation the claim was deemed to be not well founded, it was rejected and
no further proceedings were had.

Some months after the law became effective two courts in Milwaukee held it
to be unconstitutional. These decisions were based upon the criminal provisions
of the law. These decisions are in process of appeal to the supreme court for
final disposition. Due partly to these adverse decisions of the lower courts and
to the fact that the law does not make any specific provisions for payment of
costs and disbursements in cases in which there is no recovery, the commission
has been quite severely hampered in its efforts to administer the law.

A considerable number of claims filed as wage claims were found upon investi­gation
to be other than wage claims. In many cases they were claims for services
rendered by independent contractors. In other cases the claims were for dam­ages
arising from breach of contract and in still others the claims were for material,
board, room, or other accommodations furnished by the claimant. Not being
wage claims the commission was not authorized to enforce them.

Biennial Report, 1932-34

WAGE COLLECTION

For many years section 103.39 of the statutes providing for semimonthly
payment of wages with certain exceptions has been in operation, but the indu­strial
commission was not authorized to enforce its provisions. In response to a
growing demand, the legislature of 1931 amended section 103.39 and added a
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deems to be valid and which do not exceed $100. The new law became effective
June 19, 1931.

In the Milwaukee area the law is administered by one full-time employee
located in the branch office of the commission. For the remainder of the State
the law is administered from the main office of the commission located in Madison.
In dealing with wage claims filed in the Madison office the procedure is substan­tially as follows: The claimant is required to file his claim in detail. The alleged
employer is then advised of the nature of the claim and is given all details fur­nished by the claimant. In disputed cases the claim is scheduled for hearing.
If, as a result of the hearing and investigation, the claim is deemed to be valid and
payment is refused, an assignment of the claim is taken by the commission in
trust, as provided in the statute, and the district attorney of the proper county is
requested to sue for its collection. If after hearing and investigation the claim
is deemed to be not well founded, it is rejected and no further proceedings are
had. In the Milwaukee area claims deemed to be valid are not sent to the dis­trict attorney, but are taken to court by the person in charge of that work in
the Milwaukee office.

Due to the fact that the law does not make any specific provisions for payment of
costs and disbursements in cases in which there is no recovery, the commission
has been quite severely hampered in its efforts to administer the law.

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to be other than wage claims. In many cases they were claims for services
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arising from breach of contract, and in still others the claims were for material,
board, room, or other accommodations furnished by the claimant. Not being
wage claims the commission was not authorized to enforce them.

The great majority of claims which were finally settled were paid without the
necessity of resort to the courts. In many cases what appeared to be valid claims
were uncollectible for the reason that the parties against whom the claims were
made were bankrupt, or had left the State, or were without means. The com­mission is pleased to report that in only a small minority of claims was it found
that the debt had been incurred with dishonest motives on the part of the em­ployer.
It is also a pleasure to report that in its judgment comparatively few
claimants filed with the commission claims which they, themselves, did not believe
to be valid. The following table shows the result of the administration of the
law to June 30, 1934.
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Total: 8,251 7,891 3,897 $132,790.60
Thursday, October 3—Morning Session

Chairman, Miss MAUD SWETT, Industrial Commission of Wisconsin

Chairman Swett. We have been discussing for the past few days varied types of protective legislation for workers, but experience has shown that without effective enforcement the conditions which these laws are designed to create will show little, if any, improvement. Modern labor laws, therefore, have two classes of provisions designed to secure compliance with their provisions—first, a penalty which may be imposed for violation, and, second, enforcement officials. Experience has shown that the imposition of a penalty alone by the administrative body, looking upon it simply as a police measure and the body as a police officer, is not particularly effective in improving conditions. Administration has come to mean much more than simply detecting violations. As Professor Commons and Dr. Andrews have said in their book on labor administration, administration is more than a mechanism; it is a method of legislation; it is legislation in action. The type of labor department, its scope, its personnel, and its method of functioning, then, have become of supreme importance, and labor departments should look upon themselves not merely as business organizations with certain duties to perform but as real social agencies charged with the welfare of the workers of the country. I think we are becoming increasingly conscious of this, as evidenced by the topic for discussion this morning. I trust that we shall have just as free discussion as we did last night at the round tables; that is the kind of discussion that is productive of results.

Mr. W. E. Jacobs, of the Department of Labor of Tennessee, will start the discussion. He will speak to you on the administration of State labor laws. After his paper we shall engage in a general discussion.

The Administration of State Labor Laws

By W. E. JACOBS, commissioner, Department of Labor of Tennessee

About all I can tell you regarding the enforcement of labor laws will have to be about what Tennessee is doing. I have taken the subject up question by question and shall give you our method of handling each item.

Let us take question I. I might preface these remarks by saying that the various State labor departments are so differently constituted, they cover so many different activities in the State, that it is hard to compare them. In Tennessee the department of labor has six bureaus. We handle all the mine inspections and supervision, hotel inspection, and workmen's compensation, the State-Federal employment service, and farm division.

I. Q. What are the respective advantages and disadvantages of administration of labor laws by a single commissioner and by a commission?
A. I am of the opinion that, particularly in Tennessee, where the various divisions established for the enforcement of the labor laws, viz., the division of fire prevention, the division of mines, the division of hotel inspection, the division of workmen's compensation, and the division of workshop and factory inspection, operate under one general head (commissioner of labor) with subordinate heads of the different divisions functioning in their special undertakings as individual units, with each division rendering cooperative aid to the extent that the entire department may function as a cohesive unit in the enforcement of all labor laws, best results may be obtained under a single commissioner. This is especially true in view of the inadequate appropriation for operation as provided by our legislature. For example, the State hotel inspector in making his inspections of hotels should inquire as to the number of employees in each establishment within his jurisdiction, ascertaining the number of hours worked by each employee, the amount of wages paid, and whether compliance is being had with the Tennessee Workmen’s Compensation Act, etc.

We have a regular inspection form and on that form there are questions to be answered that cover each one of those bureaus. When the report comes in to us information of interest to any one of the bureaus is passed on to it. This was made necessary as a measure of retrenchment in expenses as our appropriation was cut in half. It was necessary to do this in order to make any kind of effective showing.

I. A. (Continued.) That inspector then reports his findings to the division of workshop and factory inspection, which is empowered to enforce regulations in that regard. The fire prevention division should do likewise. With adequate facilities and the proper cooperation between the different divisions I believe that that kind of a set-up has an advantage over the commission form of administration. The disadvantage in enforcement of the labor laws in Tennessee seems to be the lack of understanding, or failure to give due consideration to their importance by our ultimate enforcement agencies (the courts) in the small towns and rural districts. I think this can best be remedied by education and realization that our State is speedily developing from an agricultural State to one of industrial activity.

Ten years ago we had very little manufacturing. Since the Tennessee Valley project has been started and cheap power is available factories are moving South rapidly and in less than 10 years we shall be an industrial State; there is no question about that. In fact, at this particular time during the depression plants are going up all over the State. In my little town over a hundred buildings are going up right now, and that is remarkable at this particular time, during the depression.

II. Q. Should all labor legislation, including workmen’s compensation and unemployment insurance, be administered by one department?

A. Yes; but I am of the opinion that separate divisions should be maintained for this administration. While these two problems are related to the extent that they are both intended to protect the earnings of workmen who have been denied their earning power because of injury or other conditions not within their control, each of them constitutes a problem within itself which, it occurs to me, is too
vast and complex to be vested in one division for administration. They should both be under the department of labor.

Some of you will differ with me on that. My reason for it is, as I stated awhile ago, the desire to benefit by cooperation. I do not think that with our small force we could enforce our laws at all, unless the different bureaus were under one head and cooperating, so that we all have the benefit of all inspections.

III. Q. What power should be vested in departments of labor in respect to formulating and enforcing industrial codes or rules on safety and health?

A. Heads of divisions should be empowered by law to make such rules and regulations as in their judgment are necessary to the protection of employees, such as we have in Tennessee, a part of which is embodied in our Handbook of Industrial Safety Standards. I believe this is the best method of setting up such codes and they should be applicable to all industries or establishments where machinery is used or labor employed.

IV. Q. What inspection methods have been found most satisfactory by labor departments?

A. Our experience has demonstrated that inspectors should be given a free hand in making their inspections to determine the conditions existing in industrial establishments. Under our law the inspectors are authorized to enter establishments at all reasonable hours, and they are empowered to inspect all workrooms and places where people are employed and to make such recommendations for the protection and proper safeguarding of all machinery and other equipment in or about such establishments as may render them safe to the employees working therein, and to establish satisfactory conditions that will permit a reasonable standard of health to workers.

1. Q. How should inspectors be trained for their duties?

A. By law our inspectors are required to possess a particular training; that is, those inspecting machinery and the like are required to be experienced mechanics, with sufficient practical experience and training to qualify them to perform these duties. Our female inspector is a woman trained in the work for which she is employed, having had long experience in factory work in both a subordinate and supervisory capacity.

We have only one female inspector for the entire State. We have four male and one female inspectors.

2. Q. Should each inspector be responsible for all types of inspection, or should inspectors be assigned to special fields, such as general factory inspection, child-labor laws, and women's hour-law inspections, etc.?

A. Each inspector should be assigned a specific field, but should be required to be familiar with all labor laws, so that he may correct any abuse or misapplication of such laws that may come within his notice.

3. Q. How often should reinspections be made?

A. Inspections should be made at least once each year and more often if facilities and personnel will permit.

4. Q. What type of records should employers be required to keep?

A. Employers should be required to keep an accurate and complete time record of all employees, the number of hours worked each day and each week, and wages paid for same, and these records should be kept available for inspection at all reasonable hours.
Our law requires that they keep notices posted publicly showing the
time and hours and wages paid.
V. Q. What are the most satisfactory methods of handling cases of
violation?
A. Prosecution for violation.
1. Q. Should the department be able to prosecute directly?
A. Yes. If another agency is depended upon, unless thorough
cooperation exists, enforcement will be weakened or destroyed.
2. Q. Should a State labor department employ its own counsel?
We do not have any counsel; we use the attorneys general in the
various counties for that. As to prosecution, we do that 100 percent.
We accept no excuses for violation.
A. Yes, I think so. I believe if special counsel could be assigned to
the enforcement of labor laws a considerable handicap would be
removed, and, as it now stands in this State, we are dependent upon
the district attorney general of the particular district in which the
violation occurs, which in many instances is in some small town where
the attorney general is a personal friend of the defendant, or some tie
of association does not permit of impartial prosecution of the case.
VI. Q. How can the cooperation of the employer and workers in
labor-law administration be obtained?
A. I believe that this may best be done by education and a strict
enforcement of our labor laws.
VII. Q. To what extent should costs of labor-law enforcement be
borne by employers.
A. Fully. It is their baby. Without an abuse of human rights and
lack of consideration for human needs there would be no costs. The
employer's conduct is responsible for the growing necessity for new
laws and an even stricter enforcement, which is bound to add continu­ally
to the expense of administration of government by the several
States, and the cost of such administration should properly fall
on the shoulders of the party or parties who are responsible for the
existence of the condition which makes this necessary.
1. Q. To what type of laws should this apply? Boiler inspection,
workmen's compensation, home-work inspection?
A. To all types of labor laws, either by taxation or the charging of
inspection fees. I am inclined to favor the inspection fee method. I
think it is more equitable.
I find that when there is a strict enforcement of our labor laws and
the employers realize that there is going to be strict enforcement, there
is little trouble. The trouble comes when you "pussyfoot" and do not
enforce your laws strictly. When I first went into office I put a notice
in the paper that we were going to enforce the laws 100 percent. Of
course, we met a great deal of opposition right at the start but later
the manufacturers' association sent a committee to my office. This
committee stated that the members of the association had been con­verted
to the idea of law enforcement, that they liked it and recom­mended
that it be continued. They said we were bringing the chiselers
in the manufacturing business into line and that we had secured
wonderful results. Various manufacturers were engaged in sharp
practices of various kinds, such as putting motor-driven machines in
homes, and having home work done in violation of their own agree­ment,
and the employers were unable to stop it. Under our laws we
applied the hours-for-women and health provisions and brought the
substandard shops into line. At the time the courts declared the National Recovery Act unconstitutional we were operating splendidly in the State and getting wonderful results.

Discussion

Chairman Swett (Wisconsin). Possibly some of you do not agree. I saw some of you shaking your heads on some points such as what are the respective advantages and disadvantages of administration by a commissioner and by a commission.

