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**UNITED STATES DEPARTMENT OF LABOR**  
**BULLETIN OF THE WOMEN'S BUREAU, No. 68**

**SUMMARY**  
**THE EFFECTS OF LABOR LEGISLATION**  
**ON THE EMPLOYMENT OPPORTUNITIES**  
**OF WOMEN**

**REPRINT OF CHAPTER II OF BULLETIN 65, SHOWING SCOPE, METHOD, AND**  
**CONCLUSIONS OF THE INVESTIGATION OF THE WOMEN'S BUREAU OF THE**  
**EFFECTS OF LABOR LEGISLATION ON THE EMPLOYMENT**  
**OPPORTUNITIES OF WOMEN**

[PUBLIC—No. 259—66TH CONGRESS]

[H. R. 13229]

An Act To establish in the Department of Labor a bureau to be known as the Women's Bureau

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be established in the Department of Labor a bureau to be known as the Women's Bureau.

SEC. 2. That the said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of \$5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe.

SEC. 3. That there shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of \$3,500 and shall perform such duties as shall be prescribed by the director and approved by the Secretary of Labor.

SEC. 4. That there is hereby authorized to be employed by said bureau a chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.

SEC. 5. That the Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture, and equipment for the work of this bureau.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved, June 5, 1920.

U. S. DEPARTMENT OF LABOR  
JAMES J. DAVIS, SECRETARY  
WOMEN'S BUREAU  
MARY ANDERSON, Director

BULLETIN OF THE WOMEN'S BUREAU, No. 68

# SUMMARY

## THE EFFECTS OF LABOR LEGISLATION ON THE EMPLOYMENT OPPORTUNITIES OF WOMEN

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Reprint of Chapter II of Bulletin 65, showing scope,  
method, and conclusions of the investigation of the  
Women's Bureau of the effects of labor legislation  
on the employment opportunities of women



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## LETTER OF TRANSMITTAL<sup>1</sup>

UNITED STATES DEPARTMENT OF LABOR,  
WOMEN'S BUREAU,  
*Washington, May 29, 1928.*

SIR: There is submitted herewith a report on the effects of labor legislation on the employment opportunities of women. This study was made in response to a request for such information from the second Women's Industrial Conference, held under the auspices of the Women's Bureau in Washington in January, 1926. The data upon which the report is based were collected during the period from March to December, 1926.

In planning and carrying on the study the Women's Bureau was fortunate in securing the services of several experts in the field of industrial investigating, who acted as a technical advisory committee and whose judgment and experience were of the greatest value as guides to the best method of collecting and presenting the material.

The chairman of this committee was Miss Mary van Kleeck, director of the department of industrial studies of the Russell Sage Foundation. Miss van Kleeck has had many years of experience in making industrial investigations and has published a number of reports of great social significance. She served as a member of the President's Conference on Unemployment, in 1921; she was a member of the Committee on Unemployment and Business Cycles, 1922-23; and she was the first director of the Women's Bureau (then the Woman in Industry Service) and therefore was especially equipped to understand the policies and functions of the work in hand.

Another member of the committee was Dr. Charles P. Neill, manager of the bureau of information of the Southeastern Railways. Doctor Neill was United States Commissioner of Labor from 1905 to 1913 and conducted the monumental investigation of the condition of woman and child wage earners in the United States which was made during that period. He has served as president of the American Statistical Association, was a member of the United States Immigration Commission in 1907-1910, and a member of the United States Coal Commission in 1922 and 1923.

The third member of the committee was Dr. Lillian M. Gilbreth, who, as psychologist and as consulting engineer in management, has made practical studies of industrial fatigue. She is a member of the Taylor Society and an honorary member of the Society of Industrial Engineers, and is the author of several books on time and motion studies in industry.

This committee was most generous in devoting time and attention to the problems which arose during the course of the investigation and its counsel is gratefully acknowledged.

<sup>1</sup> This letter accompanies the unabridged bulletin, No. 65; its form has not been changed for this summary.—Editor.

Similar acknowledgment is made of the services of many persons whose cooperation made it possible to get the information desired. Especially gratifying was the generous attitude of the employers, without whose help it would have been impossible to make the study and who cooperated freely in giving information and in opening their records for such inspection as was necessary. The State departments of labor in Massachusetts, New York, Ohio, Wisconsin, Illinois, Indiana, and California also were of the greatest assistance, advising as to local problems for investigation, securing information, in some cases providing office accommodations and checking the accuracy of certain of the information compiled, and in two cases making special studies which have been incorporated in the report. These two studies are of the employment of women as proof readers, linotypists, and monotypists in newspaper offices in New York State, made under the direction of Miss Nelle Swartz, director of the bureau of women in industry of the New York State Department of Labor, and the personnel policies of Pennsylvania department stores, made under the direction of Miss Charlotte Carr, head of the bureau of women and children of the Pennsylvania Department of Labor.

Trade-union organizations, social and civic groups, and women's organizations, in all the States included in the study, gave valuable assistance.

The investigation was conducted and the report prepared under the direction of Mary N. Winslow. The field work was in charge of Ethel L. Best, Caroline Manning, and Agnes L. Peterson.

Respectfully submitted.

MARY ANDERSON, *Director.*

HON. JAMES J. DAVIS,  
*Secretary of Labor*

## FOREWORD

How labor legislation which applies to women only affects the opportunities of women in industry is the question which the investigation here reported upon was designed to answer. Because of the controversial character of the question it was especially important to employ such methods of investigation as would insure beyond the shadow of a doubt the sifting of facts from opinions and lead to a statement of conditions characterized by objective validity uninfluenced by prejudice.

The Women's Bureau is not charged with the administration of any labor legislation, that function being reserved for the States, leaving to a Federal agency like the bureau the task of investigation for the purpose of enlisting public support for raising standards. Therefore the Women's Bureau does not have a vested interest in labor laws. Its purposes can be achieved through the voluntary action of employers, through action by trade unions, and through labor legislation, and it should be able to view all methods objectively. Its purpose, as stated in the bill establishing it, is "to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment." In the fulfillment of this last purpose, a study of the effects of labor laws upon women's opportunities is highly important. Defense of labor laws, if indeed they interfere with women's opportunities, would place the Women's Bureau in an anomalous position. The bureau therefore, while nonpartisan in relation to labor legislation, is distinctly obligated to learn the truth without prejudgment.

The investigation grew out of controversy. This was revealed at the Women's Industrial Conference called by the bureau, January 18-21, 1926. One group participating reiterated the position taken by their organization against labor legislation applicable to women only, the ground of their opposition being that it handicapped women in securing and retaining employment. They urged that the Women's Bureau undertake a study. All members of the conference, those opposed and those in favor of such legislation, were in accord with this recommendation, believing that the facts should be secured. The controversy concerning the subject has, however, made it profoundly important that the procedure of investigation should be planned in order to insure objective conclusions.

One means of insuring this objectivity in procedure was to appoint two committees, one an advisory committee to give technical advice, composed of persons having experience in carrying forward industrial investigations. The second was composed of representatives of organizations advocating special legislation for women and representatives of a national organization opposing it. This was an idea taken over from the recommendations of the United States Com-

mission on Industrial Relations, particularly the minority report presented by Prof. John R. Commons, urging that in the administration of labor legislation controversial issues should be met by having both sides represented in advisory committees. These committees could be kept informed constantly of the progress of investigations and administration of labor laws and would be free to express their assent or dissent when reports were published.

Unfortunately, this idea of an advisory committee proved impossible to carry out in this study by the Women's Bureau. Those opposed to special labor laws for women urged that the investigation be conducted from the beginning mainly through public hearings. The advocates of special labor legislation, the majority of whom were themselves women in industry, representing organizations of women in industry, were opposed to public hearings on the ground that testimony given on such occasions by working women might jeopardize their positions and could not be relied upon to bring out all the facts. When their opponents on the committee, in their efforts to secure the adoption of their recommendation on procedure in making the study, induced their members in the States to write letters to Congressmen designed to discredit the investigation before it was begun and to bring charges of prejudice and unfair dealing against the Women's Bureau, the representatives of industrial organizations and those favoring special labor legislation withdrew from the advisory committee, holding that it was not fulfilling its proper functions, that they could not agree with the recommendations for public hearings, and that no useful purpose could be served by the agitation resulting from this disagreement in the preliminary planning of the study. The advisory committee, therefore, lacking representation of advocates of special legislation for women, was automatically dissolved.

