

U. S. DEPARTMENT OF LABOR

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WOMEN'S BUREAU

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NIGHT-WORK LAWS IN THE  
UNITED STATES

Summary of State Legislation  
Regulating Night Work for Women

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U. S. DEPARTMENT OF LABOR  
WOMEN'S BUREAU

## THE CONTROL OF NIGHT WORK FOR WOMEN IN UNITED STATES THROUGH STATE LEGISLATION.

### LAWS LIMITING THE NUMBER OF HOURS THAT WOMEN MAY WORK AT NIGHT IN CERTAIN OCCUPATIONS.<sup>1</sup>

Six States—Delaware, Kansas, Maryland, Nebraska, New Hampshire, Wisconsin—have passed laws limiting the number of hours which women may work at night.

#### **Eight hours per night, 48 hours per week.**

Three States—Kansas, New Hampshire, Wisconsin—limit the hours that may be worked during any one night to 8 and the weekly hours of night work to 48. Wisconsin is the only one that specifies that this work time must fall within certain hours—8 p. m. to 6 a. m.—in order to be considered night work. The Kansas ruling applies only to public housekeeping. New Hampshire covers all manual or mechanical employment, but excepts household labor, nurses; domestic, hotel, and boarding-house labor; operators in telephone and telegraph offices; farm labor; manufacture of munitions or supplies for the United States or State during war time; mercantile establishments on the 7 days preceding Christmas. Wisconsin includes mechanical or mercantile establishment, restaurant, confectionery store, telephone and telegraph, express, or transportation.

#### **Eight hours' labor within certain fixed hours.**

Two States—Delaware and Maryland—limit the number of hours that a woman may work at night to 8, and further provide that some part of this work time must fall between certain definitely specified hours in order to be considered night work. Delaware places these limits at 11 p. m. to 7 a. m.; Maryland, as 10 p. m. to 6 a. m.

Both States cover mercantile establishments. Delaware includes telephone and telegraph office or exchange. The Maryland law also applies to manufacturing, mechanical, printing, baking, laundering establishments, but excepts canning.

#### **Eight hours per night.**

Two States—Wisconsin and Nebraska—have limited night work to 8 consecutive hours. The scope of these laws varies greatly, as Nebraska only covers public-service corporations and Wisconsin specifies "any occupation."

#### **Twelve hours overall per night.**

The Kansas Industrial Welfare Commission has ruled that if telephone operators are regularly employed after 10.30 p. m., they may not be on duty more than 12 hours per night, this time to include rest time and sleep time as well as work time.

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<sup>1</sup> For references and brief statement of laws see Appendix I. (Attached chart.)

### Value of laws.

These laws recognize the evils of night work and seek to lessen the bad results of such work by limiting the hours of labor. It is probable that by restricting the conditions of employment, night work by women is prevented to a degree. In many occupations, however, especially in telephone and telegraph establishments, it has not been possible so far to prohibit night work.

Only two States—Maryland and New Hampshire—have failed to follow up these laws limiting the hours of labor at night by enacting laws prohibiting night work in some occupations. This would seem to be evidence of the fact that these laws are a definite recognition of the bad effects of night work, and that in all probability they are first steps toward its prohibition.

### LAWS PROHIBITING WOMEN FROM WORKING AT NIGHT IN CERTAIN OCCUPATIONS.

Twelve States, Connecticut, Delaware, Indiana, Kansas, Massachusetts, Nebraska, New York, Oregon, Pennsylvania, South Carolina, Utah,<sup>2</sup> Wisconsin, and one Territory, Porto Rico, have prohibited women from working at night in certain occupations.

#### Within specified hours.

Nine States, Connecticut, Delaware, Indiana, Kansas, Massachusetts, Nebraska, New York, Pennsylvania, Wisconsin, and one Territory, Porto Rico, have set certain definite hours between which women are prohibited from working in a number of occupations.

#### 5 p. m. to 8 a. m.

The longest period of time during which women are prohibited from doing night work is from 5 p. m. to 8 a. m. in Wisconsin. This act regulates the employment of conductors, motormen, flagmen on street car lines in first-class cities.

#### 5 p. m. to 6 a. m.

Wisconsin has also prohibited the work of women as conductors, motormen, flagmen on street car lines outside first-class cities between the hours of 5 p. m. and 6 a. m.

#### 6 p. m. to 6 a. m.

Two States, Massachusetts and Wisconsin, prohibit night work between 6 p. m. and 6 a. m. Massachusetts applies only to the manufacture of textile goods; Wisconsin covers manufacturing and laundries, but excepts canneries.

#### 9 p. m. to 6 a. m.

Kansas prohibits night work in factories between 9 p. m. and 6 a. m.

#### 10 p. m. to 7 a. m.

New York prohibits night work in mercantile establishments for messengers or telegraph or messenger companies and on any type of street car between 10 p. m. and 7 a. m., but excepts mercantile establishments from December 18 to 24 and two days annually for stock taking.

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<sup>2</sup>The Utah law has been declared unconstitutional by a State court, but has not been passed on by the United States Supreme Court.

**10 p. m. to 6 a. m.**

Seven States, Connecticut, Delaware, Indiana, Massachusetts, Nebraska, New York, Pennsylvania, and one Territory, Porto Rico, prohibit women from working in certain occupations between 10 p. m. and 6 a. m.

Six States, Delaware, Indiana, Massachusetts, Nebraska, New York, Pennsylvania, cover manufacturing, but Delaware excepts canning and Pennsylvania excepts the clerical force of factories. Two States, Connecticut and Nebraska, include mercantile establishments. Nebraska and Delaware include mechanical establishments and laundries. New York and Nebraska cover restaurants, although New York limits this to cities of the first and second class, and excepts performers of any kind, cloak-room attendants, dining rooms and kitchens of hotels, and employees' lunch rooms. In addition, Nebraska covers hotels, and Delaware bakery, office, printing, dressmaking establishments. Porto Rico covers all lucrative employment, but excepts stenographers, typewriters, office assistants, telephone and telegraph operators, nurses, domestics.

**After a specified hour.**

Five States, Connecticut, Kansas, Oregon, South Carolina, Utah, prohibit women from working after a fixed hour.

**After 6 p. m.**

Two States, Oregon and Utah, prohibit the employment of women in mercantile establishments after 6 p. m. In Oregon the law covers Portland and excepts cigar stands in hotels and confectionery stores. The Utah law applies to all workers in cities of 10,000 population or over, excepting on the six business days before Christmas.

**After 8.30 p. m.**

Oregon prohibits the employment of women in mercantile stores outside of Portland and in manufacturing and laundry after 8.30 p. m., but again excepts cigar stands in hotels and confectionery stores.

**9 p. m.**

Kansas prohibits women from working in mercantile establishments after 9 p. m.

**10 p. m.**

Two States, Connecticut and South Carolina, prohibit night work for women after 10 p. m. The Connecticut law applies to restaurants and cafés, dining rooms, barber shops, hairdressing, manicuring establishments, photograph gallery. South Carolina covers mercantile establishments.

**Value of laws.**

These laws constitute the legal expression in the United States of the belief that night work is injurious to workers. In preventing night work we are far behind most European countries, where the prohibition is country wide. Not only are our night-work laws limited to a few of our States, but even those laws that do exist include a very small number of occupations. Indiana and Pennsylvania cover manufacturing alone. South Carolina and Utah only include mercantile establishments. Many of the other laws have exceptions that seriously limit their effectiveness. The prohibition of night work in the United States really affects only a small part of one class of workers.