In some of the States we started out years ago with the idea that we would detect violations, and more or less function as police officers. We found that did not bring results so we went over to the other idea of a labor department, and for a time became a fact-gathering agency. You have to have facts before you can get a good law. You must have the facts on which to base the law and you must also have facts when you attempt to administer the law, in order to show the result of the law. But just gathering facts and statistics is not sufficient. You remember that these agencies used to be called bureaus of labor statistics and they might be combined with agriculture, or even with printing, with the labor functions sort of incidental. There are labor bureaus in a great many States, but some States have the departmental form, with a commissioner heading the commission. New York and Pennsylvania are probably the best examples of this. Then you have the commission form. Mr. Jacobs, I think you said you approved of the commission type?

Mr. Jacobs. Yes.

Mr. Davie (New Hampshire). As regards the advantages and disadvantages of the commission, it appears to me that that question will have to be decided by the State itself, that you have to take into consideration the small State, where one commissioner can very readily handle all subjects, as against the big industrial State that has a multiplicity of subjects.

Chairman Swett. Mr. Davie says that he thinks the single commissioner in the smaller States is adequate. Does anyone from a larger industrial State think that the commission form of government is not so good as the departmental form heading up in a single commissioner?

Mr. Crawford (Ontario). We have a commission, which I think is the only feasible system for a larger State. We have no commissioner; we have a minister and deputy minister heading the department; then we have separate commissions or commissioners for each branch of the work. We have an individual commission for workmen's compensation. That is the only solely independent commission we have in connection with labor and social matters. But we have an apprenticeship board of three, a minimum wage board of three, and a board of three for enforcing the Industrial Standards Act. The commissioners are all subject to the control and direction of the department. I assumed that this topic meant the head of the department itself. How any one commissioner could exercise the functions of all branches of his department, having all those matters placed before him for decision, I cannot comprehend.

Chairman Swett. Mr. Crawford, you said that in Ontario the department of labor was headed by a minister of labor and a deputy
minister. May they make decisions on what these boards recommend to them or do the boards make their own decisions?

Mr. Crawford. The boards make their own decisions. Let me illustrate. I happen to be chairman of the minimum wage board and also chairman of the apprenticeship board and chairman of the board for enforcing the Industrial Standards Act. Each of these boards is a joint board representing both sides, employer and employee, and possibly the public as well. The boards are independent to this extent, that their decisions are final. They have control of their own particular work, but in budgeting for the year their expenditures must be approved by the department. Their staff are all members of the department civil service, and they are directly controlled by the minister insofar as all departmental branches are concerned. But insofar as dealing with their own particular business, their own particular functions, they make their own decisions.

The minimum wage board, for example, issues orders setting the wage rates and limiting the hours. Those orders, having been arranged by conference with the employers and employees, are gazetted and then they become law. Neither the minister nor deputy nor anyone else has anything to say about that.

The minimum wage board is appointed by the Government, by the governor and executive council, and the apprenticeship board the same way, but always with the approval of the minister, acting through his deputy. The minister controls the department. He is the legislative head, the political head, of the department. The deputy is the executive or administrative head, and he is a prominent official. All matters pertaining to the department must be approved and directed by them. But, the authority having been delegated, then the different boards of course become independent insofar as their own actions are concerned.

Mr. Jarrett (West Virginia). It seems to me that the discussion on this subject opens up an avenue for discussing just what functions should be delegated to the labor department. If, as in our State, the functions are divided up between different departments, then I should say that a department headed by a commissioner would meet the requirements. In our State the functions of the labor department are the enforcement of the child-labor law, factory inspection, and such work as that. Our compensation commission is a separate department. My department is separate, and we have a health department, etc. If their duties are confined strictly to factory inspection and enforcement of child-labor laws and such as that, I should think a department headed by one man would be as satisfactory as a commission with divisions headed by one man. It seems to me the discussion could be broadened to a discussion of what is most desirable for performing the different functions that we naturally take for granted.

Chairman Swett. After all, it does take a lot of courage to enforce labor laws at times, and sometimes there is help in having more than one person share the responsibility of the final decision as to what must be done. Is the recommendation of your advisory board final Mr. Tone? Mr. Crawford said that in Canada the board made its own final decisions, but advisory boards do not, do they?

Mr. Tone (Connecticut). We have the commissioner form of government in the labor department. My office heads the entire
department. I appoint the various members of the commission on minimum wage. In the employment offices, of course, under the Wagner-Peyser Act, the governor appoints them. Then we have a board of mediation and arbitration, consisting of three, in the department. The governor appoints those three but they are in our department. I think our whole question revolves around whether a commissioner shall be subordinate to a commission or vice versa. In other words, in Wisconsin you have a commission of three; in Connecticut, I am the commissioner of one.

Mr. Jacobs (Tennessee). Our set-up is just about like Mr. Tone's, and I do not see how, with our small force, we could function at all unless it was.

Chairman Swett. You could still function with a commission, could you not, dividing up your work into departments? There is this advantage in the commission. With the dividing up of its functions the commission controls as head of those departments, and it works out a policy and can see that the heads of those departments follow that policy, while if they are appointed by the governor or someone else, you might not be able to direct that policy. Is that not so?

Mr. Tone. Well, I would not want to work under a commission.

Chairman Swett. And I would not want to work the way you do.

Mr. Tone. Let us be frank with each other. I like to take the initiative and responsibility and either stand or fall on my own efforts. Of course, I have always had trouble working for people; maybe that is the reason why I prefer my system. In our State nearly all commissions are headed up by one man, and when they endeavored in a bill in our State to put the labor commissioner under a commission, not only all of labor and the Socialist Party, but the manufacturers as well were opposed to it. They figured, "Place the responsibility on one individual; let him either stand or fall on his own accomplishments."

Mr. Wenig (Iowa). May I make a suggestion that is in line with what you have said about the commissioner not having authority where the appointees were by the governor? I do not know whether that would prove to be the case or not. But in our State (Iowa) all the appointments to the head of departments or divisions in the department of labor are made by the head of the department, so they are directly responsible to him. It seems to me that this question resolves itself into whether it is desirable to centralize authority and responsibility in the hands of one person, who will make the decisions and who can coordinate the activities of the different divisions under him by seeing that a unified, cohesive policy is worked out for the department as a whole, or whether you believe that it is better to have a commission where the responsibility is divided, each commissioner being in charge of some particular phase of the work of the department, and the matter of coordinating the various activities, so that the policy of the department as a whole will be uniform and one division will not be working at cross purposes with another, would have to be worked out, I suppose, by consultation and conference between the various commissions concerned. I think there is a good deal in Mr. Davis' point that it would depend somewhat on the size of the State as to whether one man can, as a practical matter,
pay enough attention to each of the many divisions in the department and give them the requisite attention to see that things move along smoothly. Personally, it seems to me that the commission form of administration is not particularly feasible or desirable for a very small State, and I think there is a good argument for the centralization of authority even in the case of a large State. For instance, the Federal Department of Labor is headed by one person, who is responsible for coordinating and unifying the activities of all the various divisions and bureaus of the Department, and the responsibility being centered, it is easier to check up on the activities and the way the Department is being administered. You are certainly sure of having a uniform policy for a department, instead of perhaps a division of opinion among several people who share the responsibility.

Mr. Davie. We have a little game down our way that we call "passing the buck", and if there are too many subdivisions we have found in practice that there is a chance that one will "pass the buck" on to the other. I had the opportunity and privilege to head a State department and through that department to administer all of the labor laws with one exception, the child-labor law. Of course, the school-attendance law is closely identified with the child-labor law. It is the only labor law administered by the department of education, and it has done quite a good job of it. The subjects of strikes and lockouts and certain parts of the workmen's compensation law, factory inspection, the State employment service, the State compacts, minimum wage, etc., in their final analysis are put up to the commissioner of labor. Nevertheless, the subordinates do the detail work. They are appointed by the commissioner of labor, subject to the approval of the governor and council of state. That is simply to keep the department, as related to its financial obligations, within reasonable bounds. I can not see wherein we in particular would gain a great deal by a commission form of administration. Suppose a strike occurs, let us say at Berlin, N. H., and a commission of three is to decide how it is to be handled. There is loss of a whole lot of valuable time in a small State. But if a commissioner is notified properly, under the law, he does not have to ask questions but he gets right on the job. What is true of that particular thing is true of anything else that might happen when you least expect it. I still contend that the small State can do a much better job by holding one commissioner responsible, the detail work to be worked out by people appointed by him who are fitted for and capable of doing the work that must be done.

Dr. Patton (New York). As a man who has lived under both types—New York State had five men and a commission government for a long time, and now for a number of years it has had a single head—I must say that my present convictions are in favor, even for a large State, of a single commissioner in whom the authority is centered. Of course, you all realize that if you get a poor commissioner the situation is extremely bad, but that is also true if you have a poor commission. The President of the United States is the one person who the people of the United States hold responsible. We vote him in, and we vote him out if we do not like him. I am just giving my personal opinion after living under both forms. I believe that on the whole, even for a large State, a single commissioner, whom you can
either bless or curse—that is, a person who is responsible, whether he does what you want or not—is better.

Chairman Swett. Of course, the President appoints his own cabinet. The thing that I would object to would be if the commissioner had to take boards appointed by someone else.

Miss Miller. I wonder whether the experience represented here by people from different States does not indicate that both forms, the single-headed department and the multiple-headed department, can work effectively, and whether, therefore, that question is not one that more or less covers up certain other questions which are essential to the decision of whether or not there shall be good labor-law administration. A basic one, it seems to me, is, Is a commission that administers only workmen’s compensation to have no responsibility for the enforcement of safety measures? It seems to me that that kind of division is of much more service than where you have a one-person head, because you can have rules and an order of business which make your multiple organization a responsible unit. If you have a big State and you have the individual administrative head, he cannot be personally responsible for the detail of workmen’s compensation, unemployment insurance, safety inspection, and the various other matters; that work must be delegated. How that work is delegated, whether by appointment to persons qualified, or whether by appointment in such a way that there can be worked out a continuously and technically competent responsible body of administrators, or whether to a group of political appointees also, it seems to me, makes a difference as to whether either the commissioner or the commission can successfully administer the labor law of the State. For example, we have in New York State people who are responsible to the commissioner as the heads of these different administrative units, but who are civil-service appointees, not his appointees at all. That, I should think, is more important than whether the administrative head is one person or a group of persons.

Mr. Woods (West Virginia). The commissioner of West Virginia has told you we have three departments, which are responsible to the governor. The compensation commission has to do with compensation cases, and it forwards to the labor department a copy of all accident forms which are of interest to the labor department for the enforcement of safety and for factory inspection. The mine department takes entire care of all accidents in mines; we have nothing to do with it whatsoever. They are interrelated with the compensation department as well. It seems to me that if you diversify the efforts of one man into all three of these departments, then you must have what you might call a commission, or whatever you call it. All our heads are responsible to the governor; they are not responsible to each department. In our experience it has been found best to put the enforcement of these child-labor laws and factory inspection and interrelated laws under one head and call it the labor department, while the compensation commission is left free to take care of compensation cases.

Chairman Swett. Well, you may get cooperation that way between the different departments, but will you get the same sort of results that you will where you have a compensation department and child-labor law or insurance administered by one department?
Mr. Woods. They are very cognizant of what is happening to children. The attention of every legislature is called to it.

Mr. Wenig. Why could not the heads of these different divisions, whatever you may call them, such as the workmen's compensation administrators, be directly responsible to the head of the department of labor instead of directly responsible to the governor as a practical matter? We know that the governor cannot take the detailed interest, nor is he frequently qualified to do so in the sense that a head of a department is. If these various divisions which are all administering analogous laws, which are after all closely interrelated, can report and be responsible to the same person, you will have a more unified, coherent policy for the administration of all your labor laws. In our State until recently the factory inspectors were entirely separate from the workmen's compensation division. Each department knew nothing of what the other was doing, and the accidents which were reported to the factory inspection division were not reported to the workmen's compensation division and vice versa. Consequently, neither department knew what the other was doing and there was no attempt to check up, so that the workmen's compensation division was making no attempt to investigate accidents which had occurred and to try to work out means of preventing those accidents, and the factory inspection division did not know about accidents which had been reported to the workmen's compensation division. As the situation stands today those two divisions are headed by two individuals, and the statistical work of one can be easily and readily accessible to the other, so that all of those activities can be coordinated in a way that was not possible before. The responsibility is still there, because those two heads are directly responsible to the head of the department, who is primarily and in a detailed way concerned with the administration of the department. That does not seem to be possible in the case of the governor, who at best can only give a cursory attention to the administration.