In the working out of the plan several surrounding circumstances, as will be outlined in Chapter II of the report, had to be taken into consideration. These were (1) the large numbers of women employed in industry; (2) variety in the occupations in which they were engaged; (3) varying conditions not only in different industries but in different localities and in different establishments in the same industry and the same community; (4) changes in industrial equipment, in machinery, and in the development of the country from agricultural to industrial pursuits, which have been coincident with labor legislation and with many other changing factors influencing the employment of women; (5) different backgrounds in public opinion in the different States, as shown in the history of labor laws in Massachusetts, New York, and California; (6) the controversial character of the problem as already described; and (7) the range of possible effects of labor laws which could be set down as hypotheses in the beginning and would require examination.

In approaching the subject, it was granted at once that one result of labor legislation was the establishment of certain standards of employment, socially beneficial. This was not the point at issue, and it was not made the center of investigation, since, broadly speaking, the social effects of labor legislation would be a different subject.

Moreover, the effect on industry itself, whether labor laws cause movement from one State to another, restrict or enlarge production,

and in general how labor laws affect industrial efficiency, was not included in the inquiry. This, again, is another subject.

The point of interest upon which to focus attention was evidently the possible curtailment of opportunities for women through the substitution of men, due to labor laws applying to women only. This became the real subject of the inquiry.

The first step was an experimental investigation lasting one month, with four investigators working in two States—Ohio and Illinois. The economy of an experimental approach is obvious. This plan was adopted through the advice of the technical committee, particularly Dr. Charles P. Neill, whose work as Commissioner of Labor in the United States had revealed the saving of time and money resulting from the testing out of plans in the field before their final adoption. It proved to be an economy in this instance.

When the investigators were sent out, the question which they sought to answer was this: What have been the actual changes in the proportion of men and women as measurable statistically from plant records over a series of years during which labor legislation was being enacted, as compared with changes in the same industry in a State not having similar legislation? The technique planned was to review the pay-roll records to get from them the dates and the measure of change in the proportion of men and women employed and then to interview employers and workers to learn what have been the factors in these changes.

This technique had to be radically altered because plant records were lacking in precision, in that they did not give the information for specified occupations and often did not give it separately for men and women. It would have been possible to secure these records for a few plants, but these were likely to be the better managed and not typical of general conditions. In order to get a more inclusive picture of many occupations in different States it was necessary to change the technique. Instead of a statistical study supplemented by interviews the inquiry had to be made by means of interviews supplemented by statistics.

The problem, as set after full knowledge of the kinds of records available, was to find out what actually happened in a selected number of industries in different States before and after the enactment of laws in those States which had them, compared with what actually happened in the same industries in States not having the same laws. In addition, because of the controversial character of the subject, certain occupations which had been the subject of conflicting opinions were included, though in some instances the small numbers involved and the absence of any general significance would not otherwise have warranted their inclusion. A sample is the reading of gas meters, which is prohibited for women in Ohio and Pennsylvania and is practically nonexistent anywhere. As this had been cited, however, by opponents of special labor legislation for women as illustrating handicaps upon their work, it was desirable to include it.

Certain situations did not seem susceptible of inquiry, such as the prohibition of employment of women in mines and in quarries and in saloons (which continue to be named in legislation). No one has seriously suggested that employment in mines should be open to

women, and hence it has not emerged as a subject for investigation in this study, it being assumed that the changed practice of the mining industry with respect to the employment of women which is now universal in the United States is generally acceptable.

The technique of studying prohibited occupations resolved itself into a study of these occupations in those places where they are not prohibited, in order to discover whether their prohibition deprives women of an advantageous opportunity for employment. It should be pointed out at once that labor legislation divides broadly into two parts—(1) laws definitely prohibiting employment of women; (2) laws regulating their employment. The laws which regulate their employment may become prohibitory in their actual effects. There are two different problems of investigation involved in studying these two types of legislation.

In planning the interviews, objective material was sought, rather than opinions, unless these opinions could be substantiated by showing their basis in actual experience. For instance, in interviewing women regarding the effects of labor laws upon their employment, only those women were included who had actually worked at the time of the passage of the law under inquiry, and the facts sought from them were what actually happened to them.

Many of the women were interviewed in their work places; but as the subject of inquiry related to past happenings rather than present conditions, their statements were not subject to distortion through the atmosphere of the factory and the fear of losing their jobs, as might have been the danger had they been questioned about present conditions. The questionnaire method was used only sparingly and chiefly for the pharmacists, who were too few in any one State for adequate information and who therefore were circularized in 3 States, while figures showing the extent of their employment were secured through questionnaires sent to some 38 States.

As a background for the study, every effort was made to secure the participation of representatives of all organizations having any direct relation to the given situation, including the local representatives of organizations of women.

Closely connected with the efforts to secure objectivity through the techniques of procedure in the field work is the method of presenting the material. Certain source material regarding the five industries stressed in the investigation is published in full in an appendix, thus enabling the readers and students to get the facts for themselves and to draw their own conclusions. The publication of these original data puts the reader in a position to appraise the conclusions drawn by the investigators.

In the industries and occupations studied, establishments employing in all more than 650,000 men and women were covered. The base for the facts was therefore broad.

As to conclusions, the report itself must be read for them. The total number of women in the United States whose working hours are regulated by labor legislation amounts to about two and three-quarter millions, only one-third of the eight and one-half million gainfully employed. Business and professional women, those in supervisory positions and in general in the higher ranks of opportunity are not generally covered by labor laws. These laws have

been directed toward the control of conditions in industrial, mercantile, and factory occupations. When applied to certain occupations which differ from those for which they were drawn, such as street cars, labor laws have proved to be a handicap in a few instances. But the findings seem to show that the instances of handicap, which have been diligently sought by the investigators, are only instances and should be dealt with as such, without allowing them to interfere with the development of the main body of legislation.

The first caution in the reading of the report, which is demonstrated again and again in the material, is the impossibility of generalization, the necessity for recognizing differences in different occupations, different industries, and different localities. As to night work, laws prohibiting it were found to be "chiefly a reflection of the usual attitude of employers regarding such practice, but occasionally they result in a limitation of women's employment. When applied indiscriminately to special occupations that are professional or semiprofessional in type, night-work prohibition or regulation has resulted in restrictions of women's employment."

In general, however, the report concludes that regulatory hour laws as applied to women engaged in manufacturing processes do not handicap them, but "serve to regulate employment and to establish the accepted standards of modern efficient industrial management."

Very important in any consideration of enlargement of women's opportunities is the conclusion of the report, that "In almost every kind of employment the real forces that influence women's opportunity are far removed from legislative restriction of their hours or conditions of work. In manufacturing, the type of product, the division and simplification of manufacturing processes, the development of machinery and mechanical aids to production, the labor supply and its costs, and the general psychology of the times, all have played important parts in determining the position of women. \* \* \*

"In other occupations other influences have been dominant in determining the extent of women's employment. In stores a more liberal attitude and successful experimentation with women on new jobs; in restaurants the development of public opinion as to the type of service most suitable for women; in pharmacy a gradually increasing confidence in women's ability on the part of the public; in the metal trades a breaking down of the prejudices against women's employment on the part of employers and of male employees, and demonstration of women's ability along certain lines—these are the significant forces that have influenced and will continue to determine women's place among wage earners. Such forces have not been deflected by the enforcement of legislative standards and they will play the dominant part in assuring to women an equal chance in those occupations for which their abilities and aptitudes fit them."

The value of this study, however, lies not in its conclusions so much as in its portrayal of conditions in such detail that the reader may see and judge for himself. The setting up of the problem, which is the essence of method, and the technique of procedure, seem

to the advisory committee to have been designed to safeguard the objective character of the results. It is unnecessary for the committee to prove this point, since again the reader can judge for himself by studying the report itself. All that the committee seeks to do is to bring together in brief compass what seem to its members to be the outstanding characteristics of the method adopted. It is with satisfaction that we have participated in the carrying forward of this investigation, because it represents an effort to approach a controversial issue by the objective method and spirit of science and as such it should be a safe guide for action in the public interest.

MARY VAN KLEECK, *Chairman.*  
LILLIAN M. GILBRETH.  
CHARLES P. NEILL.

# SUMMARY: THE EFFECTS OF LABOR LEGISLATION ON THE EMPLOYMENT OPPORTUNITIES OF WOMEN

## THE INVESTIGATION<sup>1</sup>

The problem outlined—Method and scope of the investigation—Conclusions

### THE PROBLEM OUTLINED

Laws limiting hours of work apply to about one-third of the eight and a half million women who are gainfully occupied in the United States, and laws limiting or prohibiting night work are an additional regulation applying to slightly more than two-fifths of those whose hours are restricted. Laws prohibiting certain occupations are in force for very small numbers of women, while laws requiring certain working conditions and sanitary facilities for women are more general in their application. The women to whom these laws apply are engaged in many forms of activity throughout the United States, and it has been the object of this study to discover what effects such legislative regulations have had on their opportunities and conditions of employment.

