

UNITED STATES DEPARTMENT OF LABOR

FRANCES PERKINS, SECRETARY

U. S. WOMEN'S BUREAU

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SUMMARY OF LABOR LEGISLATION FOR WOMEN JANUARY TO JUNE 1933¹

A SUPPLEMENT TO BULLETIN '98

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Legislative sessions held in nearly all States between January 1 and June 30, 1933, have resulted in new labor laws for women or amendments to old laws in at least 14 States.

MINIMUM-WAGE LAWS

Outstanding among these laws are those passed in seven States providing for the setting up of effective machinery for the investigation of wages and the fixing of minimum-wage rates for women and minors in selected occupations or industries. This is the first legislation looking toward the establishment of a base wage for women and minors to be passed in this country in 10 years. In only 1 year—1913, when eight States passed such laws—has 1933's record of seven new enactments been exceeded.

The States that passed minimum-wage laws this year are the 4 Eastern States of Connecticut, New Hampshire, New Jersey, and New York, the 2 Central States of Illinois and Ohio, and 1 Western State, Utah. These bring the total number of States having minimum-wage laws to 16, the other 9 States in the list being California, Colorado,² Massachusetts, Minnesota,³ North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

With the single exception of Utah, whose new law is modeled on the California act, the minimum-wage laws of 1933 are a new type carefully drafted by experts in an effort to meet the objections of a majority of the United States Supreme Court to the District of Columbia law in 1923. These six laws are essentially the same, patterned on a standard bill advocated by the National Consumers' League. They all apply to women and minor employees and are

¹ As printed volumes of the acts of all 1933 legislative sessions are not yet available, the information in this summary has been compiled chiefly from pamphlet or typed copies of the laws received through correspondence with State officials. More than one State legislature has continued in session since July 1, several States have held more than one session this year, and other special sessions are scheduled. Any further labor legislation for women will be dealt with at a later date.

² Because of lack of sufficient appropriation the Colorado law has never functioned.

³ The Minnesota law is applied only to minors since the attorney general ruled it unconstitutional for adult women.

broad in scope, their coverage including practically all occupations. They provide that when a substantial number of women or minors in any occupation are receiving oppressive and unreasonable wages, a wage board composed of representatives of employees, employers, and the public shall be appointed to determine and recommend a wage fairly and reasonably commensurate with the value of the services rendered. An "oppressive and unreasonable wage" is defined as a wage both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health. Following public hearings, the industrial commissioner may put the recommended minimum rates into effect. For a specified period of time—3 months in Ohio, 5 in New Hampshire, and 9 in the other 4 States—the order setting the minimum-wage rate is directory only, that is, the only penalty for noncompliance is newspaper publicity. After the trial period, if nonobservance of the directory order is so persistent as to threaten the maintenance of minimum fair-wage standards, the commissioner, after a public hearing, may make the order mandatory and thereafter subject to fine or imprisonment for violation.

The laws permit differentiation in classes of service, a suitable scale of wages for learners and apprentices, and special licenses for employees whose earning power has been impaired by age or physical or mental deficiency or injury.

Minimum-wage legislation was introduced but not passed in legislatures in several other States, and in Massachusetts an effort was made to substitute the new type of law for that State's present non-mandatory act. However, two amendments to the existing Massachusetts act, to make it more effective, were passed. One amendment increases to \$300 the penalty (formerly \$5 to \$50) for failure of any employer to keep and submit for inspection the required record of employees, their wages, and hours. The second amendment requires manufacturers paying less than a decreed minimum wage to so label their products. Retailers also may be required to inform purchasers that the goods were so made. The wage decree involved, however, must be reinvestigated and affirmed, modified, or rescinded before an order requiring labeling is issued by the minimum-wage commission.

HOUR LAWS

Legislation affecting the maximum number of hours that women may be required or permitted to work was passed in a number of States. Connecticut amended its statutes by reducing, from 58 a week to 52 a week and 9 a day, the hours of women employed in mercantile establishments, public restaurants, cafes, dining rooms (except in hotels), barber shops, hairdressing or manicuring establishments, or photograph galleries.