Mr. Wenig. In Iowa all departments have been split up. There is a department for everything that you can think of, which I think is wrong. It seems to me that most of these departments are satisfied with themselves and the conditions in their State, and I just want to take issue that I am not. I think a big improvement can be made, and that is why I want this discussion to go on. When I went over into Wisconsin and found out the wonderful department they have and brought the idea back over to Iowa to the legislature and tried to do something about it, I did not get anywhere. Our State paid the Brookings Institute of Washington, D. C., $25,000 to tell us what to do, and it told us, and now we are just back where we started, only we haven't got the $25,000.

Chairman Swett. There is one thing you have to learn in this work, not to get discouraged the first time you do not get what you want. It takes a lot of patience and courage to do this work.

Mr. Wenig. The point is I am not satisfied. Everybody else here thinks they have the best, but I am not satisfied that we cannot improve ours.

Mr. Tone. I am very much interested in what our friend from Iowa has to say because I know of an industrial State that is not satisfied either with its type of organization. One of the criticisms in this
State is that it has the commissioner type; that sometimes the commissioner is a prosperous business man who happened to have political affiliations and was appointed head of the labor department; the next time possibly it is the president of the State federation of labor who is appointed commissioner of labor. There seems to be no balance in a situation of that kind, and we have had many complaints during both of those administrations, at one time from the labor groups and at the other time from the employer groups. Wisconsin has the commission plan, and I would be interested to hear from Miss Swett, who has worked under that plan, just how that commission plan meets that objection, that I know is so current in this State with which I am familiar.

Chairman Swett. Of course, I have never worked under the other plan so I do not have any comparative experience like Dr. Patton says he has. It seems to me that all your labor laws should be under one department, regardless of how that department is constituted. We do not have a department for each law because we have similar laws in one section like child labor and minimum wage, and we can even prevent division too far in something else; for instance, we have a wage-claims law, but up to the point of taking these wage claims to the courts, the department of woman and child labor takes the wage claims through the preliminary part of it, because the wage-claim case, so far as women and minors are concerned, is involved with child labor and minimum wage and women's work. You have control of it all, with the various groups working under the commission and with the commission and the heads being appointed from the civil service—they are recommended to the department by the civil service. You have such a close tie-up with the different laws that you may have cooperation between other departments, but it cannot be quite so close. They do not work quite so well and interlock so well, it seems to me, if they are all independent departments.

Mr. Tone. Does your commission represent the three different interests in your community, employer, employee, and public interests? And in that way do they try to serve the State? Chairman Swett. There is nothing in our commission at all requiring that. They might and they might not represent all three interests but they do not have to have employer and employee and the public representatives. We can work with advisory boards, and on our advisory boards, we do have the employer, the employee, and the public represented. In all our code work we work with an advisory board, even though the law does not require those advisory boards at all. The minimum-wage board does require an advisory board, but even there the recommendation of the advisory board is not binding. But you will work toward getting a recommendation that you can use, so that you can go out and say, “This is the recommendation of the advisory board on which all elements were represented.”

A Delegate. Then the solution of the problem is that it might be a single commissioner, with an advisory board representing the public, the employer, and the employee, through whom he would have to work to keep that balance. Is that a possible arrangement to keep centralization in the hands of one person with an advisory board? Chairman Swett. I don't think I get just what you mean.
Delegate. The consensus of opinion here seems to be for a single commissioner. My objection to that was that he might be a biased individual. Might the remedy be an advisory board through which that commissioner would have to work, that advisory board being representative of the three interests in the State?

Chairman Swett. You would have to make your advisory board's recommendations compulsory, I should think, in order to control him.

Mr. Magnusson (Washington, D. C.). I was wondering whether there are any principles by which one could determine whether or not in specific situations there should be a single commissioner or a plural commission. One principle has been suggested, namely, that of size of the unit, of the State. The second principle might well be one, it seems to me, that is the basis of commission form, that of function. Further, dealing with semiadministrative and semilegislative things, it seems to me the proper form would be a commission; in such cases, you would have that sort of legislative set-up. The third principle, it seems to me, would be whether or not you have achieved a stable underlying, personnel set-up of a permanent character. If you have that you can get along with either the commission or individual form, it seems to me, because your underlying civil-service group becomes the permanent set-up that can function continuously and regularly, enforcing regardless of whether the politics change or not. That seems to me to be what happened in New York—this commission of bureaus and boards where the individual supplies a substitute for the commission. The order is based upon considered judgment and action of an underlying group of technical, competent civil-service men. You get the effect of a commission that way. So those three principles, it seems to me, might have something to do with the form it would take.

Chairman Swett. Has anyone anything further to add to what Mr. Magnusson has said about the method of setting up the different forms? Is there anyone who still thinks that the legislature should do anything further, who thinks that the legislature should set up codes? Or are we all in agreement that the legislature should simply adopt the legislative rule that working places are reasonably safe and sanitary, that minors are not engaged in hazardous occupations, etc., and then leave it to the boards to do the legislating? If you do leave it to the boards to do the legislating, how should they do it? Has anyone anything to offer on that, aside from what Mr. Jacobs gave?

Mr. Crawford. I am not familiar with the methods adopted in various States, but in Canada the general practice is for the legislature to define the nature of the regulations to be set up in the department and then leave it to the department itself to make the necessary regulations. All details of the codes and matters of that kind are the responsibility of the minister heading the department, which, when approved by order in council, become law. In our experience it is the only feasible way of carrying out that duty because it is flexible. Legislation is difficult to secure and much more difficult to amend and change according to changing conditions. I think regulation is the only method.

Mr. McKinley (Arkansas). It is my opinion that legislatures, as a rule, are not familiar with all the details, and a more effective way would be to get at it through commission rules and regulations. But
I believe the legislature should limit the commissions to certain work they are to do. I think that would be best for the work itself. In our State (Arkansas) we have an industrial welfare commission. Its duties are to make regulations with reference to the employment of women only. We have a child-labor law that was passed by vote of the people. There is no commission that can make the regulations it sometimes seems necessary to make under the child-labor law; there is no one with authority. And to amend our child-labor law, it having been passed by a vote of the people, requires a two-thirds vote of the legislature. My opinion is that the legislature should delegate to the commissions certain powers to make rules and regulations, even between meetings of the legislature. You will find conditions arising which the law as passed does not fit and which could be improved upon if boards were given certain powers. My opinion is that those things should be delegated to boards and the general law fixed by the legislature.

Mr. Murphy (Oklahoma). We have an act in Oklahoma defining rules and regulations which may be laid down, something to this effect: "The State factory inspector, under the commissioner of labor, is hereby authorized and empowered to promulgate such rules and regulations as in his judgment are necessary for the positive safety of steam boilers, etc." That is the boiler code which we have. The commissioner and his inspectors under this act are given authority of law itself, just as if it were an act of the legislature.

Chairman Swett. There is one point, though, in adopting these codes—do you think that you should adopt any order without a public hearing? Is there any danger if you do it without a public hearing? I think that when this power is given to a board or a commission, commissions sometimes may have hearings of the advisory board, they may decide on a policy, and they may adopt their regulations, but sometimes they adopt regulations without giving a chance for a public hearing. If we take on legislative functions do you not think we should be cautious on that point, so as to avoid any attack in the courts on the ground that the order may be unconstitutional because we have not been giving the same rights which the parties would have if the matter came up in the legislature. I happened to hear a discussion on that point in the United States Supreme Court as to a ruling that the Interstate Commerce Commission had made. It had not safeguarded itself with a public hearing, and one of the railroads contended that it did not have to obey that order because it was not done in the way it would have been done by a legislative body of the country.

Dr. Patton. There always should be a public hearing, for the reason you give and for another reason. It greatly facilitates the enforcement of the code after it has been adopted. It gives the representatives of industry and labor and the general public, who will have taken into account the drafting of the law and have taken part in the public hearing, notice of what you are doing. Then the department has a much firmer ground on which to seek enforcement. We should have public hearings for that reason alone, even if it were not for the constitutional reason. It simply prevents the charge being made that it is an arbitrary rule being imposed by the administrative agency. This charge may often be avoided if a concern has had an opportunity to be heard, so that when it has finally been
adopted, the department does not really issue an arbitrary command. The head of the department then merely enforces the rules which all parties concerned, after deliberation and hearing, have agreed to be the workable thing.

Mr. Wenig. Out in Iowa when the N. R. A. codes were declared unconstitutional by the United States Supreme Court, we set about to see what we could do in the way of salvaging some of the good that had been done. The barbers' organizations got together and sent a bill to the legislature, which was passed and became law, that they can set up their codes in the individual municipalities, which must be responsible; they can set them up or not. Restraining orders were granted in the courts. These were dissolved and there have been hearings before district courts, which have sustained the rights under the statutes of Iowa to set up those codes. I think that is a step in the right direction. Of course, it is entirely contingent on the set-up of your codes, the statutes of your State, and your constitution. I hope there is nothing in our department, in our own State, that will prevent this and I hope that we can go on through the courts and work it out.

Chairman Swett. Would you like to hear something on the question "How should inspectors be trained for their duties?" Mr. Jacobs gave some of the qualifications that the inspectors in his department must have. Is there any way to train them, except by training on the job, to determine beforehand if they have certain qualifications when they enter upon the job? Do we want to go into the point of what the qualifications should be?

Mr. Lubin. In our meeting last night, in discussing our personnel problems Mr. Murphy of Oklahoma had some very definite views on that problem, and I think this meeting would benefit by what his attitude is toward the training of factory inspectors.

Mr. Murphy. The members of our inspection force are appointed by the commissioner of labor. The office of commissioner of labor is an elective office; he is elected by the people. He appoints the entire personnel of the department—factory inspectors, boiler inspectors, etc. We have two women who are factory inspectors. The women enforce the law regulating and restricting hours of employment for women and children in industry; they just carry out that law. Our factory inspectors are men, some of whom have been with the department since the time I was assistant commissioner of labor, which was 9% years before I was elected commissioner, and I am now starting on my fourth year as commissioner of labor. I just retained and advanced the former commissioner of labor's chief factory inspector, and made him chief factory inspector, and stepped the others up. I feel that we must have one directing head even in the factory inspectors. But our method of training is actually on the job. We would not turn a man loose to do inspection work until the chief inspector said that he was capable of inspecting any kind of industry. We do not have enough inspectors to separate them. I think that men should be trained in electrical equipment; I think they should specialize in that. I think they should know elevator safety. But we do not have enough inspectors to specialize on any one thing, and we train them in all branches of the work. Oil-field work is the biggest problem we have at present. There are so many
different hazards existing in the oil fields, especially on the modern rotary-drill outfits; it is much different from what it was a few years ago, when cable tools were used exclusively. There was not near the danger then. Now they complete a field in a couple of years which it used to take 25 years to do under the old process with cable tools.

Our biggest field of work just now is in the producing and refining end of the oil industry. It is doubly so because there are from 3 to 6 and 8 boilers at every location for our boiler inspector and factory inspector to take care of—the rotary outfit, the drilling rig, and the drilling equipment. We require a platform at the top of the pipe when they pull the pipe. There used to be a man up there about the height of a pipe, with a board thrown across the rig about 50 feet from the ground—thrown across from place to place. We stopped that. We required them to build a platform with a handrail around it at that height. Then at the crown block, crows' nest they call it, we required a platform with a standard handrail around that, and we have gotten pretty reasonably safe operating conditions. That's our big problem now in Oklahoma, the oil industry. Aside from that the other inspection work is similar to what you have in almost every other State, such as the transmission of equipment and various inspections in cotton-oil mills and textile mills and things like that. I do not know that I can add more just now, unless someone has some question to ask.

Mr. McKinley. We have in Arkansas a department of safety; that is, boiler inspection. The law requires certain qualifications for the chief boiler inspector. The deputies are required to stand an examination by the American Society of Engineers. The present boiler inspector has been in the department for 14 years. The legislature gave the chief boiler inspector authority to make rules and regulations in reference to boiler inspection, and it met with the approval of boiler owners. There is no doubt that, by being careful as to the qualifications of the one holding that position, we have reduced boiler explosions in the State considerably. That is based on competency—the fact that he has been there under various commissioners.