On the face of it this subject gives no evidence of the countless qualifications and limitations that must be made before any conclusions can be reached. Women's position in wage-earning pursuits to-day is the result of generations of necessities, prejudices, and experiences. An adequate study of the effects of any one thing on this position must cover a very broad field and include a great variety of other factors that also, in one way or another, may have been influential. The subjects for study and measurement are both intangible and inconstant, and they must be considered for historical, actual, and potential values.

The vast number of women who are employed; the great variety of their occupations; the conditions under which they work, varying with locality, with industry, and even with individual establishment; the changes and developments in their opportunities that have been coincident with the enactment of legislation and with many other occurrences as well; legislative enactments of all kinds and descriptions, applying here to one group of women and there to another; the almost infinite range of the possible results of such legislation, which results may be similar to those due to other influences—these are only some of the qualifications inherent in the subject reported upon in the following pages of this volume.

With such complications, the difficulties of outlining and carrying out a satisfactory investigation were enormous. Perhaps the chief problem grew out of the subject itself—the legislation that was under discussion.

Legislation regulating employment of women in industry has been enacted in every State of the Union except Florida. The laws differ widely in extent, in requirements, and in application. Their possible effects are almost countless and can not be measured completely

<sup>1</sup> Reprint of Chapter II of Bull. 65 of the Women's Bureau, showing scope, method, and conclusions of the investigation.

at any one time nor in any one aspect. In some cases the results may be progressive, becoming more important and more tangible as the years go by. In other cases certain results may immediately follow the enactment of a law but may be modified or offset by subsequent developments.

The first delimitation of the subject was, therefore, the type of effect that was to be looked for. The most obvious result of legislation, and the one permitting of the most exact measurement, probably is the establishment of the standard stipulated by the law, with the social benefits resulting from such improved standard. For example, so far as a law limiting women's hours to 48 a week establishes this standard in the industries of a State, its effects are not kept within the confines of these industries. Instead, they will be reflected in community and social standards. Better health, larger opportunities for education and recreation, a keener civic responsibility may be part of the law's result. These would have a definite and pronounced effect on women, but because so much material already had been gathered along these lines, and also because this aspect of the situation was not under dispute, they were not included within the plan of study.

Another result that might follow legislative enactment is a slackening or a stimulation of industry. Some opponents of legislation hold that one of its effects is so to hamper industry as to cause shut-downs, underemployment, and general "hard times"; on the other hand, its advocates hold that the enforcement of fair standards through legislation eliminates the competition of establishments having low standards and stimulates more efficient methods of management. Either of these two situations is sure to have an almost immediate effect on women's employment. An adequate examination of such factors, however, would involve business and commercial studies for which the Women's Bureau is not equipped. It was decided, therefore, that the immediate relationship between legislation and industrial prosperity should not be included in the investigation.

A third possible result of legislation applying to women only might be a curtailment of their opportunity through substitution of men when it was desired to have conditions of employment other than those required by law for women. This was the subject to which the investigation finally was limited. In other words, the study undertaken was the effects of legislation on women as reflected in terms of their immediate opportunities for employment in industry.

#### METHODS OF MEASUREMENT

Any adequate measurement of the effects of special legislation for women would have to show first what changes in working conditions and opportunities for employment accompanied or followed the enactment of such legislation. These changes then must be thoroughly examined to make sure that they are not a result of other industrial developments that were coincident with or that followed the legislation in question. The method of measurement adopted for the main sections of the investigation was to study the conditions of women's employment before and after certain laws went into

effect and to compare present conditions in States that were regulated by law with conditions in States that were not so regulated. In accordance with this plan, for each industry or occupation studied detailed information was secured from a number of establishments in at least two States, one State having considerable legislation for women and the other State having little or none. The information secured included a detailed description of the conditions in each establishment, showing production methods, employment policies, labor supply, and vocational training. Any of these factors might influence women's employment and be as responsible as labor legislation for a difference in women's status.

#### METHOD OF INVESTIGATION

It was necessary, of course, to adopt the sampling process in order to secure material that would illustrate the subject adequately. In selecting these samples the policy followed was to take certain industries that, in regard to numbers and proportions of women employed, increases or decreases in such numbers and proportions, extent of organization, type of work done, amount of skill required, and opportunity for competition with men, were typical of different conditions of women's employment.

Five manufacturing industries—boots and shoes, hosiery, paper boxes, electrical products (including apparatus and supplies), and clothing—were selected as typifying representative conditions of women's employment in industry. It was felt that detailed study of the employment policies for women in these five industries would furnish adequate samples of the general influences that have played a part in determining women's position in industrial pursuits. To get a more general view of the specific limitations that might be imposed on women's work in industry by the operation of laws limiting their daily and weekly hours of work or limiting or prohibiting their employment at night, there was planned also a survey of possible opportunities for women in industries operating longer than the hours permitted by law for women or operating at night. In States where there was no legal limitation of women's hours, the extent of women's employment under the conditions prohibited in other States was studied; and in States where such limitations existed, employers were interviewed to discover what would be the possibilities for the increased employment of women if the legal restrictions were not in effect.

In addition to the information concerning women employed in general manufacturing processes, data were collected regarding women's employment in stores and as waitresses in restaurants, as such occupations represent important fields of work for women. Other special lines of employment studied as illustrating problems more concrete and individual than those of the larger industrial groups were the work of women as core makers, street-car conductors and ticket agents, elevator operators, and pharmacists, in printing establishments, and in the metal trades. For these groups the effects of any legislation regulating the employment of women were sought, as it was not possible to foresee which laws might have been most significant in each case; but the focus was on the legal regulation of hours—daily, weekly, and at night.

For the laws that prohibit women's employment in specific occupations a different method of investigation was planned. The occupations selected for examination in connection with these laws were buffing, polishing, and grinding, electric and acetylene welding, gas and electric meter reading, and taxicab driving, each of which was prohibited for women in one or more States. The method followed was to seek women employed in these occupations where no prohibition existed, and, through personal interviews with them and with their employers, to get a record of conditions of employment and personal experience that would constitute a basis of judgment as to whether or not prohibition of such employment in other places had been a real handicap to women.

Preliminary to the entire investigation, in order to have complete information regarding the dates upon which the various laws became effective, there was prepared a chronological account of labor legislation for women in the various States. To throw further light on the developments and changes in the laws, a special study was made of the history of labor legislation for women in three States—California, Massachusetts, and New York. This history shows the different forces that reacted to bring about or to prevent the enactment of labor legislation for women, and it is of the greatest importance in understanding and interpreting the effects of the legislation under investigation. It appears in a succeeding volume of this report, as does the chronological account of the laws in each State that was used as the background for the entire study.

This was an extensive program, and, as the staff and appropriation of the Women's Bureau were limited, it was essential that the waste motion in carrying out the study should be as little as possible. Because the findings of the investigation were awaited eagerly by many groups of persons interested in legislative policies, it was important to gather the material and publish the report with as little delay as possible, but for the same reason it was even more important that the method followed should not be open to challenge. To establish a satisfactory method in as short a time as possible, it was decided to conduct for one month an experimental study in two States, to compile and analyze the results, and from this experience to make such changes as seemed advisable for the remainder of the survey. This experimental study proved to be of the greatest value. It demonstrated within a few weeks that the focus of the investigation as originally outlined was not practical, and the consequent changes made, in the type of information required and in schedule forms, saved months of what would have been useless effort if the original method had been continued.

The experimental study set up as the unit of measurement of differences in status and opportunity for women in industry the numerical and proportional distribution of men and women in the various occupations in individual establishments. As a unit of measurement of the changes that had taken place in women's employment over a period of years, this numerical and proportional distribution was required for certain significant years. In addition to this information, in each establishment an interview with the employer was to furnish information as to the prevailing conditions of employment and methods of manufacture and any changes that had taken place

that might explain employment fluctuations at various times or the current conditions indicated by the occupational figures.

A month's effort on the part of four investigators in two States showed that it was not possible to get adequate detailed occupational figures, either for current conditions or for past years. During this experimental study records were made for 56 establishments. In only 36 of these plants could any records be secured concerning the occupations of the men and women employed, and in all but 1 or 2 of the 36 the employment figures supposed to indicate occupations gave merely the departments in which the men or women were working. In a few large plants these departments were so subdivided that it was possible to get a general idea of the occupations carried on. In other plants, however, there were listed only a few departments, each of them including a great number of occupations. It would be possible for investigators, through the cooperation of the managers, who in most cases were very helpful in making information available, to go through a number of plants and to list the actual job of each man and each woman, or to get such information from the foremen of the various sections. Such a method, however, would be most time-consuming and could not have been adopted for the type of survey that was being undertaken.