Minnesota's hour law for women has been revised to provide a State-wide 54-hour week with no daily limitation of hours. This replaces the old laws of 1909 and 1913 and their amendments, which allowed different hourly and weekly limits according to locality and kind of employment, permitting in some cases 10 hours a day and 58 hours a week. The new law is expected to simplify enforcement

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problems. Unlike the old law, the new one fails to make specific provision for meal periods.

A new hour law in New Mexico became effective June 15. For women employed in any industrial or mercantile establishment, hotel, restaurant, cafe, eating house, laundry, place of amusement, public utility, or in any office as stenographer, clerk, bookkeeper, or in any other clerical position the maximum hours permitted are 8 a day and 48 in any week of 6 days. The working day must not be divided into more than three shifts. Two hours of overtime are allowed weekly in emergencies if time and a half is paid. Domestic employment, hospitals, sanitariums, registered or practical nurses, and midwives are exempted. This act provides a change in some cases from 56 hours a week (although the old law allowed only 8 hours a day) and a reduction in other industries from maximum hours of 9 a day and 56 a week. Hours in telephone and telegraph offices, except where five or fewer operators are employed, are regulated also. For a 7-day week the hours of work between 7 a.m. and 10 p.m. must not exceed 8 a day and 48 a week; between 10 p.m. and 7 a.m., 8 a day and 54 a week. Overtime, however, is permitted in the case of extreme emergency. Not less than one half hour for meal time must be allowed. The act does not apply to persons engaged in interstate commerce where the hours of labor are governed by an act of Congress.

Maximum hours of 10 a day, 55 a week, became effective June 1 in North Carolina for clerks or saleswomen, and waitresses and other employees of public eating places. Not more than 6 hours of continuous work are allowed unless the extent of the day's work is not more than 6½ hours. Exemption is made for full-time bookkeepers, cashiers, or office assistants, for establishments employing fewer than three persons, and for towns of less than 5,000 inhabitants.

In Texas the law permitting not more than 9 hours a day, 54 hours a week, has been amended to bring beauty shops and roadside drink or food vending establishments under its provisions, and to place cleaning and pressing establishments on the same footing as laundries; that is, a maximum week of 54 hours and a maximum day of 11 hours.

In Wyoming the hour law was amended by reducing hours from 8½ a day and 56 a week to 8 a day and 48 a week for women employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, place of amusement, or restaurant. As in the previous law, overtime in an emergency is permitted if time and a half is paid. Unlike the old law, however, telephone or telegraph establishments or offices or express or transportation companies are not covered.

NIGHT-WORK LAWS

Indiana amended its night-work law prohibiting the employment of women in manufacturing establishments between 10 p.m. and 6 a.m. to permit factories operating two shifts of not more than 8 hours each and not more than 5 days a week to employ women in any capacity for the purpose of manufacturing until 12 o'clock at night.

Massachusetts, whose law for many years has prohibited the employment of women in textile manufacturing between 6 p.m. and 6 a.m. and in other manufacturing between 10 p.m. and 6 a.m., this year passed an amendment prohibiting work in leather manufacturing also between 6 p.m. and 6 a.m.⁴

WORKING CONDITIONS

As a means of combating sweatshop evils, Connecticut now requires registration with the commissioner of labor and factory inspection of every manufacturing or mechanical establishment in the State employing three or more persons and forbids the opening of any such establishment until 5 days after the mailing of such registration to the commissioner. Nor is any registered business allowed to change its location, without permission, until 5 days after mailing the registration of the new address.

Another Connecticut act was amended in 1933 by adding manufacturing establishments to the list of industries in which the commissioner of labor and factory inspection is authorized to investigate the wages, hours, and necessary expense of living and health of women and girls. Further regulation of home work in Connecticut, largely done by women, is provided in a new law that, among other things, makes all factory regulations relating to hours of work and sanitary conditions applicable to places where such work is done.

In Rhode Island, where a minimum-wage bill failed to pass, the legislature approved a resolution to appoint a committee of five members of the house of representatives to investigate working conditions generally in the manufacturing plants and textile mills of the State. The committee is authorized to hold hearings and compel the attendance of witnesses and the production of books and papers. Recommendations are to be made to the Governor by January 15, 1934.

⁴ Since July 1, 1933, the Massachusetts Legislature has empowered the commissioner of labor to suspend the 6 o'clock law during the life of the codes effective under authority of the National Industrial Recovery Act.