Mr. Lubin. May I ask Mr. McKinley what would happen if his chief boiler inspector should die?

Mr. McKinley. Well, if the chief boiler inspector should die, we have two deputies who have proven their competency not only by their long tenure there but also by having been able to stand this examination. It is astonishing how few boiler makers are capable of passing that examination. The technical features of boiler manufacturing are not constant. We are liable to have a vacancy soon and we are looking for a man—instead of a man looking for a job in the State of Arkansas, we are trying to find a man capable of filling that position.

Mr. Lubin. I think that is a very important problem, as to what we are going to do. I mean that if the success of inspections is going to be dependent upon the length of tenure of the people in office, we are going to find ourselves after a certain time, when these men become of a certain age or when they find a better job, without capable inspectors. I was wondering whether it is not essential
that some method of training inspectors be adopted, so that there will always be young people available to take over the job when these others are gone.

Mr. McKinley. Mr. Lubin, that is an important thing now with us, because of the fact that the legislature put the boiler inspection department on a self-sustaining basis. That would have been all right several years ago, but the use of boilers is gradually diminishing; industry is going to other methods of power. Also, during this depression there has not been the same number of boilers in use. We have that to encounter. The long tenure in office there has been due altogether to the competency of those men, it is true, but the position does not pay sufficient salary, possibly, to encourage persons to take up the study of the technique and the technical features of boiler inspection; it is not sufficient to attract them. The legislature should have been more liberal and have provided salaries sufficient to attract capable boiler inspectors. That is the question we are worried about out there now.

Mr. Crawford. The question of inspection is one of vital importance to our department at the present time. We are about to reorganize our whole inspection service. We have a very unsatisfactory system of inspection, not because we lack inspectors, but largely because of overlapping and lack of cooperation. Our workmen's compensation board has, through the Industrial Accident Prevention Association, a staff of expert inspectors who, while they act in advisory capacity, have no power to make orders, but who are constantly covering the same ground that is covered by our 20 factory inspectors. We are striving to find some way of coordinating or getting closer cooperation. Within the department itself we have the 20 factory inspectors, we have a crew of inspectors under apprenticeship, and we have inspectors under the minimum-wage board, and a host of engineers who act as inspectors in addition to that. We have examiners and inspectors in connection with the operating engineers of pressure vessels—and I may have forgotten one or two. Each of these separate departments maintains its own corps of inspectors and does its own particular work, and each is constantly finding that it is treading on the toes of the others.

We are determined, if at all possible, to develop a central inspection service, which we hope will take somewhat the following form. We expect to have in each large center at least one thoroughly competent man, who can meet the public and who can, to a certain extent at least, do the inspection work for all branches of the department. He will have assistance in some cases. At headquarters in Toronto, we expect to maintain a staff of thoroughly competent and trained specialists, who will be constantly available to assist these keymen in the various centers. We found that the inspecting of boilers is a highly technical proposition, and that it is impossible to find a sufficient number of men to act as boiler inspectors and also do factory work, and minimum-wage inspection, and the rest. A competent boiler inspector is hard to find. However, our boiler-inspection work is divided into two parts—inspection during fabrication and repairs of a major nature, which does require a highly competent and trained man; and annual inspection work, which requires that every boiler in operation and pressure vessel shall be inspected each year, and that is not such a difficult proposition.
At the present time all registered engineers may obtain a certificate authorizing them to make these annual inspections. We intend, however, to segregate that type of inspection, and maintain a corps of specialists for boiler work alone and for pressure work. These caisson workers of course are scarce; not every man knows the dangers of working under high pressure, etc. But for all other inspection services, minimum wage, apprenticeship, factory inspection, etc., we hope to have a corps of competent men situated in various parts of the Province to whom any branch of the department can refer its problems, and who will be assisted, where necessary, by men in training, younger men in training. They, in turn, will be supervised and assisted by a corps of experts at headquarters. If there is any State that has adopted such a system or even has such a system in contemplation, I hope the fact will come out in discussion, so we can see whether we are on the right track or not.

Chairman Swett. Did you mean that in your factory inspection and your minimum-wage and other inspection you are going to use the same persons for mechanical inspection, inspection of pay rolls, and everything else?

Mr. Crawford. Yes; we have at the present time in a certain department a man who is the departmental inspector in his own office and he receives daily communications from the apprenticeship branch, from the minimum-wage board, from the factory inspector, from the boiler inspector, and from all other branches. He carries on that work himself. He happens to have been a very competent boilerman and a man of the right type, who has been thoroughly trained in the past 15 or 20 years. He can do that work because he has a small center and he is able to carry on. But he frequently writes in and wants one of our examiners or safety engineers or some other man from the department to make an investigation for him, making a complete report, to assist him in some complicated problem. The ordinary work of inspection, however, is carried out by that one man.

We have tried a similar experiment in one or two other centers, not so successfully because of the difficulty in finding a man who could do the boiler work. But that is our aim.

Chairman Swett. Do you think you are saving time, or what?

Mr. Crawford. We have saved both time and money, unquestionably. You see, the distance is approximately a thousand miles from headquarters to this man’s territory, and west about 500 miles away there is a vast territory which consists of practically nothing but mining and lumbering operations, and it is just too expensive to send all these inspectors that distance for these jobs.

Miss Miller. When this inspector in a given outlying district has made his inspection of a plant as to safety and found a violation, where he has investigated and found out that there is a child-labor violation, or one under a minimum-wage order, how does the administration proceed?

Mr. Crawford. The man deals directly with the head of each branch of the department or commission.

Miss Miller. Do they ever send a representative out for enforcement?

Mr. Crawford. No; he is authorized by law to act.
Mr. Crawford. He has the full authority of each of the individual inspectors. He has the authority the factory inspector, the minimum-wage authority, and any individual inspector would have.

Miss Miller. The work is sufficiently limited so that one man can carry on all those things?

Mr. Crawford. Yes; he covers two cities with a population of not over 30,000 or 40,000.

Miss Miller. If you have a city of say a million, would you say you had a different problem?

Mr. Crawford. In Toronto, for instance, we have a corps of 15 or 20 inspectors. We hope to have the same principle. At the present time, the city is divided into territories for each type of inspector, so that you have four different inspectors covering the same area, and they may all be in the same plant on the same day. We hope to do away with that. We hope to give the one inspector a small area, but have him, so far as is humanly possible, do the work of the whole department.

Miss Miller. Do you find to any degree that the interests of the individual are such that he focuses on one branch of the various types of work?

Mr. Crawford. That is the danger. That is why we have to be so careful in selecting our men. No, we have not found it as yet, but I know that we have on our staff a number of inspectors who could not qualify for this job at all. That is why we are trying at the present time to pick the keymen who can do this job. We have in the city of Windsor, just opposite Detroit, such a man, who does the work very satisfactorily; and we have another one or two. We find it most expeditious in getting our work done. We find that the factory inspector may have visited, say Stratford, this week or today, and has gone on and is a hundred miles away, and immediately something pops up in Stratford that requires attention, but in the normal course of events he might not be back for 6 months. But if we have constantly in Stratford or around Stratford a man thoroughly trained who can tend to those problems immediately, provided they are not of a major nature, he can make an immediate adjustment. If he finds that it requires the attention of a safety engineer or is something requiring the attention of a specialist from the minimum-wage board, or on apprenticeship, he sends or wires in and we send a man from headquarters to assist him.

Miss Miller. In other words, in the major decisions and the more serious cases he will still go to the head of the functional branch, as, for instance, in prosecuting violations?

Mr. Crawford. Oh yes; no prosecution may be started without the authority of the head office, but he has the power to survey the operation and in minor cases he appears for the board or the concern. If it is a difficult case it is handled by a man from headquarters.

Miss Miller. His report then would be broken up so that the functional heads would still gather all the information about, say, child labor or safety or minimum wage?

Mr. Crawford. He reports back; he makes separate reports.
Chairman Swett. Do you think that it takes a different type of inspector to do safety work, for instance, and minimum-wage enforcement?

Mr. Crawford. No. Only for complicated problems. Take the factory inspection board; I think it is foolish to expect a factory inspector to be responsible for sanitation, ventilation, safety, and all the problems with which he has to deal. I have never yet found one who was sufficiently competent in all branches of his work to demand or command the respect of the employers and the engineers in industry. So we plan to have competent men available to assist these inspectors when the problem requires such assistance.

Chairman Swett. After all, then, you cannot have one person doing it all. When it comes down to a tough job, you will have to get somebody else?

Mr. Crawford. That is our purpose. But how many jobs do you have that are tough jobs?

Chairman Swett. Well, on minimum wage pretty near every job is tough.

Mr. Crawford. By tough I mean requiring special technical knowledge or special experience of a certain type. A good factory inspector can very easily become a very good minimum-wage inspector; that is our actual experience. We have been trying it out for the last 3 years, to make sure it will work, and where we have tried it out and been careful to select the right man, it is satisfactory. It has its very definite limitations, but I believe it also has very definite advantages, and we hope to find out.

Mr. Tone. How much salary do these men get. That is an important thing. Here you are calling for a real high-class man, an engineer, an economist, one schooled in mechanical engineering and in economics, and how much salary does it pay?

Mr. Crawford. Our general man is not of that type. The salary is, at present, a disappointing feature. That is one of our difficulties. Unfortunately, our civil service commissioner has told me he can get all the engineers I want for $100 a month; but I said, "I do not want any like that." The salaries are about $3,000 a year; it is not adequate but it is the best we can do. We have been able, under present conditions, to get the type of men we want for that.

Mr. Tone. Of course, we have that today. We have some really wonderful people in our employment service working for $1,800 or $2,400 a year. I am wondering what is going to happen if we return to a normal period. They will probably all leave us to secure better jobs.

Mr. Crawford. We hope not, but that is a real danger.

Mr. Jacobs. I think it would be humanly impossible to find anyone who was qualified for that position, and certainly the work would suffer. In most States the number of inspectors does not interfere with the business, because they get around only about once a year, and if there should happen to be two in the plant at one time, which frequently does occur, they can work together very easily without interfering with the plant or with the operations. For my part, I am of the opinion that it is best to have special men for special work—such as factory inspectors—a different set of men for hotel inspec-
tions, compensation, and all the other different bureaus and departments. They can concentrate on that particular work and certainly could give better service.

Mr. Crawford. That is one of the reasons why we have these men. The inspector gets around about once a year, and this other type of inspector, under our proposed set-up, gets around more frequently than once a year and is able to cover the field much better. He is certainly not intended and never will be expected to deal personally with all the problems he meets; that is humanly impossible. It is impossible, too, in our experience for the present factory inspector to do that. But we will have a better corps of trained experts at headquarters on occasions where he meets this problem, which is possibly every week.

Miss Miller. Mr. Crawford, are you not conscious, have you not been conscious all along of certain plants which are trouble spots, where your difficulties are found to recur? Will not those plants always, in order to cover up the difficult situations, require pretty continuous return trips on the part of the experts, so that you will still have to have another in the field for that?

Mr. Crawford. Not a return of the expert. It will be the duty of the local man to return and see that the advice is being acted upon.

Miss Miller. I would say that a wage claim in such a trouble spot was a matter for an expert to handle. The thing that happens is that these plants develop methods in keeping books that will tend to cover up their transgressions; they develop a time-clock system which does not show what actually happens. A general inspector would doubtless be unable to keep checking the difficulty, which that special branch of the department knows exists there. I wonder how you are handling that.

Mr. Crawford. We have our auditors and our special minimum-wage boards. It is difficult to locate the problem in the first place, but once it has been located the auditor in one place visits a certain plant every pay day and takes notes, but we do not send an auditor once every pay day a thousand miles away. Our special adjuster goes to a place, makes his tour and special check-up, and goes into the books thoroughly; the local man makes the general survey and then reports, if necessary.

Chairman Swett. Mr. Lubin said something about whether we should not develop some sort of training for young people. We train for teaching, we train for attorneys, we train for physicians, we train in almost every other field than in the field of public service. If we are going to require and want the kind of inspector that Mr. Crawford is speaking of, should we not work out, with the schools perhaps, some sort of training system for public servants?

Mr. Jacobs. That would be a wonderful thought, but in a State where it is controlled strictly by politicians, as in my own State, how would you ever connect the man with the job?

Chairman Swett. You would have to have civil service.