When it came to securing occupational records for other years it was found that this was practically out of the question. In only 19 of the 56 plants was it possible to get back records that seemed significant in any way. In one or two cases records of employment in former years, by department, were available, but these cases were so rare as to be of almost no value. In not one plant did the records of employment in past years give any adequate idea of fluctuations in actual occupational opportunity for women. In a few cases it could be ascertained, in a general way, what changes in the proportion of women employed had taken place during certain years, but it was not possible from any employment records secured to learn the details of these changes nor to verify the statements made by managers and superintendents.

For these reasons it was decided to abandon the attempt to secure statistical data showing changes in the status of women's occupational opportunity, and instead to use statements of managers and superintendents as to the past developments of women's employment, the current situation, and the factors that had influenced them. If an unusual employment situation was found to exist in any establishment, or if a significant change in employment had taken place at some time past, attempt was to be made to get occupational data in illustration; but, with this exception, the focus of attention was changed, after the preliminary investigation, from statistical data supplemented by the interview to the interview supplemented by statistical data.

In line with this change in focus came a corresponding change in type of schedule used to collect the information. The original schedule was a mimeographed set of forms, asking specific questions and giving specific places for the answers. This type of schedule had been used for many Women's Bureau surveys. The preliminary investigation disclosed, however, that a more flexible form was necessary, as no schedule could be devised that would provide for all the possible significant features to be recorded, and no two plants would

offer exactly the same type of information as affecting any one aspect of women's employment. New schedules were evolved, therefore, to meet the need for greater flexibility and easier emphasis of the various data, while at the same time presenting an outline by the use of which the data secured would be sufficiently objective to be permissible of compilation and mass treatment. The mimeographed forms were abandoned, and instead a detailed outline of the subjects about which information was to be gathered was given to each agent, with careful instructions as to the scope of the information desired under each heading. In reporting the interview each subject was to be treated on a separate page and as fully as the circumstances required. The type and amount of information secured varied greatly, of course, with each establishment, but the general framework was the same, not only for the establishments within an industry but for the various industries.

This form of schedule was used for the detailed comparative study of women's employment in five industries. For other sections of the investigation, more limited in scope, a less elastic schedule was used. For example, to get information as to the effects of the prohibition of night work for women in industry, a short schedule was provided on which to record figures of the employment of men and women by day and of men by night, the occupations performed by women in the daytime and carried on at night by men, the positions that would be open to women if it were not for the night-work prohibition, and the general attitude of the employer toward night work for women. A similar schedule was used for plants in which men's hours were longer than the legal hours for women.

Another part of the investigation, fully as important as the detailed examination of the industrial employment of women, was the securing, through interviews with working women themselves, of accounts of how legislation had affected them personally. With the exception of a group of women who were employed in occupations or under conditions prohibited in other States by law, interviews have not been used unless the women were employed when some legislation went into effect. In this section of the investigation an especially determined attempt was made to keep the material objective and to record no general opinions as to approval or disapproval of the laws in question. This policy materially limited the group of women who could be interviewed, as in many States the only important laws had been passed so long ago that few women could be located whose work history went back so far. Nevertheless, a considerable number of women were found who could give direct testimony of the effects on their opportunities of specific labor laws, and this testimony has thrown much light on certain aspects of legislation.

The foregoing account gives only a part of the outstanding illustrations of method in the conduct of this investigation. For a subject as many-sided as the one under discussion no one method can be used consistently for all aspects of the problem; instead, different means must be devised to meet different conditions. Most of the material collected was secured through personal interviews, but when distance and time and expense prevented any other method, questionnaires were resorted to; when figures could not be secured, statements were recorded. Whichever method was used, however, objec-

tive information was required so that it would be possible to draw deductions from the data obtained. To make the requirements flexible enough to get the essential facts and yet not so flexible that the facts could not be handled was the chief problem. The next most serious problem was that of getting frank interviews with workers when many of these interviews had to be held in the factory, sometimes in the presence of the employer or the employer's representative. Often it was necessary to hold the interview in this way because of the difficulty in locating the worker after working hours, though enough interviews were made in the homes to serve as a check upon those made under less favorable conditions in the place of employment. Most of these interviews, however, were held for the purpose of discovering what had happened 6 or 8 or 10 years before, and the information did not apply, except in cases of employment in occupations prohibited in other States, to the occupation in which the woman interviewed was then engaged. It is felt, therefore, that the data secured may be considered reliable.

The schedules used in the investigation, together with the instructions to the investigators, are given in Appendix D of Bulletin 65 (pp. 483 to 495). A more detailed description of the method followed is given in connection with each section of the study.

As the information gathered for an industry was completed, compilation of the material was started immediately, so that certain checks might be made on method and ambiguous returns might be corrected. In compiling this material, which was not so extensive as to fall easily into statistical tabulation and yet was too voluminous to be handled individually, the chief effort has been to guard against the influence of individual sympathies and points of view. It can not be denied that in any study conducted through the means of personal interviews there is a strong possibility of the individual opinion of the person interviewed or of the interviewer influencing what may eventually come to be regarded as facts. This was recognized from the beginning as a possible danger and was guarded against, as has been pointed out, by making outlines and schedules as objective as possible. In the compilation of the material a further check was given by having the data coded and compiled by trained statistical clerks, who handled each schedule on its merits as a presentation of certain facts. These compilations then were turned back to the agents who had made the investigation, for detailed and critical examination. Where there was a difference of opinion between agent and statistician, all material again was thoroughly examined and additional information was sought so that a decision satisfactory to both might be reached.

### SCOPE OF INVESTIGATION

The investigation was started in March, 1926, and the field work was completed early in the following December. During those nine months schedules upon which this report is based were secured from more than 1,600 establishments, employing more than 660,000 men and women, and personal interviews were held with more than 1,200 working women who had experienced a change in the law or who were employed under conditions or in occupations prohibited for women in some other State. The tabulation following shows the

scope of the information secured for the various sections of the investigation.

TABLE 1.—*Scope of the investigation, by subject*

Subject of investigation	States included	Number of establishments	Number of men employed	Number of women employed
Grand total.....	See details.....	1,661	500,223	165,244
Five industries.....	do.....	312	75,947	44,894
Boots and shoes.....	Illinois, Ohio.....	37	8,142	7,238
Clothing.....	California, Illinois.....	81	7,164	8,942
Electrical products.....	Indiana, Massachusetts, New York, Ohio.....	106	55,907	17,055
Hosiery.....	Illinois, Massachusetts, New Hampshire, Rhode Island, Wisconsin.....	42	3,801	9,581
Paper boxes.....	California, Illinois.....	46	933	2,078
Stores.....	California, Indiana, Massachusetts.....	54	5,193	13,374
Restaurants (waitresses).....	California, Illinois, New York.....	198	2,537	2,361
Long-hour industries.....	California, Indiana, Massachusetts, New York, Wisconsin.....	233	90,748	24,453
The evening shift.....	Massachusetts.....	7	3,616	2,114
The effect of night-work laws on women in industry.....	California, Illinois, Indiana, Massachusetts, New York, Ohio, Wisconsin.....	301	217,421	71,141
Special occupations:				
Elevator operators.....	Illinois, New York, Ohio.....	335	1,608	691
Pharmacists.....	38 States <sup>1</sup> .....	(1)	(1)	(1)
Street-car conductors and ticket agents.....	Illinois, Massachusetts, New York, Wisconsin.....	7	(2)	(2)
Core makers.....	Massachusetts.....	12	198	121
Women in the metal trades.....	Michigan.....	15	101,797	5,146
Women in printing and publishing.....	Illinois, New York, Ohio, Wisconsin.....	89	1,158	257
Prohibited occupations:				
Grinding, polishing, and buffing.....	California, Illinois, Indiana, Massachusetts, New York, Wisconsin.....	43	(4)	4526
Welding.....	California, Illinois, Indiana, Massachusetts, New York, Wisconsin.....	19	(4)	4126
Meter reading.....	California, Illinois, New York, Wisconsin.....	16	(3)	None.
Taxi driving.....	Illinois (Chicago), Massachusetts (Boston), New York, Ohio, Pennsylvania (Philadelphia).....	20	(6)	640

<sup>1</sup> The pharmacy study was made chiefly by questionnaire to individual women pharmacists. Hospitals that employed or might employ women pharmacists were communicated with through questionnaire, and personal interviews were held with a few drug-store managers. The information secured in this way can not be classified statistically in the form required by this table. The details are given in the pharmacy report, ch. XIII, pp. 287 to 307, of Bulletin 65.