Mr. Jacobs. You would have to have civil service; I think we are all pretty much in favor of that, but the thing is to get it on the books, to pass a law that requires civil-service examinations and work under civil-service rules.
A Delegate. We have in our State examinations regularly every 3 months; we have contests.

Chairman Swett. Those are the people who are in the work, but I am talking about the people who might look upon this as a field they would like to enter.

Miss Wood. Do you not think that as long as we have the spoils system we might as well pass that question?

Chairman Swett. We do not have the spoils system everywhere. We have civil service in some places, and for those people it is very worth while. We will discuss the question, “To what extent should costs of labor-law enforcement be borne by employers?” Mr. Jacobs thought that the inspection-fee method was advisable. Just how would you apply the inspection-fee method? You could not apply it to all kinds of inspection, could you?

Mr. Jacobs. To most kinds you could. We had the fee method in mining inspections. We set a rate, I think, from $2.50 up to about $50 for each inspection of each mine. Then in factory inspection we had a fee, so much for each plant inspected, and it gave us plenty of revenue. In the compensation division, of course, the insurance company is taxed to take care of that, but the biggest part of that money since the depression is going into the general fund. We are not getting the use of it. You will find that one of the faults of the system is that part of your fees will be taken and put in the general fund when an emergency arises. If there could be some way so that could not be done, it would be a mighty fine thing, because then you would always have plenty of money to operate your department, which we do not have at present.

Mr. Christie (Georgia). Did you have a flat-rate fee? Did you charge all plants the same flat rate?

Mr. Jacobs. Yes; in factory inspection, but in the mining division it was based on the number of employees.

Mr. Christie. You charge a man who runs a factory here and works 100 people the same rate as another man who has 1,500 people?

Mr. Jacobs. We did under the old law. We do not have that now. There is an appropriation out of the general fund.

Mr. Christie. Do you not think that’s a better way than the fee system?

Mr. Jacobs. No; I do not. You do not have as much money. Under the fee system you can always set the fees so that you can get all the money you want.

Mr. McLogan (Wisconsin). I believe that charging a fee for the inspection is not conducive to the best results. When we charged a fee in the early days of our inspections in Wisconsin, the employer was wary of letting an inspector in to inspect everything. He thought that we were coming along with a policeman’s club to whip him into doing certain things that were not to his best interests. That has been lived down to such an extent in Wisconsin that the employers not only welcome the coming of the inspector, as farfetched as this may seem, but go to the trouble of writing in and asking when we are going to send an inspector, because the employer has learned that it is the commission’s desire to cooperate with him for his interests as well as the employees’ interests. I am fearful that if you say, “Well, now
you've got to pay a tax or an inspection fee for this,” it will revert back to the old feeling of, “Well, it's just another racket.” Our experience has been that we can accomplish more with cooperation, complete cooperation, and a feeling on the part of the employer that we are sending our inspector there to help the employer, as well as the others, and that the best results can be obtained by charging no inspection fee but letting the money come out of the general fund.

Mr. Jacobs. That is much more satisfactory, but we do not get the money.

Mr. Wenig. For once, I want to disagree with Mr. Jacobs and agree with the gentleman from Wisconsin. In Iowa we have a general property tax, income tax, gasoline tax—we would have to wear bullet-proof vests, or our inspector would, if we tried to assess a fee.

Miss Miller. Can you not distinguish between an inspection tax and what is really a tax but operates as a permit fee? The question has been asked, Should this apply to home-work inspection? Home work is a thing that you can almost forbid, perhaps not constitutionally forbid, but you can limit it to work that is done under permit issued to the employer and fine the employer for violation if he is operating without a permit. Can not your fee there be put on an annual basis and made the condition of his operating at all, and then have your inspector entirely separate from that collecting agency, so that he cannot be regarded as being there to collect money but as really in the position of the inspector in Wisconsin, who comes in to clear up a situation, to see that it is proper, and in the interests of its maintenance?

Chairman Swett. Would you make that a set sum, or base it on the pay roll, or what would you do?

Miss Miller. I think if there can be some relation between the size of the enterprise and the sum charged that might be preferable. I do not know whether that is always possible.

Chairman Swett. Did you mean to have it extend to all kinds of inspections or just these where you issue licenses?

Miss Miller. No. I was thinking in terms of places where you can issue licenses. I think that would be possible in boiler inspections, where you can stop a boiler from operating if the owner has not a permit. Is not that a different situation from going into a factory and simply charging for the process of going through and seeing if everything comes up to specifications?

Mr. McLogan. My answer to that is that you may try to cover up what you are doing in the form of a tax, but no matter what you call it, whether by one name or another, it does not sound any better to the employer. I still stand on what I said before.

Mr. Crawford. We adopted a policy of charging a fee for inspection service of a technical nature, where such inspection was really required by the industry itself for its benefit—boiler inspection, for example. Where it is a matter of public safety and also something which is required in connection with fabrication and passed to the ultimate inspection, there a fee of from $5 to $15 is charged. We have no other fees for factory inspection, minimum-wage inspection, and general inspections of that type, especially where there is a penalty involved for the violation of the act itself. The whole cost of
compensation, including administration and inspection and every­thing else, is borne through assessment on the employers. Boiler inspection and workmen's compensation and the licensing of operating engineers are about the only branches of the department which are self-sustaining or nearly so.

Mr. McKinley. I mentioned a while ago the evil that resulted in Arkansas from fixing a fee for inspection of boilers. Of course, the boiler owner possibly derives a more definite benefit from the inspection than the public at large, but you must take into consideration that it is a matter of public safety. We inspect boilers in school­houses, churches, and hotels where the life of the general public is at stake, and I cannot subscribe to that idea of a definite fee for that service. However, some plan should be worked out by which the owner of a boiler, for instance, should bear more of the expense than the general public out of the general fund. In a schoolhouse or church where there are large gatherings it is very necessary that the boiler in the building should be safe, and therefore the general public is interested in the safety of that boiler as much as the owner is. I do believe that the owners of boilers, the owners in factories, should bear more of the expense, but I agree with the gentleman from Wisconsin that that does have a bad effect. The employer gets it into his mind that it is more the fee you are after than the safety of the plant.

Mr. Tone. We have a peculiar law in our State so far as inspection of boilers is concerned. All we can inspect is noninsured boilers. You see, Hartford is the insurance center of the United States. As to what Mr. Crawford said in regard to inspectors, some of the best inspectors, I find, are half bloodhound and half lawyer. We have had some unique cases. A shop will move into our State and in 24 days, it is apt to be up in Massachusetts or somewhere, but owing $1,000 or $2,000 in wages here. One of the best inspectors I have is a man who is about 6 feet 3 inches and weighs about 250 pounds; he can break in doors and shake them up and he brings home the results where the finest economist, the finest engineer, would bring me no evidence whatsoever.

One other thing that was discussed here is the training of inspectors. With the insurance companies located in Hartford, we ask those engineers to come over every month when our inspectors meet. We have the men on boilers, the men on elevators, and the general safety engineers address our men and then the men will ask questions from the floor with regard to things they wish to know. That is one system we have of trying to train them.

Mr. Murphy. This fee-charging business is very interesting to me. About every time I get to the point I think we should charge a fee, something happens to take it all out of me. I am a great deal like Mr. Tone. My boiler inspector weighs about 280 pounds, and he brings home the results.

Mr. Tone. Can he get in the boiler?

Mr. Murphy. Yes, he can get in there. Last summer he con­demned a boiler down there on the edge of town and something happened; he wanted me to go down and go over it with a tool pusher, so I went down. The manager was a big husky who was pretty sore, and he started in telling me what orders the boiler in­spec­tor had given. I said, 'Why don't you take a club and run him
off the place?” He looked at the inspector as if he was ready to do it, but he did not.

Our legislature got the idea of a get-rich-quick scheme. I thought we could get better salaries by charging a nominal fee for boiler inspection, and I had a bill drawn with this in mind. The members of the legislature saw a possibility there and amended that bill so that the State would have $10 net out of each boiler inspection. The legislature passed that bill and I had to write a letter to the Governor and ask him to veto it, and he did veto it. All our cities—Oklahoma City and Tulsa, etc.—have a fee-charging system for inspections, but it is a most discredited service; you can hear all kinds of stories about it. The employers have the idea that, as regards elevator inspections particularly, and things like that, the inspector just comes in and pulls the cord and says, “By golly, I’m going to get my $2.50 or $15, or whatever it is.” This is a public proposition, and the entire public is interested.

When the State pays the expense of this inspection, if the inspector is a competent man, he really gets some results. The insurance man sells the service and he sells the equipment, and they call on him every so often, but you cannot depend on an insurance company at all. That is competitive business. Maybe there are five or six boilers out here some place and maybe four of them are burned out. The insurance man comes around and says, “Well, I’ll have to cancel on that little boiler there.” The employer or owner says, “Yes, I know it’s bad, and I’m going to pull it out as soon as I get this run” or something like that. A little later the inspector comes back and says, “I thought you were going to take that boiler out?” The employer says, “Well, I am just as soon as I can get to it.” The inspector says, “I’m going to have to cancel on that then”, and gets out his book and starts to make a note of it, and then the man says, “All right, while you are doing that just cancel on these others, too. I’ve got six others over there and you can cancel them too. Then I’ll get some company that will write them.” The State boiler inspector comes along and says, “Take that thing out and shut it down.” The employer shuts it down; there is no argument. It is a service rendered the people, and I think the general public should have the benefit.

Mr. Lubin. Miss Miller raised a very important question that I think is worth considering. In view of the fact that we do have a license precedent in certain types of activity—we have it for street vendors, for the sale of milk, for the sale of groceries, for the sale of tobacco—why is it not possible to combine a license system with an inspection system? In other words, if every manufacturer were compelled by State law to have a license, which is within the constitutional prerogative of the State, there could be a stipulation that the renewal of such license would be dependent upon such plant having met the approval of the inspection department; would not that bring about the same result? In other words, the income from the licenses would be set aside for the department of labor, let us say, and when a license expires that license could not be renewed unless the plant meets the requirements of the department of labor. Would you not bring about the same results without making the person feel that he had been charged for inspection?
Of course, there is the idea of administration. A lot of licenses would expire at the same time and you would have a lot of demands coming in all at once, and you could not inspect all of them at one time. But a license could be approved pending the inspection by the State labor department of the safety equipment, or the minimum-wage provisions, or the child-labor provisions in the plant, and in that way you would get a much more effective control. You would get a source of income, and you would not give to the individual the appearance of charging for the inspection.

Chairman Swett. But you might issue that license upon the condition that everything was O. K. when you were there; shortly after you had been there things might change entirely, but you have issued the license.

Mr. Lubin. The license could be recalled in the event the standards that existed when the license was issued were lowered.

Chairman Swett. You mean the plant could not operate without this license?

Mr. Lubin. Yes. I would make it conditional. In other words, you would give it a permit or license which you could revoke. In case you were pressed for time, you could issue a license pending the making of your inspection.

Mr. Crawford. Our experience has been that licensing tends to give the sanction of the government sometimes to illegal operations. I am in accord with compulsory registration, but we are definitely opposed to any licensing system, in that it carries the stamp of approval which we are not always willing to give.

Mr. Magnusson. In regard to this matter of putting the cost of law enforcement on the employers, it seems to me that it has to be looked upon partly as a problem in taxation which requires considerable discussion and understanding. I can see where you would have a situation such as Mr. Crawford outlined, that you really charge for a service rendered, just as I am charged if I call up the surveyors in Washington and ask them to give me a resurvey of my lot. The surveyors’ department gets the fee, of course, for the service rendered. On the other hand, if it’s a question of putting a specific tax upon the employer’s pay roll, or upon his gross income, or upon his net income, or whatever it is, you run into very large taxation problems. For that reason I think it might be well for this association to have a committee to study that problem and to make a report as to what extent and in what way it seems desirable to tax the employer.

Mr. McLogan. I think that we ought to “Stop, look, and listen” as to where we are going on this tax question. We must do something for the employer after he has paid all these taxes. Let us reflect for a moment. The Federal Social Security Act is becoming effective very shortly, and in a few years there will be 3 percent of the pay roll going for unemployment compensation; there will be 3 percent of the pay roll for old-age pensions; there is a tax, not a Government tax to be sure, but a premium must be paid, for workmen’s compensation, and in certain industries that went up in a few years to 32 cents on the dollar; and then there is pay for this inspection and for that inspection. We could tax the employer to death. I am in hearty accord with the regulatory provisions of the inspections, and what not, but the em-
ployer pays all this money—his real-estate taxes and other taxes for certain governmental service—and I think that we should make a line of demarcation as to how much of the pay roll we are going to take. We would be better off. One can do so much charity that he destroys his ability to do any charity. We can tax the employer so much that we can destroy the employer entirely and will not have anything to work with.

I am in favor of a reasonable tax, but if we say that we are going to charge $10 for every boiler inspection, what will the budget committee of the legislature do? Just put it in the general fund. When it makes up the budget, it will say, "The labor commission gets so much we'll cut off the appropriation." You will not be any farther ahead, and you will fall down, in my humble opinion, on what you are trying to do.

Mr. Jacobs. We do not have the fee system in Tennessee at the present time. But, as I stated here a while ago, Tennessee is changing from an agricultural State to an industrial State and we are going to have to have more money. I suggested this thought with the view of developing this discussion, so that I could get your ideas on it. I appreciate what has been said here very much, and am glad to have the opinions regardless of whether they are in opposition or not.

Mr. Davie. There is one thing I think we have failed to touch on. If we get into the practice of charging the employers taxes—he is human—he is going to expect some special privilege. Can we not show our interest a great deal more if that inspection is taken care of out of the general fund? If any committee is to consider this question I think it should at least consider that phase of the problem.

Chairman Swett. I think we should consider both these questions at once, "Should the department be able to prosecute directly?" and "Should a State labor department employ its own counsel?" Has anyone an opinion on that?

Mr. Lubin. We have representatives of both groups here today. In other words, some labor departments are permitted to impose fines and collect them; others must bring suit through the attorney general's office. Some States have had some very interesting experiences, particularly in the collection of back pay and minimum wages and things of that sort, by going out themselves and doing the job. I think it is rather important that we get some opinion as to whether the department of labor should have the power to enforce its laws, or whether it should be required to do so through other bodies in the State government, and try to determine upon which method will bring the greatest efficiency in enforcement.

Mr. McKinley. I can tell you our experience and the law in our State. A number of years ago, we had to depend on prosecuting attorneys in the various districts of the State. We found that was unsatisfactory for the enforcement of labor laws, particularly with reference to women and children, etc. Later a law was passed that gives the commissioner of labor authority to file information before a justice of the peace or municipal judge and to prosecute cases himself, regardless of the wishes of the attorney general of that district. We found that more satisfactory and also less embarrassing to the prosecuting attorneys of those jurisdictions where they depend on the folks of that district for their positions. We have that law,
but we have pursued the policy of taking the matter up with the
prosecuting attorneys in those districts before we file the information,
and in all cases we have found that they will tell us just to go ahead,
that they would rather we would do it. We have their cooperation
to that extent, and they have advised us, too. They are in sympathy
with the enforcement of the law, but they would rather do it quietly.
We have pursued that policy and found it more satisfactory.

Chairman Swett. Do you employ your own counsel?

Mr. McKinley. We have an attorney in the office, and if we think
it is necessary he goes out and prosecutes those cases. We try to
avoid prosecution. Our plan is that when an inspector finds viola­tions where they have not been found before and report is made to
the commission, the commissioner writes the employer and takes the
position that the employer does not understand the law. Then, on
the next trip if the violation is found, the prosecution is entered. We
have found that works better than prosecuting on the first offense.

Mr. Jacobs. Tennessee has a similar law.

Mr. Murphy. In Oklahoma the commissioner of labor has au­thority to prosecute in all violations involving labor laws. We also
have a statute, with respect to counties, requiring the county
attorney to prosecute the legal end of it. The commissioner of labor
and his agents can file information in any county in Oklahoma for
violation of any of our labor laws by going to the county attorney.
But here is our difficulty there: the county attorney is elected for
2 years. He no more than gets started functioning when he is in
another campaign—and the enforcement of labor laws is a very
unpopular thing. We have about three county attorneys in Oklahoma
who will go to bat and stay there. Our county attorney in Oklahoma
City will prosecute any violations of labor laws, and we have two
others who will, but outside of that the county attorneys will file the
information and make a pretense of prosecuting but just leave enough
undone so that they fail to make a case. What we want is an
attorney with the department, but we are up against the attorney
general there. We have an attorney general who has 11 assistants,
but he cannot prosecute in any criminal case except by order of the
governor. The governor cannot order him to take charge of a case
in any county unless the county fails or refuses, and there you are.
The county says, "Sure, we'll prosecute", but the prosecution is so
half-hearted that you cannot get anywhere, and the governor cannot
order the attorney general in. That is our problem. We tried to
get the position of attorney created in the department, but we met
opposition from the attorney general's office. It said, "This is the
legal branch of the State government. If you want any assistance
we'll give it to you, but this is our end."

Mr. Tone. They do not refuse to prosecute, but they just do not
prosecute?

Mr. Murphy. That is right.

Mr. McLogan. I think that this matter of prosecution resolves
itself into two divisions—one is the right to prosecute and the other
is who is going to conduct the prosecution. Of course, the labor
department in almost every State has the right to prosecute for
violation of its rules and orders. But who is going to conduct the
prosecution in the courts? In Wisconsin the attorney general is directed by statute to uphold in the courts all the decisions of the workmen's compensation commission. The attorney general has appointed one of his assistants to do nothing else but that, and we are getting very satisfactory results from that system. On the other hand, the statute provides that where there is a violation of a safety order or any other order of the commission the commission request the attorney general of the State to prosecute. We do not get any results from that source, and what we do is to exhaust every remedy, psychological and otherwise, against the employer in order to get him to comply before we turn the case over to the attorney general, because we know that when we turn it over to the attorney general we are through; that our bluff is called and we are through. We leave with the employer the information that we want to be entirely fair with him, that we dislike to turn this case over and dislike prosecution, and we get out an order to show cause why the matter should not be turned over to the attorney general for prosecution. We get results that way. But when we get to the end of that rope and turn it over to the attorney general, we cannot get any further. Therefore, it has been our experience that if we had an attorney right in the commission—let him be from the attorney general's staff but let him be assigned to do the work of the commission—that we could get better results.

We have a similar situation in our wage-claim department in the county of Milwaukee. We have a full-time attorney whose duty is to make and prosecute wage-claim collections; he does nothing else. He is an employee of the commission, and we are getting excellent results. In every one of the other 70 counties we have to go through the process of turning the case over to the district attorney of the particular county. If he desires to go ahead, if it is politically wise, he does; if it is politically unwise he does not and we are not getting the results that we are getting in Milwaukee County from our own attorney.

Mr. Crawford. In Canada the conditions are very different, for which I am very thankful. We have no judges, magistrates, or county attorneys, or anything else who will not cooperate; they are there and we have no trouble whatever in getting full cooperation in any case with them. But we have found it advisable to retain our own solicitors as well. In certain cases the district attorney may be somewhat aged or there may be personal reasons why it would not be advisable to ask him to handle the particular case—nothing political about it whatever, but if there is any doubt about the case we do not hesitate to have our own solicitor handle that case. We have no trouble whatever, and none of our inspectors has ever had the least trouble in getting wholehearted and efficient cooperation.

Major Fletcher (North Carolina). I wonder whether any of the States have the power to impose fines either directly or through some agency without going through the form of prosecution in the courts.

Chairman Swett. Does any State have that?

Mr. McLogan. I do not know of any, and I question the constitutionality of that without at least going through the courts.

Chairman Swett. Mr. Lubin suggested that this question was important enough that you might want to instruct the resolutions
committee to adopt a resolution along the lines of this matter that has just been discussed.

Mr. Lubin. In view of the fact that it seems there is a unanimous opinion to the effect that State departments of labor should have the power to bring suit and prosecute, I wonder whether the desire for that power is sufficiently great to justify this association as going on record advocating laws which will permit the State labor departments to bring suits on their own, directly, without going through any intermediary, for the enforcement of the labor laws of the individual States. If such were the case, a motion would be in order to the effect that the resolutions committee be instructed to bring in a resolution to that effect.

Mr. Durkin (Illinois). Do you mean by that the employment of an attorney by the department to carry on the suits? In the State of Illinois if such a bill was passed the law would be unconstitutional. The attorney general's office is the law office for all departments of the State. If we were to pass a bill giving the power to the department of labor to hire an attorney to prosecute any violations of our laws, it could be carried to the supreme court and the law would be declared unconstitutional.

We have received great cooperation from our attorney general. We have an assistant attorney general in the factory inspection division and we have another who spends part of his time with the industrial commission on compensation cases and a portion of his time on minimum wage. But we could not pass any bill, even if we were to amend any law we have, to give the power to the department of labor to hire its own attorney. We would just be knocking out that law.

Mr. Lubin. Well, Dr. Durkin, would it be constitutional to permit the department of labor on its own motion to bring suits against an individual who violates the labor law, on the assumption that the attorney general might assign to your office an individual whose function that would be? The important thing is the right for you as a department, on your own volition, to bring the suit rather than have to have a local district attorney or the attorney general do it.

Mr. Durkin. We have never had that trouble. We have always been able to institute a suit and could get full cooperation from the attorney general's office.

Mr. Wenig. In Iowa the status is practically the same as in Illinois—no difficulty. We have good cooperation all the way. If we should attempt to hire an attorney it would be wrong entirely, from top to bottom.

Mr. Davie. Written into our law is a very clearly defined statement that the labor commission can prosecute any offenses against the labor laws of the State. Nevertheless, I know from experience that in the event of the attorney being away, in some cases another attorney has been put in to prosecute the offense.
Business Meeting

Chairman, Joseph M. Tone, President I. A. G. L. O.

President Tone. As the first order of business we should like to have a report from the auditing committee.

[Mr. Jacobs, chairman of the auditing committee, reported that the committee had examined the books and the records of the secretary and found them to be in perfect condition, and recommended that they be accepted. A motion was made, seconded, and carried that the report be accepted.]

[The report of the committee on resolutions was read by the chairman, E. I. McKinley. Discussion on some of the resolutions resulted in their amendment. The resolutions as adopted follow, the amendments being in italic.]

RESOLUTIONS ADOPTED BY THE CONVENTION

1. Whereas the interstate distribution of industrial home work is recognized as constituting a grave menace to the maintenance of State standards:
   Be it resolved, That the president of the I. A. G. L. O. is hereby requested to appoint a continuing committee to study and report upon the possibilities of Federal and State legislation to control the passage of the products of industrial home work in interstate commerce.

2. Whereas low wages constitute the central evil of industrial home work, thereby threatening the standards of factory production and the health and welfare of all workers in industries where home work is the practice:
   Be it resolved, That each State apply its minimum-wage laws to industrial home work.

3. Whereas a uniform national standard for the regulation of child labor has long been recognized as desirable; and
   Whereas the ratification of the child-labor amendment would make possible the establishment of such a standard:
   Be it resolved, That the representatives of each State which has not yet ratified are hereby urged to use their best efforts to secure immediate ratification, and that the secretary of this association be instructed to forward to the governors of the respective States the recommendations of this association and that the secretary of the association offer the services of the association to other organizations interested in furthering the passage of the Federal child-labor amendment.

4. Whereas all available information indicates that the distribution of home work from State to State is rapidly becoming more widespread; and
   Whereas effective enforcement depends upon current information as to such distribution; and
   Whereas effective enforcement in one State depends on manufacturers not being able to escape regulation by sending work to be done in other States:
   Be it resolved, That each State's labor department report to the authorities in every other State to which home work is being sent from within its borders, all information regarding such work as well as similar information about work being sent in from other States; and
   Be it further resolved, That copies of all such reports be sent to the United States Department of Labor in order that the extent of interstate distribution of home work may be determined.

5. Whereas a simultaneous meeting with other organizations does not permit the fullest concentration on the problems peculiarly of interest to the I. A. G. L. O.
   Be it resolved, That future meetings be held independently of any other organization.
6. Whereas it is desirable that the recommendations and programs of the I. A. G. L. O. be as influential as possible in promoting legislation supported by the I. A. G. L. O.; and

Whereas this can be brought about in part by acquainting the public with the organization's doings through the press and otherwise:

Be it resolved, That a standing committee on publicity be appointed by the Chair to function throughout the year and especially to give out press releases at the meetings.

7. Be it resolved, That the I. A. G. L. O. go on record as endorsing the principles of the civil service in State labor departments; and

Be it further resolved, That the I. A. G. L. O. appoint a committee to investigate during the coming year the efforts which are being made by various organizations looking toward the inauguration of civil service in the various labor departments of the States and report to the next annual meeting of the association on their findings.