<sup>2</sup> The report on women street-car conductors and ticket agents was compiled from three sources: A study made in 1919 by the Women's Bureau of the U. S. Department of Labor, a study made in 1919 by the Bureau of Women in Industry of the New York State Department of Labor, and information gathered in 1926 by the Women's Bureau of the U. S. Department of Labor. Information giving total numbers of men and women employed therefore would not be indicative of the situation at any one time and has been omitted for that reason.

<sup>3</sup> The study of women core makers was concerned only with the effect of one specific regulation in Massachusetts. For that reason total numbers of men and women employed in the establishments studied were not significant and the only employment figures recorded were those of the core makers.

<sup>4</sup> In studying the occupations of grinding, buffing, polishing, and welding no attempt was made to record the total numbers employed nor the number of men employed on the specific occupations. The only numbers recorded were the totals for the women on each occupation.

<sup>5</sup> Information regarding gas and electric meter reading as an occupation for women was secured from 16 establishments, not one of which employed any women. Some of these companies at one time had a few women on this work; others had never employed them. As the investigation was concerned only with the possibilities of such work for women it was not considered necessary to include figures showing men's employment.

<sup>6</sup> Though 20 establishments were visited to secure figures regarding the employment of women as taxi chauffeurs, only one of them (in Philadelphia) employed any women. The number of men employed was not recorded, as it seemed to have no special bearing on women's employment.

In addition to the definite schedules secured from the establishments listed in this table, the investigation included a large amount of general information gathered during the course of many interviews with individuals and representatives of organizations in the

various States studied. There is no way of estimating the general significance and value of the informational background secured in this way. Many of such interviews served only to establish contacts and to suggest means of securing information. Others served to illuminate puzzling situations and to indicate important subjects for examination. Something over 350 such interviews were recorded in Ohio, Wisconsin, California, Illinois, Indiana, Massachusetts, and New York. The persons interviewed included employers; representatives of organizations of employers, of social and civic groups, and of workers; State labor officials; members of women's organizations; and individuals known to be in touch with some phase of the subject under investigation.

In an attempt to secure information regarding women's employment as affected by legislation from the standpoint of the placement official, the Women's Bureau was fortunate in securing the cooperation of the State employment offices cooperating with the United States Employment Service. In a number of States the officials of local employment offices filled out questionnaires reporting on demands and placements for men and women in certain occupations and the effects of legislative regulation of women's employment on their opportunities. A total of 44 employment offices returned questionnaires containing significant information that has been used in connection with several different sections of this report.

Questionnaires were sent also to a group of women workers attending the summer school at Bryn Mawr College. These questionnaires sought information regarding the effects of legislation on women's employment opportunities as reported by a group of women from many different States. Unfortunately, the information elicited proved to be not especially pertinent and it has played no part in the findings of the investigation.

To get exact information regarding the relative employment of men and women as pharmacists it was necessary to communicate by letter with all the State boards of pharmacy; and to discover the exact application of the law to women in this work, questionnaires were sent to the departments of labor in 32 States where there was need for interpretation of this matter.

Information was secured also from the Industrial Survey Commission of the State of New York. This commission, appointed to investigate the need of labor legislation in that State, conducted its investigation largely by means of public hearings, at which interested persons reported their experiences and recommendations concerning the various laws under consideration. A considerable part of the testimony presented to the commission was in regard to a proposed 48-hour law for women. After the hearings were over and the recommendations of the commission had been made to the legislature, the Women's Bureau was given access to the transcript of the testimony presented to the commission and secured copies of those sections that were pertinent to this investigation of the effects of special legislation.

In two instances the information secured by the Women's Bureau has been supplemented by investigations made by State labor officials. In New York State the bureau of women in industry of the department of labor made a survey of the number of women employed at night in newspaper offices that has been used in this report

in the section on night-work legislation; and in Pennsylvania the bureau of women and children of the department of labor and industry made a study of the mercantile establishments of that State and furnished an abstract of the study for inclusion in this report.

The number of States in which the study was carried on, including those from which questionnaires were secured, was very great. Omitting those States in which actual investigation was not made by the bureau's agents, the territory covered still is wide and representative of conditions in many sections of the country. In each State in which actual investigation was carried on, very complete information was secured from all localities. The States, cities, and towns in which was collected by the Women's Bureau agents the information presented in this report are the following:

*California.*—Inglewood, Long Beach, Los Angeles, Oakland, Pasadena, San Diego, San Francisco, and San Mateo.

*Illinois.*—Aurora, Charleston, Chester, Chicago, Danville, East St. Louis, Elgin, Evanston, Joliet, Kankakee, Mount Vernon, Pontiac, Quincy, Rockford, Springfield, and Waukegan.

*Indiana.*—Anderson, East Chicago, Elkhart, Evansville, Fort Wayne, Gary, Hammond, Hartford City, Indianapolis, Indiana Harbor, Kokomo, La Fayette, Marion, Mishawaka, Muncie, Newcastle, Richmond, South Bend, and Terre Haute.

*Massachusetts.*—Amesbury, Andover, Ashland, Athol, Beverly, Boston, Brockton, Cambridge, Canton, Chelsea, Chicopee Falls, Clinton, Danvers, Dedham, East Brookfield, Easthampton, East Walpole, Fall River, Florence, Framingham, Franklin, Gloucester, Greenfield, Haverhill, Haydenville, Holden, Holyoke, Housatonic, Hudson, Huntington, Hyde Park, Indian Orchard, Ipswich, Lawrence, Lee, Lowell, Ludlow, Lynn, Malden, Medway, Methuen, Mittineague, Monson, Needham Heights, New Bedford, Newton, North Adams, North Andover, North Attleboro, North Billerica, North Chelmsford, Northampton, North Wilbraham, Norwood, Palmer, Peabody, Pittsfield, Plymouth, Readville, Russell, Salem, South Ashburnham, South Hadley Falls, South Walpole, Springfield, Stoughton, Taunton, Turners Falls, Uxbridge, Waltham, Warren, Westfield, West Springfield, Whitinsville, Winchendon, Worcester, and Woronoco.

*Michigan.*—Dearborn, Detroit, Flint, Hamtramck, Jackson, and Saginaw.

*New Hampshire.*—Belmont, Franklin, Laconia, and Lakeport.

*New York.*—Binghamton, Brooklyn, Buffalo, Corning, Elmira, Garden City, Jamaica, Johnson City, Little Falls, Long Island City, Mount Vernon, New York, Niagara Falls, Oswego, Rochester, Rome, Schenectady, Syracuse, Utica, Watertown, and Yonkers.

*Ohio.*—Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Fostoria, Fremont, Lancaster, Lockland, Mansfield, Portsmouth, Reading, Springfield, Toledo, Warren, and Youngstown.

*Pennsylvania.*—Philadelphia.

*Rhode Island.*—Providence.

*Wisconsin.*—Appleton, Beloit, Fort Atkinson, Kenosha, Manitowoc, Milwaukee, Neenah, Racine, and Sheboygan.

In planning the investigation a carefully considered choice was made between a detailed statistical study of conditions in a few establishments in a limited area and the collection of information through individual interviews covering large groups in many States and occupations. It was felt that the latter method would yield the most significant results, because, provided the findings were acceptable from a scientific point of view, the field from which they were drawn would be broad enough and sufficiently varied to be conclusive.

The data secured have evolved into an outline of the many factors that influence the position of women in various occupations. The validity of the method is illustrated somewhat by the findings for different types of work.

## CONCLUSIONS

With each decade women have formed an increasing proportion of the persons gainfully employed in the main branches of occupations to which labor legislation applies. Except in some States, most of which are in the South, the increases among women have been more rapid than those among men. With the passage of years and a more settled industrial development such greater increases among women probably will not continue, but in the great majority of the States they still are occurring.

Even more significant than the numerical and proportional increases among gainfully occupied women is the great development in the kinds of work open to them. In all fields women's occupations constantly are becoming more numerous and their opportunities broaden with each year. Such developments as have taken place, however, necessarily have not been the same in all localities nor in all types of work. Different economic conditions and different industrial needs naturally have resulted in varying demands for women's employment, and women's status as wage earners is not the same in any two occupations. Nor have occupational developments for women anywhere been responsive to exactly the same stimulants or the same handicaps.

On the whole, however, in spite of these differences, women in gainful occupations are assuming steadily a more important position in economic and industrial fields.

This development of gainful employment for women has been accompanied by extensive increases in the labor legislation applying to women; and just as the growth of women's opportunities has shown different trends in different places, so has the legislative regulation of their work. In some States there is very complete legal regulation of most phases of women's employment in industry; in other States there is practically no regulation whatsoever. In some States the laws in question cover a large proportion of the women who are at work; in other States they apply to only a small group. Even the most comprehensive of them, however, does not apply to many women in business and professional occupations, to women who work independently, nor to women in supervisory positions, so the sum total of women in the United States whose working hours are regulated by special labor legislation amounts to only about one-third of the eight and a half million women who are gainfully occupied.

The industrial codes that are now in operation are due to the experiences and efforts of many different groups, some of which have been dominant in one locality and some in another. In Massachusetts, for example, as women became more and more numerous in the textile factories the textile unions became more persistent in their efforts to regulate competition by securing the enactment of legal minimum standards for women's employment. In New York as

women increased in most manufacturing processes factual investigations disclosed the low standards of their hours and working conditions, and State officials, civic organizations, and trade-unions combined to improve these standards through legislation. In California the progressive spirit of a pioneering community anticipated its industrial development by the enactment of laws setting up minimum standards for women's employment. These laws were secured sometimes with and sometimes without the indorsement and support of employers and workers.

Thus even the psychology underlying the development of legislation has differed in each State. This psychology has affected matters of legal interpretation and, later, enforcement, and it is another qualifying influence of the effect of legal enactments.

With such fundamental differences in the opportunities and extent of employment for women and in the legislation regulating their employment, it seems hardly necessary to state that equally important differences are apparent in the effects of this legislation.

There are two distinct types of legislation applying to women's employment—laws that regulate and laws that prohibit. Sometimes the line between the two is very faint, occasionally it is obliterated; but the distinction must be kept in mind, as their immediate purposes are very different.

The effect of a law that prohibits women's employment in a certain type of occupation presents a comparatively simple problem. Its measurement must show what the actual prohibition amounts to, how extensively women might be employed in the occupation if it were not for the prohibition, and what would be the hazards and the rewards of such employment.

With the regulatory law, however, it is a different matter. The point of interest here is whether the regulation in actual application is such as to become prohibition. For if a regulatory law places impracticable restrictions or requirements on women's work it may result in the elimination of women as completely as if it had been designed for that purpose.

Law makers have met this condition by many qualifications and exemptions to the statutes. The chronology of labor legislation for women in a succeeding volume of this report and studies of certain special occupations in the following pages of this volume show that different regulatory laws have been devised to meet different situations and that exceptions have been made to these laws, either at the time of enactment or subsequently, for certain occupations or industries whose requirements were not consistent with the regulatory standard.

In actual practice, experimentation with the maintenance of a proper balance between the two kinds of laws is carried even further, and the judgment and practical experience of enforcing officials often have permitted compromises with the letter of a law whose strict interpretation might defeat its own ends. In estimating the effect of any legislation, therefore, it must be remembered that a law is not an effective instrument unless it is enforced, and that policies and methods of enforcement differ widely.

This investigation has sampled many different types of women's employment. Some of the occupations studied may be considered typical of a wider field; others are unique in their requirements

and correspondingly individual in the effects of legislative regulation. The variety of occupations and industries covered, however, is sufficiently wide to indicate the most obvious benefits and pitfalls that may result from different kinds of legislation covering the outstanding occupations of women.

Because of the many variables upon which they are founded, conclusions regarding the effects of legislation must be drawn with great caution. In many cases the findings must be confined to very limited numbers of women. In fact, the only generalizations that may be permitted are those regarding laws of a similar type applying to a homogeneous group of workers. Only within such limits may carefully qualified conclusions be drawn.

### REGULATORY LEGISLATION

Considering first the women in manufacturing industries, who are a fairly homogeneous group in regard to the requirements of their employment and the possibilities of adjustment to the standards set by legislation, there are three types of legislation applying to women only, the effects of which have been considered: First, daily and weekly hour limitations; second, prohibition or regulation of night work; and, third, the requirement of special working conditions.

#### Hour laws in manufacturing industries.

As regards the application of hour laws to the women in five important woman-employing industries, this investigation has shown that such legal limitations of women's hours of work have not brought about any degree of substitution of men for women. Two minor isolated cases in hosiery plants, where men had been substituted for women because the women could not work more than nine hours a day, were the sum total of bona fide instances found of decreased employment for women resulting from the enforcement of hour legislation in these five industries. From the many interviews held with employers it was apparent that they engaged women for certain work because they wanted women for that work, and the legal limitation of women's hours did not prevent their doing so. Nor was it the legal limitation of hours that kept women from being promoted to supervisory positions. Very few women supervisors were found in the States where legislation restricted their hours, but there were equally few in the States where legislative standards were so liberal as to be practically nonexistent.

In another group of manufacturing establishments—those employing men longer hours than were permitted for women—a slightly different situation had resulted from the legislation limiting women's hours of work. Here, also, there was no evidence of any decrease in women's employment because they could not work so long as could men, but in a comparatively small number of cases there might be additional jobs open to women if they could work longer hours. These jobs, however, bore no evidence of especially valuable occupational opportunity.

Without the limitations of the hour laws some women undoubtedly would be employed much longer hours, but in most of the establish-

ments operating longer hours for men than were legally permitted for women the women's work was so adjusted that it could be performed during a shorter period, and there was no need of their extended employment. In some cases it was customary to put men on women's work for the overtime hours necessary. This did not involve a replacement of women but was merely an adjustment to prevent their working longer hours. Most significant of all is the fact that more than half the employers who required of men longer hours than were legal for women stated that they would not employ women for such hours even did the law permit it.

On the whole, legislative hour restrictions of women's work play a very minor part in influencing their position and opportunities in manufacturing industries. Employers have very generally accepted the fact that long hours do not make for efficient production. Competition between firms often leads to decreased hours so that a better type of labor may be attracted, and cases even were reported of a reduction in hours to lessen the competition for labor resulting from a legal standard of short hours for women in a neighboring State.

It is not unusual for manufacturing establishments to reduce hours, and such reductions, from whatever cause, commonly are not looked upon as handicaps to employees. In States with 48 or 50 hour laws for women these laws have been the main factors in causing reductions of hours in woman-employing industries; but they were not by any means the only factors, and many reductions in hours have occurred as part of the normal development of industrial standards without producing any serious upheaval in employment policies.

Not only have there been practically no instances of actual decreases in women's employment as a result of hour legislation, but the general status of their opportunity seems not to have been limited by this type of law. Women were employed as extensively in California as in Indiana, in Massachusetts as in New York. In fact, because in certain States women can not work overtime, the result in some cases has been not a restriction of their employment but increased opportunity for them. This is due to the fact that, in States where women's hours are so limited that they can not work overtime, it is not unusual for establishments to employ additional women when there is extra work or else to carry a larger force of women the year around in order to be prepared for the rush seasons. In States where there is little or no legal regulation of women's hours the establishment may, instead of employing extra women for these rush periods, keep the women already on the rolls for very much longer hours. One of the most important effects of hour legislation on women's opportunities is, therefore, to increase the number of jobs available for them.

Further illustration of the fact that hour laws have not limited women's opportunities in industry was given by the actual experiences of working women who had been employed at the time when some hour legislation went into effect. Not one woman had found that such legislation had handicapped her or limited her opportunity in industry. As a result of the laws, hours had been decreased for the majority of women, but this was the only result experienced generally enough to be significant.

**Night-work laws in manufacturing industries.**

So much for the daily and weekly hour laws applying to women in industry. Night-work laws have a different story. If a plant carries on women's occupations during hours when women may not be employed, the alternative is to put men on these occupations. However, the important fact about this situation is that such substitution occurs in less than half the plants that operate at night. It is much more usual to find that the plant that operates a night shift does not run at night the occupations on which women normally are employed. There is an astonishingly strong feeling among employers in industry against the employment of women at night, irrespective of legal regulation. Night work, considered undesirable for men, is considered very much more undesirable for women.

There are, of course, an appreciable number of employers who would like to use women when the night shift includes women's occupations. In most of such establishments, however, the fact that this can not be done does not decrease the day work of women. Instead, women are employed as fully as possible during the daytime, and the substitution of men on women's jobs at night is the extent of the restriction of women's employment resulting from the night-work prohibition.