8. Be it resolved, That the I. A. G. L. O. recommend to the various departments and agencies of the Federal Government that safety rules and regulations at least equal to those that prevail in the individual States or other civil divisions in which any Federal construction is undertaken be incorporated in all contracts financed in whole or in part with Federal funds; and

Be it further resolved, that such minimum conditions be made applicable to all force-account work financed with such funds.

9. Be it resolved, That the I. A. G. L. O. go on record as endorsing and recommending the establishment by each State of a wage-claim collection division; and

Be it further resolved, That the I. A. G. L. O. appoint a committee to investigate during the coming year the efforts made by the different States in the matter of wage-claim collections.

10. Resolved, That the thanks and appreciation of this Association be extended to Commissioner A. L. Fletcher of the North Carolina Department of Labor, to Mr. J. Dewey Dorsett of the North Carolina Industrial Commission and president of the International Association of Industrial Accident Boards and Commissions, and to the city of Asheville for their demonstration of true southern hospitality which we have so bountifully enjoyed.

Discussion

[The discussion on resolution 1 was in part as follows:]

Mr. Walling (Rhode Island). I want to suggest that it might be desirable also to have this committee consider the possibilities of joint action by the States themselves, through interstate compacts or otherwise, as well as Federal legislation. This, as I take it, is an exploratory committee and that possibility might also be opened up as well as Federal legislation.

President Tone. Do you suppose this committee would take that into consideration?

Mr. Walling. I would suggest that an amendment might be made to the resolution, if that is in order.

Mr. Crawford. I think it is really not necessary. I think the resolution would cover that.

Mr. Tone. The committee's work, I think, would cover that.

Mr. Walling. It does not seem to, as I understand it.

Mr. Wenig. You can put that interpretation on it, I presume.
Mr. Walling. It says, "To discuss Federal legislation." It limits it to Federal legislation.

Miss Miller. The opinion of the group which discussed this was that there is the possibility of developing Federal legislation definitely as such, and that the constitutional angles and the drafting of that are a technical and complex job. We thought of something along the lines of the Prison Labor Act, but we realized that a great deal of work has to be done before anything could be drafted that would be safe from the point of view of its constitutional features. We had not thought in this resolution of covering the other point. As a matter of fact, the other point had been brought up, and it had been felt that insofar as the other point had been brought up, and it had been felt that insofar as compacts between the States, either for standard legislation to be adopted by the compact States or for prohibiting the passage of home work between the States, were a matter which should go to the compacts group; certainly the matter of standard legislation for the States to adopt could be added to this resolution as a separate matter if this group so desires.

Mr. Walling. My point in making that suggestion was simply to give the committee a little wider scope; the resolution as it now stands limits the committee to the possibilities of Federal legislation. That may be the ultimate solution, but I think we should not tie the hands of the committee and not let it consider other possibilities.

Mr. Lubin. I suggest that we solve the difficulty by changing it to read "and report upon the possibilities of Federal and State control for the passage of products."

[The following discussion was had on resolution 5:]

Dr. Patton. I think I am solely responsible for the present situation of having simultaneous meetings. This body used to meet in May and the I. A. I. A. B. C. in September. A great many people from a given State felt under obligation to attend both, and it added greatly to the expense. I think that the proper thing to do would be what the employment office people are doing. They are meeting immediately at the end of this meeting, not simultaneously but at the same place, so that one railroad fare does for both and one convention begins where the other leaves off. I am opposed to this resolution, but would recommend that the date of our meeting be made so as immediately to precede or immediately to follow.

Mr. McKinley. Dr. Patton, this resolution says "A simultaneous meeting with other organizations does not permit the fullest concentration on the problems peculiarly of interest to the I. A. G. L. O."

Dr. Patton. I think there is a great advantage in meeting at the same place and immediately preceding or immediately following. This resolution sounds as though you wanted to go back to the old plan of meeting at a separate place and 6 months apart.

President Tone. If the Chair understands that resolution, you could meet a day or two days after the accident boards meet or before.

Dr. Patton. We do not need any resolution. We can do that now; no resolution whatever is necessary. There is nothing in the constitution or bylaws, if there are any bylaws, which requires us to meet on the same days. We need no resolution; when the day of the next meeting is set, it can be set immediately preceding or immediately following anything else.
President Tone. Of course, the resolution will prevent some committee from holding our meeting on the same day as another meeting. The resolution does not do any harm, as I look at it.

[President Tone called for the report of the nominating committee, which was read by Miss Helen Wood.]

REPORT OF THE NOMINATING COMMITTEE

The nominating committee submits the following slate of officers for your consideration:

President.—A. W. Crawford, Department of Labor of Ontario, Canada.
First vice president.—William E. Jacobs, Department of Labor of Tennessee.
Second vice president.—A. L. Fletcher, Department of Labor of North Carolina.
Third vice president.—L. Metcalfe Walling, Department of Labor of Rhode Island.
Fourth vice president.—W. A. Pat Murphy, Department of Labor of Oklahoma.
Fifth vice president.—Martin P. Durkin, Department of Labor of Illinois.

Inasmuch as this association in 1933 unanimously passed a resolution making the United States Commissioner of the Bureau of Labor Statistics the permanent secretary of the association, no name is presented for secretary. The committee endorses the present secretary, Mr. Lubin, if he is willing to accept.

[The recommendations of the committee were adopted and on motion made, seconded, and carried, the outgoing president cast one ballot for the entire convention.]

[Mr. Lubin reported that he had received a communication from P. Rivera Martinez, Commissioner of Labor of Puerto Rico, expressing his regret that he could not be present, and conveying to the convention the goodwill of Puerto Rico. Mr. Lubin also reported that requests had been received from Philadelphia, from Buffalo, from Louisville, Ky., and from St. Louis that the next meeting of the Association be held in those respective cities, and that letters had been received from the Governor of Kentucky and the Mayor of Louisville relative to Louisville. Mr. Lubin then continued as follows:]

Mr. Lubin. The next matter I should like to bring forward is a recommendation that the association elect as members three new organizations that have been developed during the past year. One is the National Labor Relations Board. In view of the fact that it functions primarily to bring about amicable adjustments of labor relations, and in view of the fact that many of the State labor departments are vitally interested in this department through conciliation departments or otherwise, I think it would be fitting that this organization have membership on this Board and take part in its deliberations.

Next, I recommend that the Social Security Board, which will be responsible for the administration of the social security laws, which in many cases will be in the hands of the State labor departments, also be elected a member of this organization.

Third, I recommend that the Division of Standards of the Department of Labor, whose function it is to keep in active touch with the various States and to offer such States such services as they request, also be made a member of this organization.

Finally, there is the matter of unfinished business that should be taken up relative to the reports on child labor, old-age pensions, minimum wage, unemployment insurance, and women in industry, which were submitted at the first meeting of this organization on Tuesday.
I take it that the first matter is the decision as to where we shall meet, the second as to new members, and the third as to the reports.

[An invitation was also received to hold the next convention in New York. A motion was made, seconded, and carried that the matter of determining the place of meeting of the 1936 convention be left to the executive board.]

[A motion was made, seconded, and carried that the association invite into membership the National Labor Relations Board, the Social Security Board, and the Division of Standards of the Department of Labor.]

[A motion was made and seconded that the reports of committees be adopted and put in the record.]

Mr. Lubin. There is one difficulty. Some of these reports recommend to this association that certain things be done, and it will be necessary to do more than put them in the record; it will be necessary to approve such recommendations and the question is, Do you want to approve them without discussing them?

[A suggestion that consideration of the reports be postponed and another meeting held for their discussion was considered but not acted on.]

Mr. Magnusson. Miss McConnell's report leaves a specific question open as to hours of labor on night work.

Miss McConnell (Washington, D. C.). The simplest thing will be for me to state briefly the changes that were recommended by the child-labor committee, which is composed, with the exception of myself, of representatives of State labor departments and one representative from Canada.

The standard child-labor bill which was approved by the association in 1933 is recommended by this committee to be changed slightly. First, that "any gainful occupation" be made to read "any occupation", so as to include an occupation which might be termed a non-gainful enterprise and make a more complete coverage.

Second, that the wording of the section establishing a minimum age of 16 for employment during school hours be revised to provide that minors 14 and 15 years of age may be employed, during summer vacations and hours when school is not in session, in occupations other than factory work or which are not otherwise prohibited by the child-labor law.

It has been further suggested that a provision for a lunch period be included in the child-labor standards.

The question which Mr. Magnusson raises is in relation to the night-work prohibition for boys and girls under the ages of 18—whether the old provision which was adopted by this association in 1933 that night work should be prohibited between the hours of 10 p. m. and 6 a. m. for minors 16 and 17 years of age should be retained, or whether the prohibition should be for work between 9 p. m. and 7 a. m.

Mr. Lubin. What do you recommend?

Miss McConnell. I am inclined to believe that the second recommendation is to be desired, but I think that it is hardly practicable at the present time. I would therefore recommend at the present time that we maintain the standard which was adopted in the association 2 years ago.

President Töne. What is that?

Miss McConnell. That night work be prohibited between the hours of 10 p. m. and 6 a. m. for minors 16 and 17 years of age.
President Tone. We have that in our State up to 18 years, haven't we?

Miss McConnell. This is up to 18, but it would make the hours from 9 p.m. until 7 a.m.

It is suggested that the standard bill be further revised so that the posting of hours should include the record of wages paid as well as the record of hours worked, and that an employment certificate be required for minors. It is recommended that employment certificates be required for minors 16 and 17 years of age. Those are the changes which are made from the standards approved by this association in 1933.

Dr. Patton. With reference to the recommendation for striking out the word "gainful," it seems to me we are covering a very wide territory even if we leave the words "gainful occupation," and I hesitate to make it all-embracing. However, I have not heard the change discussed. It seems to me that it would be so small, it is a good deal like straining at a gnat. I wonder just what the committee thought would be gained by omitting the word "gainful".

A Delegate. I am responsible for that recommendation to the committee. There is one situation, Dr. Patton, that has been peculiarly difficult in our particular case and that is in regard to caddies on golf courses, who have never been covered under our compensation law because of our child-labor provision. At least, they have not been since very early when the board, apparently by accident, gave compensation to a minor under 14 years. The accidents to minor caddies on golf courses, as you know, have in certain cases been very serious and even fatal. It seems to me that if this word "gainful" means that a minor such as this is subjected to such a hazard, just because golf courses in the main are not matters of gainful occupation—some caddies work for tips—it is a question of interpretation. Certainly it has never been covered with us. That is a means of determining the matter in this situation.

Mr. Walling. I should like to inquire whether the dropping of the word "gainful" would cover apprentice printing for schools, etc.

Miss McConnell. The term "employment" would not include a school—the term "employed or suffered to work in" would not include a school in any event.

Mr. Walling. I was just inquiring whether the omission of the word "gainful" would mean that apprentice-training programs and apprentice schools where there is part-time work and part-time study would be covered and thereby prohibited by the language. I am afraid that if the language was so interpreted, there would be considerable opposition to any law which does not permit that kind of work, which is considered by many people to be perfectly legitimate.

Mr. Davie. I should like to ask a question. If apprentice training provides certain hours in school and in workshops, should it not also provide compensation for the apprentice? That is a gainful occupation—I would term it that way.

Mr. McLogan. I should think that whether or not a boy or child is engaged in a gainful occupation will depend upon the facts in each individual case and that you cannot successfully make it a blanket or all-inclusive statement. Our supreme court has held that caddies are in gainful occupations.
Miss McConnell. It has also in the State of Pennsylvania. I think this point ought to be made perfectly clear, however, that in setting up these standards as approved by the Association of Governmental Labor Officials, it was not the idea of this organization, as I understand it, to set a definite wording which shall be accepted bodily by any State, but to set the standards, which shall be revised to meet the particular legal procedure customary in any given State. It seems to me that if we can agree on basic standards, that that is the only thing necessary from the point of view of this standard law.

President Tone. Does any one else have any remarks?

Mr. Durkin. From my experience under child-labor laws, I find that you will not get the full cooperation of labor, which is necessary for the passage of labor legislation on this particular bill, because of the fact that apprentices who are learning their trade in hazardous occupations can not start at that trade before the age of 18, and labor feels that a boy who desires to become a tradesman should be able to start at the age of 16. It does not give its whole-hearted support where we compel apprentices by law not to work or begin their apprenticeship until after the age of 18, because many of the trades have 4- and 5-year apprentice systems under which the apprentice, before he is a full-fledged mechanic, is liable to be a married man with a family.

Mr. Lubin. Is it not also true that many of the organized labor groups feel that there must be further restrictions on apprenticeship, due to the fact that the depression has thrown so many skilled mechanics out of work? Would not this be a means of limiting the number of people?

Mr. Durkin. They are able to control that through agreement with their employers and are not worried over the age question.

Mr. McLogan. I think that a solution of that will be to give cognizance to the fact that an apprentice in learning his trade is attending school, because when he is attending the regular course in the apprenticeship he is in that case attending school.

President Tone. Of course he is being remunerated for it too.

Mr. McLogan. Well, at a reduced wage, yes.

Mr. Murphy. I happen to be chairman of the State committee on apprentice training, under Federal regulation. Where there are trade-union agreements on apprenticeship laws the only thing that we interfere with in any way is to bring the standard up to the minimum Federal requirement. In organized-labor apprenticeship training we do not interfere with their contract at all. Various crafts have different ages. Most of them require apprentices to complete their apprenticeship by the time they are 21, and some of them have different periods—2 and 3 and 4 and some 5 years. We are not interfering with any trade-union apprenticeship regulations, and I should not think it advisable to do that. Our State child-labor law specifies that no children under 16 years of age shall be employed in any gainful occupation, except agriculture or domestic service, more than 8 hours in any 1 day or 48 hours in any week, with 1 full hour off at noon. That is our State law and then the compulsory education law steps in. A boy is a man when he has passed his sixteenth birthday in Oklahoma, so far as the child-labor law is
concerned, but the compulsory education law steps in and stays with him until he is 18 unless he has completed at least the eighth grade.

[Discussion on the other reports was called for but no recommendations were made.]

President Tone. The motion to accept the report of the committee on child labor has been made and seconded but not adopted. Are there any remarks?

Mr. McLogan. We encounter some difficulties as the report now reads but I honestly believe that we are jumping out of the frying pan into the fire if we adopt this wording to include nongainful occupations. It is my humble opinion that it is best the way it is; in other words, that we leave "gainful" in.

Mr. Davie. As I understand this recommendation on gainful occupation, the "gainful" has been left out of the recommendation. I am not in favor of that; that should be in there. I want to support this motion but I cannot support that part of it. I think there are several others who feel the same as I do.

Mr. McLogan. As I understand it, the recommendation is to strike out the word "gainful" and make it inclusive of all occupations, whether gainful or not. I made the statement that I do not believe that is good. I think we ought to leave it as it is.

Mr. Lubin. In view of the fact that there is a motion now before the floor, may I suggest that the chairman be authorized to call a separate vote for each one of these seconds of the recommendation. In that way, we can have the records straight.

Miss McConnell. The recommendation that the word "gainful" be stricken from the section "gainful occupation" proposed by the New York Labor Department is withdrawn by the representative of that department. Is it in order, therefore, that as chairman of the committee, I amend that report to read that "no child under 16 years of age shall be employed, permitted, or suffered to work in any gainful occupation?"

President Tone. All in favor of accepting the report as it now stands let it be known.

[The Chair declared the motion carried and the recommendations adopted.]

[A motion was made, seconded, and carried that the reports of the president and the secretary, which were read at the first meeting, be accepted and made a part of the record.]

[A motion was made, seconded, and carried that, following the custom of the association in the past, and in view of the kind aid given by some of the staff of Mr. Fletcher's office, the association express its appreciation in some tangible form.]

[At this point Mr. Tone, the retiring president, turned over the gavel to the incoming president, Mr. Crawford, with his congratulations and a rising vote of the delegates. President Crawford called on the newly elected officers to rise, expressing his confidence that he would have their whole-hearted support. He also declared it to be his aim to secure better representation from Canada, and that he would endeavor to interest the heads of all the State departments in making the association of more value to them.]

[Convention adjourned.]
HONORARY LIFE MEMBERS

George P. Hambrecht, Wisconsin.
Frank E. Wood, Louisiana.
Linna Brezette, Illinois.
Dr. C. B. Connelley, Pennsylvania.
John H. Hall, Jr., Virginia.
Herman Witter, Ohio.
John S. B. Davies, New Hampshire.
R. H. Lansburgh, Pennsylvania.
Alice McFarland, Kansas.
H. M. Stanley, Georgia.
A. L. Ulrick, Iowa.
Dr. Andrew F. McBride, New Jersey.
Louise E. Schutz, Minnesota.
Appendix—Persons Attending the Twenty-first Annual Convention of the International Association of Governmental Labor Officials

UNITED STATES

Arizona

Howard Keener, Industrial Commissioner, Phoenix.

Arkansas

E. I. McKinley, Commissioner, Bureau of Labor and Statistics, Little Rock.

Connecticut

Morgan R. Mooney, Deputy Commissioner, Department of Labor and Factory Inspection, Hartford.

Joseph M. Tone, Commissioner, Department of Labor and Factory Inspection, Hartford.

Miss Helen Wood, Director, State Employment Service, Hartford.

Delaware

C. W. Dickey, Wilmington.

District of Columbia

Mary Anderson, Director, United States Women’s Bureau.

Thomas H. Eliot, Assistant Solicitor, United States Department of Labor.

Jean A. Flexner, Division of Labor Standards, United States Department of Labor.

Charles L. Hodge, United States Department of Labor.


M. G. Lloyd, National Bureau of Standards.

Isador Lubin, Commissioner, United States Bureau of Labor Statistics.

William McCauley, Secretary, United States Employees’ Compensation Commission.

Beatrice McConnell, Director, Industrial Division, United States Children’s Bureau.

Leifur Magnusson, American Representative, International Labor Organization.

Marian L. Mel, Division of Labor Standards, United States Department of Labor.

A. Louise Murphy, Division of Labor Standards, United States Department of Labor.
Miss M. E. Pidgeon, Chief, Research Division, United States Women's Bureau.
Paul M. Stewart, United States Employees' Compensation Commission.
Louise Stitt, United States Women's Bureau.

**Florida**

Elizabeth A. Cooley, Secretary, Public Welfare Department, Miami Beach.

**Georgia**

W. E. Christie, Chief, Labor Division, Department of Industrial Relations, Atlanta.
Sharpe Jones, Secretary-Treasurer, Department of Industrial Relations, Atlanta.
Mrs. Maude Peteet, Department of Industrial Relations, Atlanta.
Hal M. Stanley, Commissioner of Commerce and Labor, Department of Industrial Relations, Atlanta.

**Iowa**

Frank E. Wenig, Commissioner, Bureau of Labor, Des Moines.

**Kansas**

G. Clay Baker, Chairman, Commission of Labor and Industry, Topeka.
Marie M. Brindell, Commission of Labor and Industry, Topeka.
Mrs. Daisy L. Gulick, Director, Women's Work, Commission of Labor and Industry, Topeka.

**Kentucky**

T. W. Pennington, Chief Labor Inspector, Department of Agriculture and Labor, Louisville.

**Massachusetts**

Mary E. Meehan, Acting Commissioner, Department of Labor and Industries, Boston.

**Missouri**

Mrs. Mary Edna Cruzen, Commissioner of Labor and Director of Employment, Jefferson City.

**Nevada**

James Fitzgerald, Labor Commissioner, Carson City.

**New Hampshire**

John S. B. Davie, Commissioner of Labor, Concord.
APPENDIX—LIST OF PERSONS ATTENDING

New Jersey

Charles H. Weeks, Deputy Commissioner of Labor, Trenton.

New York

Elmer F. Andrews, Industrial Commissioner, Department of Labor, New York City.
John B. Andrews, Secretary, American Association for Labor Legislation, New York City.
William J. Canada, Engineer, New York City.
Frieda S. Miller, Director, Division of Women in Industry, Department of Labor, New York City.
Eugene B. Patton, Director, Division of Statistics and Information, Department of Labor, New York City.
H. W. Steinhaus, Chief, Research Department, Equitable Life Assurance Society of United States, New York City.

North Carolina

J. H. Clippard, Special Supervisor, Vocational Rehabilitation, Raleigh.
A. L. Fletcher, Commissioner of Labor, Raleigh.

North Dakota

Mrs. E. Dupuis, Secretary, Minimum Wage Department, Department of Agriculture and Labor, Bismarck.

Oklahoma

W. A. Pat Murphy, Commissioner of Labor and Director of Employment Service, Oklahoma City.

Pennsylvania

Austin L. Staley, Director Workmen's Compensation, Department of Labor and Industry, Harrisburg.

Rhode Island

L. Metcalfe Walling, Director, Department of Labor, Providence.

Tennessee

W. E. Jacobs, Commissioner of Labor, Nashville.

West Virginia

Clarence L. Jarrett, Commissioner, Department of Labor, Charleston.
John F. Woods, Jr., Department of Labor, Charleston.
1935 MEETING OF I. A. G. L. O.

**Wisconsin**

Harry R. McLogan, Industrial Commissioner, Madison.
Alice B. Smith, Industrial Commission, Milwaukee.
Maud Swett, Field Director, Woman and Child Labor Department, Industrial Commission, Milwaukee.

**CANADA**

**Ontario**

A. W. Crawford, Chairman, Minimum Wage Board, Department of Labor, Toronto.
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. Publications which are not available for free distribution, indicated in this list by an asterisk, can in some cases be obtained for a nominal charge. Superintendent of Documents, Government Printing Office, Washington, D.C.; all can be consulted at libraries which are Government repositories.

Collective agreements.
*No. 191. Collective bargaining in the anthracite coal industry. [1916.]
*No. 195. 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. 463. Trade agreements, 1927.

Conciliation and arbitration (including strikes and lock-outs).
*No. 124. Conciliation and arbitration in the building trades of Greater New York. [1918.]
*No. 135. 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. 223. Operation of the Industrial Disputes Investigation Act of Canada. [1918.]
*No. 255. Joint industrial councils in Great Britain. [1919.]
*No. 577. National War Labor Board. History of its formation and 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 1923 (other than agricultural).
*No. 531. Consumers’ credit, and productive cooperative societies, 1920.
*No. 598. Organization and management of consumers’ cooperative associations and clubs (with model bylaws). [1934.]
*No. 506. Organization and management of cooperative gasoline and oil associations (with model bylaws). [1934.]
*No. 608. Organization and management of cooperative housing associations (with model bylaws). [1934.]
*No. 612. Consumers’ credit, and productive cooperation in 1933.

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. [1913.]
*No. 183. Regularity of employment in the women’s ready-to-wear garment industries. [1915.]
*No. 195. Unemployment in the United States. [1916.]
*No. 206. The British system of labor exchanges. [1916.]
*No. 233. Employment system of the Lake Carriers’ Association. [1918.]
*No. 241. Public employment offices in the United States. [1918.]
*No. 310. Industrial unemployment: A statistical study of its extent and causes. [1922.]
*No. 409. Unemployment in Columbus, Ohio, 1921 to 1925.
*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. 610. Revised indexes of factory employment and pay rolls, 1910 to 1933.
*No. 611. Unemployment insurance and reserves in the United States: A selected list of recent references. [1933.]
*No. 613. Average annual wage and salary payments in Ohio, 1919 to 1932.

Housing.
*No. 158. Government aid to home owning and housing of working people in foreign countries. [1914.]
*No. 263. Housing by employers in the United States. [1920.]
*No. 266. Building operations in representative cities, 1920.
*No. 605. Organization and management of cooperative housing associations (with model bylaws). [1934.]

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Industrial accidents and hygiene (including occupational diseases and poisons).

*No. 104. Lead poisoning in potteries, tile works, and porcelain-enameded 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. [1915.]

*No. 179. Industrial poisons in the rubber industry. [1916.]

*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 painting trades. [1917.]

*No. 219. Industrial poisons used or produced in the manufacture of explosives. [1917.]

*No. 221. Hours, fatigue, and health in British munition factories. [1917.]

*No. 228. Industrial efficiency and fatigue in British munition factories. [1917.]

*No. 231. Mortality from respiratory diseases in dusty trades (inorganic dusts). [1918.]

*No. 234. The safety movement in the iron and steel industry, 1907 to 1917. [1918.]

*No. 241. Effects of the air hammer on the hands of stonecutters. [1918.]

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*No. 121. Sugar prices, from refiner to consumer. [1913.]
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