Though this is true in by far the greater number of plants running women's occupations at night, sometimes the fact that women can not be employed at night reduces or eliminates their employment during the daytime. However, this occurs not alone under the legal prohibition of night work; one of the most striking examples found of such a situation was in a State where there is no night-work law for women. In some plants that run on a three-shift system it is customary for the employees on the different shifts to change from one to another at stated intervals, in this way each taking a turn at the day, the evening, and the night shifts. Where the law prohibits women's work on the night shift their employment in such plants may be limited on the day shift also because of the necessity for rotating shifts.

On the whole, in most localities and industries night work for either men or women is frowned upon and is decreasing. The majority of employers in industry consider night work to be even more undesirable for women than for men and they would not employ women at night even if the law permitted. But in some establishments women would be employed at night if the law permitted, and in an even smaller number of cases increased numbers of women might be employed in the daytime if they could work at night. To this extent the night-work laws restrict women's opportunity.

**Laws regulating working conditions in manufacturing industries.**

In addition to the legal limitation of hours and night work for women in industry there are regulations that stipulate certain working conditions and sanitary arrangements where women are employed. This type of legislation is almost entirely a reflection of the standards of efficient management, and as such its effects in terms of women's employment are extremely difficult to measure. It is not likely that many establishments will be found that refuse to employ women because they must have a separate lavatory or service facilities. The provision of chairs is another minor matter

so closely allied to efficiency and production that it can not be measured easily in terms of possible discrimination against women. There is one type of working-condition requirement, however, that has caused considerable discussion and that it has been possible to investigate. This is the legal stipulation that special partitions and ventilating devices shall be provided when women are employed in core rooms. It has been claimed that the requirement of such devices and the restriction of the weight that women may lift have resulted in the elimination of women from this occupation. In the State of Massachusetts such regulations went into effect in 1917, but there is no evidence that any plant dismissed women or curtailed their employment because of the requirement of partitions and special ventilation. There were plants that had cut down the number of women core makers for other reasons, but the regulation in question so obviously was the standard accepted by the industry that it had little effect on women's employment. The regulation requiring that women should not be allowed to carry a core and core box whose combined weight was more than 25 pounds perhaps had proved a slight handicap in one or two cases, though in the majority of establishments women were working on such small cores that this regulation had no effect on the work they were doing. In one or two establishments the employer stated that he would have tried women on larger cores had it not been for the need to watch weights carefully lest they infringe the law. It does not seem likely, however, that this can be a serious handicap to women, as in the very large majority of core rooms they were found to be working on small cores requiring the delicate touch of light fingers. Such work commonly is accepted as the type on which women are most successfully employed.

#### **Hour legislation in stores.**

Legislation applying to women in stores is somewhat different in its effect from that applying to women in manufacturing industries. Undoubtedly it eliminates excessive hours for store employees on Saturdays. The effect on general daily hours probably is not so marked as in industry, for in custom the prevailing store hours are comparatively short. But the most important part played by hour legislation in stores is the elimination of competition in the matter of hours among individual establishments in a community. The hours during which a store remains open are peculiarly subject to the standard set by competing establishments, and the enforcement of a legal maximum for women has made possible standardized hours that are freely indorsed by the store managers.

The problems of adjusting women's hours in stores to the requirements of the law are less numerous and difficult than those in industry, chiefly because of the difference in the overtime requirements of the two types of work. In stores overtime is only occasional, for certain definite periods that are known well in advance. At times it is possible to handle certain of the overtime requirements by rearrangement of schedules, letting off some employees for part of the day so that they may remain on duty later. For other emergencies it is possible to take on extra workers. A very considerable group of stores have so arranged their work that they never need overtime, while others operate under hours so well within the law that some

overtime for the women employees is legal. For these reasons hour legislation has not been a factor in limiting women's opportunity in the general run of store positions.

In buying and supervisory positions, also, the status of women generally is not influenced by such legislation, but in a very few cases it is possible that legislation has had a part in closing to women certain of such positions. This occurred in a total of 4 of the 54 stores studied. Even in these cases, however, it was evident that legislation was not the only cause of this condition.

### **Hour and night-work legislation for women waitresses.**

The application of hour legislation to women employed as waitresses in restaurants presents certain problems that are more or less peculiar to this type of occupation. The average restaurant must be open much longer than the hours permitted for women under most legal codes. In fact, many restaurants give 24-hour service. Night work often is necessary, and many restaurants are open seven days a week.

With such requirements restaurants must resort to the employment of more than one shift of workers. The principle of adjusting employees' hours to certain standards, therefore, has of necessity been accepted already in these establishments, and the problem of enforcement of hour legislation for women in such employment is to see that the adjustments required do not conflict with the needs of the work so as to handicap the employment of women.

Daily and weekly hour limitations for waitresses have not placed them at a disadvantage in getting employment. The legal standard for waitresses in restaurants is very largely accepted by employers for waiters also.

With the night-work law the situation seems to be somewhat different. In States where there is no night-work law waitresses are employed at night, though the extent of such employment varies with locality and type of restaurant.

The actual value of the opportunity closed to waitresses by night-work laws is more open to question than is the fact that such laws shut women out of a certain number of jobs. On the whole, women usually are not employed in the type of restaurant where employment after 10 o'clock at night would be especially desirable. The restaurant that gives formal service, where the waiters get high tips, that runs special suppers after the theater, usually is not one that employs women for waiting at table. There is a very general feeling among managers of what might be called first-class restaurants that the public desires men for the type of service expected in such places. In the less elaborate type of restaurant, where there is a combination of counter and table service, waitresses are likely to form a considerable proportion of the persons employed. In such restaurants, however, service during the night hours can hardly be considered especially desirable. The restaurant where the largest group of women are employed, and where they are employed almost exclusively, is the lunch or tea room type of establishment. Women are especially desired here because it is felt that they give a homelike touch to the service and that they are neater and daintier in their work and appearance. Such establishments rarely are open as late as 10 o'clock at night.

Occasionally the more expensive and exclusive restaurants employ waitresses, and in some of these women might be employed at night if it were not prohibited by law. The indications are, however, that such opportunities would not be very widespread and that the restriction of the night-work law as it applies to waitresses in restaurants is not the main factor that prevents their being employed in the places where "the tips are highest and the work is lightest."

### **Legislation applying to special occupations.**

In addition to the work of women in factories, stores, and restaurants, many special occupations have been affected one way or another by legislative restrictions. These occupations can not be grouped, as they present very distinct requirements, and the effects upon them of the laws are not alike. Individually they illustrate, however, some of the most important factors that should be considered in estimating the effects of legislation.

#### **Elevator operators.**

Elevator operating is an occupation of minor importance in questions of opportunity and advancement of women, and yet it provides an interesting illustration of the effect of legislation on women's employment in an occupation that only recently has been opened to them and in which they are in direct competition with men.

Daily and weekly hour limitations and night-work prohibitions have not handicapped women's employment as elevator operators. The average building superintendent does not want to employ women for this work at night, and only in rare cases, even where there is no legal standard, does he require of women operators daily or weekly hours longer than those usually permitted by law.

Laws prohibiting the employment of women on freight elevators and requiring for women operators of passenger elevators one day of rest in every seven and the provision of seats have in a very few cases played a small part in limiting women's employment.

On the whole, however, in this work there are well-defined lines between the types of service required of men and of women operators and between the types of service at which the two sexes excel. It is this fact that determines opportunity for women elevator operators, and not legislative regulations applying to their work.

#### **Street-car conductors and ticket agents.**

The occupations that perhaps have been most prominently cited as examples of the effects of legislation on women's employment are those of street-car conductor, guard, and ticket agent. In the various States several different types of legislative regulation have been applied to such work for women. These include the limitation of daily and weekly hours, the prohibition of work after 10 p. m., and requirements that the working hours be consecutive and that certain sanitary and service facilities be furnished. The requirement last mentioned may be dismissed as not especially significant; in most cases of women's employment such facilities are furnished as a matter of course and probably would not influence seriously an employer's selection of women for any occupation.

The effect of the other types of laws is by no means clear. It is certain that in some cases their enforcement has been followed by wholesale dismissal of women conductors and ticket agents. On the

other hand, many other influences were acting to bring about the dismissal of women street-car conductors, while women ticket agents still are being successfully employed in other localities under conditions better than those required by the laws that appear to have been the cause of women's dismissal.

It is true that certain requirements peculiar to the work evidently were not allowed for in drawing up some of the legislation applying to women employed in transportation. Such employment offers unusual problems. It must be adjusted to cope with the rush periods that come at widely separated hours of the day, for a transportation company usually must have its maximum number of employees on duty at two peaks of traffic 10 or 12 hours apart. If women's employment is subject to a legal requirement that hours of work must be consecutive, it is obvious that it will be difficult, if not impossible, to adjust their schedules to meet the law and at the same time provide for the necessary number at hours of congestion.

The prohibition of night work for women also offers serious problems of adjustment in transportation work where one of the requirements is to give continuous service. To meet this requirement employees of transportation companies work on different shifts, some of which are desirable and others of which are not. To adjust the allocation of employees to these shifts it has been necessary to resort to a scheme of seniority rights by which the person with the greatest seniority may choose his or her shift. If women are not allowed to be employed during the period at night when certain of the shifts occur, and if women are the most recent comers and therefore have the lowest seniority rights, they can not fit into the scheme of seniority choice and their employment becomes more complicated.

On the face of it, therefore, it would seem that such legal requirements effectually would prevent women's employment in transportation. This apparently has been the case in some companies. The accuracy of this conclusion is impaired somewhat, however, by the knowledge that, while one company was laying off its women conductors because it could not meet the requirements of the law, another company in the same city, operating over a State line and therefore not under the law, stopped employing the women conductors who had been taken on during the war simply because this had been merely emergency work for women and there was no intention of keeping them on after the men returned. The latter company also employs women ticket agents for not more than 9 hours a day, and it employs no women after the hour of 10 p. m. It is apparent, therefore, that a transportation company can make a certain amount of adjustment to meet modern standards for women's employment, and that, in the instances studied, legislation was by no means the sole influence determining the conditions under which women would or would not be employed.

The entire situation with regard to the effects of legislation on women's employment in transportation is so complicated and subject to so many exceptions that it can not be summarized briefly. Investigations of the many different phases of the subject have shown, however, that the part played by legislation in bringing about the dismissal of women street-car conductors and ticket agents has been by no means so important nor so far-reaching as was indicated by the agitations at the time they occurred, and that what-

ever the part legislation may have played in connection with women's employment in transportation it can not possibly be interpreted as typical of its effects on any other occupations of women.

#### Women in the printing trades.

The effect of hour limitations and night-work prohibitions on the employment of women in printing and publishing is another phase of legislative regulation that has aroused much controversy. These women are working in a trade that is highly organized and for which short daily and weekly hours are customary. Therefore, laws limiting the number of daily and weekly hours that women may work have had little effect, because their usual hours are shorter than, or at least as short as, those stipulated by law.

On the other hand, for some women in the printing trades night-work prohibition has proved to be a handicap. A large part of the publication of morning papers and some of the work on afternoon papers necessarily is night work. For many occupations in such establishments it is customary to allocate employees to the various shifts by their seniority rights, a system similar to that in force in transportation companies. If women can not take their turn on the night shifts they can not enter the trades nor use their seniority rights on an equal basis with men, and their employment is made much more difficult. The night-work law that was enforced at one time for women in newspaper offices in New York State undoubtedly proved a handicap to some women. The effect of this law, however, was not extensive, because comparatively few women were employed in the occupations and under the conditions regulated. In fact, a study made in New York five years after the exemption of these women from the provisions of the law showed that only 40 of 150 women, employed on 77 newspapers, were working at night. Nevertheless, among the women employed at night in printing establishments there are some who are highly skilled, well paid, and thoroughly satisfied with their work, and the prohibition of such employment would be a decided handicap to them.

#### Pharmacists.

Employment in pharmacy is one of the few semiprofessional occupations to which hour and night-work laws for women have been applied. In this case the result has been some handicap to women's employment. Though the evidence collected was neither extensive nor very definite, it indicated that legislation has been one factor in limiting employment opportunities for a few women pharmacists. It is important to recognize, however, that as far as concerns the actual position of women pharmacists the removal of such legislation would have very little effect. At present, public opinion does not place a woman on a par with a man pharmacist. Neither the employer nor the public feels the same confidence in the woman as in the man. Furthermore, there are certain drawbacks to the employment of women in pharmacy that will serve as a more or less permanent handicap. These drawbacks relate to the physical requirements of the work, such as handling heavy carboys and packages of drugs. In the future such requirements may be eliminated, but at present they seem to be one of the chief reasons why women are not more extensively employed. The small number of women qualified for pharmacy, prejudice against women, lack of confidence in them.

and the physical requirements of the work are the main things that at present are holding women back in this occupation. Legislation has had its effect, but it has been of minor importance.

### PROHIBITORY LEGISLATION

All the legislation discussed in the foregoing paragraphs is regulatory in type. Occasionally, as in the case of the women printers and some of the women in transportation, this legislation has become prohibitory in its result. On the whole, however, its purpose, and its accomplishment, has been to regulate but not to eliminate the women employed in various occupations or industries. The effects of the laws prohibiting employment in certain occupations are very different from those of the regulatory laws. Prohibitory laws have really only one effect—the elimination of women from the occupations covered. The importance or significance of this elimination is the one necessary qualification in a measurement of the effect.

The occupations prohibited for women by the laws of one or more States are limited in number. Many of these laws are insignificant in their possible effect on women, but certain of them deserve very careful consideration. The prohibited occupations studied in the course of this investigation are grinding, polishing, and buffing, acetylene and electric welding, taxicab driving, and gas and electric meter reading.

#### **Grinding, polishing, and buffing.**

The prohibition of grinding, polishing, and buffing occurs in Ohio and New York.<sup>2</sup> In other States women are successfully employed on these operations, the employers are satisfied with their work, and the women are enthusiastic about both the job and the pay. The laws prohibiting work on such operations originated as safety measures at a time when modern safeguards and improvements of machinery had not been installed. Under present conditions, however, the prohibition of such work—sometimes highly skilled but in many cases purely automatic and often done under excellent conditions—seems to be a restriction of women's opportunity. Of course there are many types of these operations that are not suitable and probably can not be made suitable for women. This is not sufficient justification, however, for prohibiting all such employment for women.

#### **Electric and acetylene welding.**

The same thing seems to be true of electric and acetylene welding. Though women acetylene welders are not employed in any great numbers they occasionally are employed with very great success, while some processes of electric welding employ successfully considerable numbers of women on work that is practically automatic and involves almost no hazards.

#### **Taxicab driving.**

Until recently, women in Ohio could not be employed as taxicab drivers and yet in New York and California and Massachusetts and Pennsylvania a few women are doing this work with perfect success and satisfaction. In fact, in Pennsylvania one company inaugurated a fleet of cabs driven by women chauffeurs, and it was reported that the women were most satisfactory in every way.

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<sup>2</sup> In the case of New York, wet grinding may be done under certain conditions.

### Gas and electric meter reading.

The effects of legislation prohibiting gas and electric meter reading by women are unimportant, because practically no women are engaged in these occupations though the work is prohibited for women in only two States. A number of public-utilities companies tried women at this work during the war but they found it not very successful and transferred the women to other departments.

### SUMMARY

It is a difficult thing to measure what the prohibitory laws may have done to women's opportunities in the States where they are in effect. However, from the fact that women are successfully employed elsewhere in many of the prohibited occupations, it appears that the prohibition must be something of a restriction where it exists. This restriction affords the outstanding example of possible discrimination against women resulting from labor legislation.

In general, the regulatory hour laws as applied to women engaged in the manufacturing processes of industry do not handicap the women but serve to regulate employment and to establish the accepted standards of modern efficient industrial management. When applied to specific occupations, not entirely akin to the industrial work for which the laws were drawn, this regulatory legislation in a few instances has been a handicap to women.

Laws prohibiting night work for women in industry are chiefly a reflection of the usual attitude of employers regarding such practice, but occasionally they result in a limitation of women's employment. When applied indiscriminately to special occupations that are professional or semiprofessional in type, night-work prohibition or regulation has resulted in restrictions of women's employment.

In almost every kind of employment the real forces that influence women's opportunity are far removed from legislative restriction of their hours or conditions of work. In manufacturing, the type of product, the division and simplification of manufacturing processes, the development of machinery and mechanical aids to production, the labor supply and its costs, and the general psychology of the times, all have played important parts in determining the position of women. These factors have varied with the different industries and localities, but everywhere they have been far more significant in their influence than has any law regulating women's hours of work.

In other occupations other influences have been dominant in determining the extent of women's employment. In stores a more liberal attitude and successful experimentation with women on new jobs; in restaurants the development of public opinion as to the type of service most suitable for women; in pharmacy a gradually increasing confidence in women's ability on the part of the public; in the metal trades a breaking down of the prejudices against women's employment on the part of employers and of male employees, and demonstration of women's ability along certain lines—these are the significant forces that have influenced and will continue to determine women's place among wage earners. Such forces have not been deflected by the enforcement of legislative standards and they will play the dominant part in assuring to women an equal chance in those occupations for which their abilities and aptitudes fit them.



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